



Foreign Affairs, Trade and  
Development Canada

Affaires étrangères, Commerce  
et Développement Canada

# Values and Ethics Code

Respect for Democracy ♦ Respect for People ♦ Integrity ♦ Stewardship ♦ Excellence



Canada



Values<sub>and</sub>  
Ethics  
Code

The DFATD Values and Ethics Code

Approved by the Executive Council on May 23, 2014

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## Introduction

The *Public Servants Disclosure Protection Act*, which came into force in 2007, requires that:

- Treasury Board Secretariat (TBS) establish a new Values and Ethics Code for the Public Sector to replace the Values and Ethics Code for the Public Service; and
- public-sector organizations establish codes of conduct that are consistent with the Values and Ethics Code for the Public Sector as well as with the Policy on Conflict of Interest and Post-Employment.

The DFATD Values and Ethics Code was developed in accordance with the *Public Servants Disclosure Protection Act*, following a review of the DFAIT Values and Ethics Code (launched on October 31, 2012) and CIDA's Values and Ethics Code (launched on January 8, 2013) and drawing on consultations with key stakeholders, including bargaining agents. Consistent with the Values and Ethics Code for the Public Sector and the Policy on Conflict of Interest and Post-Employment, this Code also includes information that makes it specific to Foreign Affairs, Trade and Development Canada (DFATD).

With this Code, DFATD aims to promote a strong ethical culture, where stated organizational values are meaningful to individuals and to the organization; where there is consistency between value definitions and practice; and where thinking, questioning, dialogue, and genuine integration of ethics into our daily work are encouraged.

## 1. Objectives

The objectives of the DFATD Values and Ethics Code are:

- to outline the values and expected behaviours of public servants working for the Department in all activities related to their professional duties;
- to set rules of conduct related to conflicts of interest and post-employment, to help minimize the possibility of conflicts arising between the private interests and public-service duties of public servants; and
- to suggest avenues of resolution in the event of an ethical dilemma or a conflict of interest, and to provide information on how to disclose wrongdoing.

By committing to the DFATD Values and Ethics Code, public servants working for the Department contribute to maintaining and enhancing public confidence in the integrity of the Canadian public sector, as well as to protecting and promoting Canadian values and interests abroad.

## 2. Effective date

The DFATD Values and Ethics Code came into force on October 8, 2014.

## 3. Application

The *Public Servants Disclosure Protection Act* defines “public servant” as any person employed in the public sector. The term, as defined in the Act and for the purpose of the DFATD Values and Ethics Code, includes both

Canada-based staff (CBS) and locally engaged staff (LES).

Acceptance of the following values and adherence to the expected behaviours, as well as compliance with the conflict-of-interest and post-employment requirements addressed in the Code, are conditions of employment for all public servants working for DFATD, including both CBS and LES, whatever their levels or the positions they occupy, in Canada and abroad. This includes indeterminate and term employees; employees on assignment; employees on leave without pay; students participating in student employment programs; and casual, seasonal, and part-time workers.

At missions, the DFATD Values and Ethics Code also applies to CBS from other government departments (OGDs) as well as to provincial government representatives, as the Head of Mission (HOM) is the final link in the mission's line of authority.

DFATD's service providers, such as consultants and contractors, shall demonstrate values and behaviours that respect this Code.

The DFATD Values and Ethics Code is to be read in conjunction with other codes (e.g. the Values and Ethics Code for the Public Sector) and policies (e.g. the Policy on Conflict of Interest and Post-Employment) that govern public servants' conditions of employment. As a condition of assignment, CBS

who are posted or travelling abroad with DFATD or OGD programs must respect both this Code and the Conduct Abroad Code.

## 4. Consequences

An employee who does not comply with the DFATD Values and Ethics Code may be subject to disciplinary measures, up to and including termination of employment.

## 5. Roles and responsibilities

### 5.1 The role of ministers

Ministers are responsible for preserving public trust and confidence in the integrity of public-sector organizations and for upholding the tradition and practice of a professional, non-partisan, federal public sector. Furthermore, ministers play a critical role in supporting public servants' responsibility to provide professional and frank advice.<sup>1</sup>

### 5.2 The Deputy Minister of Foreign Affairs

The Deputy Minister of Foreign Affairs is responsible for fostering a positive culture of values and ethics in the Department and for ensuring that DFATD provides non-partisan programs and services.

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1. This text reflects the duties and responsibilities set out in *Accountable Government: A Guide for Ministers and Ministers of State* (P.C.O. 2011), the *Conflict of Interest Act*, the *Lobbying Act* and the *Public Servants Disclosure Protection Act*.



The Deputy Minister of Foreign Affairs ensures that:

- the Values and Ethics Code for the Public Sector, this Code, the Policy on Conflict of Interest and Post-Employment, and the DFATD internal disclosure procedures are implemented effectively in the Department and regularly monitored and evaluated;
- public servants working for DFATD are aware of their responsibilities under the Values and Ethics Code for the Public Sector, the Policy on Conflict of Interest and Post-Employment, and this Code, as well as the Conduct Abroad Code when they are posted or travelling abroad; and
- public servants working for DFATD can obtain appropriate advice within the Department on ethical issues, including possible conflicts of interest.

The Deputy Minister of Foreign Affairs, along with the Deputy Minister of International Trade, the Deputy Minister of International Development, the Associate Deputy Minister of Foreign Affairs, and the Senior Associate Deputy Minister of International Development, are expected to adhere to the values and behaviours set out in this Code. Deputy ministers are also subject to the *Conflict of Interest Act*, rather than the Policy on Conflict of Interest and Post-Employment, which is reflected in this Code (Sections 7, 8, 9, and 10).

### 5.3 Foreign Affairs, Trade and Development Canada

DFATD's specific areas of responsibility include international peace and security, global trade and commerce, diplomatic and consular relations, administration of foreign policy and Canada's network of missions abroad, the development of international law and its application to Canada, and reduction in poverty in countries where Canada engages in international development. DFATD promotes Canada's interests and the security and prosperity of Canadians, and advances the Canadian values of democracy, human rights, the rule of law, and environmental stewardship.

Fulfilling these responsibilities in Canada and abroad, with the highest professional and ethical standards, is the cornerstone of DFATD's work. The Department is expected to take steps to integrate the values set out in Section 6 of this Code into any decisions, actions, policies, processes, and systems. Similarly, public servants can expect the Department to treat them in accordance with these values.

### 5.4 Public servants

Federal public servants have a fundamental role to play in serving Canadians, their communities, and the public interest, under the direction of the elected government and in accordance with the law. As professionals whose work is essential to Canada's well-being and the enduring strength of Canadian democracy, public servants uphold the public trust.

Compliance with this Code forms part of the conditions of employment for all public servants working for DFATD, whatever their levels or positions they occupy. CBS and LES are responsible for ensuring that they accept the values and adhere to the expected behaviours, and follow the requirements set out in this Code.

### 5.4.1 Supervisors and managers

Public servants who are supervisors or managers are in a position of influence and authority that gives them a particular responsibility to exemplify the values and behaviours of this Code and demonstrate integrity in all aspects of their managerial responsibilities.

Supervisors and managers shall demonstrate leadership in values and ethics, be examples of ethical behaviour, and reinforce awareness of the Code within their teams.

They also have to evaluate the risks related to conflict-of-interest situations and other ethical risks within their teams and base decisions on the Human Resources Instrument of Sub-Delegation of Authorities.

## 5.5 Heads of mission

Heads of mission (HOMs) serve as the integrators of all Canadian government programs abroad. They are thus responsible for ensuring respect for the Values and Ethics Code for the Public Sector, the Treasury Board Policy on Conflict of Interest and Post-Employment, and this Code by all staff working in their missions. As a

result of this unique responsibility, HOMs are held to a higher standard of public integrity.

HOMs who are public office holders are expected to adhere to the values and behaviours set out in this Code and to comply with the *Conflict of Interest Act*, the Ethical Guidelines and Statutory Standards of Conduct and the Guidelines for the Political Activities of Public Office Holders.<sup>2</sup>

## 5.6 Honorary consuls

Honorary consuls are public-office holders and are expected to adhere to the values and behaviours set out in this Code and to comply with the *Conflict of Interest Act*, the Ethical Guidelines and Statutory Standards of Conduct, and the Guidelines for the Political Activities of Public Office Holders.

## 5.7 The Values and Ethics Division

The Values and Ethics Division of DFATD is responsible for supporting the Department's efforts in creating a strong ethical culture, increasing awareness of values and ethics, and promoting a better understanding of the Values and Ethics Code for the Public Sector, the Policy on Conflict of Interest and Post-Employment, and this Code. The Values and Ethics Division is also responsible for reviewing and updating this Code, as required.

The Director of the Values and Ethics Division is responsible for supporting the Deputy Minister of Foreign Affairs in meeting the requirements of the *Public Servants Disclosure Protection*

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2. Parts I and II of Annex A to *Accountable Government: A Guide for Ministers and Ministers of State*.

*Act.* The Director acts as the Senior Officer for Disclosure and helps to promote a positive environment for disclosing wrongdoings. All personal information is treated by the Values and Ethics Division in accordance with the provisions of the *Privacy Act*.

## 6. Values and expected behaviours

Public servants, whatever their levels or the positions they occupy, and including CBS and LES, shall conduct themselves in accordance with the following values and expected behaviours in their everyday work, inside the Department and when they deal with stakeholders (OGDs, other governments, clients from the private sector, etc.), contractors, and members of the public, in Canada and abroad.

These values and behaviours are consistent with the Values and Ethics Code for the Public Sector. They cannot be considered in isolation, as they often overlap.

### 6.1 Respect for democracy

The system of Canadian parliamentary democracy and its institutions are fundamental to serving the public interest. Public servants recognize that elected officials are accountable to Parliament, and ultimately to the Canadian people, and that a non-partisan public sector is essential to our democratic system.

For public servants, respecting democracy means:

- respecting the rule of law and carrying out their duties in accordance with legislation,

policies, and directives in a non-partisan and objective manner;

- loyally carrying out the lawful decisions of their leaders and supporting ministers in their accountability to Parliament and Canadians; and
- providing decision-makers with all the information, analysis, and advice they need – be open, candid and impartial.

### 6.2 Respect for people

Treating all people with respect, dignity, and fairness is fundamental to our relationship with the Canadian public and contributes to a secure, safe and healthy work environment that promotes engagement, openness, and transparency. The diversity of people and the ideas they generate are the wellspring of our spirit of innovation.

For public servants, respecting people means:

- treating every person with respect and fairness;
- valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse work force;
- understanding and appreciating cultural differences;
- helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination; and
- working together in a spirit of openness, honesty, and transparency that encourages engagement, collaboration, and respectful communication.

### 6.3 Integrity

Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, public servants conserve and enhance public confidence in the honesty, fairness, and impartiality of the federal public sector. How ends are achieved is as important as the achievements themselves.

For public servants, acting with integrity means:

- acting at all times in a manner that will bear the closest public scrutiny, an obligation that may not be fully satisfied by simply acting within the law;
- never using their official roles to inappropriately obtain advantages for themselves or to advantage or disadvantage others;
- taking all possible steps to prevent and resolve any real, apparent, or potential conflicts of interest between their official responsibilities and their private affairs, in favour of the public interest;
- acting in such a way as to maintain their employer's trust;
- respecting confidential and protected information at all times, as well as using good judgement when sharing information and opinions (including through social media), so as not to affect the reputation of the Government of Canada, the Department, or colleagues; and
- displaying appropriate behaviour at all times, in Canada and abroad, to maintain and enhance the public's confidence and trust in the integrity of the Public Service of Canada.

### 6.4 Stewardship

Federal public servants are entrusted to use and care for public resources responsibly, for both the short and long terms.

For public servants, responsible stewardship means:

- effectively and efficiently using the public money, property, and resources they manage;
- considering the present and long-term effects of their actions on people and the environment;
- acting at all times in a way that contributes to maintaining security and safety in the workplace; and
- acquiring, preserving, and sharing knowledge and information as appropriate.

### 6.5 Excellence

Excellence in the design and delivery of public-sector policy, programs, and services is beneficial to every aspect of Canadian life. Engagement, collaboration, effective teamwork, and professional development are all essential to a high-performing organization.

For public servants, excellence at work means:

- providing fair, timely, efficient, and effective services that respect Canada's official languages;
- continually improving the quality of policies, programs, and services they provide to Canadians and other parts of the public sector;

- fostering a work environment that promotes teamwork, learning, and innovation; and
- pursuing excellence in all aspects of our work, applying the full benefit of learning opportunities, and striving for continuous improvement in the delivery of our mandate.

## 7. Conflict of interest

The objective of the following conflict-of-interest and post-employment requirements is to establish rules of conduct and to minimize the possibility of conflicts arising between private interests and the public-service duties of public servants. These requirements are grounded in and serve to uphold the values contained in the Values and Ethics Code for the Public Sector and in this Code.

### 7.1 Prevention of conflict of interest

Conflict of interest is any situation in which public servants have private interests that could improperly influence the performance of their official duties and responsibilities, or in which public servants use their offices for personal gain. A conflict of interest may be:

- **real** – existing at the present time;
- **apparent** – perceived by a reasonable observer to exist, whether or not that is the case; or
- **potential** – reasonably foreseen to exist in the future.

Avoiding and preventing situations that could give rise to conflicts of interest or the appearance of conflicts of interest constitute one of the

primary means by which public servants maintain public confidence in the impartiality and objectivity of the Public Service. Conflicts of interest do not relate exclusively to matters concerning financial transactions and the transfer of economic benefit. While financial activity is important, conflicts of interest in any area of activity can have a negative impact on the perceived objectivity of the Public Service.

All employees of DFATD and OGDs are expected to:

- take all possible steps to recognize, prevent, report, and resolve any real, apparent, or potential conflicts of interest between their official responsibilities and their private affairs;
- refrain from having private interests, other than those permitted in this Code, that would be unduly affected by their participation in government activities or their knowledge of such interests;
- not knowingly take advantage of or benefit from information that is obtained in the course of their official duties that is not available to the public;
- refrain from directly or indirectly using or allowing the direct or indirect use of government property of any kind, including property leased to the Government, for anything other than officially approved activities;
- avoid assisting private entities or persons in their dealings with the Government, where this would result in preferential treatment of the entities or persons;

- not interfere in the dealings of private entities or persons with the Government in order to inappropriately influence outcomes;
- maintain the impartiality of the Public Service and not engage in any outside or political activity that impairs or could be seen to impair their ability to perform their duties in an objective or impartial manner; and
- ensure that any real, apparent, or potential conflict that arises between their private activities and their official responsibilities as public servants is resolved in the public interest.

With the permanent and pervasive nature of information technology, public servants should be particularly sensitive to real, apparent, or potential conflicts of interest that may arise from messages and information transmitted through the Internet or other media. All employees of DFATD and OGDs are expected to respect the Department's policies and guidelines on the use of electronic networks and social media.

It is impossible to foresee every situation that could give rise to a real, apparent, or potential conflict of interest. At all times, public servants are expected to use good judgement. Certain conflict-of-interest situations can be resolved easily, when the decision or action to follow is obvious; however, there are often many considerations to take into account, making it necessary to view such conflicts of interest from a risk-management perspective. When in doubt, public servants are encouraged

to ask questions and to seek guidance from their supervisors or managers, or the Values and Ethics Division.

### 7.1.1 Delegated authorities

The Values and Ethics Division has been delegated by the Deputy Minister of Foreign Affairs to provide advice on conflict-of-interest matters at DFATD. Decision authorities for conflicts of interest are outlined in the Human Resources Instrument of Sub-Delegation of Authorities.

## 7.2 Requirements for preventing and dealing with conflict of interest

The objectives of the following requirements are to protect public servants against allegations of conflict of interest and to ensure that operational risks of a conflict of interest related to the Department are managed.

Each public servant, including both CBS and LES, is required to send a confidential report to the Values and Ethics Division, on any and all outside activities, assets and interests that might give rise to a real, apparent or potential conflict of interest in relation to his or her official duties. Such report is to be made within the first two months of the public servant's initial appointment or any subsequent appointment, transfer, or deployment.

On an annual basis and every time a change occurs in their personal affairs (personal investments, outside activities, etc.) or official duties (new responsibilities, clients, position, etc.), public servants are required to review their obligations under the Policy on Conflict of Interest and Post-

Employment, the Values and Ethics Code for the Public Sector and this Code. If a real, apparent or potential conflict of interest exists, the public servant is to file a confidential report with the Values and Ethics Division in a timely manner.

When negotiating financial arrangements with outside parties, public servants are to comply with the requirements listed in this Code and in related directives or policies issued by TBS. When in doubt, they are to immediately report such situations to their supervisors or managers in order to seek advice or direction on how to proceed.

### 7.2.1 Gifts, hospitality and other benefits

Public servants, whatever their levels or the positions they occupy, and including both CBS and LES, are expected to use their best judgement to avoid situations of real, apparent, or potential conflict of interest by considering the following criteria on gifts, hospitality, and other benefits, while keeping in mind the full context of the Values and Ethics Code for the Public Sector, the Policy on Conflict of Interest and Post-Employment and this Code.

The acceptance of gifts, hospitality, and other benefits is permissible if they:

- are infrequent and of minimal value (low-cost promotional objects, simple meals, souvenirs with no cash value, etc.);
- are within the normal standards of courtesy, hospitality, or protocol;

- arise out of activities or events related to the official duties of the public servant concerned; and
- do not compromise or appear to compromise the integrity of the public servant concerned or of his or her organization.

Public servants are not to accept any gifts, hospitality or other benefits:

- that may have real, apparent, or potential influence on their objectivity in carrying out their official duties; or
- that may place them under obligation to the donors.

Public servants are to seek approval in accordance with the Human Resources Instrument of Sub-Delegation of Authorities in situations where it is impossible to decline gifts, hospitality, or other benefits, or where it is believed that there is sufficient benefit to the organization to warrant acceptance of certain types of hospitality.

The DFATD Guidelines on the Acceptance of Gifts, Hospitality and other Benefits and the Official Hospitality Outside Canada Policy offer additional guidance and concrete examples with recommended solutions. The TBS Directive on the Management of Expenditures on Travel, Hospitality and Conferences also provides guidance on offering hospitality and gifts.

### 7.2.2 Preferential treatment

Public servants, including both CBS and LES, are responsible for demonstrating objectivity and

impartiality in the exercise of their duties and in their decision-making, whether related to staffing and recruitment, compensation, financial awards or penalties to external parties, transfer payments, service to the public (trade commissioner service, visa delivery, etc.), or any other exercise of responsibility.

This means that public servants are prohibited from granting preferential treatment or advantages to family, friends, or any other person or entity. The Policy on Employment of Spouses and the Conduct Abroad Code provide specific guidelines on spousal employment.

Public servants are not to offer extraordinary assistance to any entity or persons already dealing with the Government without the knowledge and support of their supervisors or managers, nor endorse or give the appearance of endorsement of any person or entity (private company, non-governmental organization, etc.). They also are not to disadvantage any entity or persons dealing with the Government because of personal antagonism or bias.

Providing information that is publicly accessible or offering differentiated services on the basis of objective and transparent criteria that are impartially applied to program delivery are not considered preferential treatments.

### 7.2.3 Solicitation

With the exception of fundraising for such officially supported activities (such as the Government of Canada Workplace Charitable Campaign), public servants may not solicit gifts,

hospitality, other benefits, or transfers of economic value from a person, group, or private-sector organization that has dealings with the Government. When fundraising for such official activities, public servants must ensure that they have prior written authorization from the Deputy Minister of Foreign Affairs to solicit donations, prizes, or contributions in kind from external organizations or individuals.

Similarly, if an outside individual or entity with whom the Department has past, present, or potential official dealings offers a benefit to the Department (such as funding for an event or a donation of equipment), public servants are to consider whether any real, apparent, or potential conflict of interest exists, and obtain the consent in writing of the Deputy Minister of Foreign Affairs before accepting the benefit.

The Deputy Minister of Foreign Affairs may require that activities be modified or terminated where it is determined that there is a real, potential, or apparent conflict of interest or an obligation to the donor. These provisions are designed to ensure that this Code is consistent with paragraph 121. (1) (c) of the *Criminal Code*.

Before partnering with other organizations, employees should do a risk assessment to avoid a situation that could give rise to an apparent, potential, or real conflict of interest. In that regard, the Values and Ethics Division has developed *Values and Ethics Considerations in Collaborative Arrangements for Organizing Official Events at Missions* where there are



guiding principles related to collaborative arrangements.

#### 7.2.4 Assets

Public servants are required to evaluate their assets, taking into consideration the nature of their official duties and the characteristics of the assets. If there is any real, apparent, or potential conflict of interest between their assets and the carrying out of their official duties, they are to send a confidential report to the Values and Ethics Division in a timely manner.

Where it is determined that any of these assets results in a real, apparent or potential conflict of interest in relation to their duties and responsibilities, public servants may be required to divest themselves of those assets, or to take other measures to resolve the conflict. Public servants may not sell or transfer assets to family members or anyone else for the purpose of circumventing the compliance requirements.

The types of assets that should be reported and the procedures for reporting and managing such assets are set out in the Directive on Reporting and Managing Financial Conflicts of Interest.

#### 7.2.5 Outside employment or activities

Public servants, including both CBS and LES, may engage in employment outside the Public Service (such as teaching or consulting) and take part in outside activities (such as appointment to boards of directors, writing and publishing articles and books, or volunteering), unless the employment or activities are likely to give rise to

real, apparent, or potential conflicts of interest or would undermine the impartiality of the Public Service or the objectivity of the public servants involved.

When their outside employment or activities might subject them to demands incompatible with their official duties, or cast doubt on their ability to perform their duties in a completely objective manner, CBS and LES are required to provide a confidential report to the Values and Ethics Division. Authorization is to be granted in consultation with the Director of the Values and Ethics Division and in accordance with the appropriate delegated authority, as outlined in the Human Resources Instrument of Sub-Delegation of Authorities, if there is no risk of conflict of interest or if the risk can be mitigated.

The Deputy Minister of Foreign Affairs, or his or her delegate, may require that the outside employment or activities be modified or terminated if it is determined that a real, apparent, or potential conflict of interest exists.

Any public servant who receives a benefit or income either directly or indirectly from a contract with the Government of Canada is required to report to the Deputy Minister of Foreign Affairs on such contractual or other arrangements. The Deputy Minister, in consultation with the Director of the Values and Ethics Division, will determine whether the arrangement presents a real, apparent, or potential conflict of interest, and may require that the contract be modified or terminated.

## 8. Conflict of duties

A conflict of duties can arise, not because of a public servant's private interests, but as a result of one or more concurrent or competing official responsibilities. For example, these roles could include his or her primary Public Service employment and his or her responsibilities in an outside role that forms part of his or her official duties, such as appointment to a board of directors or another outside function.

Public servants must ensure that concurrent outside appointments that are part of their official duties, such as membership on a board of directors, are managed appropriately and that any resulting conflicts of duties are resolved in the public interest.

## 9. Political activities

As defined in Part 7 of the *Public Service Employment Act*, political activities are any activity in support of, within, or in opposition to a political party; carrying on any activity in support of or in opposition to a candidate before or during an election period; or, seeking nomination as or being a candidate in an election before or during the election period.

The rules on political activity are little different for CBS and LES. In all cases, the neutrality and impartiality of the Public Service must guide public servants' decisions. Furthermore, CBS and LES must not engage in activities that might harm the interests or adversely affect the operations of the Government of Canada. Public servants who wish to discuss political activities may consult with the Values and Ethics Division.

## 9.1 Canada-based staff

CBS must obtain permission from the Public Service Commission before seeking nomination for or being a candidate in a federal, provincial, territorial, or municipal election, in accordance with Part 7 of the *Public Service Employment Act*.

CBS may not engage in any political activities of the host country when working as Canadian representatives abroad. In keeping with international law (in particular, Article 41 of the Vienna Convention on Diplomatic Relations and Article 55 of the Vienna Convention on Consular Relations), Canadian diplomatic agents or career consular officers abroad (or members of the staff of Canadian missions to an international organization with statuses equivalent to those of diplomatic agents or career consular officers) must refrain from active personal participation in the politics of host countries, as such participation is inconsistent with accepted diplomatic and consular functions, and runs contrary to the duty of those persons not to interfere in the internal affairs of their host states.

## 9.2 Locally engaged staff

LES are not subject to Part 7 of the *Public Service Employment Act*. They may engage in political activities, unless these activities are likely to:

- give rise to real, apparent, or potential conflict of interest; or
- undermine the impartiality or the perception of impartiality of Canada; or

- undermine the capacity or the perception of capacity to carry out their duties in a non-partisan and objective manner.

When the considered political activities may cast doubt on the above, LES are required to report confidentially to their HOMs and seek appropriate approval.

### 9.3 Casual workers

Casual workers are not subject to Part 7 of the *Public Service Employment Act*. Casual workers who wish to engage in any political activity that could constitute a conflict of interest should discuss this with their managers, and can seek advice from the Values and Ethics Division as required.

### 9.4 Student employment

As a result of the update of the Student Employment Programs Exclusion Approval Order<sup>3</sup> and the Student Employment Programs Participants Regulations, students are subject to Part 7 of the *Public Service Employment Act*.

## 10. Post-employment

All public servants, including both CBS and LES, have a responsibility to minimize the possibility of real, apparent, or potential conflicts of interest between their most recent responsibilities within the federal Public Service and their subsequent employment or activities outside the Public Service.

### 10.1 Before leaving employment

Before leaving their employment with the Public Service, all public servants are to disclose their intentions about any future outside employment or activities that may pose a risk of real, apparent, or potential conflict of interest with their current responsibilities, and discuss potential conflicts with their managers or the Values and Ethics Division, who will engage the Deputy Minister of Foreign Affairs as appropriate.

### 10.2 Post-employment limitation period for designated positions

CBS in executive positions (EX) or their equivalents, as well as in positions equivalent to EX minus 1 and EX minus 2, are subject to a one-year limitation period after leaving office, where there is a risk for a post-employment conflict-of-interest situation. Before leaving office and during this one-year limitation period, these public servants are to report, in writing, to the Deputy Minister of Foreign Affairs or the Values and Ethics Division all firm offers of employment or proposed activities outside the Public Service that could place them in real, apparent, or potential conflicts of interest with their public-service employment. They are also to disclose immediately the acceptance of any such offer. Furthermore, these public servants may not, during the one-year period, without authorization of the Deputy Minister of Foreign Affairs:

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- accept appointment to a board of directors of, or employment with, private entities with which they had significant official dealings during the period of one year immediately prior to the termination of their service; the official dealings in question may either be directly on the part of the public servant or through subordinates;
  - make representations to any Canadian government organization on behalf of persons or entities outside of the Public Service with which they had significant official dealings, during the period of one year immediately prior to the termination of their service;<sup>4</sup> the official dealings in question may either be directly on the part of the public servant or through subordinates; or
  - give advice to their clients or employer using information that is not publicly available concerning the programs or policies of the departments or organizations with which they were employed or with which they had a direct and substantial relationship.
- servant is to provide sufficient information to assist the Values and Ethics Division or the Deputy Minister of Foreign Affairs in making a determination as to whether to grant the waiver, taking into consideration the following criteria:
- the circumstances under which the termination of his or her service occurred;
  - his or her general employment prospects;
  - the significance to the Government of information he or she possesses by virtue of that individual's position in the Public Service;
  - the desirability of a rapid transfer of the public servant's or former public servant's knowledge and skills from the Government to private, other governmental, or non-governmental sectors;
  - the degree to which the new employer might gain unfair commercial or private advantage by hiring the public servant or former public servant;
  - the authority and influence possessed by that individual while in the Public Service; and/or
  - any other consideration at the discretion of the Deputy Minister of Foreign Affairs.

### 10.3 Waiver or reduction of limitation period

A public servant or former public servant may apply to the Values and Ethics Division, which will engage the Deputy Minister of Foreign Affairs, for a written waiver or reduction of the limitation period. The public

The Deputy Minister of Foreign Affairs will inform the public servant or former public servant of his or her decision in writing.

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4. Assistant deputy ministers and their equivalents are subject to the *Lobbying Act*. In the case of a conflict between DFATD's Values and Ethics Code and the *Act*, the *Act* takes precedence.

## 11. Avenues of resolution

This Code is not intended to respond to every possible issue that might arise in the course of a public servant's daily work. Public servants at all levels are expected to resolve issues in a fair and respectful manner and to consider informal processes first.

### 11.1 Dealing with ethical issues

An ethical dilemma is a situation where values (organizational, societal, or personal) are in conflict and a decision must be made that, whatever the choice, could have both positive and negative consequences.

All public servants working for DFATD may work in areas with ethical risks and may face ethical dilemmas. When in doubt, public servants shall consider consulting this Code, as well as the Ethical Decision Making Flow Chart and the Ethical Decision Making Tool. They may also consult:

- their supervisors or managers, who can provide advice, address the issue, or refer it to the appropriate resources; and
- the Values and Ethics Division which, as the delegate of the Deputy Minister of Foreign Affairs, provides advice on the Code in general and assistance with the requirements of the *Public Servants Disclosure Protection Act*.

### 11.2 Resolving conflict situations

Diversity of work habits, communication styles, personality traits and cultures, while a great strength of our Department's workplace, can also create personal conflict among colleagues.

The Office of Prevention and Conflict Resolution supports both managers and employees in preventing, managing and resolving workplace conflict through the use of informal conflict-resolution mechanisms such as coaching, mediation, group dialogues, and workplace assessments. These informal mechanisms are designed to fit the needs of specific conflict situations and are delivered in a confidential, neutral, and voluntary manner – focusing on collaboration, rather than competition; promoting understanding, rather than judgement; and prioritizing interpretation over the evidence of any single point of view.

While not all situations of workplace conflict are appropriately handled through informal mechanisms, it is usually recommended that such mechanisms be explored first. At no time is the right to formal recourse compromised by first seeking an informal resolution.

### 11.3 Avoiding conflict of interest

While public servants are expected to use their best judgement to avoid situations of real, apparent, or potential conflict of interest, they can consult the Values and Ethics Division to seek advice and guidance on how to deal with the situation in order to avoid or minimize risks.

Public servants may also consider consulting DFATD's Questions and Answers on the Code, which provides more specific information about conflict-of-interest risks.

Disagreements regarding the resolution of real, apparent or potential conflicts of interest that cannot be resolved

informally may be resolved through grievance processes established in collective agreements.

### 11.4 Disclosure of wrongdoing

According to the *Public Servants Disclosure Protection Act*, wrongdoing is a serious breach of a code of conduct established under section 5 or 6 of the Act (such as the DFATD Values and Ethics Code or of any other organizational code of conduct of the Canadian public sector); a contravention of a federal or provincial law or regulation; a misuse of public funds or public assets; gross mismanagement in the public sector; an act or omission that creates a substantial danger to the life, health or safety of people or to the environment; or knowingly directing or counselling of a person to commit a wrongdoing.

As provided for by Sections 12 and 13 of the *Public Servants Disclosure Protection Act*, if public servants have

information that they believe may show that a wrongdoing has been committed or is about to be committed, they may bring the matter, in good faith, to the attention of their supervisors or managers, the Director of the Values and Ethics Division (who is the Senior Officer for Disclosure at DFATD), or the Public Sector Integrity Commissioner, without any fear of reprisal.

Any public servant who has reasonable grounds for believing that a reprisal has been taken against him or her may file a complaint with the Office of the Public Sector Integrity Commissioner.

Members of the public who have reason to believe that a public servant has not acted in accordance with the DFATD Values and Ethics Code can bring the matter to: DFATD's Enquiries Services, by sending an email: [enqserv@international.gc.ca](mailto:enqserv@international.gc.ca), or to the Office of the Public Sector Integrity Commissioner.

## Annex: Suggested references and resources

Although the following list is not exhaustive, public servants are encouraged to refer to these resources and seek the advice of their supervisors or managers when questions or the need for clarification arises.

### DFATD references:

- [Conduct Abroad Code – Code of Conduct for Canadian Representatives Abroad](#)
- [Departmental Guidelines on Impaired Driving Abroad](#)
- [Guideline on Official Use of Social Media](#)
- [Guidelines on the Acceptance of Gifts, Hospitality and Other Benefits](#)
- [Internal Disclosure Procedures for the Implementation of the \*Public Servants Disclosure Protection Act\*](#)
- [Policy on Publications and Commentary for Personal Attribution for Employees and Locally Engaged Staff](#)
- [Policy on the Employment of Spouses](#)
- [Protocol Manual](#)
- [Questions and Answers on the Code](#)
- [Telework Policy](#)
- [Terms and Conditions of Employment for LES](#)

These country-specific documents replace the former *LES Handbooks* (Part 1 and Part 2) upon completion of the Total Compensation Review process. The *Locally Engaged Staff (LES) Handbook*, Part I complements the local handbooks of missions that have not yet received their updated local Terms and Conditions of Employment after their Total Compensation Reviews.

### Relevant legislation:

- [Access to Information Act](#)
- [Canada Labour Code](#)
- [Canadian Human Rights Act](#)
- [Copyright Act](#)
- [Criminal Code](#)
- [Department of Foreign Affairs, Trade and Development Act](#)
- [Employment Equity Act](#)
- [Financial Administration Act](#)
- [Locally Engaged Staff Employment Regulations](#)
- [Official Languages Act](#)

- [Privacy Act](#)
- [Public Servants Disclosure Protection Act](#)
- [Public Service Employment Act](#)
- [Public Service Labour Relations Act](#)
- [Security of Information Act](#)
- [The Canadian Charter of Rights and Freedoms](#)

### **Treasury Board Secretariat references:**

- [Collective agreements](#)
- [Communications Policy of the Government of Canada](#)
- [Directive on Reporting and Managing Financial Conflicts of Interest](#)
- [Directive on Travel, Hospitality, Conference and Event Expenditures](#)
- [Guidelines for Discipline](#)
- [Policy on Conflict of Interest and Post-Employment](#)
- [Policy on Management of Information Technology](#)
- [Policy on Harassment Prevention and Resolution](#)
- [Values and Ethics Code for the Public Sector](#)

### **Resources:**

- [Centre for Intercultural Learning](#)
- [International Platform Human Resources Operations](#)
- [Labour Relations and Occupational Health Division](#)
- [Office of the Chief Human Resources Officer](#)
- [Office of Prevention and Conflict Resolution](#)
- [Office of the Public Sector Integrity Commissioner](#)
- [Unions and bargaining agents](#)
- [Values and Ethics Division](#)