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# ESDC Code of Conduct



*Employment and Social Development Canada's Code of Conduct was originally published in 2012. It is being re-published in 2016 with ESDC's new Federal Identity branding.*

## **ESDC Code of Conduct**

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## DEPUTY MINISTERS' MESSAGE

The *Values and Ethics Code for the Public Sector* was introduced by Treasury Board in April 2012 as an overarching guide for employees, to help them identify what is considered professional conduct for a public servant. The *Code* applies to the entire public sector, including departments, crown corporations and separate agencies.

We are taking this opportunity to introduce our own Code of Conduct that incorporates the *Values and Ethics Code for the Public Sector* and the *Policy on Conflict of Interest and Post-Employment*. The ESDC Code was developed specifically for all employees in our portfolio. As public servants, it is our duty to uphold the Code's values of respect for democracy, respect for people, integrity, stewardship and excellence in our everyday work.

The *ESDC Code of Conduct* explains and demonstrates how the Treasury Board Code and Policy will be applied in our department. It provides more context in terms of issues that we may face in our own workplace on any given day and is further articulated in the *Guidelines of Professional Conduct for the Labour Program* and the *Guidelines of Professional Conduct for Service Canada*.

The *Code* is considered a condition of employment and has been put in place to help us integrate these values into our decisions and actions to provide the best possible programs, policies and services to Canadians.

For more specific situations, we encourage you to consult the online resources, to speak to your supervisor, or send an e-mail to the Office of Values and Ethics' confidential address [NC-OVE-AC-BVE@hrsdc-rhdcc.gc.ca](mailto:NC-OVE-AC-BVE@hrsdc-rhdcc.gc.ca), where a subject matter expert will be able to help you.

We hope you will find this new Code useful and that it will help all of us in carrying out the work we do to assist Canadians.

**Ian Shugart**

*Deputy Minister of Employment  
and Social Development*

**Hélène Gosselin**

*Deputy Minister of Labour*

**Karen Jackson**

*Senior Associate Deputy Minister of  
Employment and Social Development  
and Chief Operating Officer for Service Canada*

**Ron Parker**

*Associate Deputy Minister of  
Employment and Social Development*

# 1. INTRODUCTION

The Employment and Social Development Canada Code of Conduct (*ESDC Code of Conduct*) extensively incorporates the Treasury Board's *Values and Ethics Code for the Public Sector* and includes department-specific information on expected behaviours.

The *Values and Ethics Code for the Public Sector* sets the stage, emphasizing that:

*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 in accordance with the law. As professionals whose work is essential to Canada's well-being and the enduring strength of the Canadian democracy, public servants uphold the public trust.*

*The Constitution of Canada and the principles of responsible government provide the foundation for the role, responsibilities and values of the federal public sector. Constitutional conventions of ministerial responsibility prescribe the appropriate relationships among ministers, parliamentarians, public servants<sup>1</sup> and the public. A professional and non-partisan federal public sector is integral to our democracy.*

*Ministers are also 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>2</sup>*

The *ESDC Code of Conduct* substantially incorporates the Treasury Board's *Policy on Conflict of Interest and Post-Employment*.

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<sup>1</sup> The *Public Servants Disclosure Protection Act* (PSDPA) defines “public servant” as every person employed in the public sector (this includes the core public administration, Crown corporations and separate agencies). Every member of the Royal Canadian Mounted Police and every chief executive (including deputy ministers and chief executive officers) are also included in the definition of public servant for the purpose of the PSDPA, the *Values and Ethics Code for the Public Sector* and the *ESDC Code of Conduct*.

<sup>2</sup> This text reflects the duties and responsibilities set out in *Accountable Government – A Guide for Ministers and Ministers of State*, the *Conflict of Interest Act*, the *Lobbying Act* and the *Public Servants Disclosure Protection Act* (PSDPA).

The *ESDC Code of Conduct* applies to employees of Employment and Social Development Canada, Labour Program and Service Canada, as more amply explained in section 1 d), “Application of the Codes and Employee Accountability”.

The Labour Program and Service Canada have distinct guidelines unique to their mandate and work environments, respectively [Guidelines of Professional Conduct for the Labour Program](#) and [Guidelines of Professional Conduct for Service Canada](#). These guidelines remain in effect. If there is any conflict between the *ESDC Code of Conduct* and either of these guidelines, the *ESDC Code of Conduct* will prevail to the extent of the conflict.

### ***a) Values and Ethics Code for the Public Sector***

The [Values and Ethics Code for the Public Sector](#) is the main code of conduct for the entire public sector, including departments, Crown corporations and separate agencies. It was created as a requirement of the [Public Servants Disclosure Protection Act](#) and was developed in consultation with public servants, public sector organizations and bargaining agents. It is to be read in conjunction with organizational codes.

It is intended to clarify the role and expectations of public servants within the framework of Canadian parliamentary democracy as laid out in the [Constitution Act](#) and the basic principle of responsible government which holds that the powers of the Crown are exercised by ministers who are in turn accountable to Parliament.

It outlines the values and expected behaviours that guide public servants in all activities related to their professional duties. It states that, by committing to these values and adhering to the expected behaviours, public servants strengthen the ethical culture of the public sector and contribute to public confidence in the integrity of all public institutions.

## b) Relationship between the *Values and Ethics Code for the Public Sector* and the *ESDC Code of Conduct*

This *ESDC Code of Conduct* is an elaboration of the *Values and Ethics Code for the Public Sector*. In addition to the employee behaviours required by the *Values and Ethics Code for the Public Sector*, the *ESDC Code of Conduct* describes how employees of the Department<sup>3</sup> are expected to behave in the work environment when delivering the services that are specific to our mandate.

From here on in this document, the *Values and Ethics Code for the Public Sector* and the *ESDC Code of Conduct*, together, will be referred to as “the Codes”, unless otherwise noted.

## c) Objective of the *ESDC Code of Conduct*

ESDC was required to create its own code of conduct when the *Public Servants Disclosure Protection Act* became law on April 15, 2007. The *ESDC Code of Conduct* is designed to help you, as ESDC employees,<sup>4</sup> clearly understand what is meant by ethical behaviour in our workplace. It offers guidance on what is expected of you in your day-to-day work and decision making which includes your interactions with clients and colleagues.

The Codes offer definitions of the public sector values, respect for democracy, respect for people, integrity, stewardship and excellence, and describes the type of behaviour that these values require. The *ESDC Code of Conduct* also provides department-specific information and examples in certain areas, such as the handling of personal information and the use of social media.

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<sup>3</sup> The term “Department”, used interchangeably in this document with the term “ESDC”, refers to Employment and Social Development Canada, Labour Program and Service Canada.

<sup>4</sup> The term “ESDC employees”, used interchangeably with “employees” or “employees of the Department” includes employees of Employment and Social Development Canada, Labour Program and Service Canada.



There may have been times when you were not clear about the right decision to make or the right behaviour to adopt. You may have asked yourself such questions as:

- May I accept hospitality or gifts from clients or contractors?
- How am I expected to protect confidential client or employee information?
- Could holding another job with another employer put me in a conflict of interest with my regular job as an ESDC employee?
- What should I do if I witness discrimination or harassment?

The *ESDC Code of Conduct* was developed to help you answer questions like these, but it cannot address every situation that you might face in the workplace. As ESDC employees, you are expected to use common sense and proper judgment informed by the guidance provided in this document. If you find yourself in a situation where you are unsure of how to act, you should seek advice from your immediate supervisor or one of the subject matter experts listed in Annex I.

To develop a greater understanding of what is acceptable and unacceptable behaviour in the workplace, you are encouraged to take training in values and ethics. Training is available through the [Office of Values and Ethics](#), the [Service Canada College](#) and the [Canada School of Public Service](#).

## d) Application of the Codes and Employee Accountability

The Codes apply to indeterminate and term employees, individuals on leave without pay, students participating in Student Employment Programs, casual, seasonal and part-time workers, individuals on secondment from other government organizations, and individuals participating in exchange programs such as Interchange Canada.

A condition of working at ESDC is that all employees, regardless of level or position, must agree to follow the letter and the spirit of both Codes. This condition is explicitly stated in every letter of offer now issued by the Department. All ESDC employees are expected to conduct themselves in accordance with the values of the public sector and the expected behaviours.

All employees will be held accountable for adhering to the Codes. A breach or violation of the values or expected behaviours may result in administrative or disciplinary measures being taken, up to and including termination of employment. For more information, see section 5, “Breach of the Codes and Discipline”.

## e) Supervisors as Role Models

According to the *Values and Ethics Code for the Public Sector*, public servants who are also supervisors, are employees who are in a position of influence and authority that gives them a particular responsibility to exemplify the values of the public sector. Supervisors are expected to demonstrate the **key leadership competencies** that reflect the values, moral standards, and ethical behaviours that form the basis for leadership and management accountability.

If you are a supervisor, you have a responsibility to provide advice to your employees on values and ethics and to seek guidance when required. You are required to inform your employees of how they should disclose incidents of wrongdoing and conflict of interest in the Department. You are responsible for ensuring that employees understand the Department's **Internal Procedures to Receive and Manage Disclosures of Alleged Wrongdoing**, as required by: the *Public Servants Disclosure Protection Act* and the **Conflict of Interest Disclosure System**, which are described respectively in section 3, "Avenues for Resolution" and section 4, "Conflict of Interest and Post-Employment".

In short, if you are a supervisor you are expected to: set an example by your own behaviour, be open and available to discuss concerns, and ensure that all employees under your supervision are familiar with the Codes. By creating the proper environment, you will encourage a values-based culture in the workplace, and create a culture of right-doing. In a culture of right-doing, all employees will feel comfortable in coming forward to discuss and disclose possible wrongdoing and conflicts of interest.

## 2. VALUES AND EXPECTED BEHAVIOURS

The public sector values are:

- Respect for Democracy
- Respect for People
- Integrity
- Stewardship
- Excellence

As stated in the *Values and Ethics Code for the Public Sector*, organizations are expected to take steps to integrate these values into their decisions, actions, policies, processes and systems. Similarly, public servants can expect to be treated in accordance with these values by their organization.

These values are a compass to guide public servants in everything they do. They cannot be considered in isolation from each other as they will often overlap, which means that they are interdependent and mutually reinforcing.

All ministers, parliamentarians and public servants have a role to play in serving Canadians. You have an obligation to preserve the public trust by being effective, efficient and courteous in your work and workplaces. By demonstrating the values of the public sector, you not only help raise public confidence in public institutions, but also help departments create and maintain work environments in which employees experience less stress and more satisfaction.

In the following tables, you will find the definition of each public sector value, along with the expected behaviours that support them. The text under each table gives some additional information about the behaviours expected of ESDC employees, and should not be interpreted to modify or limit the significance of the text in the tables in any way.

## a) Respect for Democracy

Value: Respect for Democracy	Expected Behaviours
<p>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.</p>	<p>Public servants shall uphold the Canadian parliamentary democracy and its institutions by:</p> <ul style="list-style-type: none"><li>■ respecting the rule of law and carrying out their duties in accordance with legislation, policies and directives in a non-partisan and impartial manner;</li><li>■ loyally carrying out the lawful decisions of their leaders and supporting ministers in their accountability to Parliament and Canadians;</li><li>■ providing decision makers with all the information, analysis and advice they need, always striving to be open, candid and impartial.</li></ul>

**Public servants shall uphold the Canadian parliamentary democracy and its institutions by:**

- i) respecting the rule of law and carrying out their duties in accordance with legislation, policies and directives in a non-partisan and impartial manner.**
  - Many of you are called on to make decisions every day. It is expected that these decisions will be made based on sound reasoning and judgment in a lawful, fair, equitable, non-partisan and impartial way.
- ii) loyally carrying out the lawful decisions of their leaders and supporting ministers in their accountability to Parliament and Canadians.**
  - As a public servant, you have a duty of loyalty to the Government of Canada and as such, you must ensure that any public statements and actions (including off-duty conduct) support your ability to carry out your duties; preserve impartiality and objectivity in the execution of duties; and reflect positively on the Department.

- The duty of loyalty includes a duty to refrain from publicly criticizing the Government of Canada, its policies, priorities, programs or officials.
- Only authorized departmental spokespersons can issue statements or make comments to the media regarding the Department's position on a given subject. If you are asked to make a public comment on behalf of the Department, you must promptly refer the requestor to the Department's National Headquarters Media Relations Unit.
- The duty of loyalty means that you have a duty not to disclose any confidential government information, unless legally authorized. In addition to maintaining discretion and respecting the confidentiality, privacy and security requirements of the information obtained through your position, you must conduct yourself in a manner that does not harm the reputation of the Department, the Government of Canada or the clients they serve.

The Treasury Board Secretariat publication "**Duty of Loyalty**" describes, in general terms, the current thinking on duty of loyalty in the federal public sector:

- The principles, qualifications and factors can be summarized as follows:
  - The duty of loyalty owed by public servants to the Government of Canada encompasses a duty to refrain from public criticism of the Government of Canada.
  - Failure to observe the duty of loyalty may justify disciplinary action, including dismissal.
  - The duty of loyalty is not absolute; public criticism may be justified in certain circumstances.
  - The duty of loyalty must be balanced with other interests such as the public servant's freedom of expression.
- Three situations in which the balancing of these interests is likely to result in an exception being made to the duty of loyalty are:
  1. The Government is engaged in illegal acts;
  2. The Government policies jeopardize life, health or safety; or
  3. The public servant's criticism has no impact on his or her ability to perform the duties of a public servant or on the public perception of that ability.
- Criticism may impair a public servant's ability to perform their specific job or any public service job and may justify disciplinary action. Public perception of that ability is as important as actual ability.
- Criticism that is not related to the job or department of the public servant may still be found to be subject to the duty of loyalty.

- Relevant factors for determining whether these principles and qualifications are met in a given situation include:
  - The substance, context and form of the criticism:
    - “Substance” refers to the content of the criticism;
    - “Context” refers for example to the frequency of the criticism and the forum or media in which it is made;
    - “Form” refers to the manner in which the criticism is expressed (e.g. restrained or malicious).
  - The position and visibility of the public servant (for example, a professional public servant such as a scientist making a public criticism relating to the public servant’s area of professional expertise);
  - The degree to which a public servant can prove an allegation;
  - Whether the public servant takes steps to determine the facts before making public criticism;
  - Whether the public servant raises concerns internally and uses internal mechanisms before making public criticism;
  - Whether the public criticism is based merely on a policy disagreement;
  - Attribution of inappropriate motives.

**iii) providing decision makers with all the information, analysis and advice they need, always striving to be open, candid and impartial.**

- It is your responsibility to provide decision makers with all the information, analysis and advice they need to make sound decisions. It should be complete, accurate information and honest, unbiased advice based on thorough, detailed analysis.

## b) Respect for People

Value: Respect for People	Expected Behaviours
<p>Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and contributes to a safe and healthy work environment that promotes engagement, openness and transparency. The diversity of our people and the ideas they generate are the source of our innovation.</p>	<p>Public servants shall respect human dignity and the value of every person by:</p> <ul style="list-style-type: none"><li>■ treating every person with respect and fairness;</li><li>■ valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce;</li><li>■ helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination;</li><li>■ working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.</li></ul>

### **Public servants shall respect human dignity and the value of every person by:**

#### **i) treating every person with respect and fairness.**

- Everyone deserves to work in an environment where they are respected and treated with dignity and fairness. At work, you are expected to be respectful, transparent, candid, and fair with people, whether they are clients, supervisors, colleagues or employees of other government departments.
- Authority must be administered with fairness, dignity and respect.

#### **ii) valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce.**

- Diversity is a strong asset to the organization when people with a variety of backgrounds, skills and experiences can contribute to the work environment.
- Moreover, employees thrive in a fair and supportive environment that is inclusive and diverse.

- Diversity is a strong asset to the organization when each person's uniqueness is recognized, accepted and valued.
- Behaviour at work can be affected by cultural or language differences – everybody needs to be aware and demonstrate understanding and acceptance of others.

**iii) helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination.**

- Harassment and discrimination in the workplace are not tolerated. Regardless of your level or position, you must work to ensure that your workplace is free of harassment and discrimination.
- If you see or experience harassing or offensive behaviour, you should speak privately with the person who is doing it or report it to management. Management has a duty to take action promptly, whether or not a **complaint** has been made by the person who is being harassed. If you are being harassed or discriminated against, you can also communicate directly with the subject matter experts in Annex I (refer to “Harassment or discrimination” in Annex I).

In the Treasury Board Policy on Harassment Prevention and Resolution and Directive on the Harassment Complaint Process, harassment is defined as:

- improper conduct by an individual, that is directed at and offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat. It also includes harassment within the meaning of the Canadian Human Rights Act (i.e. based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction).
- Harassment is normally a series of incidents but can be one severe incident which has a lasting impact on the individual.

The following behaviours (list is not exhaustive) generally constitute harassment (whether in person, by voice messaging, email or by using any other means of communication):

- serious or repeated rude, degrading or offensive remarks, such as teasing about a person's physical characteristics or appearance, put-downs or insults;
- displaying sexist, racist or other offensive pictures, posters, or sending e-mails related to one of the eleven grounds prohibited under the Canadian Human Rights Act;
- unwelcome social invitations, with sexual overtones or flirting, with a subordinate;
- unwelcome sexual advances.



For further reading on harassment, refer to the Treasury Board [Policy on Prevention and Resolution of Harassment in the Workplace](#) and [Directive on the Harassment Complaint Process](#).

Discrimination means treating people differently, negatively or adversely because of their race, age, religion, sex, etc. that is, because of a **prohibited ground of discrimination**. As used in human rights laws, discrimination means making a distinction between certain individuals or groups based on a prohibited ground of discrimination.

**Source:** Web site of the [Canadian Human Rights Commission](#)

**iv) working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.**

- Engagement, collaboration and communication are achieved when employees work to build and maintain good interpersonal relationships with each other and the clients they serve. You are expected to be open, tactful and respectful in your dealings with others, including with those who hold different opinions, and to display good interpersonal skills. Good interpersonal skills include listening, offering constructive criticism, and contributing to the team.
- Objectivity in difficult work-related situations is essential. When you are frustrated, upset or unsure, discuss the issue with those involved and with your supervisor. You should not make accusations or “point fingers”. Asking objective questions and sharing your concerns with others, in a respectful way, will help everybody make better informed decisions and help build a healthier, more productive workplace.

## c) Integrity

Value: Integrity	Expected Behaviours
<p>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.</p>	<p>Public servants shall serve the public interest by:</p> <ul style="list-style-type: none"><li>■ acting at all times with integrity and in a manner that will bear the closest public scrutiny, an obligation that may not be fully satisfied by simply acting within the law;</li><li>■ never using their official roles to inappropriately obtain an advantage for themselves or to advantage or disadvantage others;</li><li>■ 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;</li><li>■ acting in such a way as to maintain their employer's trust.</li></ul>

**Public servants shall serve the public interest by:**

- i) acting at all times with integrity and in a manner that will bear the closest public scrutiny, an obligation that may not be fully satisfied by simply acting within the law.**
  - You are expected to do your work in a way that meets both the letter and the spirit of the law. If you are in doubt about the “rightness” of doing something, do not do it. How you achieve a goal is as important as the goal itself. If, after consulting the Codes, you are not sure how to proceed, you should talk to your supervisor or the subject matter experts listed in Annex I.

**ii) never using their official roles to inappropriately obtain an advantage for themselves or to advantage or disadvantage others.**

- You are not to use your position or title to influence treatment for yourself, your family, friends or anyone else. For example, you are giving preferential treatment if you provide someone with information that is not publicly available.
- If you are a participant in the decision making process in a staffing action, you cannot help family or friends who are competing for the job. In such situations, it might be necessary to recuse yourself from the Department's recruitment process.
- You cannot use your official identification or job title to obtain any private or personal advantage or benefits for yourself, or for others, such as *family* or *friends*. You must never represent yourself as being on official government business when on personal time, such as on vacation at a hotel, to gain an advantage.
- Benefitting from a standard corporate discount offered to all government employees is permissible (e.g. a fitness centre or automobile insurer). It is acceptable to use your public servant identification to receive a discount when:
  - there is no real, apparent or potential conflict of interest affecting your objectivity in carrying out your official duties; and
  - there is no expectation on the part of the company or organization that it will get something in return from you.

**iii) 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.**

- You are responsible for preventing or addressing any real, apparent or potential conflict of interest situation by taking the appropriate action which could include declaring the interest, changing the activity or ceasing to do it completely. Declaring the interest is not sufficient in itself; you may be required to change the activity or cease doing it completely.
- A conflict of interest situation is a situation in which you have private interests that could improperly influence the performance of your official duties and responsibilities or in which you use your office for personal gain.
- A real conflict of interest exists at the present time, an apparent conflict of interest could be perceived by a reasonable observer to exist, whether or not it is the case, and a potential conflict of interest could reasonably be foreseen to exist in the future.

- Avoiding, preventing or eliminating conflicts of interest is one of the principal means of maintaining public trust and confidence in the impartiality and integrity of the public service. If a conflict of interest arises between your private interests and your public service responsibilities, it must always be settled in favour of the public interest.
- A conflict of duties is not the same thing as a conflict of interest. A conflict of duties is a conflict that arises, not because of your private interests, but as a result of one or more concurrent or competing official responsibilities. For example, these roles could include your primary public service employment and your responsibilities in an outside role that forms part of your official duties, such as an appointment to a board of directors, or other outside function. If your supervisor asks you to be a member of a board of directors, then this supervisor shall, jointly with you and the subject matter experts listed in Annex I, address how best to minimize a conflict and adopt the best solution to eliminate or minimize any risks. This should be done in writing.

#### **Examples of conflict of interest:**

If you have another job (e.g. providing accounting services or representing a cosmetics company) in addition to your regular position at ESDC, you cannot use government information, equipment, premises, or work hours to do your other private job.

If you are asked to work on an assignment or file (including an inspection, investigation, appeal, mediation, or conciliation) where the client is a family member or friend, you may have to remove yourself from the file. If you have personal ties with a bidder in a procurement process, you may have to withdraw from the process.

If you are in a position to make or influence a decision related to an EI claim, a CPP or OAS application or a Grants and Contributions project application involving a family member or friend, you may have to withdraw from that decision making process.

If you are participating in decision making activity related to a staffing process, you may have to withdraw from the selection board or the assessment committee if family or friends are candidates.

If you are unsure of what to do in any situation, discuss it with your supervisor or consult with one of the subject matter experts listed in Annex I, such as the [Office of Values and Ethics](#).

**iv) acting in such a way as to maintain their employer's trust.**

- You have a responsibility to ensure that your conduct — both at and away from work — does not damage your own or the Department's reputation. Your behaviour should not prevent you from doing your job, or prevent the Department from operating efficiently on behalf of its clients.
- You shall perform your official duties and arrange your private affairs in such a manner that confidence and trust in the integrity, objectivity and impartiality of government are conserved and enhanced.
- The boundaries between our work and personal lives are being blurred by social media. You should be careful not to post anything online that could affect your effectiveness as an employee or undermine the impartiality of the federal public service. For further reading, consult the Treasury Board's [Guideline for External Use of Web 2.0](#).
- The Department's computer systems are for authorized uses. Avoid any unlawful or unacceptable uses. For more information, refer to section 2 d) "Stewardship, Electronic Networks".
- If you are charged with an offence or other violation under any federal, provincial, territorial law, statute or regulation, you must notify your supervisor without delay.
- Falsifying claims could result in disciplinary action as severe as losing your job.

**Some examples of fraudulent activities:**

- falsely taking leave that you are not entitled to;
- falsely trying to get benefits (e.g. Employment Insurance, Canada Pension Plan, Old Age Security) that you are not entitled to;
- falsely claiming overtime, travel time or taxi expenses.

## d) Stewardship

Value: Stewardship	Expected Behaviours
Federal public servants are entrusted to use and care for public resources responsibly, for both the short-term and long-term.	Public servants shall use resources responsibly by: <ul style="list-style-type: none"><li>■ effectively and efficiently using the public money, property and resources managed by them;</li><li>■ considering the present and long-term effects that their actions have on people and the environment;</li><li>■ acquiring, preserving and sharing knowledge and information as appropriate.</li></ul>

### Public servants shall use resources responsibly by:

#### i) effectively and efficiently using the public money, property and resources managed by them.

##### Public Money

- Only employees who have delegated authority can approve expenditures. You are entrusted with Canadians' money. Spend it only when you are authorized to do so. Spend it only on necessary items. It is extremely important that you keep records that document and support your financial decisions.
- If your position requires that you manage public money, you must follow the rules set out in the *Financial Administration Act* and **related departmental financial policies**, such as the **Policy on the Delegation of Financial Signing Authorities and Specimen Signatures**. Breaches of trust or fraud by a public officer are governed by section 122 of the *Criminal Code*.

## Care and Use of Government Property

- To enable you to do your job, you are provided with documents, equipment and supplies that belong to the Government of Canada. You must use these items for official purposes only, unless your limited personal use has been authorized. For example, the Department allows for limited personal use of electronic networks as explained in the [Policy on the Use of the Electronic Network](#).
- Personal use must never include outside business interests or personal gain.
- You are responsible for the government property in your possession. Immediately report loss, theft or damage to your supervisor.

Government property includes, but is not limited to, information held by the Department, buildings, vehicles, facilities, files and documents, office equipment and supplies, computers, laptops, USB memory sticks, printers, photocopiers, telephones, mobile wireless devices, electronic networks, software, video equipment, data banks, ID cards, intellectual property, taxi chits, telephone calling cards, negotiable instruments and government credit cards (including those used for travel).

**Note:** ESDC AmEx cards are to be used only for Government of Canada authorized business travel-related expenses and hospitality. You are responsible for the use of your ESDC AmEx card and for paying the balance on time.

## Electronic Networks

- Every morning when you report to work, you log on to your computer and select the OK button. Each time you select “OK” you are confirming that you will comply with the [Policy on the Use of the Electronic Network](#). The computer systems, software, equipment, network, Internet, Intranet and email are for work-related activities, or approved limited personal use only. You are expected to be familiar with this Policy and any updates.
- Provided it is related to authorized and acceptable use of the Department’s electronic networks, personal use of electronic networks is acceptable if:
  - it is on personal time (breaks, lunch time, and the time before and after work);
  - it is not for financial gain for yourself or someone else;
  - it does not add to costs for the Department;
  - it does not interfere with the conduct of Government activities and operations.

When using government computer systems, equipment and software, including handheld devices, every effort must be made to protect the network from electronic security threats. In particular, you must guard against accidental or deliberate destruction of data and equipment, disclosure of sensitive information, theft and corruption, and exposure to viruses.

**Examples of acceptable personal use include:**

- writing a brief email message to a family member or friend;
- reading an online newspaper during break, lunch or before/after your work day.

**Examples of unacceptable network activities include:**

- using someone else's password;
- sending abusive, sexist, homophobic, or racist messages;
- representing personal opinions as those of the Department;
- using the network for private business, personal gain, profit or political activity;
- making inappropriate public criticisms of government policy;
- viewing, possessing, downloading or distributing pornographic and other illicit or inappropriate material.

**Examples of unlawful network activities include:**

- viewing, possessing, downloading or distributing child pornography;
- copyright infringement;
- defamation;
- hacking and other crimes related to computer security;
- destroying, altering or encrypting data without authorization and with intent of making it inaccessible to others who have a lawful need to access it.

**Source:** Policy on the Use of the Electronic Network

**Social Media**

- The Government of Canada permits the use of social media such as Wikipedia, Twitter, Facebook and YouTube to allow people to share ideas and opinions for work purposes (prior departmental approvals/authorities must be in place before employees can make use of social media sites for official government purposes). See the [Employment and Social Development Canada Handbook for the Personal and Official Use of the Internet and IntraWeb](#) for information on the conditions for both personal and work use.



- One example of using social media for work purposes is [GCPedia](#), a wiki open to federal public servants, which allows them to collaborate on documents as they are being developed. Externally, ESDC uses social media such as Twitter, YouTube and Facebook to communicate with Canadians for business purposes such as service delivery.
- While there are benefits associated with the use of social media, the risks must not be overlooked. Networking sites such as Facebook are often used to share views, photographs and other personal information. The sites are accessible to a wider and unintended audience and, despite privacy settings, the information remains public. Remember that online information can be taken out of context and broadly distributed, forever.
- In general, what you do on your own time is a personal decision. The boundaries between our work and personal lives, however, are continually being blurred by social media and other media. The value of stewardship and the duty of loyalty mean that, whether you are on or off duty, you must not post anything online that could affect your effectiveness as an employee or undermine the impartiality of the federal public service (for duty of loyalty, refer to section 2 a) ii) above, entitled Respect for Democracy).

For further reading on proper conduct in using social media, refer to the [Seven Security Tips for Social Networking](#) of ESDC and Treasury Board's [Guideline for External Use of Web 2.0](#).

**Example of online behaviour that is a breach of the *ESDC Code of Conduct*:**

- posting comments that reveal confidential information about government policies, programs or officials.

**Example of online behaviour that may violate the *ESDC Code of Conduct*:**

- criticizing co-workers who are identified by pseudonyms in a blog.

An outside reader may not know who these people are but they can easily be identified by fellow employees who read the blog. This can be harmful.

Be aware that, when you use social media, you enter a borderless communication forum. You can be identified and what you write is available, forever, to a wider, possibly unintended, audience.

## Intellectual Property

- Under the *Copyright Act* and the *Public Servants Inventions Act*, anything you create, design, develop, or produce while acting within the scope of your duties or employment becomes the full property of the Government of Canada (e.g. software, work methods, manuals, policies, procedures, briefing notes, forms, evaluation systems, CDs, DVDs). Since it is government property, you cannot market or sell it yourself, either while employed by the Department or post-employment, even if you have worked on, improved or modified it outside of your working hours.

## Safeguarding Information

- As an employee of the Department, you are responsible for the safekeeping of information that you collect, handle, store or transmit. You are also responsible for ensuring proper disposal. Whether the information is in an electronic, paper, or other format, it is your responsibility to ensure that it is only seen or handled by those who have the right to see it.

### a) Preserving the Confidentiality of Information

You are responsible for ensuring the privacy of individuals by protecting their personal information, including the personal information of employees and members of the public. When you become a public servant, you take an **Oath** or make a **Solemn Affirmation** that you will not disclose information on any matter that you become aware of as a result of your job, unless legally authorized.

You are permitted only to access the information that is necessary for your work. Any attempt to access or disclose information, for personal use, gain, or financial benefit to you, your family or anyone else is considered a breach of the *ESDC Code of Conduct*.

## Confidentiality of Information

You are not permitted to access information that is not necessary for you to do your work. For example, you are not permitted to:

1. verify that your son's Employment Insurance claim has been approved;
2. search the client database to look for the telephone number of an old friend;
3. search the client database to provide information to a colleague from another department who calls you within the context of his/her work, but is not using the official channels; your colleague wants information on a client;
4. search the client database to obtain information on potential tenants that are interested in renting your property; this is not permissible, even if you have obtained consent from the tenants.

Using your position to access information that is not needed for your job — whether out of curiosity or because you are asked a favour by a colleague, friend or relative — is a breach of the *ESDC Code of Conduct*. Official information is for government business, never for personal benefit to you or someone else.

Disclosure of personal information by ESDC is governed by the *Privacy Act* and the departmental Privacy Codes set out in: *Department of Employment and Social Development Act*;<sup>5</sup> *Department of Social Development Act*;<sup>6</sup> *Canada Pension Plan*;<sup>7</sup> *Old Age Security Act*;<sup>8</sup> *Employment Insurance Act*.<sup>9</sup>

ESDC does not use or disclose personal information for purposes other than those for which it was originally collected or for a use consistent with the original collection, unless there is legal authority or required by statute. Moreover, the *Department of Employment and Social Development Act* (the Act) contains an offence provision which states that any person or body commits an offence if they use or knowingly make available information that is privileged under Part 4 of the Act, and may be subject to punishment, including a fine and/or imprisonment. For further reading on the protection of and access to personal information, consult the [Departmental Policy on Privacy Management](#).

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<sup>5</sup> part 4

<sup>6</sup> part 2

<sup>7</sup> section 104 and subsections

<sup>8</sup> section 33 and subsections

<sup>9</sup> subsection 139(5)

Disclosure of any personal information from the Social Insurance Register is governed by the *Privacy Act*<sup>10</sup> and the *Employment Insurance Act*.<sup>11</sup> For further reading, consult The Social Insurance Number Code of Practice.

Remember, if you knowingly disclose personal information or let personal information be used in a way that is not allowed under the above mentioned statutes, your actions will be considered a breach of these statutes and the Codes.

You must protect the privacy rights of citizens and employees by keeping in strict confidence all of the information that you obtain.

You cannot disclose to members of the public, the media, family or friends any government information that has not been made public relating to policies, agreements, practices, procedures, cases, Treasury Board submissions, documents related to audits, evaluations and investigations, memoranda of understanding, etc.

You must also be careful about what you discuss in a public place, including transportation and boarding areas (e.g. taxis, restaurants, airplane, airport lobbies) because your conversation might be overheard by others. Similarly, disclosing information to other government employees is not permitted, unless it is required for their job (i.e. need-to-know principle).

#### b) Protecting Right of Access

The *Access to Information Act* gives all individuals and corporations present in Canada the right to see records that are under the control of federal government institutions. There is a limited list of exemptions.

The *Access to Information Act* makes it an offence to destroy, alter, falsify or conceal a government record, or direct anyone to do so, with the intent of denying a person access to his/her personal information or information collected by the Department.

Under the *Privacy Act*, individuals present in Canada also have the right to see their own personal information in records that are under the control of a federal government institution. This right is also subject to limited exceptions that are listed in the Act.

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<sup>10</sup> section 8

<sup>11</sup> subsection 139(5)

**Personal information** is defined in the *Privacy Act* as information about an identifiable individual that is recorded in any form including, but not limited to:

- information relating to the race, national or ethnic origin, colour, religion, age or marital status of the individual;
- information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- any identifying number, symbol or other particular assigned to the individual;
- the address, fingerprints or blood type of the individual.

### c) Secure Handling of Information

Whether or not you have had a hand in writing or compiling the information, you are responsible for the secure handling of any information that comes across your desk. Depending on the classification of the documents (i.e. from non-classified to top secret),<sup>12</sup> you must be able to:

- choose a location and equipment that is secure for compiling, discussing and transmitting the information to others;
- follow the Department's procedures for secure transportation or transmission;
- store the information securely (electronically and physically);
- dispose of the information safely and securely;
- respect the need-to-know principle.

Under the need-to-know principle, access to classified information may be granted only to people who have the appropriate security clearance and who need it to do their jobs. Information is shared on a need-to-know basis only. No one gets access to classified information simply because a request for a copy of the document has been made.

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<sup>12</sup> The level of classification of documents is to be taken into consideration. For further reading, consult the [Information Classification Guide](#).

**ii) considering the present and long-term effects that their actions have on people and the environment.**

- In 2008, the Government of Canada developed and passed the *Federal Sustainable Development Act*. This Act requires the Government of Canada to provide the legal framework for developing and implementing a **Federal Sustainable Development Strategy** that would make environment and sustainable development decision making more transparent and accountable to Parliament.
- Employees who have an opportunity to influence policies, programs and services, should consider sustainable development principles in the decisions they make. On a day-to-day basis, all employees should adopt good environmental practices (e.g. teleconference/videoconference rather than travel, turning off lights after using boardrooms, placing all paper in blue recycling bins).

**iii) acquiring, preserving and sharing knowledge and information as appropriate.**

- The policy, program and service-related information that you gather and manage each day can help improve decision making, productivity and client service. It must be stored and organized well, if it is to be shared efficiently in the Department.
- Good record keeping will ensure that information is easy to find. You are responsible for keeping complete, accurate records of all of your business transactions and for making sure that the information you create or receive is identified and kept according to the <http://iservice.prv/eng/imit/imsclients/index.shtml> processes.
- For more information, refer to Treasury Board's **Policy on Information Management**.

## e) Excellence

Value: Excellence	Expected Behaviours
<p>Excellence in the design and delivery of public sector policy, programs and services is beneficial to every aspect of Canadian public life. Engagement, collaboration, effective teamwork and professional development are all essential to a high-performing organization.</p>	<p>Public servants shall demonstrate professional excellence by:</p> <ul style="list-style-type: none"><li>■ providing fair, timely, efficient and effective services that respect Canada's official languages;</li><li>■ continually improving the quality of policies, programs and services they provide;</li><li>■ fostering a work environment that promotes teamwork, learning and innovation.</li></ul>

**Public servants shall demonstrate professional excellence by:**

- i) **providing fair, timely, efficient and effective services that respect Canada's official languages.**
  - ESDC employees are expected to give clients fair, timely and efficient service in a way that demonstrates respect for Canada's official languages in accordance with the *Official Languages Act*.
  - The *Official Languages Act* requires ensuring respect for English and French as official languages and their equality of status. The Department supports both official languages by respecting the language rights of the public and employees.
  - If you work at a point of service that is designated as bilingual, you must provide online, telephone, mail and in-person services to everyone in their preferred official language.
  - If you work or are located in an area in Canada where there is not a significant demand by members of the public for communications or services in a particular official language, you are not required under the *Official Languages Act* to communicate with or provide services to the public in both official languages. Nevertheless, the Treasury Board of Canada's *Policy on the Use of Official Languages for Communications with and Services to the Public* sets out linguistic obligations which unilingual offices are required to comply with. The Department's *Directive on Official Languages Obligations in Unilingual Offices* summarizes these obligations and provides further direction to ESDC employees on how best to meet these obligations.

**ii) continually improving the quality of policies, programs and services they provide.**

- As employees, you develop policies, programs and services that affect Canadians at all stages of their lives. You contribute to their social and economic well-being. The public expects that you manage your work to achieve the best possible results. Your decisions as an employee must always be in the public interest, and be based on sound reasoning and the needs of the Department's clients.
- Your appearance at work might not affect the quality of your service, but it can affect how clients respond to you or the Department. Your appearance should reflect the professional image of the Department and be appropriate for the job that you do.

**iii) fostering a work environment that promotes teamwork, learning and innovation.**

- Building a culture of teamwork in the Department is about encouraging employees to behave in a way that shows they respect the differences among people. For example, working well with your colleagues means that, regardless of their age group, you respect their experience and perspectives. A respectful attitude helps others succeed; it can help new employees adapt.
- A culture of teamwork enhances learning, via coaching, mentoring, team learning and dialogue, and it encourages innovation in achieving ESDC's goals and objectives through brainstorming, co-creating and prototyping. Supervisors are expected to nurture a workplace where employees and teamwork are valued, recognized and rewarded.
- Supervisors shall ensure that a learning plan is in place for all employees, and that all employees have equal access to training and career development opportunities. It is in everyone's interest that employees are aware of recent developments in the area of their work, reach their full potential, and are motivated to do the work they are responsible for.



### 3. AVENUES FOR RESOLUTION

It is important for you to know who to contact when you are faced with an ethical issue or conflict in the workplace and to know when and how you should make a disclosure of wrongdoing.

#### a) Ethical Issue

The expected behaviours outlined in section 2 of this document are not intended to respond to every possible ethical issue that might arise in the course of your daily work. When ethical issues arise, you are encouraged to discuss and resolve these matters with your immediate supervisor. You can also seek advice from the subject matter experts listed in Annex I.

#### b) Conflict in the Workplace

Employees, at all levels, are expected to resolve issues and conflict in the workplace in a fair and respectful manner. Informal processes, such as dialogue or mediation, should be considered.

The **Office of Informal Conflict Management** offers workshops to help employees deal with conflict in a productive manner. Other services offered by the office are: mediation, facilitated conversation, group interventions, individual conflict coaching, group or team conflict coaching, and a conflict coaching program for managers.

Professional counsellors with the **Employee Assistance Program** (EAP) are also available if you have concerns which may affect your personal well-being or productivity at work. The EAP often deals with issues related to grief, stress, family and work-related problems.

## c) Disclosure of Wrongdoing

If you have information that could indicate a serious breach of the Codes or other form of wrongdoing, as per [section 8](#) of the *Public Servants Disclosure Protection Act* (PSDPA), you can, in accordance with [sections 12 and 13](#) of the PSDPA, bring the matter, in confidence and without fear of reprisal, to the attention of your immediate supervisor, the Department's senior officer for disclosure or the [Public Sector Integrity Commissioner](#).

ESDC's senior officer for disclosure is the Assistant Deputy Minister of the Integrity Services Branch, who is also referred to as the [Senior Disclosure Officer](#). As an ESDC employee, you can send a confidential email to the [Office of Values and Ethics](#). See Annex I for more details.

Senior officers for disclosure are responsible for supporting the chief executive<sup>13</sup> in meeting the requirements of the PSDPA. They help promote a positive environment for disclosing wrongdoing, and deal with disclosures of wrongdoing made by employees of the organization. Further information on the duties and powers of senior officers for disclosure can be found in Annex II.

Supervisors are responsible for: ensuring that employees know about the PSDPA, telling them about how to make disclosures, why the PSDPA protects them, and where they can go if they need more information. Both supervisors and employees can seek advice from the [Office of Values and Ethics](#).

### Not every wrongful act is a wrongdoing.

Based on the definition set out in [section 8](#) of the *Public Servants Disclosure Protection Act*, “wrongdoing” includes (the following text is paraphrased):

- a violation of any federal or provincial law or regulation;
- a misuse of public funds or assets;
- gross mismanagement;
- a serious breach of the *ESDC Code of Conduct* or the *Values and Ethics Code for the Public Sector*;
- an act or omission that creates a substantial and specific danger to the life, health and safety of persons or the environment; and
- knowingly directing or counselling a person to commit a wrongdoing.

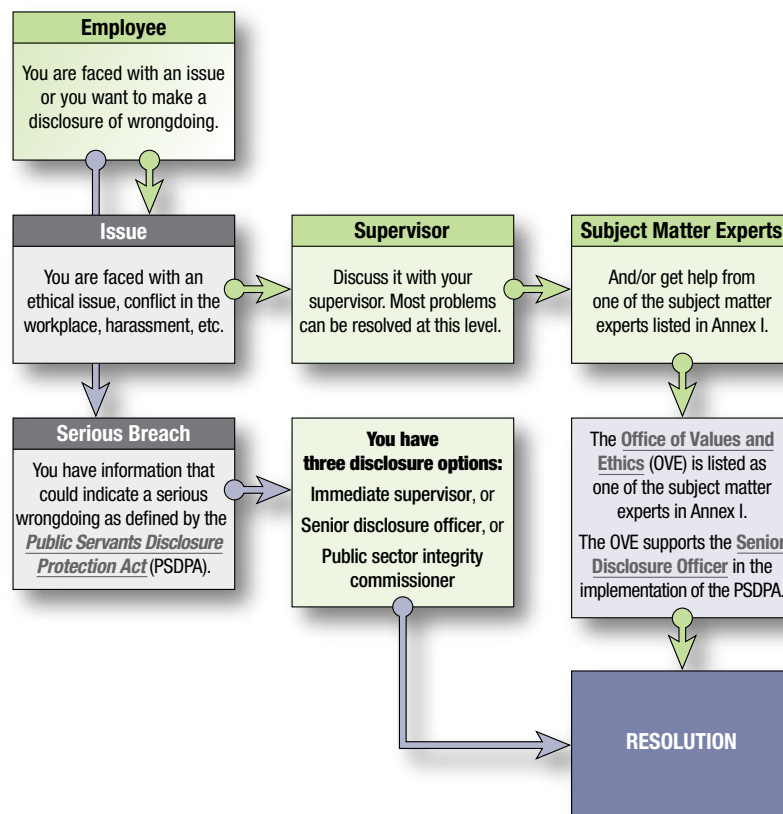
<sup>13</sup> For the duties and obligations of chief executives, see Annex II.

The PSDPA provides employees with protection against reprisals if they disclose wrongdoing. Reprisals are defined as:

- disciplinary measures;
- demotion;
- termination;
- any measure that hurts your employment or working conditions; or
- threats to do any of the above or to order someone else to do so.

The PSDPA gives the **Office of the Public Sector Integrity Commissioner** the responsibility to investigate reprisal complaints and to decide whether the complaint should be sent to the **Public Servants Disclosure Protection Tribunal**. The Tribunal determines whether the complaint is justified. It has the authority to stop the reprisals and order disciplinary action against those responsible.

The following diagram illustrates the Avenues for Resolution Process. It identifies who you should contact when you need support.



### **Explanation of diagram on Avenues for Resolution Process**

It is important for you to know who you can contact when you have a concern or issue in the workplace. For most concerns and issues (such as issues related to values, ethics, conflict in the workplace, harassment), you are encouraged to discuss with your immediate supervisor. You and your immediate supervisor can also seek advice from subject matter experts listed in annex 1 of this Code of Conduct. The Office of Values and Ethics is one of the subject matter experts listed in annex 1.

If you have information that could indicate wrongdoing has occurred, or is about to occur in the workplace, you can bring that information to the attention of your immediate supervisor or the Senior Disclosure Officer or the Public Sector Integrity Commissioner.

The Office of Values and Ethics supports the Senior Disclosure Officer in managing disclosures of wrongdoing. For more information on disclosing wrongdoing, you can contact the Office of Values and Ethics.

## 4. CONFLICT OF INTEREST AND POST-EMPLOYMENT

### a) Policy on Conflict of Interest and Post-Employment

The Department is subject to the Policy on Conflict of Interest and Post-Employment (COI/PE Policy) issued by the Treasury Board. The COI/PE Policy is meant to help public servants identify and address conflict of interest situations. It provides direction and measures to assist organizations and public servants in effectively dealing with real, potential, and apparent conflict of interest situations which may arise during and after employment in the public service.<sup>14</sup>

Appendix B of the COI/PE Policy states conflict of interest and post-employment requirements that are a condition of employment for public servants in all organizations subject to the COI/PE Policy. Appendix B of the COI/PE Policy is substantially reproduced in the following paragraphs.<sup>15</sup> It sets out the requirements for public servants for preventing and dealing with conflict of interest situations. These requirements are grounded in and serve to uphold the values contained in the Codes. By upholding these ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and integrity of the public service. A public servant who does not comply with the requirements, set out in Appendix B of the COI/PE Policy, may be subject to disciplinary measures, up to and including termination of employment.

### b) Definition of Conflict of Interest

As mentioned earlier, a conflict of interest situation is a situation in which the public servant has private interests that could improperly influence the performance of his or her official duties and responsibilities or in which the public servant uses his or her office for personal gain.

A *real* conflict of interest exists at the present time, an *apparent* conflict of interest could be perceived by a reasonable observer to exist, whether or not it is the case, and a *potential* conflict of interest could reasonably be foreseen to exist in the future.

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<sup>14</sup> Order-in-council appointees, such as deputy heads, are subject to the Conflict of Interest Act instead of section 4 of the *ESDC Code of Conduct*.

<sup>15</sup> Although they are not public servants, individuals on incoming Interchange Canada assignments are expected to comply with, and volunteers are expected to respect, the requirements of Appendix B of the Policy on Conflict of Interest and Post-Employment.

Public servants maintain public confidence in the objectivity of the public service by preventing and avoiding situations that could give the appearance of a conflict of interest, result in a potential for a conflict of interest, or result in an actual conflict of interest. Conflict of interest does 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. 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 via the Internet and other media, such as comments posted to other social media sites.

It is impossible to foresee every situation that could give rise to a real, apparent or potential conflict of interest. When in doubt, you should refer to the requirements found in [Appendix B of the COI/PE Policy](#) and the Codes to guide appropriate action. You can also seek guidance from your supervisor, one of the subject matter experts listed in Annex I or the Deputy Head,<sup>16</sup> or his or her delegate.

In addition to the requirements outlined in [Appendix B of the COI/PE Policy](#), you are also required to observe any specific conduct requirements contained in the [Guidelines of Professional Conduct for the Labour Program](#), the [Guidelines of Professional Conduct for Service Canada](#), the statutes governing the Department and the ethical rules and guidelines of your profession, where applicable (e.g. medical professional, mediator, law practitioner, auditor).

## c) General Responsibilities and Duties of Public Servants under the COI/PE Policy

Your general responsibilities and duties under the COI/PE Policy include:

- i) taking all possible steps to recognize, prevent, report, and resolve any real, apparent or potential conflicts of interest between your official responsibilities and any of your private affairs or interests;
- ii) unless otherwise permitted in [Appendix B of the COI/PE Policy](#), refraining from having private interests which would be unduly affected by government actions in which you participate, or of which you have knowledge or information;
- iii) not knowingly taking advantage of, or benefitting from, information that is obtained in the course of your duties that is not available to the public;

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<sup>16</sup> For the purpose of this Code, Deputy Head refers to the Deputy Minister of Employment and Social Development Canada or his or her delegates.

- iv) refraining from the direct or indirect use of, 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;
- v) not assisting private entities or persons in their dealings with the government where this would result in preferential treatment of the entities or persons;
- vi) not interfering in the dealings of private entities or persons with the government in order to inappropriately influence the outcome;
- vii) maintaining the impartiality of the public service and not engaging in any outside or political activities that impair or could be seen to impair your ability to perform your duties in an objective or impartial manner; and
- viii) ensuring that any real, apparent or potential conflict that arises between your private activities and your official responsibilities as a public servant is resolved in the public interest.

## **d) Requirements for Preventing and Dealing with Situations of Conflict of Interest during Employment**

You are required to report in writing to the Deputy Head, in accordance with the Department's procedures, all outside activities, assets and interests that might give rise to a real, apparent or potential conflict of interest in relation to your official duties, even if you are not sure whether or not there is a conflict. The report is called a confidential report, and it is to be completed and submitted within 60 days of your initial appointment or any subsequent appointment, transfer or deployment.

The confidential report form must be completed using ESDC's **Conflict of Interest Disclosure System**. A designated officer will decide whether a conflict of interest situation exists and, if so, make recommendations for dealing with it.

On a regular basis thereafter, and every time a major change occurs in your personal affairs, interests or official duties, you are required to review your obligations under the Codes and the COI/PE Policy. If a real, apparent or potential conflict of interest exists, you must file a confidential report in a timely manner through ESDC's **Conflict of Interest Disclosure System**.

When negotiating financial arrangements with outside parties, you are to comply with the requirements of **Appendix B of the COI/PE Policy** as well as other related directives or policies issued by the Treasury Board. When in doubt, you are to immediately report the situation to your supervisor in order to seek advice or direction on how to proceed.

**i) Assets**

You are required to evaluate your assets, taking into consideration the nature of your official duties and the characteristics of your assets. If there is any real, apparent or potential conflict of interest between the carrying out of your official duties and your assets, you are to report this matter to the Deputy Head in a timely manner.

Where the Deputy Head determines that any of these assets results in a real, apparent or potential conflict of interest in relation to your official duties, you may be required to divest yourself of those assets, or to take other measures to resolve the conflict. You 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 Treasury Board **Directive on Reporting and Managing Financial Conflicts of Interest**.

**ii) Outside Employment or Activities**

You may engage in employment outside the public service and take part in outside activities unless the employment or activities are likely to give rise to a real, apparent or potential conflict of interest or would undermine the impartiality of the public service or your objectivity.

You are required to provide a confidential report to the Deputy Head when your outside employment or activities might subject you to demands incompatible with your official duties, or cast doubt on your ability to perform your duties or responsibilities in a completely objective manner. The Deputy Head may require that the outside activities be modified or terminated if it is determined that a real, apparent or potential conflict of interest exists.

If you receive a benefit or income either directly or indirectly from a contract with the Government of Canada, you are required to report to the Deputy Head on such contractual or other arrangements. The Deputy Head will determine whether the arrangement presents a real, apparent or potential conflict of interest, and may require that the contract be modified or terminated.

**iii) Political Activities**

If you are considering involvement in political activity, you should seek the advice of your supervisor, a designated departmental official in matters of political activity, the Public Service Commission (PSC) or a human resources advisor before taking up such activities.



Public servants are required to seek and obtain permission from the PSC to seek nomination for or be a candidate in a federal, provincial, territorial, or municipal election, in accordance with Part 7 of the *Public Service Employment Act* (PSEA).

“Political activities” are defined in Part 7 of the PSEA as “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.”

If you wish to engage in a political activity not covered by Part 7 of the PSEA that could constitute a conflict of interest, you are required to report the proposed activity to the Deputy Head by using ESDC’s **Conflict of Interest Disclosure System**.

The PSEA recognizes your right to be involved in political activities as long as it does not impair, or is perceived as impairing, your ability to perform your duties in a politically impartial manner. Before deciding whether to engage in a political activity, you should consider: (1) the nature of the activity; (2) the nature of your duties; and (3) the level of visibility of your position.

The appropriateness of political activity is assessed on a case-by-case basis and depends on the employee’s circumstances. Voting in an election is a right and, as such, is a political activity that is permissible in all instances.

**Examples of political activities within the meaning of the *Public Service Employment Act*:**

- joining a political party;
- contributing money to a political party or candidate or attending fundraising functions;
- supporting a political party or candidate, including:
  - displaying political material such as a picture, sticker, badge or button, lawn sign;
  - accompanying a candidate during a press conference;
  - organizing political events;
- seeking nomination in a federal, provincial, territorial or municipal election.

For more information, refer to the **Public Service Commission’s (PSC) Political Activities** Web site or contact the **Designated Political Activities Representative (DPAR)**.

Should you wish to be involved in one or more political activities, it is strongly recommended that you complete the PSC's **Political Activity Self-Assessment Tool: Assessing your Specific Circumstances**. This tool is intended to help public servants make reasonable decisions about their involvement in political activities and the impact on their ability to perform their duties in a politically impartial manner. The DPAR should also be contacted for advice.

However, if you want to run for political office (seeking nomination) for federal, provincial or territorial election, you must complete the following:

1. submit a request for candidacy to the DPAR, to obtain Deputy Head input (federal) or ADM input (provincial and territorial) regarding political impartiality and operational concerns, at least 45 working days before the day on which you require a decision from the PSC;
2. upon reception of the Deputy Head's input, submit a completed request for permission and its attachments to PSC no later than 30 days before the date on which you require a decision. Your DPAR will assist you in each step of the process.

Should you want to run for political office for municipal election, you are only required to complete a request for permission and its attachments and send it to PSC no later than 30 days before the date on which you require a decision. Again, your DPAR will assist you in each step of the process. In particular circumstances, the Deputy Head input may be required by the PSC. For more information on **political candidacy**, refer to the PSC Web site.

If you are subject to the **COI/PE Policy** but not subject to Part 7 of the PSEA (including casual and part-time workers), and wish to engage in any political activity that could constitute a conflict of interest, you must report the proposed activity to the Deputy Head. You should consult the DPAR for guidance before submitting your report.

#### **iv) Non-Partisan Activities in Connection with Elections**

Non-partisan activities, in connection with elections, are any activities or employment that are linked to elections but are not for the benefit of a specific party or candidate.

If you wish to engage in non-partisan activities in connection with elections that could constitute a conflict of interest, you are required to provide a confidential report on the proposed activity to the Deputy Head by using ESDC's **Conflict of Interest Disclosure System**.

### Examples of non-partisan activities in connection with elections:

- gathering ballots on election day
- compiling and releasing election results
- reviewing, producing and storing election documents and forms

#### v) Gifts, Hospitality and Other Benefits

You are expected to use your best judgment to avoid situations of real, apparent or potential conflict of interest by considering the following criteria on gifts, hospitality and other benefits and in keeping with the Codes and the [COI/PE Policy](#).

You are not to accept any gifts, hospitality or other benefits that may have a real, apparent or potential influence on your objectivity in carrying out your official duties and responsibilities or that may place you under obligation to the donor. This includes activities such as free or discounted admission to sporting and cultural events, travel or conferences.

The acceptance of gifts, hospitality and other benefits is permissible if they are infrequent and of minimal value, within the normal standards of courtesy or protocol, arise out of activities or events related to your official duties, and do not compromise or appear to compromise your integrity or the integrity of the Department.

You are to seek written direction from the Deputy Head where it is impossible to decline gifts, hospitality or other benefits that do not meet the principles set out above, or where it is believed that there is sufficient benefit to the Department to warrant acceptance of certain types of hospitality (for example, a gift from a foreign delegation). In such cases, you must complete a confidential report to seek approval from the Deputy Head. If you are unsure of what to do, the [Office of Values and Ethics](#) can provide guidance.

Infrequent gifts of minimal value such as desk items, mugs, caps, cookies, chocolates, jam etc. are acceptable, unless your supervisor has expressly prohibited them.

Examples of gifts that are not acceptable and must be declined and returned with an explanation of why the gift/hospitality is declined (i.e. the *ESDC Code of Conduct* does not permit acceptance of such a gift) are:

- money or cash equivalents (e.g. gift cards or certificates);
- travel, overnight accommodations;
- free or discounted admission to sporting and cultural events, travel or conferences;
- expensive gifts (gifts that are not of minimal value as per the examples above);
- any gift or favour received during a bidding process (including gifts of minimal value).

If returning the gift may cause offence or embarrassment, as in the following cases:

- you are a guest speaker and member of a panel, and all members of the panel receive the same thank you gift of appreciation publicly;
- you are offered a gift by a donor to whom returning it might be culturally offensive;

You should accept it, and then complete a **confidential report** once you return to the office. The gift could be accepted on behalf of the Government of Canada and displayed on government premises for everyone to enjoy (e.g. in the case of a portrait).

#### vi) Solicitation

With the exception of fundraising for such officially supported activities as the Government of Canada Workplace Charitable Campaign (GCWCC), you may not solicit gifts, hospitality, other benefits or transfers of economic value from a person, group or organization in the private sector who has dealings with the government. When fundraising for such official activities, you should ensure that you have prior written authorization from the Deputy Head in order 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, you are to consider whether any real, apparent or potential conflict of interest exists, and obtain the consent in writing of the Deputy Head prior to accepting any such benefit.

The Deputy Head may require that the 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.<sup>17</sup>

#### **vii) Lotteries and Games of Chance**

Asking your colleagues if they want to participate in buying a lottery ticket such as a Lotto 6/49 or a Lotto Max is allowed in the workplace, but internally organized lotteries and games of chance are not permitted. For example, a 50/50 draw, where part of the proceeds goes to the holder of the winning ticket and the rest goes to a designated charity, fund or a social committee, may be considered as a ***Criminal Code***<sup>18</sup> offence unless the organizers have been authorized and have obtained a licence from provincial authorities dealing with lotteries.

#### **viii) Avoidance of Preferential Treatment**

You are responsible for demonstrating objectivity and impartiality in the exercise of your duties and in your decision making, whether related to staffing, financial awards or penalties to external parties, transfer payments, program operations or any other exercise of responsibility.

This means that you are prohibited from granting preferential treatment or advantages to family, friends or any other person or entity. You are not to offer extraordinary assistance to any entity or persons already dealing with the government without the knowledge and support of your supervisor. You 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 is not considered preferential treatment (e.g. an information brochure that is posted on the departmental Web site).

Avoid what appears to be a bias in favour of any party (a group or individual).

You must avoid processing or handling any application, file or account for yourself, co-workers, relatives by blood or marriage (including common-law relations) or friends. For more information, consult **Applications, Files and Accounts of ESDC Employees and Relatives and Friends of ESDC Employees**.

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<sup>17</sup> These provisions are designed to ensure that the **Policy on Conflict of Interest and Post-Employment** is consistent with paragraph 121(1)(c) of the ***Criminal Code***.

<sup>18</sup> Sections 206 and 207 of the ***Criminal Code***.

### **Examples of how preferential treatment is avoided...**

Your friend's son applied for a Canada Student Loan and has been anxiously waiting for a response. He's worried that he won't be accepted. You ask your friend to get a copy of his son's application, explaining that you will review it to make sure that it is completed correctly.

After reviewing his application, you notice that a section has not been completed correctly. You contact a colleague in the Canada Student Loan Program and ask that the file be found so that you can correct the error. The colleague refuses because this provides an advantage to one Canadian citizen over and above all others and it is a misuse of resources.

The colleague is correct. You should tell your friend that it is unfortunate but there is nothing you can do to help except to suggest that his son update the application and re-send it.

### **Example of how to avoid the appearance of bias in favour of a party:**

A labour mediator is about to be involved in sensitive and complex negotiations with employer and employee representatives, both of whom the mediator has dealt with before. The day before the negotiation process begins, the two representatives give the mediator a list of their respective members' names. The mediator notices that a former colleague and a good friend is one of the members who will be at the negotiation table. If the other party finds out, it could jeopardize the entire process and this might not reflect well on the Labour Program.

**Response:** Employees should take care to avoid what may appear to be a bias in favour of any party. The mediator should be open and transparent by disclosing this information to the parties and clarify the terms of his or her relationship with the negotiating parties. The mediator should be prepared to remove himself or herself from the mediation if one of the parties feels that there is a potential for bias.

## e) Requirements for Preventing Post-Employment Conflict of Interest Situations Before and After Leaving the Public Service

As a public servant, you have a responsibility to minimize the possibility of real, apparent or potential conflict of interest between your most recent responsibilities within the federal public service and your subsequent employment outside the public service.

### i) Before Leaving Employment

Before leaving your employment with the public service, you are to disclose your intentions regarding any future outside employment or activities that may pose a risk of real, apparent or potential conflict of interest with your current responsibilities and discuss potential conflicts with your supervisor or the Deputy Head. You do so by submitting a confidential report through ESDC's [Conflict of Interest Disclosure System](#).

Before leaving your employment with the Department, you must return all government property issued to you, including identification cards. When you leave the Department, you cannot take any documents or use or communicate any information that has not been made public by the Department.

After you leave the public service, you cannot share information that you acquired in the course of your public service job, or information that is not publicly available. Also, you must not use information gathered from your former public service workplace for your own purposes or personal benefit.

### Post-employment

You are the manager of a program group responsible for the development of a software computer program for the Department. As part of the process to select a systems development company, a Request for Proposals has been tendered and three major companies have submitted bids. Following the announcement of the winner, negotiations toward developing a contract will begin.

During the evaluation process, one of your team leaders announces that he will be leaving the Government of Canada to accept a position as a project manager with one of the bidding companies. This employee has been an integral part of the Request for Proposal process and he provides key technical information that is used in the evaluation of proposals. The employee has suggested a departure date that is in three weeks.

## What should you do?

You should:

1. immediately remove the employee from the bidding process
2. advise the employee that he should promptly complete and file a confidential report;
3. do an assessment to ensure that the bidding process has not been compromised; and
4. consider making appropriate arrangements to ensure that the employee abides by the Codes before he leaves the Department (for more information, refer to section h) "Resolution" of this document.

### ii) Post-Employment Limitation Period for Public Servants in Designated Positions

A designated position is one that brings with it a risk for post-employment conflict of interest. If you are in a position designated<sup>19</sup> by the Deputy Head, you are subject to a one-year limitation period after leaving office. Before leaving office and during this one-year limitation period, you are to report to the Deputy Head all firm offers of employment or proposed activity outside the public service that could place you in a real, apparent or potential conflict of interest with your public service employment. You are to also disclose immediately the acceptance of any such offer. In addition, you may not, during this one-year period, without the Deputy Head's authorization:

- accept appointment to a board of directors of, or employment with, private entities with which you had significant official dealings during the period of one year immediately prior to the termination of your service. The official dealings in question may either be directly on your part or through your subordinates;
- make representations to any government organization on behalf of persons or entities outside of the public service with which you had significant official dealings, during the period of one year immediately prior to the termination of your service.<sup>20</sup> The official dealings in question may either be directly on your part or through your subordinates; or
- give advice to your clients or employer using information that is not publicly available concerning the programs or policies of the Department or concerning the programs or policies of the departments or organizations with which you had a direct and substantial relationship.

<sup>19</sup> Deputy heads are responsible for designating positions of risk for post-employment conflict of interest situations in conformity with the [Policy on Conflict of Interest and Post-Employment](#).

<sup>20</sup> Assistant Deputy Ministers and their equivalents are subject to the [Lobbying Act](#). In the case of any conflict between the [Policy on Conflict of Interest and Post-Employment](#) and this Act, the Act takes precedence.



### **iii) Waiver or Reduction of Limitation Period**

A public servant or former public servant may apply to the Deputy Head for a written waiver or reduction of the limitation period. The public servant is to provide sufficient information to assist the Deputy Head in making a determination as to whether to grant the waiver taking into consideration the following criteria:

- the circumstances under which the termination of their service occurred;
- the general employment prospects of the public servant or former public servant;
- the significance to the government of information possessed by the public servant or former public servant 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 the 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 Head.

## **f) Resolution**

With respect to the arrangements necessary to prevent real, apparent or potential conflict of interest, or to comply with the requirements set out above, it is expected that situations will be resolved through discussion and agreement between the public servant and the Deputy Head. When a public servant and the Deputy Head disagree on the appropriate arrangements to resolve a real, apparent or potential conflict of interest, the disagreement will be resolved through the resolution procedures established by the Deputy Head.

## 5. BREACH OF THE CODES AND DISCIPLINE

A breach of the Codes or any of the related laws, policies or procedures, may lead to administrative or disciplinary measures being taken, up to and including termination of employment.

If you have information that could indicate a serious breach of the Codes or other form of wrongdoing, as per section 8 of the *Public Servants Disclosure Protection Act* (PSDPA), you can, in accordance with sections 12 and 13 of the PSDPA, bring the matter, in confidence and without fear of reprisal, to the attention of your immediate supervisor, the ESDC's senior officer for disclosure or the Public Sector Integrity Commissioner.

Discipline is intended to be corrective, rather than punitive. Its purpose is to motivate employees to accept the rules and standards of conduct that are desirable or necessary to achieve the goals and objectives of the organization.

In increasing order of severity, disciplinary measures are as follows:

- oral reprimand;
- written reprimand;
- suspension or financial penalty;
- demotion;
- termination of employment.

The level of discipline will depend on the severity of the breach and the circumstances surrounding it, as well as any mitigating or aggravating factors. Discipline is normally progressive but a more serious offence, even a first offence, can lead to greater discipline, even termination.

Consequences of non-compliance with the COI/PE Policy may include any measures allowed by the Financial Administration Act that Treasury Board may determine as appropriate.<sup>21</sup>

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<sup>21</sup> The Policy on Conflict of Interest and Post-Employment applies to the core public administration for which the Treasury Board is the employer, as defined in section 11(1) of the Financial Administration Act, unless excluded through specific acts, regulations or orders-in-council.

## 6. EFFECTIVE DATE

The *ESDC Code of Conduct* is in effect as of April 2, 2012.

## 7. EVALUATION

The Office of Values and Ethics, Human Resources Services Branch, will review the *ESDC Code of Conduct* five years after its effective date.

## GLOSSARY

<b>Chief executive</b>	Means the deputy head or chief executive officer of any portion of the public sector, or the person who occupies any other similar position, however called, in the public sector ( <i>Public Servants Disclosure Protection Act, 2005</i> ).
<b>Conflict of interest</b>	Is a situation in which the public servant has private interests that could improperly influence the performance of his or her official duties and responsibilities or in which the public servant uses his or her office for personal gain.
<b>Deputy Head</b>	Refers to the Deputy Minister of Employment and Social Development Canada or his or her delegates.
<b>Ethics</b>	Is the dimension of human thought and behaviour that is guided by standards and principles of right conduct. It involves a commitment to do the right thing.
<b>Family/family member</b>	Includes extended family (that is, beyond the nuclear family) to include grandparents and other relatives such as in-laws, aunts/uncles, cousins, common-law relations, etc.
<b>Protected disclosure</b>	As defined by the <i>Public Servants Disclosure Protection Act</i> , means a disclosure that is made in good faith and that is made by a public servant: a) in accordance with the <i>Public Servants Disclosure Protection Act</i> ; b) in the course of a parliamentary proceeding; c) in the course of a procedure established under any other Act of Parliament; or d) when lawfully required to do so.
<b>Public sector</b>	As defined by the <i>Public Servants Disclosure Protection Act</i> , means: a) the departments named in Schedule I to the <i>Financial Administration Act</i> and the other portions of the federal public administration named in Schedules I.1 to V of that Act; and b) the Crown corporations and the other public bodies set out in Schedule I of the <i>Public Servants Disclosure Protection Act</i> .  The “public sector” does not include the Canadian Forces, the Canadian Security Intelligence Service or the Communications Security Establishment, which are subject to separate requirements under the Act.

<b>Record</b>	As defined by the <i>Access to Information Act</i> , means any documentary material, regardless of medium or form.
<b>Reprisal</b>	<p>As defined by the <i>Public Servants Disclosure Protection Act</i>, is any of the following actions taken against a public servant:</p> <ul style="list-style-type: none"> <li>a) a disciplinary measure;</li> <li>b) the demotion of the public servant;</li> <li>c) the termination of employment of the public servant, including, in the case of a member of the Royal Canadian Mounted Police, a discharge or dismissal;</li> <li>d) any measure that adversely affects the employment or working conditions of the public servant; and</li> <li>e) a threat to take any of the measures referred to in any of paragraphs (a) to (d).</li> </ul> <p>Under the <i>Public Servants Disclosure Protection Act</i>, such actions are considered reprisals if they are taken because the public servant made a protected disclosure or, in good faith, cooperated in either an investigation into a disclosure, or an investigation ordered under section 33 of the Act.</p>
<b>Supervisor</b>	Refers to individuals who have one or more employees under their supervision and who are responsible for assigning work, hiring and approving leaves, etc. (e.g. directors, managers, team leaders). For the purposes of the <i>ESDC Code of Conduct</i> , supervisor and immediate supervisor are the same person.
<b>Values</b>	Are enduring beliefs that influence opinions, actions, choices and decisions.
<b>Wrongdoing</b>	<p>As defined by section 8 of the <i>Public Servants Disclosure Protection Act</i>, means:</p> <ul style="list-style-type: none"> <li>a) a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of section 19 of this Act;</li> <li>b) a misuse of public funds or a public asset;</li> <li>c) a gross mismanagement in the public sector;</li> <li>d) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of a public servant;</li> <li>e) a serious breach of a code of conduct established under section 5 or 6; and</li> <li>f) knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).</li> </ul>

## ANNEX I SUBJECT MATTER EXPERTS

Regarding	Contact Your Supervisor and/or
<b>Access to information</b>	<u>Access to Information and Privacy</u> (ATIP), Corporate Secretariat
<b>Conflict of interest</b> (to submit a confidential report)	ESDC's <u>Conflict of Interest Disclosure System</u>
<b>Disclosure of wrongdoing</b>	<p><b>For general enquiries:</b></p> <p><u>Office of Values and Ethics</u>, Centres of Expertise, Human Resources Services Branch</p> <p><b>To make a disclosure of wrongdoing:</b></p> <p>Immediate Supervisor OR Confidential Senior Disclosure Officer ESDC, Labour Program and Service Canada Place du Portage, Phase IV 140 Promenade du Portage Mail stop 904 Gatineau, Quebec K1A 0J9 Telephone : 819-956-4761 Toll Free: 1-866-369-7731 Email: <u>NC-MIN-DIVULGATION DISCLOSURE-GD</u></p> <p><b>OR</b></p> <p><u>Public Sector Integrity Commissioner</u> 60 Queen Street, 7<sup>th</sup> Floor Ottawa, ON K1P 5Y7 Tel: 613-941-6400 Toll Free: 1-866-941-6400 Facsimile: 613-946-2151</p>

Regarding	Contact Your Supervisor and/or
<b>Electronic networks</b>	<u>Innovation, Information and Technology Branch</u>
<b>Employee Assistance Program</b>	<ul style="list-style-type: none"> <li>▪ <u>Health Canada Employee Assistance Services</u> 1-800-268-7708</li> <li>▪ Telecommunication Device for the Deaf 1-800-567-5803</li> </ul>
<b>Harassment or discrimination</b>	<ul style="list-style-type: none"> <li>▪ <u>Centre of Expertise in Labour Relations</u> (if you want to file a complaint or if you witness discrimination or harassment)</li> <li>▪ Informal Conflict Management Services (ICMS) coordinator (to consult)</li> <li>▪ Labour Relations (to file a grievance)</li> <li>▪ Your bargaining agent</li> </ul>
<b><i>ESDC Code of Conduct</i></b>	<u>Office of Values and Ethics</u> , Centres of Expertise, Human Resources Services Branch
<b>Information management</b>	Innovation, Information and Technology Branch, <u>Information Management Services</u>
<b>Intellectual property</b>	<u>Contracting and Procurement Branch</u>
<b>IT security</b>	<u>Innovation, Information and Technology Branch</u> or <u>Departmental Security Officer</u>
<b>Media enquiries</b>	<u>media@hrsdc-rhdcc.gc.ca</u>
<b>Mediation, consultation, conflict coaching, facilitated conversation, group conflict intervention, etc.</b>	<u>Office of Informal Conflict Management</u>

Regarding	Contact Your Supervisor and/or
<b>Official languages</b>	<p><u>Departmental Official Languages Contacts</u></p> <ul style="list-style-type: none"> <li>▪ External: <u>Office of the Commissioner of Official Languages</u></li> <li>▪ For offices that are required to provide their services in both official languages, consult <u>Burolis</u></li> </ul>
<b>Political activities</b>	<ul style="list-style-type: none"> <li>▪ ESDC <u>Designated Political Activities Representative</u></li> <li>▪ <u>Public Service Commission</u></li> </ul>
<b>Post-employment</b> (to submit a confidential report)	ESDC's <u>Conflict of Interest Disclosure System</u>
<b>Social media</b>	<u>Public Affairs and Stakeholder Relations Branch</u>
<b><i>Values and Ethics Code for the Public Sector</i></b>	<ul style="list-style-type: none"> <li>▪ <u>Office of Values and Ethics</u>, Internal Integrity and Security Directorate</li> <li>▪ Treasury Board of Canada Secretariat</li> </ul>



## ANNEX II DUTIES AND OBLIGATIONS

### Chief Executives

Chief executives of public sector organizations have specific responsibilities under the *Public Servants Disclosure Protection Act* (PSDPA), including establishing a code of conduct for their organization, and an overall responsibility for fostering a positive culture of values and ethics in their organization. They ensure that employees are aware of their obligations under the Values and Ethics Code for the Public Sector and their specific organizational code of conduct. They also ensure that employees can obtain appropriate advice within their organization on ethical issues, including possible conflicts of interest.

Chief executives ensure that the *Values and Ethics Code for the Public Sector*, their organizational code of conduct, and their internal disclosure procedures are implemented effectively in their organization, and that they are regularly monitored and evaluated. Chief executives of Crown corporations may rely on their boards of directors for support in this duty.

Chief executives must, if wrongdoing is found as a result of a disclosure made under the PSDPA, promptly provide public access to information that describes the wrongdoing and set out recommendations, if any, in accordance with sections 11(c)(i) and (ii) of the PSDPA.

Chief executives are responsible for ensuring a non-partisan provision of programs and services by their organizations.

Chief executives are subject to the *Values and Ethics Code for the Public Sector*, their organization's code of conduct and the *Conflict of Interest Act*.

### Senior Officers for Disclosure

The senior officer for disclosure helps promote a positive environment for disclosing wrongdoing and deals with disclosures of wrongdoing made by public servants of their organization. Senior officers are responsible for supporting the chief executive in meeting the requirements of the PSDPA.

The senior officer's duties and powers within his or her organization also include the following, in accordance with the internal disclosure procedures established under the PSDPA:

1. Provide information, advice, and guidance to public servants regarding the organization's internal disclosure procedures, including the making of disclosures, the conduct of investigations into disclosures, and the handling of disclosures made to supervisors.
2. Receive and record disclosures and review them to establish whether there are sufficient grounds for further action under the PSDPA.
3. Manage investigations into disclosures, including determining whether to deal with a disclosure under the PSDPA, initiate an investigation or cease an investigation.
4. Coordinate handling of a disclosure with the senior officer of another federal public sector organization, if a disclosure or an investigation into a disclosure involves that other organization.
5. Notify the person(s) who made a disclosure in writing of the outcome of any review and/or investigation into the disclosure and on the status of actions taken on the disclosure, as appropriate.
6. Report the findings of investigations, as well as any systemic problems that may give rise to wrongdoing, directly to his or her chief executive, with recommendations for corrective action, if any.

## **Treasury Board of Canada Secretariat – Office of the Chief Human Resources Officer**

In support of the Treasury Board President's responsibilities under section 4 of the PSDPA, the Office of the Chief Human Resources Officer (OCHRO) is responsible for promoting ethical practices in the public sector.<sup>22</sup> The OCHRO will work with all relevant partner organizations to implement and promote the *Values and Ethics Code for the Public Sector*, and will provide advice to chief executives and designated departmental officials with respect to its interpretation.

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<sup>22</sup> Section 4 of the PSDPA assigns this responsibility to the Minister responsible for the Public Service Human Resources Management Agency of Canada (subsequently the Canada Public Service Agency (CPSA)). With the creation of the Office of the Chief Human Resources Officer within Treasury Board of Canada Secretariat on February 6, 2009, the functions of the CPSA were transferred to the OCHRO.

The Chief Human Resources Officer may issue directives, standards and guidelines related to the *Values and Ethics Code for the Public Sector*.

OCHRO will monitor the implementation of the *Values and Ethics Code for the Public Sector* in organizations with a view to assessing whether the stated objectives have been achieved.

## Public Service Commission

The Public Service Commission is responsible for conducting staffing investigations and audits to safeguard the integrity of the public service staffing system and administering certain provisions related to political activities to maintain the non-partisanship of the public service in accordance with the *Public Service Employment Act*.

The Public Service Commission is also responsible for administering the provisions of *Part 7, Political Activities of the Public Service Employment Act (PSEA)*, including:

- granting permission to an employee seeking nomination for or being a candidate in a federal, provincial, municipal or territorial election;
- authorizing leave without pay to an employee who is a candidate in a federal, provincial, or territorial election; and
- receiving and investigating allegations of inappropriate political activity as defined in the PSEA, and taking corrective action when the allegations are founded.