



Treasury Board of Canada
Secrétariat

Secrétariat du Conseil du Trésor
du Canada

Democratic, Professional, Ethical and People Values

Values
and
Ethics
Code
for the
Public Service



Canada

Democratic, Professional, Ethical and People Values

Values
and
Ethics
Code
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Public Service



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Statement of Public Service Values and Ethics

1

The Role of the Public Service of Canada

The Public Service of Canada is an important national institution, part of the essential framework of Canadian parliamentary democracy. Through the support they provide to the duly constituted government, public servants contribute in a fundamental way to good government, to democracy and to Canadian society.

The role of the Public Service is to assist the Government of Canada to provide for peace, order and good government. The *Constitution of Canada* and the principles of responsible government provide the foundation for Public Service roles, responsibilities and values.



The democratic mission of the Public Service is to assist Ministers, under law, to serve the public interest.

Objectives of this Code

The *Values and Ethics Code for the Public Service* sets forth the values and ethics of public service to guide and support public servants in all their professional activities. It will serve to maintain and enhance public confidence in the integrity of the Public Service. The Code will also serve to strengthen respect for, and appreciation of, the role played by the Public Service within Canadian democracy.

The Code sets out Public Service values as well as Conflict of Interest and Post-Employment Measures.

The Code should be read in the context of the duties and responsibilities set out in *A Guide for Ministers and Secretaries of State*.

Ministers are responsible for preserving public confidence in the integrity of management and operations within their departments and for

maintaining the tradition of political neutrality of the Public Service and its continuing ability to provide professional, candid and frank advice.

Public Service Values

Public servants shall be guided in their work and their professional conduct by a balanced framework of public service values: democratic, professional, ethical and people values.

These families of values are not distinct but overlap. They are perspectives from which to observe the universe of Public Service values.

Democratic Values: *Helping Ministers, under law, to serve the public interest.*

- Public servants shall give honest and impartial advice and make all information relevant to a decision available to Ministers.
- Public servants shall loyally implement ministerial decisions, lawfully taken.
- Public servants shall support both individual and collective ministerial accountability and provide Parliament and Canadians with information on the results of their work.

Professional Values: *Serving with competence, excellence, efficiency, objectivity and impartiality.*

- Public servants must work within the laws of Canada and maintain the tradition of the political neutrality of the Public Service.
- Public servants shall endeavour to ensure the proper, effective and efficient use of public money.
- In the Public Service, how ends are achieved should be as important as the achievements themselves.
- Public servants should constantly renew their commitment to serve Canadians by continually improving the quality of service, by adapting to changing needs through innovation, and by improving the efficiency and effectiveness of government programs and services offered in both official languages.
- Public servants should also strive to ensure that the value of transparency in government is upheld while respecting their duties of confidentiality under the law.

Ethical Values: *Acting at all times in such a way as to uphold the public trust.*

- Public servants shall perform their duties and arrange their private affairs so that public confidence and trust in the integrity, objectivity and impartiality of government are conserved and enhanced.
- Public servants shall act at all times in a manner that will bear the closest public scrutiny; an obligation that is not fully discharged by simply acting within the law.
- Public servants, in fulfilling their official duties and responsibilities, shall make decisions in the public interest.
- If a conflict should arise between the private interests and the official duties of a public servant, the conflict shall be resolved in favour of the public interest.

People Values: *Demonstrating respect, fairness and courtesy in their dealings with both citizens and fellow public servants.*

- Respect for human dignity and the value of every person should always inspire the exercise of authority and responsibility.
- People values should reinforce the wider range of Public Service values. Those who are treated with fairness and civility will be motivated to display these values in their own conduct.
- Public Service organizations should be led through participation, openness and communication and with respect for diversity and for the official languages of Canada.
- Appointment decisions in the Public Service shall be based on merit.
- Public Service values should play a key role in recruitment, evaluation and promotion.

Application

This Code applies to all public servants working in departments, agencies and other public institutions listed in Part I, Schedule I, of the *Public Service Staff Relations Act*.

This Code is a policy of the Government of Canada. Public service institutions not covered by this Code should respect its spirit and should adopt similar provisions for their organizations.

Responsibilities, Authorities and Accountabilities

Overall Responsibility of all Public Servants

All public service activities should be consistent with the *Values and Ethics Code for the Public Service*. Where questions arise about its application, see Chapter 4, “Avenues of Resolution.”

In addition to the stipulations outlined in this Code, public servants are also required to observe any specific conduct requirements contained in the statutes governing their particular department or organization and

their profession, where applicable. They are also required to observe the relevant provisions of more general application including the following:

- *Access to Information Act*;
- *Criminal Code of Canada*;
- *Financial Administration Act*;
- *Official Languages Act* and Regulations;
- *Privacy Act*;
- *Public Service Employment Act*;
- *Public Service Staff Relations Act*.

Related Treasury Board policies:

- *Contracting Policy*;
- *Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace*;
- *Policy on the Prevention and Resolution of Harassment in the Workplace*.

Public Servants

This Code forms part of the conditions of employment in the Public Service of Canada. At the time of signing their letter of offer, public servants acknowledge that the *Values and Ethics Code for the Public Service* is a condition of employment. All public servants are responsible for ensuring that they comply with this Code

and that they exemplify, in all their actions and behaviours, the values of public service. In particular, they have the following obligations:

- a) Public servants must report, within 60 days of their first appointment or any subsequent appointment, transfer or deployment, all outside activities, assets, and direct and contingent liabilities that might give rise to a conflict of interest with respect to their official duties. To this end, a Confidential Report must be filed with their Deputy Head.
- b) Every time a major change occurs in the personal affairs or official duties of public servants, they must review their obligations under this Code. If a real, apparent or potential conflict of interest exists, they must file a new Confidential Report with their Deputy Head.
- c) When negotiating financial arrangements with outside parties, public servants must assure compliance with the Conflict of Interest and Post-Employment Measures in accordance with directives on this matter issued by Treasury Board. When in doubt, public servants must immediately report the situation to their supervisors in order to seek advice or direction on how to proceed.

When faced with an ethical dilemma, public servants are encouraged to use the opportunities and mechanisms established by their Deputy Head to raise, discuss and resolve issues of concern related to this Code.

Public servants who feel they are being asked to act in a way that is inconsistent with the values and ethics set out in Chapter 1 of this Code should first attempt to raise the matter using the usual reporting relationship. Further avenues for resolution are contained in Chapter 4 of this Code.

Deputy Heads

Deputy Heads and senior managers have a particular responsibility to exemplify, in their actions and behaviours, the values of public service. They have a duty to infuse these values into all aspects of the work of their organizations. It is expected that they will take special care to ensure that they comply at all times with both the spirit and the specific requirements of this Code.

In particular, Deputy Heads have the following obligations:

- a) To ensure that the letter of offer, for an initial appointment, includes the following: “You will find enclosed a copy of the *Values and Ethics Code for the Public Service*. This Code is a key policy for the management of human resources and is part of your conditions of employment.” Deputy Heads must ensure that public servants are provided with a copy of the Code on any subsequent appointment. They must ensure that public servants in their organization are informed of the requirements of this Code on an annual basis.
- b) To encourage and maintain an ongoing dialogue on public service values and ethics within their organizations, in a manner that is relevant to the specific issues and challenges encountered by their organizations.
- c) To ensure that mechanisms and assistance are in place to help public servants raise, discuss and resolve issues of concern related to this Code. This includes designating a senior official to assist public servants to resolve issues arising from the application of the Code.

- d) To determine the appropriate method for a public servant to comply with the Code, as set out in Chapters 2 and 3, in order to avoid conflicts of interest. In doing so, the Deputy Head will try to achieve mutual agreement with the public servant.
- e) To ensure that the personal information in Confidential Reports is secured in a central repository and treated in complete confidence, in accordance with the *Privacy Act*.

Deputy Heads may add compliance measures beyond those specified in this Code to reflect their department's particular responsibilities or the statutes governing its operations. They must consult with the Treasury Board of Canada Secretariat and ensure that bargaining agents are consulted at the departmental level in advance of implementing new measures. The Deputy Head will inform the Treasury Board of Canada Secretariat, in writing, of any additional measures and their effective dates.

Deputy Heads may delegate responsibilities and authorities for the implementation of the Code, but they may not delegate their accountability

for ensuring that the Code is fully upheld and advanced within their organization or for the specific matters outlined in this section.

Treasury Board

Treasury Board will ensure through its Secretariat that information and educational materials related to the *Values and Ethics Code for the Public Service* are widely available. It will also maintain an advisory support service for Deputy Heads and for designated departmental officials on the interpretation and promotion of the Code.

Treasury Board, through its Secretariat, will monitor the implementation of the Code in departments and agencies. On a regular basis, Treasury Board, through its Secretariat, will review the performance of departments in the implementation of the Code through its modern management accountability framework.

The *Values and Ethics Code for the Public Service* will be subject to a review five years after it comes into effect.

Public Service Integrity Officer

The role of the Public Service Integrity Officer is to receive, record and review disclosures of wrongdoing in the workplace, including breaches to the Code, and to make recommendations where warranted to Deputy Heads for resolution. Further, the Public Service Integrity Officer may report on any cases dealing with breaches of the Code as part of his or her annual report to the President of the Privy Council that is tabled in Parliament.

Effective Date

The effective date of the *Values and Ethics Code for the Public Service* is September 1, 2003.

Conflict of Interest Measures

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Objective

The objective of these measures is to establish rules of conduct respecting conflict of interest and to minimize the possibility of conflicts arising between private interests and public service duties of public servants. These measures serve to uphold the Public Service Values set out in Chapter 1, as well as the Post-Employment Measures in Chapter 3.



Measures to Prevent Conflict of Interest

Avoiding and preventing situations that could give rise to a conflict of interest, or the appearance of a conflict of interest, is one of the primary means by which a public servant maintains public confidence in the impartiality and objectivity of the Public Service.

These Conflict of Interest Measures are adopted both to protect public servants from conflict of interest allegations and to help them avoid situations of risk. Conflict of interest does not relate exclusively to matters concerning financial transactions and the transfer of economic benefit. While financial activity is important, it is not the sole source of potential conflict of interest situations.

It is impossible to prescribe a remedy for every situation that could give rise to a real, apparent or potential conflict. When in doubt, public servants should seek guidance from their manager, from the senior official designated by the Deputy Head, or from the Deputy Head, and refer to the Public Service Values stated in Chapter 1 as well as the following measures as benchmarks against which to gauge appropriate action.

Public servants have the following overall responsibilities:

- a) In carrying out their official duties, public servants should arrange their private affairs in a manner that will prevent real, apparent or potential conflicts of interest from arising.

- b) If a conflict does arise between the private interests and the official duties of a public servant, the conflict should be resolved in favour of the public interest.

Public servants also have the following specific duties:

- a) They should not have private interests, other than those permitted pursuant to these measures, that would be affected particularly or significantly by government actions in which they participate.
- b) They should not solicit or accept transfers of economic benefit.
- c) They should not step out of their official roles to assist private entities or persons in their dealings with the government where this would result in preferential treatment to the entities or persons.
- d) They should not knowingly take advantage of, or benefit from, information that is obtained in the course of their official duties and that is not generally available to the public.

- e) They should not directly or indirectly use, or allow the use of, government property of any kind, including property leased to the government, for anything other than officially approved activities.

Methods of Compliance

For a public servant to comply with these measures, it will usually be sufficient to submit a Confidential Report to the Deputy Head. The Confidential Report outlines the public servant's ownership of assets, receipt of gifts, hospitality or other benefits, or participation in any outside employment or activities that could give rise to a conflict of interest.

There will be instances, however, where other measures will be necessary. These include the following:

- a) avoiding or withdrawing from activities or situations that would place the public servant in real, potential or apparent conflict of interest with his or her official duties; and

- b) having an asset sold at arm's length or placed in a blind trust where continued ownership would constitute a real, apparent or potential conflict of interest with the public servant's official duties.

In such cases, the Deputy Head will make the decision and communicate it to the public servant. In determining appropriate action, the Deputy Head will try to achieve mutual agreement with the public servant in question and will take into account such factors as:

- a) the public servant's specific responsibilities;
- b) the value and types of assets and interests involved; and
- c) the actual costs to be incurred by divesting the assets and interests, as opposed to the potential that the assets and interests represent for a conflict of interest.

Assets

The types of assets and interests that should be included in a Confidential Report, those that need not be declared, as well as procedures for divesting assets are all set out in Appendix A.

It is to be noted that a public servant may not sell or transfer assets to family members or others for purposes of circumventing the compliance measures.

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 conflict of interest or in any way undermine the neutrality of the Public Service.

Where outside employment or activities might subject public servants to demands incompatible with their official duties, or cast doubt on their ability to perform their duties in a completely objective manner, they shall submit a Confidential Report to their Deputy Head. The Deputy Head may require that the outside activities be curtailed, modified or terminated if it is determined that real, apparent or potential conflict of interest exists.

Gifts, Hospitality and Other Benefits

Public servants are called upon to use their best judgment to avoid situations of real or perceived conflict. In doing so, public servants should consider the following criteria on gifts, hospitality and other benefits, keeping in mind the full context of this Code.

Public servants shall not accept or solicit any gifts, hospitality or other benefits that may have a real or apparent influence on their objectivity in carrying out their official duties or that may place them under obligation to the donor. This includes free or discounted admission to sporting and cultural events arising out of an actual or potential business relationship directly related to the public servant's official duties.

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

- a) are infrequent and of minimal value (low-cost promotional objects, simple meals, souvenirs with no cash value);
- b) arise out of activities or events related to the official duties of the public servant concerned;

- c) are within the normal standards of courtesy, hospitality or protocol; and
- d) do not compromise or appear to compromise in any way the integrity of the public servant concerned or his or her organization.

Where it is impossible to decline gifts, hospitality and other benefits that do not meet the principles set out above, or where it is believed that there is sufficient benefit to the organization to warrant acceptance of certain types of hospitality, a public servant shall seek written direction from their Deputy Head. The Deputy Head will then notify the public servant in writing whether the gifts, hospitality and other benefits are to be declined or retained by the department, donated to charity, disposed of, or retained by the public servant concerned.

Solicitation

At no time should public servants 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.

In the case of fundraising for charitable organizations, public servants should ensure that they have prior authorization from their Deputy Head to solicit donations, prizes or contributions in kind from external organizations or individuals. The Deputy Head may require that the activities be curtailed, modified or terminated where it is determined that there is a real or apparent conflict of interest or an obligation to the donor.

Legal framework

The above provisions are designed to ensure the *Values and Ethics Code for the Public Service* is consistent with paragraph 121(1)(c) of the *Criminal Code*, which states the following:

... every one commits an offence who, being an official or employee of the government, demands, accepts, or offers or agrees to accept, from a person who has dealings with the government, a commission, reward, advantage or benefit of any kind directly or indirectly, by himself or through a member of his family or through any one for his benefit, unless he has the consent in writing of the head of the branch of government that employs him or of which he is an official, the proof of which lies on him.

Avoidance of Preferential Treatment

When participating in any decision making related to a staffing process, public servants shall ensure that they do not grant preferential treatment or assistance to family or friends.

When making decisions that will result in a financial award to an external party, public servants shall not grant preferential treatment or assistance to family or friends.

Public servants should not offer any assistance to entities or persons that have dealings with the government, where this assistance is not part of their official duties, without obtaining prior authorization from their designated superior and complying with the conditions for that authorization.

Providing information that is easily accessible to the public to relatives or friends or to entities in which public servants or their family members or friends have interests is not considered preferential treatment.

Post-Employment Measures

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Objective

The objective of these measures is to establish rules of conduct respecting post-employment. These measures complement the Public Service Values set out in Chapter 1, as well as the Conflict of Interest Measures in Chapter 2.

Overall Responsibility

Without unduly restricting their ability to seek other employment, former public servants should undertake to minimize the possibility of real, apparent or potential conflicts of interest between their new employment and their most recent responsibilities within the federal public service. Before leaving employment, public servants should disclose their intention of future employment and discuss potential conflicts with their Deputy Head.



Application

The overall responsibility cited above applies to all public servants covered by the Code. The measures that follow apply specifically to those public servants staffed in executive positions (EX) or their equivalent as well as EX minus 1 and EX minus 2 positions and their equivalent (e.g., PM-06, IS-05, AS-07).

A Deputy Head may designate other positions as being subject to these measures (where the position involves official duties that raise post-employment concerns), or exclude positions from the application of the post-employment measures (when the official duties of these positions do not raise concerns for post-employment). Before doing this, the Deputy Head must consult the Treasury Board of Canada Secretariat as well as appropriate bargaining agents when applicable.

Before Leaving Office

Public servants must disclose, in a Confidential Report to their Deputy Head, all firm offers of employment that could place them in a real,

apparent or potential conflict of interest situation. They must also disclose immediately the acceptance of any such offer.

Limitation Period

Former public servants shall not, within a period of one year after leaving office

- a) accept appointment to a board of directors of, or employment with, entities with which they personally, or through their subordinates, had significant official dealings during the period of one year immediately prior to the termination of their service;
- b) make representations for, or on behalf of, persons to any department or organization with which they personally, or through their subordinates, had significant official dealings during the period of one year immediately prior to the termination of their service; or
- c) give advice to their clients using information that is not available to the public concerning the programs or policies of the departments or organizations with which they were employed or with which they had a direct and substantial relationship.

Reduction of Limitation Period

A Deputy Head has the authority to reduce or waive the limitation period of employment for a public servant or former public servant. Such a decision should take into consideration the following:

- 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; and

- f) the authority and influence possessed while in the Public Service, and the disposition of other cases.

A decision by a Deputy Head to waive or reduce the limitation period will be recorded in writing.

Exit Arrangements

A Deputy Head must ensure that a public servant who is intending to leave the Public Service is aware of these post-employment measures.

Reconsideration

A public servant or former public servant may apply to the Deputy Head for reconsideration of any determination respecting his or her compliance with the post-employment measures.

Avenues of Resolution

Public Service Values and Ethics

Any public servant who wants to raise, discuss and clarify issues related to this Code should first talk with his or her manager or contact the senior official designated by the Deputy Head under the provisions of this Code, according to the procedures and conditions established by the Deputy Head.

Any public servant who witnesses or has knowledge of wrongdoing in the workplace may refer the matter for resolution, in confidence and without fear of reprisal, to the Senior Officer designated for the purpose by the Deputy Head under the provisions of the *Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace*.

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Furthermore, any public servant who believes that he or she is being asked to act in a way that is inconsistent with the values and ethics set out in Chapter 1 of this Code can report the matter in confidence and without fear of reprisal to the Senior Officer, as described above.

If the matter is not appropriately addressed at this level, or the public servant has reason to believe it could not be disclosed in confidence within the organization, it may then be referred to the Public Service Integrity Officer, in accordance with the *Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace*.

It is expected that most matters arising from the application of this Code can and should be resolved at the organizational level.

Measures on Conflict of Interest and Post-employment

With respect to the appropriate arrangements necessary to prevent conflict of interest or to comply with the post-employment measures described in Chapters 2 and 3 of this Code, it is expected that most situations will be addressed

by discussing the matter with the public servant, identifying avenues of resolution and taking appropriate action. When a public servant and the Deputy Head disagree on the appropriate arrangements to prevent conflict of interest or to comply with the post-employment measures in this Code, the disagreement shall be resolved through the established grievance procedures.

Failure to Comply

A public servant who does not comply with the requirements of this Code is subject to appropriate disciplinary action, up to and including termination of employment.

Enquiries

Enquiries about this Code should be referred to the responsible departmental officer who, in turn, may direct questions regarding policy interpretation to the following:

Office of Values and Ethics

Policy and Planning Sector

Human Resources Management Office (HRMO)

Treasury Board of Canada Secretariat

Form**Confidential Report**

This form can be accessed through the Treasury Board of Canada Secretariat Web site at the following address: www.tbs-sct.gc.ca.

Appendix A

Assets, Liabilities and Trusts

Assets and Liabilities Subject to a Confidential Report

Public servants must carefully evaluate on a regular basis whether their assets and liabilities need to be included in a Confidential Report. 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 Confidential Report must be filed. If there is no relationship, no report is required.

The following is a list of examples of assets and liabilities that must be reported in a Confidential Report 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), and self-administered Registered Education Savings Plans (RESPs) 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) commercially operated farm businesses;
- d) real property that is not for the private use of public servants or their family members;
- e) commodities, futures and foreign currencies held or traded for speculative purposes;
- f) assets placed in trust or resulting from an estate of which the public servant is a beneficiary;
- g) secured or unsecured loans granted to persons other than to members of the public servant's immediate family;

- h) 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; and
- i) direct and contingent liabilities in respect of any of the assets described in this section.

Assets Not Requiring a Confidential Report

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; and
- 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.

Divestment of Assets

Public servants must divest assets where their Deputy Head determines that such assets constitute a real, apparent or potential conflict of interest in relation to their duties and responsibilities. Divestment, where required, must take place within 120 days of appointment, transfer or deployment. Divestment of assets is usually achieved by selling them through an arm's-length transaction or by making them subject to a blind trust arrangement.

Where divestment is by means of sale, confirmation of the sale, such as a broker's sales receipt, shall be provided to the Deputy Head.

Where divestment is by means of a blind trust, the Office of the Ethics Counsellor will assist the Deputy Head and the public servant to set up a blind trust and to determine whether a specific blind trust meets the requirements of the Conflict of Interest Measures. The Ethics Counsellor will also make recommendations to the Deputy Head on the reimbursement of certain trust costs to the public servant by the home organization.