



Office of the
Conflict of Interest and
Ethics Commissioner

Commissariat aux
conflits d'intérêts et
à l'éthique



**Code of Values and
Standards of Conduct
for
Employees of the
Office of the Conflict of Interest
and Ethics Commissioner**

April 1, 2012

Message from the Commissioner

We, at the Office of the Conflict of Interest and Ethics Commissioner, have the unique and important mandate of administering a regime aimed at maintaining and enhancing the trust and confidence of the Canadian public in the conduct of elected and appointed officials. Ethical behaviour is at the core of this mandate.

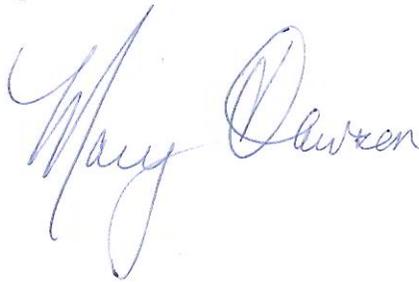
Our Office is an independent and non-partisan organization that is part of Parliament. We have our own internal management framework and our own workplace culture. At the same time, we share similar values with our colleagues in the core public service and in Parliament.

We apply these values in everything we do, whether it be the delivery of our services, our use of public funds or our interactions with our colleagues and stakeholders.

This Code of Values and Standards of Conduct underscores our values. It sets out the expectations for behaviour governing all activities we perform to fulfill our mandate. All employees, no matter their level, are expected to follow the values set out in this document, to translate values into actions and to accept responsibility for their actions.

By itself, the Code cannot address all ethical dilemmas that may arise in the course of conducting our business. Collaboration and dialogue are a critical part of the process for making sound decisions. I therefore encourage you to maintain an open dialogue on issues related to values and ethics with your supervisor, your colleagues or a human resources advisor.

Together we can foster the climate of respect and ethical conduct that we expect of ourselves and that Canadians expect of us.

A handwritten signature in blue ink that reads "Mary Dawson". The signature is written in a cursive, flowing style.

Mary Dawson
Conflict of Interest and Ethics Commissioner

APPLICATION

The Code of Values and Standards of Conduct (Code) becomes effective on April 1, 2012.

The Code applies to every person employed by the Office of the Conflict of Interest and Ethics Commissioner (Office), including those who are appointed on an indeterminate or term basis, students, and persons on Interchange Canada assignments. Contractors are expected to respect the intent of this Code.

All employees of the Office, regardless of level or position, are required to adhere to the values and expected standards of conduct articulated in this Code. Engaging in behaviours which are specifically prohibited may result in the triggering of a dispute resolution mechanism, formal or informal, or the imposition of disciplinary measures, up to and including termination of employment, as defined in the Policy on Discipline.

HR services must ensure that this Code is provided to all new employees of the Office. Employees must familiarize themselves with the content and sign the *Employee Acknowledgement Form* when they are first appointed to the Office, and then on an annual basis during their performance review where they will review the Code with their managers.

DEFINITIONS

These definitions may be used to interpret the Code.

Conflict of Interest - A situation where an employee has personal interests that could improperly influence decision in the performance of his or her official duties and responsibilities or in which the employee uses his or her office for personal gain or for the personal gain of his or her relatives or friends.

A real conflict of interest: it exists at the present time.

An apparent conflict of interest: it could be perceived by a reasonable observer to exist, whether or not that is the case.

A potential conflict of interest: could reasonably be foreseen to exist in the future.

Ethical dilemma - A situation in which:

- the right thing is not obvious; and
- two or more values relevant to a decision may be in conflict.

Ethics - Part of human thought and behaviour concerned with standards and principles of right conduct that involve a commitment to do the right thing.

Employee - A person who works for the Office of the Conflict of Interest and Ethics Commissioner whether he or she is being compensated or not.

Manager - An employee accountable for exercising delegated authority over human and financial resources to accomplish the objectives of the Office.

Political activity – The Supreme Court of Canada has ruled that a total prohibition against public servants working for or against a political party is a violation of the right to freedom of expression as set out in the *Charter of Rights and Freedoms*. However, the Court also recognized the importance of maintaining the political neutrality. In the absence of specific legislation on this matter, it is important for employees of the Office to consider the impact of the type of political activity that they may wish to undertake on their ability to carry out, and to be seen to carry out, the duties of their employment in an impartial manner.

Political activity includes political activity at the federal, provincial, territorial and municipal levels. 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; seeking nomination as or being a candidate in an election before or during the election period.

Examples:

- Speaking at a political meeting;
- Fundraising for a political party;
- Working for a political candidate;
- Seeking nomination as, or being, a candidate in an election;
- Wearing a campaign button; or
- Using blogs, social networking sites, personal websites or video sharing to express personal views in support of, or in opposition to, a political party or candidate.

Relative- A person who is related to an employee by birth, marriage, common-law partnership, adoption or affinity.

Stakeholder - Anyone with whom the Office has a professional relationship.

Standards of conduct - Standards of conduct promote “right-doing” by inspiring exemplary behaviour or discourage wrongdoing by identifying activities or behaviours that are prohibited by the Office.

Values - Enduring standards and principles that influence attitudes, actions, choices and decisions. They serve as guidelines for conduct and set out a climate for ethical conduct and respect in the workplace.

PURPOSE

The Code is intended to:

- outline the professional and ethical behaviour expected of employees; and
- enforce the responsibility of employees to follow certain rules of conduct.

This Code serves to determine what constitutes appropriate conduct at the Office, including acts and omissions in any particular situation. Its application on a case-by-case basis is a matter of judgement. The statement under each of the values listed below may prove helpful in determining the best possible application of the Code in resolving an ethical dilemma.

MISSION STATEMENT

The Mission Statement is a clear and succinct representation of the *raison d'être* of the Office. Everything we do, and how we do it, must be directly linked to this overarching statement; hence it is the foundation on which this Code was developed:

“Our mission is to administer the conflict of interest rules for Members of the House of Commons and public office holders in order to maintain and enhance the trust and confidence of the Canadian public in the conduct of these elected and appointed officials.”

VALUES AND STANDARDS OF CONDUCT

The following values and standards of conduct will serve as a compass to guide and support employees in all their activities at, and in some circumstances outside, the Office:

RESPECT FOR PEOPLE

Treating all people with respect, dignity and fairness is fundamental to our relationship with stakeholders and colleagues. It contributes to a safe and healthy work environment that promotes engagement, openness and transparency.

As employees of the Office, we shall respect human dignity and the value of every person by:

- Treating every person with respect and fairness;
- Valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce;
- Helping to create and maintain a safe, secure and healthy workplace that is free from harassment and discrimination;
- Working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication;
- Helping to create and maintain a work environment which is conducive to the use of both official languages;
- Respecting the privacy of individuals who put their trust in the Office.

The following behaviours are specifically encouraged at the Office:

- Keeping oral and written communications respectful at all times;
- Ensuring that staffing processes are conducive to the establishment of a diverse workforce;
- Sharing information that is pertinent to the work of others, while respecting confidentiality;
- Promoting open discussions, free of judgement and assumptions;
- While respecting the linguistic preferences of stakeholders, encouraging employees to work in the official language of their choice, including the production of any documents and discussions in meetings;
- Contributing to respectful and productive meetings by being punctual, preparing in advance, and listening to all opinions shared at them;
- Recognizing employees who present innovative ideas;
- Respecting and accommodating employees who have specific health, cultural or religious requirements;
- Keeping a clean and safe work environment to reflect respect for colleagues and pride in the Office;
- Planning our absences, to the extent possible, in order to limit impact on the work of others;
- Respecting the need for an appropriate balance between work and personal lives.

The following behaviours are specifically prohibited at the Office:

- Discriminating, by words or actions, on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status or disability;
- Sending emails that could be considered inappropriate in a workplace ;
- Making an inappropriate comment that would target or single out an individual;
- Discussing information provided in confidence for reasons other than those that are strictly operational;

- Harassing an employee, with actions or words;
- Failing to respect the Office's official languages policy, for example by sending unilingual messages to all employees;
- Ignoring or neglecting the first official language of a stakeholder in written or oral communications;
- Participating in malicious and derogatory gossip;
- Showing favouritism or bias.

PROFESSIONALISM

Everyone benefits when actions are performed in a professional manner. As employees of the Office, we shall foster a professional work environment by:

- Providing fair, timely, efficient and effective services that respect official languages;
- Promoting positive engagement with stakeholders, while respecting the Office's unique role and status within Parliament;
- Continually improving the quality of services we deliver;
- Fostering a work environment that promotes teamwork, learning, development and innovation;
- Identifying and pursuing collaborative arrangements with other parliamentary entities which lead to efficiencies;

The following behaviours are specifically encouraged at the Office:

- Acknowledging and answering every request received from stakeholders, regardless of the originator or the format of the request, in an appropriate and timely manner, and in the official language of the requestor;
- Keeping all interactions with stakeholders at the professional level, even in stressful situations;
- Exercising good judgement for attire at the Office, at all times;
- Making use of internal resources and expertise (*e.g.* text revision services) to ensure high quality of outputs;
- Creating and maintaining networks and partnerships with colleagues within and outside the Office to share information, develop and maintain expertise and keep abreast of new trends;
- Combining efforts and/or resources to deliver on priorities;
- Participating in training and development activities that contribute to developing and maintaining competencies;
- Displaying initiative and proactivity and identifying opportunities for efficiencies;
- Being accountable for our actions and work objectives, and owning up to our mistakes.

The following behaviours are specifically prohibited at the Office:

- Using non-professional language when representing the Office;
- Willfully withholding information that would be important to the work of a colleague;
- Refusing to accept responsibility or blaming someone else for our own mistake;
- Willfully ignoring an internal policy, guideline or procedure;
- Engaging in social media (such as Facebook, Twitter or blogs) during work hours when it is unrelated to our work and at any time in a way that reflects negatively on our own work or the reputation of the Office;
- Speaking to the news media on behalf of the Office, unless authorized to do so.

IMPARTIALITY

The Commissioner is an Officer of Parliament who is independent from the government of the day. Given her mandate that consists of administering the conflict of interest regimes for Members of Parliament and public office holders, it is important that, as employees of the Office, we maintain our independence from political influence in order to discharge our responsibilities in an impartial way by:

- Accepting our obligation to provide advice which is objective, independent and apolitical, thereby instilling confidence in all who must interact with the Office;
- Considering the effects that our actions and comments outside the Office, including those on social networks, have on the reputation of the Office as it relates to impartiality and independence.

The following behaviours are specifically encouraged at the Office:

- Assigning all work in a neutral and objective manner;
- Ensuring a strict application of internal procedures when assessing all requests or documents received from stakeholders, in order to remain objective and neutral;
- Basing all opinions and conclusions strictly on facts and after a thorough analysis of information provided to the Office;
- Offering impartial advice to stakeholders and ensuring that all information relevant to a decision, and to which a stakeholder is entitled, is made available to him or her.

The following behaviours are specifically prohibited:

- Participating in any political activities, including volunteering, donations and memberships, that would publicly demonstrate our support for any specific political party or candidate;
- Publicly sharing any political allegiance during election campaigns (*e.g.* posting lawn signs, posting information on social media);
- Making any written or verbal comments, including in the media or on social networks, that favour or could be perceived as favouring one political party over another;
- Working on a file that involves individuals with whom we have a personal relationship.

INTEGRITY

Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, employees of the Office conserve and enhance public confidence in the honesty, fairness and objectivity of the Office specifically, and in Parliament in general.

All employees must report to the Commissioner (using the *Confidential Report* available at HR services) 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. This must be done within 60 days of their appointment or transfer to the Office, and every time a major change occurs in their personal affairs.

As employees of the Office, we shall serve the public interest by acting at all times with integrity, with careful stewardship of public funds and in a manner that will bear the closest public scrutiny by:

- Never using our official roles to inappropriately obtain or accept an advantage, including a gift, for ourselves or to advantage or disadvantage others;
- Taking all possible steps to prevent and resolve any real, apparent or potential conflicts of interest between our official responsibilities and our private affairs in favour of the public interest;
- Conducting ourselves in a manner that befits our Secret security clearance;
- Reporting any wrongdoing¹ to our immediate supervisor or to the Director, Corporate Management;
- Responsibly using the financial and office resources assigned to us;
- Managing information in such a way that decisions made by the Office are properly documented and available years from now;
- Adopting and maintaining practices within and outside the Office that will protect the confidentiality of information to which we are privileged given the specific mandate of the Office.

The following behaviours are specifically encouraged at the Office:

- Being vigilant when discussing Office business in a public setting, including when using a wireless device (*e.g.* BlackBerry);
- Taking responsibility for actions, decision and advice, even when mistakes are made;
- Fostering transparency of actions, decisions and information-sharing;
- Implementing lawful decisions of the Commissioner, irrespective of personal opinion;
- Respecting the parliamentary system;
- Treating all stakeholders in an equitable and fair manner, regardless of their position;

¹ Wrongdoing: (as defined under the *Public Servants Disclosure Protection Act*) : a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act; a misuse of public funds or a public asset; a gross mismanagement; a serious breach of a code of conduct; an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, or; knowingly directing or counseling a person to commit a wrongdoing.

- Applying the Act and the Code in the most efficient manner possible, and always with the best intentions;
- Abiding by the rules that govern the management of public resources;
- Ensuring that activities which result in the spending of public funds (*e.g.* training, supplies, travel) are always justifiable and pertinent;
- Following parliamentary policies and guidelines on the utilization of computer equipment and systems, including the use of the Internet;
- Restricting access to the Office and making sure that every visitor is escorted at all times;
- Respecting the retention and disposition schedules pertaining to information maintained by the Office;
- Sharing information that is pertinent to the work of others, while respecting confidentiality;
- Favouring solutions that are environmentally friendly;
- Disposing of protected information through the appropriate method (*i.e.* shredding).
- While considering employment outside the Office that may raise perception of a conflict between this future employment and our current responsibilities, raise it with either our supervisor or HR in confidence.

The following behaviours are specifically prohibited at the Office:

- Using information obtained in the performance of our official duties in such a way that would place us in a conflict of interest.
- Accepting any gifts, hospitality or other benefits that may have a real, apparent or potential influence on the objectivity of carrying out official duties or that may place us under obligation to the donor. This includes activities such as free or discounted admission to sporting and cultural events, travel or conferences, but excludes gifts offered within the normal standards of courtesy or protocol;
- Soliciting donations from stakeholders (including those for charitable campaigns);
- Granting preferential treatment or advantages to family, friends or any other person or entity;
- Offering assistance that goes beyond our responsibilities to any entity or persons without the consent of our supervisor;
- Disadvantaging any entity or persons dealing with the Office because of personal antagonism or bias;
- Discussing the content of files outside of the Office;
- Making references to Office matters on social media such as Facebook and Twitter, and to the media;
- Publicly criticizing the Office;
- Making unreasonable use of Office resources for personal purposes;
- Taking a file which contains protected information, or an official file, outside of the Office, without proper authorization.

RESOLUTION OF VALUES AND ETHICS ISSUES

The guidelines provided in this Code are not intended to respond to every possible ethical issue that might arise in the course of our daily work. When these issues arise, we are encouraged to discuss and resolve these matters with our immediate supervisor or with a Human Resources advisor.

When faced with an ethical dilemma, the following decision-making steps can assist us in determining an appropriate course of action. They will help ensure that our behaviour meets the standards required by this Code and our trusted position as employees of the Office. We should ask ourselves the following questions:

- 1) What is difficult about this situation?
- 2) Is what I want to do legal and consistent with the values of the Office?
- 3) Are there relevant guidelines, policies or procedures?
- 4) What are the consequences and impacts of the possible actions and decisions? Do they impact in any way my ability, real or perceived, to do my job effectively and impartially?
- 5) Have I asked for advice or a second opinion from an independent, trusted person or service?
- 6) How would the media, my manager or the general public perceive the situation if my actions were reported on the front page of a newspaper?
- 7) Am I comfortable with the decision I am about to make?

RESOURCES AND CONTACTS

Employees who have any questions related to this Code should discuss them with their manager or supervisor, or with a Human Resources Advisor.