



Foreign Affairs, Trade and
Development Canada

Affaires étrangères, Commerce
et Développement Canada

Conduct Abroad Code

Code of Conduct for Canadian Representatives Abroad



Canada

Code of Conduct for Canadian Representatives Abroad

Approved by the Executive Council on May 23, 2014

© Her Majesty the Queen in
Right of Canada, 2014

Cat. FR5-89/2014E-PDF
DFATD 14-067

ISBN 978-1-100-25167-7

Contents

Introduction	1
1. Authorities	2
2. Application	4
3. Legislative framework	5
3.1 <i>The Financial Administration Act</i>	5
3.2 Vienna Conventions	5
3.3 Other legislation	7
4. Security	7
5. Canada's reputation	9
5.1 Personal behaviour.....	9
5.2 Cross-cultural issues for Canadian representatives	10
Annex: Suggested references and resources	13
References	13
Resources	14
Type of question or concern.....	14
Contact	14

Introduction

The Government of Canada protects and promotes Canadian values and interests beyond its borders. This Code of Conduct for Canadian Representatives Abroad (or the “Conduct Abroad Code”) has been conceived to provide guidance on the Government of Canada’s expectations of its representatives abroad.

The DFATD Values and Ethics Code, which provides the foundation for the Conduct Abroad Code, seeks to maintain and enhance public confidence in the integrity of the Public Service of Canada. The Code also serves to strengthen respect for, and appreciation of, the role played by the Public Service within Canadian democracy.

The community of Canadian representatives abroad is collectively responsible for the reputation of Canada. The respect of the Conduct Abroad Code is a condition of international posting. This guarantees the Government’s continued confidence in their ability to protect and promote Canadian values and interests abroad.

Each representative is responsible for respecting and promoting the DFATD Values & Ethics Code; however, an additional leadership role is bestowed upon Heads of Mission (HOMs). Through their presence, conduct and representational work, HOMs create and maintain a positive image of Canada. Additionally, HOMs, while managing the missions and their resources, are responsible for ensuring the respect of DFATD Values and Ethics Code by the staff working in their missions. HOMs are supported in this role by the Values and Ethics Division of the Office of the Inspector General of the Department of Foreign Affairs, Trade and Development Canada (DFATD).

1. Authorities

The Conduct Abroad Code cannot prepare representatives and their managers for every situation that may arise while abroad. This is why lines of communication must remain open and lines of responsibility and accountability must be respected. When unsure of how to manage a delicate situation, or aware of conduct that could compromise the integrity of Canada's reputation, each representative is responsible for raising the situation with the appropriate senior official – usually his or her manager and the HOM. In cases where the matter involves a representative's manager or HOM, he or she may also choose to review the matter with the Values and Ethics Division of DFATD or the corresponding division in his or her own department, in consultation with the appropriate union representative. Every effort will be made to contain such inquiries to those who can best assist the representative and his or her dependents, while protecting Canada's reputation.

In turn, HOMs should ensure that employees have read and understood the Conduct Abroad Code, and should bring any actions inconsistent with the Conduct Abroad Code to the attention of the support services provided to missions by DFATD. (see the Annex). This includes the Values and Ethics, Counselling and Consultation Services and Informal Conflict Management Division, Labour Relations and Occupational Health and Safety Division, and the Office of the Inspector General. Bargaining agents can also play an important role in this area. HOMs should highlight the implications of the Conduct Abroad Code to all representatives in the context of the mission and explain the range of support provided by DFATD.

Employees from other government departments are also required to respect their own departmental codes of conduct. The Conduct Abroad Code was not conceived to replace department-specific requirements, but rather complement existing Codes of Conduct by addressing the international context.

Where, in the judgement of the HOM and following consultations with the Labour Relations and Occupational Health and Safety Division in DFATD, actions inconsistent with the Conduct Abroad Code threaten the integrity or security of Canada's representation abroad, the HOM can recommend the termination of assignment of the representative.

The HOM may also initiate an administrative investigation and implement disciplinary measures, up to and including demotion and termination of employment, in cases involving DFATD employees. In cases involving employees from other government departments, the HOM should contact the home department to coordinate the investigation. For further information, please see Treasury Board's *Guidelines for Discipline*. Disciplinary provisions in collective agreements continue to apply and, as such, employees are entitled to representation by union representatives or other persons of their choice. Where the actions inconsistent with the Conduct Abroad Code involve a HOM, the responsibility to determine appropriate action rests with the Deputy Minister of Foreign Affairs.

A decision to terminate the assignment of a representative for operational reasons does not in any way represent a disciplinary measure in itself or necessarily trigger disciplinary action, nor does it prejudice the rights afforded to the representative in participating in an administrative investigation or in responding to any disciplinary action. The termination of an assignment of a representative is the

prerogative of the Government of Canada, and may be initiated by the HOM, in consultation with the employee's home department if he or she is not a DFATD employee, to prevent or limit further damage to Canada's reputation or interests.

2. Application

The Conduct Abroad Code applies to Canadian representatives, including HOMs, while on diplomatic assignments abroad, whether for temporary duty or multi-year postings. In the Conduct Abroad Code, the term "representative" refers to Canadian public servants on foreign assignments and their dependents, but not to locally engaged staff. If a representative carries a Canadian diplomatic or official passport while abroad and reports to a HOM, the Conduct Abroad Code applies. This Code also applies to any government employee in a situation of temporary duty abroad, and to public servants travelling abroad with DFATD or with other government departments.

In addition to being subject to the Conduct Abroad Code, individuals who are also public office holders are subject to the provisions of the *Conflict of Interest Act* and *Ethical Guidelines for the Political Activities of Public Office Holders*.

When reading the Conduct Abroad Code, representatives should consider how its principles and provisions apply to situations they might encounter.

Questions pertaining to the Conduct Abroad Code may be directed to the Values and Ethics Division of DFATD. For further information on related topics, please consult the DFATD Values and Ethics Code, the Vienna Conventions, and related policies, such as the Treasury Board's Policy on Harassment Prevention and Resolution, the

Guidelines for Discipline, and the DFATD Manual of Security Instructions. Represented employees can also consult their bargaining agents for advice.

3. Legislative framework

3.1 *The Financial Administration Act*

All representatives, including HOMs, are bound by the relevant provisions of Chapter F-11 of the *Financial Administration Act* (FAA). These provisions apply not only to the expenditure of public funds and approval of payments in accordance with Sections 32, 33, and 34 of the FAA, but also to the collection and receipt of public funds. Representatives should take careful note of Part IX, Civil Liabilities and Offences, and particularly Section 80, which sets out what constitutes an indictable offence liable to a conviction.

3.2 *Vienna Conventions*

The Vienna Conventions on diplomatic and consular relations provide Canadian representatives abroad with varying degrees of immunity from the jurisdiction of local courts of law. The principles outlined in the Conduct Abroad Code are no substitute for a thorough understanding of the Vienna Conventions and their specific applicability, or limitations thereof, to the status of Canadian representatives and their dependents while abroad. Representatives should be familiar with the Vienna Conventions and review their applicability with mission management upon beginning their assignments abroad. Any question as to their interpretation should be addressed to the Criminal, Security and Diplomatic Law Division of DFATD.

The purpose of the privileges and immunities set out in the Vienna Conventions is not to benefit the individuals concerned, but to ensure the efficient performance of their diplomatic or consular posts. Nor do such immunities and privileges derive from the possession of a diplomatic passport, but rather by the acceptance by the foreign state of that individual. The prerogative to invoke or waive diplomatic or consular immunities, once granted, rests with the Minister of Foreign Affairs; representatives should not misrepresent themselves as having been delegated this authority.

Under the Vienna Conventions, it is the duty of all representatives and their dependents, even if they are in receipt of such diplomatic or consular immunities, to respect the laws and regulations of the receiving state. If they do not, the host government can ask them to leave. Even if the host government does not take action, the Government of Canada will not tolerate abuse of immunities and privileges by its representatives abroad. Should questions arise about compliance with local laws and regulations, they should be referred to the HOM, in consultation with the Values and Ethics Division of DFATD, for guidance.

Representatives and their dependents should pay close attention to limitations to immunities and privileges as they apply to traffic regulations, commercial activities undertaken by dependents and the taxation of those activities, the exemption of duties applied to the import of certain goods (such as vehicles), and the disposal of personally owned goods. Representatives must bring any incidents involving local law-enforcement authorities to the attention of the HOM as soon as possible, whether these incidents involve themselves or their dependents.

Cases of marital or custody disputes are always difficult and present specific and complicated challenges to all parties involved, especially when the spouse is a local national. The settlement of these disputes should be done through the Canadian judicial system; any other approach could result in foreign courts attempting to take jurisdiction over Canadian diplomats or their dependents, contrary to the proper application of the Vienna Conventions. Should such disputes arise, representatives should notify and seek guidance from their assignment officers at DFATD.

According to Vienna Conventions, consular officers and diplomatic agents are prohibited from engaging for personal profit in “any professional or commercial activity” inconsistent with their diplomatic status in the host country. Dependents of diplomatic personnel wishing to work abroad should consult the Foreign Service Directives Division or their HOMs, in consultation with the Chief of Protocol and/or the Values and Ethics Division of DFATD.

3.3 Other legislation

Public servants, like all Canadians, including those covered by this Conduct Abroad Code, enjoy the full range of legal protections under the *Canadian Charter of Rights and Freedoms* while on diplomatic assignments. Requiring Canadian public servants to respect the Conduct Abroad Code constitutes a reasonable condition to a posting abroad.

4. Security

In addition to the oath or affirmation that all federal public-service employees take and subscribe to as a condition of their employment, Canadian representatives must be alert to additional security challenges while abroad. It is essential for every representative to understand his or her personal responsibility for the safeguarding of classified information, for ensuring that he or she is familiar with the DFATD Manual of Security Instructions, and for obtaining a briefing before departing Canada and upon arrival at the mission on any security threats specific to the context of the host country.

Representatives must be alert to the very real possibility that hostile intelligence agencies may attempt to identify and exploit any weaknesses in the physical security arrangements of Canadian missions or carelessness on the part of its personnel. Representatives must also guard against personal behaviour that contravenes local laws, customs or broadly accepted standards of conduct. A thorough understanding and respect of the principles and provisions outlined in the Conduct Abroad Code can safeguard against the possibility of security threats to Canadian interests abroad.

Any situation encountered by representatives or their dependents that is likely to have a negative impact on security is to be promptly brought to the attention of the HOM and the program manager responsible for security at the mission.

In fulfilling his or her responsibilities to manage the Department's duty of care for the security of Canadian representatives abroad and their dependents, the HOM has the authority to put in place restrictions on the freedom of movement, freedom of association, or freedom to partake in activities or events in the countries of

accreditation for Canadian representatives and their dependents, which they must observe. These restrictions may be formulated to limit, mitigate or otherwise manage exposure to risk for Canadian representatives, their dependents, and the Department. These restrictions shall normally be communicated in writing; however, in exceptional circumstances, they may be communicated through other appropriate means.

5. Canada's reputation

5.1 Personal behaviour

Regardless of any legal immunity conferred upon representatives abroad, their conduct and actions will be subject to a greater degree of scrutiny and public interest than they would be at home. Federal public-service employees are already aware of the distinction between private and public interests and have a responsibility for upholding the conflict-of-interest measures in the DFATD Values and Ethics Code. For Canadian representatives abroad, the importance of this distinction becomes even more pronounced, as any adverse perception of their actions may have an effect on Canada's reputation. The potential for public scrutiny requires that representatives use good judgement and common sense.

All representatives are entitled to their privacy. However, it is expected that representatives and their dependents will, when abroad, display personal behaviour that reflects the highest standards. Mission facilities, staff resources, official residences, and staff quarters should not be used for unofficial activities that may negatively affect Canada's reputation. This includes the use of such facilities and resources for private gain. However, dependents

may work in official residences or quarters if this does not interfere with official activities and if the work is discreet in nature and does not subject the Crown to the risk of public liability in case of accident sustained by paying clients. Examples of such work include telework, piano lessons, writing, or editing. The HOM and the Values and Ethics Division of DFATD can advise in this area.

Commentary to local media in an official capacity should be guided by the Treasury Board's *Communications Policy*. Commentary to the media or publication of original material, undertaken in representatives' private capacity, must be strictly guided by their departmental policies, or the *Policy on Publications and Commentary for Personal Attribution for Employees and Locally Engaged Staff*, in the case of those who work for DFATD.

All representatives are responsible for ensuring that their personal behaviour and that of their dependents respects local laws and complies with Canadian law and the DFATD Values and Ethics Code, in the spirit of the Conduct Abroad Code. They must also pay attention to issues related to substance abuse, financial matters and traffic infractions. The Canadian government has a zero-tolerance policy toward *impaired driving* by its representatives abroad.

While representatives are entitled to enter into contractual arrangements with third parties while on foreign assignments, they should ensure that personal financial obligations (such as payment of bills) are met in a timely manner, and ensure the resolution of local financial obligations before completing their assignments.

5.2 Cross-cultural issues for Canadian representatives

Canadians enjoy the rich diversity of our bilingual and multicultural society. This is all the more reason why Canadian representatives, while promoting Canada's multicultural identity abroad, should at all times communicate and behave in a manner that respects local culture and values while honouring Canadian values.

Every country has its distinct culture with its own values and customs. These particularities are subtle and at times complex, and include behaviours beyond customary dress codes or local rules of etiquette. Representatives are expected to make an effort to understand local culture and, before arriving on assignment abroad, should familiarize themselves with the customs and practices of the host country. Special attention should be paid to the implications of these customs and practices for relations with locally engaged staff. Among other resources available, the *Centre for Intercultural Learning of the Canadian Foreign Service Institute* provides services that include pre-departure sessions on intercultural effectiveness, communication, and professional and social behaviour abroad.

Representatives are frequently offered unsolicited gifts, hospitality, or benefits in situations where refusal of the offering is likely to offend the donor (local host, official, etc.). Despite the ensuing challenges, representatives must respect DFATD Guidelines on the Acceptance of Gifts, Hospitality and Other Benefits and the DFATD Values and Ethics Code to avoid any obligations toward donors and create situations that could give rise to apparent, potential, or real conflicts of interest. The HOM and the Values and Ethics Division of DFATD can provide guidance in this area.

This restriction does not, however, preclude the acceptance of small personal gifts that may be a normal expression of courtesy, hospitality, or protocol, and are not likely to cast reasonable suspicion upon the representative's objectivity. Should the gift be of more than nominal value, and should there be no opportunity to dissuade the donors or return the gift, the HOM, in consultation with the Values and Ethics Division of DFATD, decides on its disposal, in keeping with the DFATD Values and Ethics Code. Employees of other government departments must also conform to their own departmental policies, if any, on the acceptance of gifts.

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.

References

- [Acceptance of Gifts, Hospitality and Other Benefits](#)
- Code of Conduct of the public servant's home department (for employees of other government departments)
- [Communications Policy](#)
- [Conflict of Interest Act](#)
- [Departmental Guidelines on Impaired Driving Abroad](#)
- [DFATD Manual of Security Instructions](#)
- [DFATD Policy on the Use of Social Media](#)
- [DFATD Values and Ethics Code](#)
- [Ethical and Political Activity Guidelines for Public Office Holders](#)
- [Financial Administration Act](#)
- [Guidelines for Discipline](#)
- [Policy on Harassment Prevention and Resolution](#)
- [Policy on Publications and Commentary for Personal Attribution for Employees and Locally Engaged Staff](#)
- [Vienna Conventions](#)

Resources

- [The Government of Canada's Centre of Expertise on learning related to International Affairs](#)

Type of question or concern	Contact
<i>Conduct Abroad Code</i>	HOM or Values and Ethics Division
Vienna Conventions	Criminal, Security and Treaty Law Division
Activities of dependents	HOM and/or Values and Ethics Division
Security	HOM and the Mission Security Officer
Customs and practices abroad	HOM and Centre for Intercultural Learning
HOMs managing employee actions inconsistent with the Conduct Abroad Code	Values and Ethics Division, human resources or values and ethics division of home department
Uncertainty as to how to manage a delicate situation, or awareness of conduct that could compromise the integrity of Canada's reputation	<ul style="list-style-type: none"> • Manager or HOM • Values and Ethics Division (when it involves a Manager or an HOM) • Human resources or values and ethics division of home department
Departmental Code of Conduct (for employees from other government departments)	Departmental division responsible for the Code of Conduct