

## Summary of Rules for Reporting Public Office Holders

*The [Conflict of Interest Act](#) is divided into five parts. The first part describes conflict of interest rules; the second, compliance measures; the third, post-employment obligations; the fourth, its administration and enforcement; and the fifth, generalities.*

*This summary is intended as a quick reference. The Conflict of Interest Act itself is the final authority. There are [detailed information notices](#) available on the Office website on specific subjects and you are also encouraged to seek advice from your advisor by contacting the Office at 613-995-0721 or [by email](#).*

*If you are a minister or parliamentary secretary, please consult the [Summary of Rules for Ministers or Parliamentary Secretaries](#).*

### Part 1 – Conflict of Interest Rules

Public office holders are in a conflict of interest when they exercise an official power, duty or function that provides an opportunity to further their private interests or those of their relatives or friends, or to improperly further another person's private interests (section 4).

Compliance with the Act is a condition of your appointment or employment as a public office holder (s. 19).

You have a general duty to arrange your private affairs to prevent conflicts of interest (s. 5).

You are prohibited from:

- making a decision or participating in making a decision related to the exercise of an official power, duty or function that would place you in a conflict of interest (subsection 6(1));
- providing preferential treatment to any person or organization based on the identity of the person or organization representing them (s. 7);
- using information that is not available to the public to further private interests (s. 8);
- using your position to influence a decision to further private interests (s. 9);
- being influenced in exercising your duties by plans for or offers of outside employment (s. 10);
- accepting any gift or other advantage that might reasonably be seen to have been given to influence you in the exercise of your official duties, with certain exceptions. This prohibition also extends to members of your family (s. 11);

- in the case of ministerial advisers and ministerial staff, accepting travel on non-commercial chartered or private aircraft, including those offered by other level of government, for any purpose unless required in your official capacity or in exceptional circumstances or with the prior approval of the Commissioner (s. 12);
- entering into a contract or employment relationship, in the exercise of your official duties, with a spouse, common-law partner, child, sibling or parent, or permitting the entity for which you work to do so (s. 14);
- participating in certain outside activities,<sup>i</sup> except as required in the exercise of your official powers, duties and functions (s. 15). This includes:
  - engaging in employment or the practice of a profession;<sup>ii</sup>
  - managing or operating a business or commercial activity;
  - continuing as or becoming a director or officer in a corporation or organization;<sup>iii</sup>
  - holding office in a union or professional association;
  - serving as a paid consultant; and
  - being an active partner in a partnership.
- personally soliciting funds if it places you in a conflict of interest (s. 16);
- holding controlled assets (s. 17); and
- taking any action aimed at circumventing the Act (s. 18).

For more information, you may wish to consult our information notices on [gifts or other advantages](#), [outside activities](#), [fundraising](#), and [offers of outside employment](#).

## Part 2 – Compliance Measures

### Recusal

- You must recuse yourself from any discussion, decision, debate or vote if you would be in a conflict of interest (s. 21).

### Confidential Disclosure

- Within 60 days after your appointment, you must submit to the Commissioner a [Confidential Report](#) describing your assets, liabilities, income and certain activities (s. 22).
- Throughout your term of office, you must disclose to the Commissioner:
  - gifts and other advantages from any one source, other than relatives and friends, the total value of which exceeds \$200 over a 12-month period, within 30 days after acceptance or after the day on which their value exceeds \$200 (s. 23);

- firm offers of outside employment, within seven days of receiving them. You must disclose them in writing (subs. 24(1));
  - the acceptance of an offer of outside employment, within seven days (subs. 24(2)); and
  - any material change to any matter in respect of which you are required to provide a Confidential Report, within 30 days (subs. 22(5)).
- You must review the information in your Confidential Report annually and comply with any new measures required to satisfy your obligations under the Act (s. 28).

### **Public Declaration**

Within 120 days of your appointment, you must sign your Summary Statement (s. 26).

You must publicly declare:

- any recusals made pursuant to section 21, within 60 days after the recusal (subs. 25(1));
- all assets that are neither controlled nor exempt, within 120 days after your appointment (subs. 25(2));
- outside activities approved by the Commissioner, referred to in subsection 15(2) or 15(3), within 120 days after your appointment (subs. 25(4)); and
- any single gift or other advantage, other one than from a relative or friend, whose value is \$200 or more, within 30 days after acceptance (subs. 25(5)).

### **Divestment and Other Measures**

You must:

- divest yourself of any controlled assets by selling them in an arm's-length transaction or by placing them in a blind trust within 120 days after your appointment (s. 27);
- take any appropriate measures to comply with the Act as determined by the Commissioner (ss. 29 and 30).

For more information, you may wish to consult our information notices on [complying with the Act](#), [categories of assets](#), [recusal](#) obligations, [conflict of interest screens](#), and [divestment and blind trusts](#).

### Part 3 – Post-Employment

You are prohibited, indefinitely, from:

- acting in a manner that takes improper advantage of your previous office (s. 33);
- acting for or on behalf of any person or organization in connection with any specific proceeding, transaction, negotiation or case where the Crown is a party and where you had acted for, or provided advice to, the Crown while in public office (subs. 34(1)); and
- providing advice to clients, business associates or employers using information that was acquired in the course of your official duties and that is not available to the public (subs. 34(2)).

During a cooling-off period of one year following your last day in office, you are prohibited from:

- entering into a contract of service with, accepting an appointment to the board of directors of, or accepting an offer of employment with an entity—other than a federal public sector entity—with which you had [direct and significant official dealings](#) during your last year in office (subs. 35(1));
- making representations to a department, organization, board, commission or tribunal with which you had direct and significant official dealings during your last year in office (subs. 35(2)).

For this period, you must also report to the Commissioner any communication or meeting as defined in paragraphs 5(1)(a) and (b) of the [Lobbying Act](#) (s. 37).

For more information, you may wish to consult our information notices on [post-employment rules](#).

### Part 4 – Administration and Enforcement

- The Commissioner may conduct an examination:
  - on the written request of a Senator or Member of the House of Commons who has reasonable grounds to believe that a public office holder or former public office holder has contravened the Act (s. 44); or
  - on the Commissioner's own initiative if the Commissioner has reason to believe that a public office holder or former public office holder has contravened the Act (s. 45).
- The Commissioner may impose administrative monetary penalties for failure to comply with certain reporting requirements (ss. 52 and 53).

For more information, you may wish to consult our information notices on the [administrative monetary penalties regime](#) and on [investigations under the Act](#).

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<sup>i</sup> Political activities are expressly excluded from the prohibition against outside activities (subs. 15(4)).

<sup>ii</sup> If the Commissioner is of the opinion that it is not incompatible with your duties as a public office holder, you may, for the purpose of maintaining your employment opportunities or ability to practice your profession on leaving public office, engage in employment or the practice of a profession in order to retain any licensing or professional qualifications or standards of technical proficiency necessary for that purpose, provided you do not receive any remuneration.

<sup>iii</sup> The Commissioner may allow you to continue as a director or officer of an organization of a philanthropic, charitable or non-commercial nature if the Commissioner is of the opinion that it is not incompatible with your public duties.