



# VALUES and ETHICS CODE of the DEPARTMENT of JUSTICE





**DEPARTMENT OF JUSTICE**  
**VALUES AND ETHICS CODE**

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## **THE DEPARTMENT OF JUSTICE**

### **A Unique Role**

The Department of Justice (the Department) works to ensure that Canada's justice system is as fair, accessible and efficient as possible. It helps the federal government to develop policy, as well as to draft and reform laws as needed. It acts as legal advisor to the Government of Canada by providing legal advice and support, prosecuting civil cases of federal law on behalf of the government, and representing the government in court.

The Department's responsibilities reflect the dual role of the Minister of Justice, who is also, by law, the Attorney General of Canada. In general terms, the Minister is concerned with the administration of justice, including policy in such areas as criminal law, family law, human rights law and Aboriginal justice; as Attorney General, the Minister is the chief law officer of the Crown, and is responsible for the conduct of all litigation for the federal government.

### **A Diverse Community**

The Department's support for this dual role of Minister and Attorney General of Canada is reflected in the makeup of our personnel, a team of professionals who work closely with federal government departments and agencies, in regional offices and Headquarters. This team includes a large number of counsel whose roles vary according to their responsibilities: to draft bills to be tabled in Parliament, whether these originate with the Department of Justice or with another department; to help ministries of state in developing, reforming and interpreting laws and regulations; to support departments and other federal bodies in developing policies and programs of the Government of Canada; to develop options based on the law; to help mitigate and manage legal risks posed by policies and programs; and to defend the decisions of public authorities before courts, tribunals and international bodies.

Counsel in the Department work in tandem with a large number of employees with varied skills in other professional groups, and their contributions are vital to the efficient implementation of the mandate of the Department.

## **CHAPTER I - VALUES**

### **INTRODUCTION**

The Government of Canada is committed to ensuring that the federal public sector<sup>1</sup> remains professional, non-partisan and ethical, and worthy of the trust and respect of Canadians. As public servants, we contribute to good governance, to democracy and to the well-being of Canadian society. We are committed to respecting the law and to upholding the highest standards of integrity and fairness.

In accordance with section 6 of the *Public Servants Disclosure Protection Act* (PSDPA), the *Values and Ethics Code of the Department of Justice* (the Code) sets out the values and ethics that guide public servants at the Department in all their professional activities. It also provides a set of guidelines and principles to support ethical behaviour and decision making for all public servants. Established in consultation with the Department's employees and bargaining agents, it is our common guide.

The public servants at the Department are proud to work together, drawing on the richness of its diverse staff. As a group, we are conscious of the fact that Canadians expect transparency and respect for the principle of accountability from public authorities at all levels and that this has an impact on their work.

This firm commitment to the values and ethics enshrined in the Code will allow us to carry out the mandate of the Department and build a healthy and productive work environment that fosters innovation, while at the same time meeting the high expectations of Canadians. This is our collective commitment, and it is our individual responsibility.

### **OBJECTIVES**

The Code outlines the values and expected behaviours that guide public servants in the Department in all activities related to their professional duties. 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.

The Code provides guidance for common situations involving our work at the Department. In all circumstances, each employee is expected to adhere to the highest ethical standards that are to be expected from a public servant.

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<sup>1</sup> The *Public Servants Disclosure Protection Act* (PSDPA) defines the "public sector" as: (a) the departments named in Schedule I to the *Financial Administration Act* and the other portions of the federal public administration named in Schedules I.1 to V to that Act; and (b) the Crown corporations and other public bodies set out in Schedule I of the PSDPA. However, "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.

### **APPLICATION**

The Code is inspired by the [\*Values and Ethics Code for the Public Sector\*](#) and consistent with the Treasury Board's [\*Policy on People Management\*](#) and [\*Directive on Conflict of Interest\*](#). These documents have been adapted to reflect the distinct culture and procedures of the Department and to provide its public servants with an integrated reference document that will guide them in matters of values and ethics. By respecting the Code, employees will be respecting the public sector documents that it was based upon.

The Code applies to all public servants at the Department. Acceptance of the values and adherence to the expected behaviours contained within the Code is a condition of employment for every public servant, regardless of their level or position. A breach of these values or behaviours may result in disciplinary measures being taken, up to and including termination of employment.

In addition to the requirements set out in the Code, public servants must comply with any applicable specific codes and standards of their profession.

The Code came into effect on February 26, 2013 and was administratively updated on April 24, 2020.

### **THE ROLE OF PUBLIC SERVANTS**

Public servants<sup>2</sup> have a fundamental role to play in serving Canadians, their communities and the public interest under the direction of the elected government and in accordance with the law. As professionals whose work is essential to Canada's well-being and the enduring strength of 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<sup>3</sup>. Constitutional conventions of ministerial responsibility prescribe the appropriate relationships among ministers, parliamentarians, public servants and the public. A professional and non-partisan federal public sector is integral to our democracy.

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<sup>2</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 and the [\*Values and Ethics Code for the Public Sector\*](#).

<sup>3</sup> The [\*Values and Ethics Code for the Public Sector\*](#) 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.

## **THE ROLE OF MINISTERS**

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>4</sup>

## **STATEMENT OF VALUES AND EXPECTED BEHAVIOURS**

The following values guide public servants at the Department in everything they do. They cannot be considered in isolation from each other as they will often overlap. The Code is an important source of guidance for public servants. Its values will guide us in our decisions, actions, policies, processes and systems. Similarly, public servants can expect to be treated in accordance with these values:

1. Respect for Democracy
2. Respect for People
3. Integrity
4. Stewardship
5. Excellence

The Code also describes clearly, though not exhaustively, specific behaviours that allow public servants to respect these five values.

### **1. RESPECT FOR DEMOCRACY**

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

#### **Expected Behaviours**

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

- 1.1 Respecting the rule of law and carrying out their duties in accordance with legislation, policies and directives in a non-partisan and impartial manner.
- 1.2 Loyally carrying out the lawful decisions of their leaders and supporting ministers in their accountability to Parliament and Canadians.
- 1.3 Providing decision makers with all the information, analysis and advice they need, always striving to be open, candid and impartial.

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<sup>4</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).

At the Department, we support democracy by helping to ensure that Canada's justice system is accessible, fair and efficient as possible, and that the public sector institutions we advise are acting in compliance with the law and the Constitution.

## **2. RESPECT FOR PEOPLE**

Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and contributes to a 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.

### **Expected Behaviours**

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

- 2.1 Treating every person with respect and fairness.
- 2.2 Valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce.
- 2.3 Helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination.
- 2.4 Working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.
- 2.5 Contributing to create a culture within the workplace in which all employees, in all positions, work together to prevent conflicts or resolve them as early as possible in a constructive and creative manner.

At the Department, we recognize that our greatest asset is employees who are determined to work in an atmosphere of confidence, cooperation and mutual respect. We also recognize that each person we deal with deserves to be treated in that same spirit.

## **3. INTEGRITY**

Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and impartiality of the federal public sector.

### **Expected Behaviours**

Public servants shall serve the public interest by:

- 3.1 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.

- 3.2 Never using their official roles to inappropriately obtain an advantage for themselves or to advantage or disadvantage others.
- 3.3 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.
- 3.4 Acting in such a way as to maintain their employer's trust.
- 3.5 Maintaining the confidentiality of information obtained through their position and respecting the rules governing information management.
- 3.6 Conducting themselves in a manner that does not harm the reputation of the Department, the Government of Canada, or the departments and agencies they support.
- 3.7 Exercising caution when using social media or other collaborative tools facilitated by information technology so that their professionalism and their ability to perform their duties in a non-partisan way are not called into question.
- 3.8 Limiting themselves to authorized and lawful uses of the Department's systems and electronic networks.

At the Department, we are committed to respecting the law and maintaining the strictest rules of integrity and fairness.

#### **4. STEWARDSHIP**

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

##### **Expected Behaviours**

Public servants shall use resources responsibly by:

- 4.1 Effectively and efficiently using the public money, property and resources managed by them.
- 4.2 Considering the present and long-term effects that their actions have on people and the environment.
- 4.3 Acquiring, preserving and sharing knowledge and information as appropriate.

At the Department, we recognize that the responsible use of resources is a duty of every public servant, and we are committed to ensuring that this is reflected in our daily activities.

#### **5. EXCELLENCE**

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.

### Expected Behaviours

Public servants shall demonstrate professional excellence by:

- 5.1 Providing fair, timely, efficient and effective services that respect Canada's official languages.
- 5.2 Continually improving the quality of policies, programs and services they provide.
- 5.3 Fostering a work environment that promotes teamwork, learning and innovation.
- 5.4 Consistently applying the policies and directives of the Department and central agencies.

At the Department, we strive to create a workplace where public servants at all levels work toward common goals, and are committed in particular to providing high-quality legal services.

### **AVENUES FOR RESOLUTION**

The expected behaviours identified above are not intended to respond to every possible ethical issue that might arise in the course of a public servant's daily work. When ethical issues arise, public servants are encouraged to discuss and resolve these matters with their manager. They can also seek advice and support from other appropriate sources within the Department, including the Human Resources Division and [the office responsible for values and ethics](#), or their union representative.

Public servants at all levels are expected to resolve issues in a fair and respectful manner and consider informal processes such as dialogue or mediation.

As provided by sections 12 and 13 of the [Public Servants Disclosure Protection Act](#) (PSDPA), if public servants have information that could indicate a serious breach of the Code, they can bring the matter, in confidence and without fear of reprisal, to the attention of their immediate supervisor, the senior officer for disclosure or the Public Sector Integrity Commissioner.

The senior officer for disclosure is responsible for supporting the Deputy Minister in meeting the requirements of the PSDPA. He or she helps promote a positive environment for disclosing wrongdoing, and deals with disclosures of wrongdoing made by employees of the organization. Further information on the duties and powers of the senior officer for disclosure can be found under Annex A.

Members of the public who have reason to believe that a public servant has not acted in accordance with the Code can bring the matter to the senior officer for disclosure or to the Public Sector Integrity Commissioner to disclose a serious breach of this Code.

## **REFERENCE DOCUMENTS**

The following is a list of laws, policies and guides that further elaborate on the expected behaviours described in this Code. This list includes the most pertinent resources and reference materials available, but does not necessarily include all available documents. Employees are encouraged to access other research material, and to seek the advice of their manager when questions or a need for clarification arise.

### **Acts**

[Access to Information Act](#)  
[Canadian Charter of Rights and Freedoms](#)  
[Canadian Human Rights Act](#)  
[Canada Labour Code](#)  
[Conflict of Interest Act](#)  
[Constitution Act](#)  
[Copyright Act](#)  
[Criminal Code](#)  
[Department of Justice Act](#)  
[Employment Equity Act](#)  
[Financial Administration Act](#)  
[Lobbying Act](#)  
[Official Languages Act](#)  
[Privacy Act](#)  
[Public Servants Disclosure Protection Act](#)  
[Public Service Employment Act](#)  
[Public Service Labour Relations Act](#)

### **Policies, Publications of Central Agencies**

[Communications Policy of the Government of Canada](#)  
[Collective Agreements](#)  
[Contracting Policy](#)  
[Directive on Conflict of Interest](#)  
[Duty of Loyalty](#)  
[Employment Equity Policy](#)  
[Guidelines for Discipline](#)  
[Guideline for External Use of Web 2.0](#)  
[Policy on Government Security](#)  
[Policy on Information Management](#)  
[Policy on Interchange Canada](#)  
[Policy on People Management](#)  
[Policy on Prevention and Resolution of Harassment in the Workplace](#)  
[Policy on the Duty to Accommodate Persons with Disabilities in the Federal Public Service](#)  
[Policy on the Use of Electronic Networks](#)  
[Political Activities](#)

[Occupational Health and Safety Directive](#)

[Official Languages Policy](#) [Values and Ethics Code for the Public Sector](#)

**Department of Justice Policies and Guidelines**

[Departmental Health and Safety](#)

[Departmental Employment Equity Policy](#)

[Grievance Procedure](#)

[Guidelines on Solicitation](#)

[Informal Conflict Management System Policy](#)

[Information Management Policy](#)

[Information Technology Security Policy](#)

[Official Languages Policy and Directives](#)

[Policy on Accommodating Differences in the Workplace](#)

N.B. Please note that public servants are also required to observe any specific conduct requirements contained in the statutes governing the Department and their profession, where applicable.

## CHAPTER II – CONFLICT OF INTEREST AND POST-EMPLOYMENT

### **PURPOSE**

This chapter of the Code is consistent with the [\*Policy on People Management\*](#) and the [\*Directive on Conflict of Interest\*](#) of the Treasury Board, the objectives of which are to:

- Ensure that, in situations of real, apparent or potential conflict of interest and situations where there is a conflict of duties, decisions are made in a manner which upholds the public interest;
- Facilitate ethical decision-making within organizations and by public servants to resolve conflicts between private and public interests; and
- Establish measures to help public servants prevent, manage and resolve conflict of interest and post-employment situations that could impair either the integrity of the public service or the public's perception of its integrity.

This chapter must be read in tandem with Chapter I of the Code.

### **DEFINITIONS**

**Public servant:** a person employed in the core public administration and to the organizations that make up the core public administration as defined in section 11 of the *Financial Administration Act*. This includes indeterminate and term employees, employees on leave without pay, students participating in Student Employment Programs, casual, seasonal and part-time workers.

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 the [\*Directive on Conflict of Interest\*](#). Order-in-Council appointees, such as Deputy Ministers, are subject to the [\*Conflict of Interest Act\*](#), and are not subject to the [\*Directive on Conflict of Interest\*](#).

**Conflict of interest:** A situation, whether real, apparent or potential, in which the person employed has private interests that could influence the performance of their official duties and responsibilities or in which the person employed uses their office for personal gain.

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

**Conflict of duties:** A conflict, whether real, apparent, or potential, that arises not because of the private interests of a person employed in the core public administration, but as a result of one or more concurrent and competing official responsibilities.

For example, these roles could include his or her primary public service employment and his or her responsibilities in an outside role that forms part of his or her official duties, such as an appointment to a board of directors, or other outside function.

## **REQUIREMENTS FOR PREVENTING AND DEALING WITH CONFLICT OF INTEREST AND POST-EMPLOYMENT SITUATIONS**

The following are the conflict of interest and post-employment requirements that are a condition of employment for public servants at the Department. These requirements are grounded in and serve to uphold the values contained in the *Values and Ethics Code for the Public Sector*, and repeated in this Code. By upholding these ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and integrity of the public service. These requirements also form part of Canada's commitments as a signatory to international agreements on values and ethics.

### **PREVENTION OF CONFLICT OF INTEREST**

A public servant maintains 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.

It is impossible to foresee every situation that could give rise to a real, apparent or potential conflict of interest. When in doubt, public servants should refer to the requirements found in this Code to guide appropriate action. Public servants can also seek guidance from their manager and, if necessary, from another senior manager in their reporting structure. If after this step there is still doubt as to whether the activity or situation raises a conflict of interest, the public servant must consult the [office responsible for values and ethics](#).

In addition to the requirements outlined in this chapter, public servants are also required to observe any specific conduct requirements contained in the statutes governing the Department and their profession, where applicable.

### **1. GENERAL RESPONSIBILITIES AND DUTIES OF A PUBLIC SERVANT**

Public servants have general responsibilities and duties, which include the following:

- a) Taking all possible steps to recognize, prevent, report, and resolve any real, apparent or potential conflicts of interest between their official responsibilities and any of their private affairs;

- b) Unless otherwise permitted in this chapter, refraining from having private interests, which would be unduly affected by government actions in which they participate, or of which they have knowledge or information;
- c) Not knowingly taking advantage of, or benefiting from, information that is obtained in the course of their duties that is not available to the public;
- d) 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;
- e) Not assisting private entities or persons in their dealings with the government where this would result in preferential treatment of the entities or persons;
- f) Not interfering in the dealings of private entities or persons with the government in order to inappropriately influence the outcome;
- g) Maintaining the impartiality of the public service and not engaging in any outside or political activities that impair or could be seen to impair their ability to perform their duties in an objective or impartial manner; and
- h) Ensuring that any real, apparent or potential conflict that arises between their private activities and their official responsibilities as a public servant is resolved in the public interest.

## **2. REQUIREMENTS FOR PREVENTING AND DEALING WITH SITUATIONS OF CONFLICT OF INTEREST DURING EMPLOYMENT**

Public servants are required to report in writing to the Deputy Minister, via the [office responsible for values and ethics](#), all outside activities, assets and interests that might give rise to a real, apparent or potential conflict of interest in relation to their official duties. Such a report is to be made within 60 days of their initial appointment or any subsequent appointment, transfer or deployment.

On a regular basis thereafter, and every time a change occurs in their personal affairs or official duties, every public servant is required to review his or her obligations under the Code. If a real, apparent or potential conflict of interest exists, he or she is to file a report in a timely manner.

When negotiating financial arrangements with outside parties, public servants are to comply with the requirements listed in this chapter as well as other related directives or policies issued by the Treasury Board. When in doubt, public servants are to immediately report the situation to their manager in order to seek advice or direction on how to proceed.

The Department encourages employees to participate in outreach activities and personal and professional development promoted by their respective professional associations or relevant to their areas of private interest. No matter what form these outside activities might take, however,

the public servant must ensure beforehand that they are not likely to result in a real, apparent or potential conflict of interest.

In general, conflicts of interest may arise in relation to the following:

- owning assets
- receiving gifts, hospitality and other benefits
- participating in outside activities, such as:
  - speaking at a conference;
  - offering legal services outside the federal public service;
  - volunteer work;
  - other paid employment;
  - participation on a board;
  - political activities;
  - teaching;
  - publishing documents; and,
  - other educational activities
- organizing fundraising activities or solicitation
- owning or operating a business

The above list is not exhaustive, but these are some of the more common examples of situations that could give rise to a real, apparent or potential conflict of interest. In such situations, if there is any doubt, it is recommended that the public servant discuss the matter with their manager and, if necessary, with another senior manager in their reporting structure. If doubt persists as to whether the activity or situation raises a conflict of interest, the public servant must consult the office responsible for values and ethics to obtain advice or a formal decision.

Furthermore, if an outside individual or entity with whom the Department has past, present or potential official dealings offers a commission, reward, advantage or benefit of any kind to an employee or the Department, public servants are to consider whether any real, apparent or potential conflict of interest exists, and obtain the consent in writing of the Deputy Minister or his or her delegate prior to accepting any such offers. This provision is designed to ensure that this chapter is consistent with paragraph 121(1) (c) of the *Criminal Code*.

## **2.1 Assets**

Public servants are required to evaluate their assets, taking into consideration the nature of their official duties and the characteristics of their assets. If there is any real, apparent or potential conflict of interest between the carrying out of their official duties and their assets, they are to report this matter to the Deputy Minister, via the office responsible for values and ethics, in a timely manner.

Where the Deputy Minister or his or her delegate determines that any of these assets result in a real, apparent or potential conflict of interest in relation to their official duties, public servants

may be required to divest those assets, or to take other measures to resolve the conflict. Public servants may not sell or transfer assets to family members or anyone else for the purpose of circumventing the compliance requirements.

The types of assets that should be reported and the procedures for reporting and managing such assets are set out in Annex B, Assets, Liabilities and Trusts and Annex B of the [Directive on Conflict of Interest](#).

## **2.2 Outside employment or activities**

Public servants 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 the objectivity of the public servant.

Public servants are required to provide a report to the Deputy Minister, via the office responsible for values and ethics, when their outside employment or activities might subject them to demands incompatible with their official duties, or cast doubt on their ability to perform their duties or responsibilities in a completely objective manner. The Deputy Minister or his or her delegate may require that the outside activities be modified or terminated if it is determined that a real, apparent or potential conflict of interest exists.

Public servants who receive a benefit or income either directly or indirectly from a contract with the Government of Canada are required to report to the Deputy Minister, via the office responsible for values and ethics, on such contractual or other arrangements. The Deputy Minister or his or her delegate will determine whether the arrangement presents a real, apparent or potential conflict of interest, and may require that the contract be modified or terminated.

### **Political Activities**

Prior to participating in non-candidacy political activities, public servants must seek the advice of their manager and the [designated political activities representative](#). If there is any real, apparent or potential conflict of interest situation, or there is any question as to whether the situation might exist, it must be reported to the Deputy Minister, via the office responsible for values and ethics.

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). The public servant must contact the designated official in the Department, who will seek the input of the Deputy Minister and work closely with the person making the request and the PSC to process the request.

“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.”

Any public servant who wishes to engage in a political activity not covered by Part 7 of the PSEA that could constitute a conflict of interest is required to report the proposed activity to the Deputy Minister via the office responsible for values and ethics.

Similarly, any public servant who is subject to the Treasury Board’s [\*Directive on Conflict of Interest\*](#) but who is not subject to Part 7 of the PSEA, including casual and part-time workers, who wishes to engage in any political activity that could constitute a conflict of interest, is to report the proposed activity to the Deputy Minister via the office responsible for values and ethics.

### **2.3 Gifts, hospitality and other benefits**

Public servants are expected to use their 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 [\*Values and Ethics Code for the Public Sector\*](#) and the [\*Directive on Conflict of Interest\*](#), which are reflected in this Code.

Public servants are not to accept any gifts, hospitality or other benefits that may have a real, apparent or potential influence on their objectivity in carrying out their official duties and responsibilities or that may place them 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 the official duties of the public servant concerned, and do not compromise or appear to compromise the integrity of the public servant concerned or that of the Department.

Public servants are to seek written direction from the Deputy Minister, via the office responsible for values and ethics, 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.

### **2.4 Solicitation**

With the exception of fundraising for such officially supported activities as the Government of Canada Workplace Charitable Campaign (GCWCC), public servants 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, public servants should ensure that they have prior written authorization from the Deputy Minister in order to solicit donations, prizes or contributions in kind from external organizations or individuals.

The Deputy Minister or his or her delegate 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.

## **2.5 Avoidance of preferential treatment**

Public servants are responsible for demonstrating objectivity and impartiality in the exercise of their duties and in their 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 they are prohibited from granting preferential treatment or advantages to family, friends or any other person or entity. They are not to offer extraordinary assistance to any entity or person already dealing with the government without the knowledge and support of their supervisor. They also are not to disadvantage any entity or person dealing with the government because of personal antagonism or bias.

Providing information that is publicly accessible is not considered preferential treatment.

## **3. REQUIREMENTS FOR PREVENTING POST-EMPLOYMENT CONFLICT OF INTEREST SITUATIONS BEFORE AND AFTER LEAVING OFFICE**

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

### **3.1 Before leaving employment**

Before leaving their employment with the public service, all public servants are to disclose their intentions regarding any future outside employment or activities that may pose a risk of a real, apparent or potential conflict of interest with their current responsibilities and discuss potential conflicts with their manager, or the Deputy Minister or his or her delegate.

### **3.2 Post-employment limitation period for public servants in designated positions**

The Deputy Minister is responsible for designating positions of risk for post-employment conflict of interest situations in accordance with the *Directive on Conflict of Interest*.

The positions that have been designated as positions of risk in the Department of Justice are: EX, LC, LP-04 and LP-05 positions.

Public servants in these designated positions are subject to a one-year limitation period after leaving office. Before leaving office and during this one-year limitation period, these public servants are to report to the Deputy Minister in writing, via the office responsible for values and ethics, all firm offers of employment or proposed activity outside the public service that could place them in a real, apparent or potential conflict of interest with their public service

employment. They are also to disclose immediately the acceptance of any such offer. In addition, these public servants may not, during this one-year period, without the authorization of the Deputy Minister:

- a) Accept appointment to a board of directors of, or employment with, private entities with which they had significant official dealings during the period of one year immediately prior to the termination of their service. The official dealings in question may either be directly on the part of the public servant or through their subordinates;
- b) Make representations to any government organization on behalf of persons or entities outside of the public service with which they had significant official dealings, during the period of one year immediately prior to the termination of their service<sup>5</sup>. The official dealings in question may either be directly on the part of the public servant or through their subordinates; or
- c) Give advice to their clients or employer using information that is not publicly available concerning the programs or policies of the Department or organizations with which they had a direct and substantial relationship.

### **3.3 Waiver or reduction of limitation period**

A public servant or former public servant may apply to the Deputy Minister, via the office responsible for values and ethics, for a written waiver or reduction of the limitation period. The public servant is to provide sufficient information to assist the Deputy Minister or his or her delegate in making a determination as to whether to grant the waiver taking into consideration the following criteria:

- a) the circumstances under which the termination of their service occurred;
- b) the general employment prospects of the public servant or former public servant;
- c) 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;
- d) 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;
- e) the degree to which the new employer might gain unfair commercial or private advantage by hiring the public servant or former public servant;
- f) the authority and influence possessed by that individual while in the public service; and/or
- g) any other consideration at the discretion of the Deputy Minister.

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<sup>5</sup> Assistant deputy ministers and their equivalents are subject to the *Lobbying Act*. In the case of any conflict between this Policy and the Act, the Act takes precedence.

**4. RESOLUTION**

With respect to the arrangements necessary to prevent a 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 Minister or his or her delegate. When a public servant and the Deputy Minister or delegate, disagree on the appropriate arrangements to resolve a real, apparent or potential conflict of interest, the disagreement will be resolved through the [grievance procedures](#) established by the Department.

**5. CONSEQUENCES**

The Department fully trusts public servants in the exercise of their professional duties and expects that each public servant will comply with the Code and the related policies and guidelines.

A public servant who does not comply with the requirements set out in this Code may be subject to disciplinary measures, up to and including termination of employment. Any disciplinary measures will be based on the seriousness of the breach.

## **ANNEX A**

### **DUTIES AND OBLIGATIONS**

#### **Public Servants**

Public servants are expected to abide by this Code and demonstrate the values of the Department in their actions and behaviour. If a public servant does not abide by these values and expectations, he or she may be subject to administrative or disciplinary measures up to and including termination of employment.

As provided by sections 12 and 13 of the *Public Servants Disclosure Protection Act* (PSDPA), if public servants have information that could indicate a serious breach of this Code, they can bring this matter, in confidence and without fear of reprisal, to the attention of their immediate supervisor, the senior officer for disclosure or the Public Sector Integrity Commissioner.

It is the responsibility of every public servant to review the Code regularly – at least once a year and more often if there is a change in their circumstances (e.g. when changing positions or undertaking a new activity) – and to be familiar with their duties and obligations.

#### **Managers**

Public servants who are also managers are in a position of influence and authority that gives them a particular responsibility to exemplify the values of the public sector and the Department. Managers are expected to:

- promote a culture based on the values of the public sector and of the Department, and encourage dialogue on related issues;
- provide advice and guidance as needed to public servants under their supervision on issues related to values and ethics, including occasions where public servants find themselves faced with a situation that could give rise to a conflict of interest;
- review submissions from public servants and provide input as requested by the office responsible for values and ethics for the purpose of making a decision relating to conflict of interest and post-employment;
- monitor public servants' compliance with decisions or other measures established to prevent or minimize risks related to conflict of interest;
- notify the office responsible for values and ethics of breaches under this Code and non-compliance with established measures to prevent conflict of interest; and,
- advise employees departing from the public service of their post-employment obligations. Discuss their intentions for future outside employment or activities that may give rise to a real, apparent or potential conflict of interest situation.

## **Deputy Minister**

The Deputy Minister has specific responsibilities under the PSDPA, including establishing a code of conduct for the Department and an overall responsibility for fostering a positive culture of values and ethics. The Deputy Minister ensures that employees are aware of their obligations under this Code. The Deputy Minister also ensures that employees can obtain appropriate advice within the Department on ethical issues, including possible conflicts of interest.

The Deputy Minister ensures that this Code and the internal disclosure procedures are implemented effectively within the Department, and that they are regularly monitored and evaluated.

The Deputy Minister is responsible for ensuring the non-partisan provision of programs and services by the Department.

The Deputy Minister is subject to the [\*Values and Ethics Code for the Public Sector\*](#) and to the [\*Conflict of Interest Act\*](#).

## **Director General, Human Resources Branch**

The Deputy Minister has delegated responsibility for overseeing activities relating to values and ethics at the Department to the Director General of the Human Resources Branch, who in turn supports the Deputy Minister as part of his or her functions by playing a central role in leading the Department in matters of values and ethics.

In particular, the Director General of the Human Resources Branch is responsible for managing the office responsible for values and ethics and, in accordance with the authority delegated to him or her, for reviewing and dealing with requests for advice and submissions related to conflict of interest and post-employment on behalf of the Deputy Minister.

## **Workplace Branch**

The Workplace Branch is responsible for values and ethics and supports the Deputy Minister, the Director General of the Human Resources Branch, managers and all public servants in the Department. It is responsible for:

- providing advice to public servants and managers on issues related to this Code and values and ethics in general;
- processing and providing recommendations on submissions under this Code related to [conflict of interest](#), [post-employment](#) and [political activities](#);
- providing information, tools and training to ensure that public servants understand their duties and obligations; and

- working in partnership with key stakeholders and partners on issues related to values and ethics.

### **Senior Officer 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 in the Department. He or she is responsible for supporting the Deputy Minister in meeting the requirements of the [\*Public Servants Disclosure Protection Act\* \(PSDPA\)](#).

The senior officer's duties and powers 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 Department'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 the Deputy Minister, 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>6</sup>. The OCHRO will work with all relevant partner organizations to implement and promote the [\*Values and Ethics Code for the Public Sector\* \(VECPS\)](#), and will

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<sup>6</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.

provide advice to Deputy Ministers and designated departmental officials with respect to its interpretation.

The Chief Human Resources Officer may issue directives, standards and guidelines related to the VECPS.

The OCHRO will monitor the implementation of the VECPS 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\*](#).

## **ANNEX B**

### **ASSETS, LIABILITIES AND TRUSTS**

#### **Reportable Assets and Liabilities**

Public servants must carefully evaluate on a regular basis whether their assets and liabilities need to be reported. In doing so, they must take into consideration the nature of their official duties and the characteristics of their assets and liabilities. If there is any real, apparent or potential conflict between the carrying out of their official duties and their assets and liabilities, a disclosure to the office responsible for values and ethics must be made. If there is no relationship, no report is required.

Any assets and or direct and contingent liabilities that might give rise to a conflict of interest must be reported within 60 days of the public servants first appointment or any subsequent appointment, transfer or deployment. Any measures required to manage or resolve a conflict of interest will normally be completed or in place within 120 calendar days, or such other appropriate time period as determined by the Department after a determination that a real, apparent or potential conflict of interest exists. More information can be found in Annex B of the [\*Directive on Conflict of Interest\*](#).

The following is a list of examples of assets and liabilities that must be reported if they do, or could, constitute a conflict of interest. **This list is not exhaustive.**

- a. publicly traded securities of corporations and foreign governments, and self-administered Registered Retirement Savings Plans (RRSPs), self-administered Registered Education Savings Plans (RESPs), tax free savings accounts, and Registered Disability Savings Plans (RDSPs), or similar tax-related saving vehicles, that are composed of these securities, where these securities are held directly and not through units in mutual funds;
- b. interests in partnerships, proprietorships, joint ventures, private companies and family businesses, in particular those that own or control shares of public companies or that do business with the government;
- c. interests in labour-sponsored venture capital corporations or similar entities;
- d. commercially operated farm businesses;
- e. real property that is not for the private use of public servants or their family members;
- f. commodities, futures and foreign currencies held or traded for speculative purposes;
- g. assets placed in trust or resulting from an estate of which the public servant is a beneficiary;
- h. secured or unsecured loans granted to persons other than to members of the public servant's immediate family;
- i. any other assets or liabilities that could give rise to a real, apparent or potential conflict of interest due to the particular nature of the public servant's official duties or the non-public information to which he or she has access; and
- j. direct and contingent liabilities in respect of any of the assets described in this section.

### **Non-reportable Assets**

Assets and interests for the private use of public servants and of their family members, as well as non-commercial assets, are **not** subject to the compliance measures.

For example, such assets include the following:

- a. residences, recreational properties and farms used or intended for use by public servants or their families;
- b. household goods and personal effects;
- c. works of art, antiques and collectibles;
- d. automobiles and other personal means of transportation;
- e. cash and deposits;
- f. Canada Saving Bonds and other similar investments in securities of fixed value issued or guaranteed by any level of government in Canada or agencies of those governments;
- g. Registered Retirement Savings Plans and Registered Education Saving Plans that are not self-administered;
- h. investments in open-ended mutual funds;
- i. guaranteed investment certificates and similar financial instruments;
- j. annuities and life insurance policies;
- k. pension rights;
- l. money owed by a previous employer, client or partnership;
- m. personal loans receivable from members of public servants' immediate families and small personal loans receivable from other persons where public servants have loaned the moneys receivable; and
- n. any liability, such as a car loan, home renovation loan or credit card account, from a financial institution or business entity granted on terms available to the general public.