

Library and Archives Canada

CODE OF CONDUCT



Values and Ethics



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Employees are welcome to consult the Values and Ethics Portal intranet site at:
<http://intranet/values-ethics/index-e.html>

Table of contents

1. Legislative context and application	5
1.1 <i>Values and Ethics Code for the Public Sector</i>	5
1.2 Why does Library and Archives Canada need its own code of conduct?	5
1.3 Application	5
2. LAC statement of principles	6
3. LAC statement of values.....	7
3.1 Public sector values and expected behaviours.....	7
3.2 Standards of conduct for LAC employees	8
3.2.1 Leading through personal responsibility.....	8
3.2.2 Duty of loyalty	9
3.3 Fairness, respect and dignity	10
3.4 Confidentiality and disclosure of information	10
3.4.1 Access and use of electronic networks	11
3.5 Intellectual property	11
4. Conflict of interest and post-employment.....	12
4.1 Conflict of interest	12
4.2 Requirement to report.....	12
4.3 Example of a conflict of interest	14
4.3.1 Family, relatives and friends	14
4.3.2 Gifts, honoraria, hospitality, travel and other benefits	15
4.4 Personal activities	16
4.4.1 Assets	16
4.4.2 Teaching, speaking at conferences, and other personal engagements.....	17
4.4.3 Political activities.....	17
4.4.4 Solicitation	18
4.4.5 Avoidance of preferential treatment.....	18

4.5 Preventing post-employment conflict of interest before and after leaving LAC	19
4.5.1 Before leaving LAC	19
4.5.2 Post-employment restrictions for certain positions	19
4.5.3 Waiver or reduction of limitation period.....	20
5. Avenues for resolution.....	20
6. Wrongdoing	21
7. Definitions	21

1. Legislative context and application

1.1 *Values and Ethics Code for the Public Sector*

The *Values and Ethics Code for the Public Sector* (VECPS) came into force on April 2, 2012. It stems from subsection 5(1) of the *Public Servants Disclosure Protection Act* (PSDPA), which requires Treasury Board to establish a code of conduct applicable to the public sector.

The former *Values and Ethics Code for the Public Service* applied only to the core public administration. Given the need for a broader application of the code, it was necessary to revisit the *Values and Ethics Code for the Public Service* to ensure that the values and guidelines contained within the document are applicable to the broader public sector. It also now addresses emerging issues, such as the use of social media, and encourages consideration of the present and long-term effects that employees' actions have on people and the environment.

1.2 Why does Library and Archives Canada need its own code of conduct?

The PSDPA also requires that all departments develop their own codes to complement the broader VECPS. The employees and senior managers at Library and Archives Canada (LAC) developed the *Library and Archives Canada Code of Conduct: Values and Ethics* (or LAC Code of Conduct), which outlines the values and behaviours that are expected of all LAC employees. The LAC Code of Conduct addresses ethical risks and potential conflict-of-interest situations that LAC and its employees may encounter in their daily activities and supports LAC's business culture and operational requirements.

1.3 Application

The *Values and Ethics Code for the Public Sector* (VECPS) and its instruments, including the LAC Code of Conduct, form part of the terms and conditions of employment of every LAC employee, including indeterminate and term employees, executives, students in student employment programs, as well as casual, seasonal and part-time workers. Employees on leave, including leave without pay, are subject to both codes and must continue to abide by them for the duration of their leave. Although they are not public servants, individuals on incoming Interchange Canada assignments as well as volunteers and contractors are all expected to comply with the requirements of the LAC Code of Conduct. Order-in-council appointees, such as deputy heads, are subject to the *Conflict of Interest Act*.

Employees who do not comply with the VECPS and the LAC Code of Conduct may be subject to disciplinary measures, up to and including termination of employment.

The LAC Code of Conduct also includes post-employment provisions that apply for a one-year period to certain employees leaving the public service.

The *Library and Archives Canada Code of Conduct: Values and Ethics* came into force on December 31, 2012.

2. LAC statement of principles

As LAC employees, we observe and promote the highest standards of conduct, consistent with public sector values, our duties and our responsibilities in support of LAC's mandate. We are committed to the following principles:

- At LAC, leadership is not the exclusive realm of senior management. Each and every employee can be an ethical leader and model public sector values in their daily actions and attitudes. We demonstrate leadership through responsible action, forward-looking perspective and commitment to continual improvement and innovation.
- We take pride in what we accomplish together. We are dedicated professionals, committed to a culture of service in which honesty, respect and accountability to those with whom we work are fundamental. We are enthusiastic about seeking and sharing knowledge.
- We act at all times in full compliance with the spirit of all applicable laws, regulations, policies and procedures.
- We are committed to prudent and responsible stewardship through adherence to the highest standards of sound financial management. We manage our programs with integrity, transparency and accountability, in a manner that is sensitive to risks, is citizen- and recipient- focused and is designed and delivered to address government priorities in achieving results for Canadians.
- We recognize that ethical dilemmas and conflicts of interest (real, apparent or potential) are a part of every employee's life. Each of us makes every effort to avoid such situations and, when they are unavoidable, to mitigate risks to ourselves and to LAC in an ethical manner. Our success in this regard relies on each employee being attentive to doing the right thing.
- We adopt appropriate behaviours and use a language that reflects the professional image of LAC and the public sector and always support a workplace that is free from harassment, discrimination and violence. Managers respect their duty to accommodate their employees' concerns.
- Our strongest tools in addressing and mitigating ethical issues and conflicts of interest are awareness; frank and respectful discussion; and the adoption of a wide point of view to consider the breadth of influence our actions and decisions may have.

3. LAC statement of values

3.1 Public sector values and expected behaviours

The following five public sector values and behaviours are excerpts from the 2012 *Values and Ethics Code for the Public Sector* (VECPS). They form a framework for action and cannot be considered in isolation from one another. LAC employees are expected to demonstrate these values in their daily decisions, actions, processes and systems. Similarly, employees can expect LAC policies and procedures to respect these values and can expect to be treated in accordance with these values by managers and co-workers

I. RESPECT FOR DEMOCRACY

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

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

II. RESPECT FOR PEOPLE

Public servants 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 safe and healthy workplaces that are free from harassment and discrimination; and
- working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.

III. INTEGRITY

Public servants shall serve the public interest by

- 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;

- never using their official roles to inappropriately obtain an advantage for themselves or to advantage or disadvantage others;
- 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; and
- acting in such a way as to maintain their employer's trust.

IV. STEWARDSHIP

Public servants shall use resources responsibly by

- effectively and efficiently using the public money, property and resources managed by them;
- considering the present and long-term effects that their actions have on people and the environment; and
- acquiring, preserving and sharing knowledge and information as appropriate.

V. EXCELLENCE

Public servants shall demonstrate professional excellence by

- providing fair, timely, efficient and effective services that respect Canada's official languages;
- continually improving the quality of policies, programs and services they provide; and
- fostering a work environment that promotes teamwork, learning and innovation.

3.2 Standards of conduct for LAC employees

The following supplements the public sector values and expected behaviours, describing minimum standards of conduct for all LAC employees. The standards of conduct will evolve over time, in response to changes in our work environment and feedback from employees. Notwithstanding anything in this document, employees are also expected to understand and abide by all legislation, policies and procedures relevant to their responsibilities.

3.2.1 Leading through personal responsibility

Employees show leadership when they incorporate public sector values in their decision making and actions and in their interactions with co-workers and partners. Each of us must consider the potential impact of our actions and decisions on all interested parties—the public, clients we serve, co-workers, subordinates and others—in terms of what is right or wrong or fair, even when legal and regulatory decisions do not require it. There is an additional expectation for LAC management to be role models, leading

by example and setting the tone for ethical conduct. Managers must ensure that their teams are familiar with the VECPS and the LAC Code of Conduct and welcome open dialogue with their teams when it is related to LAC's mandate.

3.2.2 Duty of loyalty

Employment in the public service involves certain restrictions. Public servants owe a duty of loyalty to their employer, the Government of Canada. This duty derives from the essential mission of the public service to help the duly elected government, under law, to serve the public interest and implement government policies and ministerial decisions. The duty of loyalty reflects the importance and necessity of having an impartial and effective public service in order to achieve this mission.

As public servants, our duty of loyalty to the Government of Canada and its elected officials extends beyond our workplace to our personal activities. Public servants must therefore use caution when making public comments, expressing personal opinions or taking actions that could potentially damage LAC's reputation and/or public confidence in the public service and the Government of Canada. They must maintain awareness of their surroundings, their audience and how their words or actions could be interpreted (or misinterpreted).

With the current proliferation of social media, public servants need to pay particular attention to their participation in these forums. For example, in a blog with access limited to certain friends, personal opinions about a new departmental or Government of Canada program intended to be expressed to a limited audience can, through no fault of the public servant, become public and the author identified. The public servant could be subject to disciplinary measures, as the simple act of limiting access to the blog does not negate a public servant's duty of loyalty to the elected government. Only authorized spokespersons can issue statements or make comments about LAC's position on a given subject. If you are asked for LAC's position, you must refer the inquiries, through your manager, to the authorized LAC spokesperson.

The duty of loyalty is not absolute. In assessing and making a determination regarding any particular public criticism, the duty of loyalty must be balanced with other interests, such as the public servant's freedom of expression. The substance (i.e. the content of the criticism), context (i.e. the frequency of the criticism, the forum or medium in which it is made) and the form (i.e. the manner in which the criticism is expressed, e.g. restrained or vitriolic) are all relevant factors. Situations in which an exception is likely to be made to the duty of loyalty include the following:

1. The Government is engaged in illegal acts.
2. Government policies jeopardize life, health or safety.
3. The public servant's criticism has no impact on his or her ability to perform effectively the duties of a public servant or on the public perception of that ability.

It should be noted that such exceptions are usually applicable only when the public servant has made efforts to address his or her concerns using the proper internal communication channels that have been established and/or the internal resources at his or her disposal. Employees may refer to section 5 for guidance on internal communication channels.

3.3 Fairness, respect and dignity

It is everyone's responsibility to treat co-workers, partners and stakeholders with fairness, respect and dignity.

Managers are expected to adhere to the principles of merit, non-partisanship, fairness, transparency, access and representativeness in their staffing processes. They are expected to bring any issues to the attention of their human resources advisors immediately and collaborate with them in taking measures to address such issues.

Managers must also foster a healthy work environment where employees are safe voicing their concerns. All employees (including managers) must recognize the value of individual contributions and diversity and give differing points of view a fair hearing.

If an employee witnesses or is subject to harassment or discrimination, he or she should report it to his or her supervisor or manager. If the employee is not comfortable doing that alone, he or she should seek the assistance of a human resources advisor, a senior labour relations advisor, his or her union representative, or a colleague. For detailed information, employees should refer to the Policy on Harassment Prevention and Resolution. Harassment, discrimination and frivolous claims aimed at maliciously discrediting co-workers or LAC will not be tolerated.

3.4 Confidentiality and disclosure of information

Employees may access official information only for the purposes of their work and must keep in strict confidence all information to which the public does not have access. This includes both information produced internally (e.g. personnel-related data, documents classified protected and secret) and information obtained from external sources (e.g. proprietary information from our clients). This duty includes creating and maintaining accurate, reliable and usable records in support of ongoing business and protecting the integrity of those records. Employees may disclose this type of information to clients or designated representatives only if specifically authorized by legislative or corporate guidelines.

For example, it would not be acceptable for an employee to advise a neighbour to delay renovations until the Minister announces an upcoming program to support homeowners wishing to renovate their homes. However, consulting with industry on how such a program might proceed may be acceptable in the course of your work.

As another example, consider that a friend has asked an employee for help in preparing for an interview at LAC. The employee is not part of the staffing process to which the friend is applying. It is permissible to coach the friend in the generalities of working in the public service, completing applications or

preparing for interviews. It is not permissible to share previous interview questions or any other information that is not available to the public or to other applicants.

In addition, employees are responsible for properly safeguarding the information in their care and ensuring the appropriate labelling of classification and the secure transportation of classified material. Classified (i.e. protected or secret) material should be properly secured at the office, unless it is strictly necessary to transport it elsewhere for the purpose of carrying out LAC business. Employees are prohibited from destroying, altering, falsifying or concealing a record, or directing anyone to do so, with the intent of obstructing the right of access set out in the *Access to Information Act* or disclosing any personal information without proper authorization as set out in the *Privacy Act*. Further guidance is available on the LAC intranet site.

3.4.1 Access and use of electronic networks

Employees are to use LAC computer systems, software, equipment, networks, Internet, intranet and electronic mail for authorized business purposes only, except for the limited personal use noted in the LAC Acceptable Use Policy (AUP) - Internetworking and Electronic Mail.

LAC employees must bear in mind that social media are public forums and that posts on these media are at risk of being made widely available. Public confidence can easily be damaged by remarks that embarrass, criticize or otherwise comment on the actions of the Government, LAC, co-workers or other members of the public service. This is true whether such remarks are made from the LAC network or from an employee's personal account. Employees should refer to Treasury Board's Guideline for External Use of Web 2.0.

3.5 Intellectual property

Various Canadian laws govern the ownership of intellectual property that an employee makes or creates while employed at LAC. Intellectual property includes patents, copyright, trademarks and trade secrets. Under the *Public Servants Inventions Act*, any invention made by a LAC employee that is connected with his or her employment belongs to the Crown. Similarly, under the *Copyright Act*, any "work" prepared by a LAC employee under LAC's direction or control belongs to the Crown.

Conflict of interest or ethical issues relating to intellectual property need to be assessed on a case-by-case basis. The Manager, Labour Relations, Compensation and HRIS (COI Administrator) is the first point of contact for an employee and his or her manager to discuss these issues.

4. Conflict of interest and post-employment

In the public service, the appearance and perception of a conflict of interest present just as much risk and, consequently, are just as important to manage as a real conflict of interest. These considerations extend to employees planning to leave LAC and, in some cases, apply for a one-year period after their departure.

4.1 Conflict of interest

Public servants maintain public confidence in the impartiality and 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. In this document, the term “conflict of interest” refers to all three types.

In the public sector, the appearance or perception of conflict of interest can be as damaging as actual conflict of interest. The test audience is not the expert with full knowledge of the circumstances, but the average member of the public or the company competing with one of our clients who could reasonably believe there is a conflict of interest.

That being said, it is impossible to foresee every situation that could give rise to a conflict of interest. When in doubt, LAC employees should consult section 4.3; complete the self-assessment available in the LAC Values and Ethics Toolkit posted on the Values and Ethics Portal on the intranet site; and submit a Confidential Report form to the COI Administrator for assessment (see section 4.2).

Certain LAC employees are also required to observe specific conduct contained in the statutes governing LAC and/or their professional codes of conduct. Any conflict between the two should be discussed with their manager and the COI Administrator.

4.2 Requirement to report

Employees are required to report their personal assets, liabilities or outside activities within 60 days of their employment, or when there is a change of position or a substantial change in responsibilities. In addition, certain activities that are undertaken as a matter of course as part of an employee’s work may also place the employee or LAC at risk and should be reported. The Confidential Report form and the related self-assessment in the Values and Ethics Toolkit, document the employee’s due diligence and help to protect the employee and LAC from later allegations of conflict of interest. When required, the Senior Official for Public Service Values and Ethics assists employees (and their managers) in identifying and implementing mitigation measures.

Because of the inherent risk involved, LAC employees must submit a detailed Confidential Report form to the COI Administrator in the following circumstances:

- By the nature of their responsibilities, their access to information, and their influence, all senior managers (i.e. EX-level and EX equivalents) undertake activities that may place them in high-risk situations and must therefore report their assets, liabilities and outside activities (whether personal or as part of their duties) on a yearly basis.
- Employees who receive a benefit or income either directly or indirectly from a contract with the Government of Canada are required to report to the COI Administrator on such contractual or other obligations. In some instances, the employee may be required to modify or terminate the contract.
- The employee is considering accepting an offer of employment outside of LAC while on leave. Such situations should be reported to the COI Administrator as early as possible during your deliberations, and the manager should not approve leave until receipt of the COI Administrator's assessment.
- The employee is or wants to become a member of a board of directors or other governing body of a private organization, whether as part of his or her work duties or as a personal activity. These activities have been identified as high-risk activities for LAC and employees. The risks are threefold. There is risk of a real, apparent or potential conflict of interest. There is risk of a conflict of duties. There are Crown liability risks. The requirement is waived if the board's scope of activities or influence is local, the board does not take a political or advocacy position with LAC or the Government of Canada, and the board has no direct financial interactions with LAC or the federal government.
- The employee holds a teaching or research position at the college or university level, including an adjunct professorship.
- The employee is applying for or receiving benefits under any grant, contribution or any other program that is not intended for individuals or families. For example, applying to LAC for a grant or contribution for your private company or volunteer association must be reported; applying to programs such as the ecoENERGY Retrofit–Homes program does not carry a reporting requirement.
- The outside activity or self-directed investment is related to LAC's mandate or activities, to companies with whom LAC has contractual obligations or to industries otherwise related to the mandate or activities of LAC. Investments in open-ended mutual funds need not be reported.
- When the nature of the employee's personal assets, liabilities or outside activities are or may be at medium or high risk of placing the employee or LAC in a conflict of interest or conflict of duties.
- When the employee is requested to do so by his or her manager or by the COI Administrator.

Tools and procedures are posted on the Values and Ethics Portal intranet site to assist employees and managers in identifying their risk level and reporting to the COI Administrator. A written determination including any required mitigation will be sent to the employee after the COI Administrator's assessment has been completed.

Employees are always welcome to contact the COI Administrator or consult the Values and Ethics Portal intranet site if they have questions relating to ethical issues, conflict of interest or conflict of duties.

4.3 Example of a conflict of interest

As mentioned, section 3 summarizes the responsibilities and duties of LAC employees. The following example illustrates a situation that can give rise to a real, apparent or potential conflict of interest.

- You are assessing requests for proposals (RFPs) recently received for a contribution program that you manage. You see that your brother-in-law has submitted a bid but are confident that you can keep your personal views separate from your task of objectively and fairly assessing the RFPs. As you do not share a last name, no one will be the wiser, and it would be too complicated for you to transfer this task to someone else. This is a conflict of interest (regardless of whether he has the winning bid) even if you would not gain financially from it. Outside observers (or competing bidding companies) could reasonably believe that you favoured your relative's submission over their own for personal reasons.

As is clear from this example, conflicts of interest range from the seemingly innocuous to the severely damaging. They can be so serious they could lead to charges of fraud, influence peddling or other breaches of legislation. This is why vigilance and open discussion are so vital to managing these types of issues.

Should an employee believe that the law has been broken, he or she should direct his or her concerns, along with any supporting information, to the Senior Officer for Internal Disclosure (see section 6).

4.3.1 Family, relatives and friends

An employee who is in a position to influence or make decisions regarding situations that may reasonably be expected to involve his or her family, friends or other personal contacts is in a real, apparent or potential conflict of interest. This includes areas of activity such as staffing, contracting and procurement, managing contribution agreements and grants, and screening candidates in competitions. Such a situation is to be reported to the manager as soon as it becomes known to the employee. The closeness and visibility of the relationship are factors in determining the mitigation measures that will be applied. At minimum, the employee should be distanced from the activity in question. This separation also applies to performance assessments and leave approvals, financial approvals and any other approval required for employee activities, and it should be maintained during acting situations. The COI Administrator should be informed as soon as possible if the manager and/or the employee thinks that the employee is in a medium- or high-risk situation or for other business

reasons as appropriate (e.g. high-visibility or high-value file) so that mitigation measures may be identified and documented. Furthermore, close personal relationships that may not satisfy the legal definition of family contained in section 7 but that may contribute to a perception of preferential treatment must also be avoided in all our work-related activities. It is the responsibility of each LAC employee to identify situations where he or she may be in a conflict of interest situation and take the appropriate avoidance measures.

4.3.2 Gifts, honoraria, hospitality, travel and other benefits

Acceptance of gifts, hospitality, travel and other benefits for work-related activities is permissible only if these benefits meet all the following criteria:

- They are infrequent and of minimal value, such as low-cost promotional objects, simple meals or souvenirs with no cash value;
- They arise out of activities or events related to official duties of the public servant concerned;
- They are within the normal standards of courtesy, hospitality or protocol; and
- They do not compromise or appear to compromise the employee's or LAC's integrity in any way.

Where it is impossible to decline such items, where such items do not meet the above criteria, or where it is believed that there is sufficient benefit to LAC to warrant acceptance of the offer regardless of the above-noted criteria, the employee and manager are to discuss the rationale, risks and mitigation and seek direction from the COI Administrator. The COI Administrator will provide a written assessment indicating whether the offer is to be declined or accepted, and if accepted, whether it will be retained by LAC, donated to charity, disposed of, or retained by the employee.

Notwithstanding the above, employees should decline gifts, hospitality or other benefits whenever possible; honoraria or additional monetary compensation must never be accepted.

On occasion, third parties offer to pay for an employee's travel expenses to events such as conferences. Ideally, management agrees that the benefit to LAC justifies such participation, and a source of departmental funding is to be identified to cover the related costs. Alternatively, a business case that addresses the issues of conflict of interest and conflict of duty should be submitted to the manager to document due diligence and should be provided to the COI Administrator. Note that this does not preclude obtaining proper financial and other appropriate approvals, or the requirements of policies such as the LAC Policy on Attendance at Conferences Outside the NCR. Direct payment of funds by a third party to a departmental employee, including honoraria and additional monetary compensation, is not permitted.

4.4 Personal activities

In any personal activities (i.e. activities that are not part of your work duties), employees should take care not to represent themselves as speaking on behalf of or as an expert of the Government of Canada or LAC, and should always bear in mind their duty of loyalty and the risks of real, apparent or potential conflict of interest or conflict of duties. In all cases, an employee may be required to modify or terminate an outside activity if the COI Administrator determines that a conflict of interest exists.

Your off-duty conduct is usually a private matter. However, off-duty could become a work-related matter if it does any of the following:

- harms the LAC's reputation or program;
- renders you unable to perform a requirement of your duties;
- leads other employees to refuse, be reluctant or be unable to work with you;
- renders you guilty of a serious breach of the *Criminal Code* of Canada and thus renders your conduct injurious to the general reputation of LAC and its employees;
- makes it difficult for the LAC to manage its operations efficiently and/or to direct its workforce.

You must inform your manager as soon as possible if you are arrested, detained or charged with a violation in Canada or outside Canada of laws, regulations, a federal statute or the *Criminal Code* of Canada related to your official duties. You must report a traffic violation or highway code ticket received during the use of a government-owned or leased vehicle.

4.4.1 Assets

Employees must submit a Confidential Report form if they have assets (e.g. self-directed investments, patents or other intellectual property) or interests in companies with whom LAC has entered or may enter into contractual obligations or in industries related to the mandate or activities of LAC. Where the COI Administrator determines that an employee's assets present a real, apparent or potential conflict of interest that cannot be sufficiently mitigated, the employee may be required to divest those assets. LAC employees may not sell or transfer assets to family members or anyone else for the purpose of circumventing the compliance requirements.

Personally owned patents or other intellectual property not owned by the Crown must not be used for LAC purposes and should not be further developed or combined with LAC intellectual property without the prior written agreement of the manager and clarification of LAC's legal rights.

The COI Administrator will consult Treasury Board, Finance and any other experts as required when assessing assets in order to ensure compliance with the VECPS and the LAC Code of Conduct. Assets that do not require reporting and those that do require reporting are listed on the Values and Ethics Portal. Any assets not addressed should be reported.

4.4.2 Teaching, speaking at conferences, and other personal engagements

On occasion, LAC employees may be asked by third parties to teach or to speak at or be a guest at conferences as a personal activity or part-time employment. Such activities have been identified as high risk to LAC and to the employee with regard to conflict of interest, conflict of duties and duty of loyalty. Submitting the Confidential Report form to the COI Administrator before accepting such offers will ensure proper assessment under the VECPS and the LAC Code of Conduct, thereby protecting both the employee and LAC. This form is available in the Values and Ethics Toolkit on the Values and Ethics Portal.

An employee may accept such invitations as personal activities if all of the following conditions are met:

- The subject matter of the activity is not related to the mandate or activities of LAC;
- The employee is not presented as speaking for or being an expert of LAC or the Government of Canada;
- The third party is not a potential or current supplier to/collaborator with LAC;
- The third party does not lobby or advocate with LAC;
- The third party does not receive grants, contributions or other types of funding or payments from LAC;
- The employee has discussed it with his or her manager, who has documented confirmation that the activity does not conflict with the employee's duties at LAC or present other risks to LAC.

Furthermore, before accepting a payment, a reimbursement of costs or an honorarium for such activities, the employee must assess whether the offer poses a risk of real, apparent or potential conflict of interest or impair in any way his or her ability to fulfill professional responsibilities and whether the acceptance of the offer would contravene any other legal, financial or policy requirements. If all the criteria cited above are met, there is no need to submit a Confidential Report form.

4.4.3 Political activities

Public servants have the right to engage in political activity as long as it does not impair and is not perceived to impair their ability to perform their duties in a politically impartial manner.

LAC employees who are considering involvement in political activity should seek the advice of the LAC Delegated Political Activities Representative before taking any action. The Delegated Political Activities Representative will assess the file and liaise with the Public Service Commission of Canada (PSC) as necessary to ensure that the employee's request is processed for the PSC's approval. PSC approval is required before an employee undertakes any activity relating to political activity and/or seeks nomination for or is a candidate in a federal, provincial, territorial or municipal election.

Similarly, any public servant who is subject to this policy but not subject to Part 7 of the *Public Service Employment Act* (e.g. casual and part-time workers) and who wishes to engage in any political activity must report the proposed activity to the COI Administrator.

4.4.4 Solicitation

At this time, the government continues to exclusively support the Government of Canada Workplace Charitable Campaign (GCWCC), Canadian Legion Poppy Fund and Canadian Blood Services/Héma-Québec. Any additional solicitation on LAC premises or as an LAC employee can be requested in writing to the COI Administrator, who will assess the values and ethics and conflict of interest considerations and make a recommendation to the Deputy Head for approval, as appropriate. Such prior written approval is also required to solicit donations, prizes or contributions from outside parties, including the GCWCC. Permission is granted only under exceptional circumstances and for official activities.

Furthermore, employees must not, for outside purposes (e.g. a charity for which they volunteer, personal business), solicit on LAC property, use LAC equipment to prepare or circulate solicitations, or approach their LAC contacts (external and internal) for donations or personal business. This includes requesting donations from fellow employees through the posting of announcements or email messages and approaching any organization that does business with LAC for donations of money, goods or services. Finally, LAC email, telephone and mailing addresses must not be used for contact purposes for such solicitations.

Note that a request for donations from fellow employees to recognize a milestone in a co-worker's life (e.g. to buy a gift for a new parent, to donate to an association "in lieu of flowers" in cases of bereavement, to contribute to retirement gifts) is not considered solicitation for the purposes of the LAC Code of Conduct. Care must nevertheless be taken to ensure that such contributions are optional and that employees are not made to feel that they must make such contributions.

4.4.5 Avoidance of preferential treatment

LAC employees are not to use their official identification, title or authority to obtain personal benefit; to exert influence; to obtain or appear to obtain any privilege, favour for themselves or others, or special standing; or to do anything that is illegal, improper or against the best interests of the Canadian public. For example, public servants should not request government rates for their personal travel or accommodations.

LAC employees are not to promote or grant access to LAC premises to third parties for the purpose of promoting, providing or selling goods or services not related to their official duties, with the exception of approved activities (e.g. the GCWCC).

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

4.5 Preventing post-employment conflict of interest before and after leaving LAC

4.5.1 Before leaving LAC

Before leaving their employment with LAC, all employees are to disclose their intentions regarding any future outside employment or activities that may pose a risk of conflict of interest with their current responsibilities and discuss potential conflicts with their manager and the COI Administrator, if necessary. This applies for one year post-employment.

LAC employees are to return all government property and valuables issued to them by LAC when they leave their position, are transferred or reassigned, or are asked to do so by the proper authority. This includes but is not limited to electronic and analogue records, credit and travel cards, and telecommunications devices, unless authorized by their manager to retain them.

4.5.2 Post-employment restrictions for certain positions

LAC senior managers (i.e. EX-level and EX equivalents) are subject to certain restrictions for one year after leaving LAC and the public service. Additional LAC positions that carry high risk of post-employment conflict may also be identified over time. In those cases, correspondence explaining the rationale will be sent to the employees and will become part of their terms and conditions of employment.

Before leaving office and during this one-year limitation period, employees in these positions are to report to the COI Administrator all firm offers of employment or proposed activity outside the public service that relate to the mandate or activities of LAC or to their responsibilities while at LAC. They are also to disclose immediately the acceptance of any such offer.

In addition, LAC senior managers may not, during this one-year period, do any of the following without the COI Administrator's authorization:

- accept an appointment to a board of directors of, or employment with, third parties 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 servants or through their subordinates.
- make representations to any government organization on behalf of parties 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. The official dealings in question may either be directly on the part of the public servant or through their subordinates.
- give advice to their clients or employer using information that is not publicly available concerning the programs or policies of the departments or organizations with which they had a direct and substantial relationship.

It is not considered appropriate to foster collaboration with suppliers or stakeholders as a stepping stone to seek outside opportunities for personal gain—such as employment, contracts or post-retirement benefits for self, family or friends.

Assistant deputy ministers and their equivalents are also subject to the *Lobbying Act*. In the case of any conflict between the LAC Code of Conduct and the *Lobbying Act*, the Act takes precedence.

4.5.3 Waiver or reduction of limitation period

LAC employees are to apply to the COI Administrator for a written waiver or reduction of the post-employment limitation period. The employee must provide sufficient information to assist in making a determination as to whether to grant the waiver, taking into consideration the following criteria:

- the circumstances under which the termination of his or her service occurred;
- the general employment prospects of the employee or former employee;
- the significance to the government of information possessed by the employee or former employee by virtue of that individual's position in the public service;
- the desirability of a rapid transfer of the employee's or former employee's knowledge and skills from the government to other governmental, private or non-governmental sectors;
- the degree to which the new employer might gain unfair commercial or private advantage by hiring the employee or former employee;
- the authority and influence possessed by that individual while in the public service; and
- any other consideration at the discretion of the Deputy Head.
- The COI Administrator will assess the file and make a recommendation for the Deputy Head's authorization, as appropriate.

5. Avenues for resolution

The principles set out in the LAC Code of Conduct are intended to help employees understand those rules and standards of conduct that are necessary to achieve the goals and objectives of LAC and to provide direction in situations where the right course of action may not be clear. For more information on values concepts, employees are encouraged to visit the Values and Ethics Portal on the intranet site.

With respect to the arrangements necessary to prevent real, apparent or potential conflict of interest or to comply with the requirements set out in this document, it is expected that situations will be resolved through discussion and agreement between the public servant, the employee's manager, and/or the COI Administrator. When there is disagreement on the appropriate arrangements to resolve a real, apparent or potential conflict of interest, the disagreement will be resolved through the resolution procedures described below.

6. Wrongdoing

Although LAC starts from the premise that all its employees are doing their best to “do the right thing,” LAC must accept that there are instances where an employee wilfully and with intent contravenes the LAC Code of Conduct or other laws, regulations, policies or procedures. LAC employees who have knowledge of such activity may, in a confidential manner and without fear of reprisal, bring it to the attention of the Senior Officer for Internal Disclosure. Further information on the duties and powers of senior officers for internal disclosure can be found in the VECPS.

A second avenue for reporting wrongdoing is the Office of the Public Sector Integrity Commissioner of Canada. The Office offers a safe, confidential and independent mechanism for public servants or members of the public to disclose potential wrongdoing in the federal public sector. The Office reviews disclosures of wrongdoing and reprisal complaints and conducts investigations as needed. The Office is meant to complement existing recourse mechanisms within departments, not to replace them.

7. Definitions

(Note that additional definitions may be posted on the Values and Ethics Portal on the intranet from time to time as the need arises and until such time as they can be incorporated in future versions of the LAC Code of Conduct.)

Adjunct professorship: An appointment with a university, college or other post-secondary educational institution, in or outside of Canada, to undertake teaching and/or research activities. Other examples include collaborative positions with a National Centre of Excellence, an independent research institute or post-secondary educational institutes other than universities.

Conflict of duties: A conflict that arises, not because of a LAC employee’s private interests, but as a result of one or more concurrent or 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.

Conflict of interest: A situation in which the public servant has private interests that could improperly influence the performance of his or her official duties and responsibilities or in which this employee uses his or her office for personal gain.

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

Conflict of Interest Administrator (COI Administrator): The Deputy Head's delegate for matters relating to conflict of interest, including management of the LAC Code of Conduct; assessment and ruling regarding employees' completed Confidential Report forms listing assets, liabilities and outside activities; and the LAC representative at related interdepartmental meetings and consultations. At LAC, the Deputy Head has delegated this responsibility to the Manager, Labour Relations, Compensation and HRIS.

Designated Political Activities Representative: is the Deputy Head's delegate to receive employees' requests and queries regarding political activities; to coordinate and prepare related material for the Deputy Head's consideration; and to liaise with the Public Service Commission of Canada as required for consideration and final approval. At LAC, the Deputy Head has delegated this responsibility to the COI Administrator.

Discrimination: means treating people differently, negatively or adversely because of their race, national or ethnic origin, colour, religion, age, sex (including pregnancy and childbearing), sexual orientation, marital status, family status, physical or mental disability (including dependence on alcohol or drugs), or pardoned criminal conviction.

Fairness: is one of the guiding values of the *Public Service Employment Act*. It requires that decisions be made objectively and free from political influence and personal favouritism; policies and practices reflect the just treatment of persons; and persons have the right to be assessed in the official language(s) of their choice in an appointment process.

Family: includes common-law partner, dependent child, spouse, family members and persons who are related to an employee by birth, marriage, common-law partnership, adoption or affinity.

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

Intellectual property: means all rights in any information of a scientific or technical nature, whether oral or recorded in any form or medium and whether or not protectable by patent or copyright, including but not limited to data, techniques, methods, processes, know-how, inventions, designs, formulae, photographs, drawings, plans, specifications, reports, studies, technical and procedural manuals, computer firmware and computer software, data files, and documentation including, without limitation, patents, copyrights, trade secrets, trademarks, registered industrial designs, any applications for same, and all rights therein.

LAC employee: An individual employed at LAC, including managers and executives, indeterminate and term employees, individuals on leave without pay, students participating in student employment programs, as well as casual, seasonal and part-time workers. Although they are not public servants, individuals on incoming

Interchange Canada assignments as well as volunteers and contractors are all expected to comply with the requirements of the LAC Code of Conduct. Order-in-council appointees, such as deputy heads, are subject to the *Conflict of Interest Act*.

Non-partisanship: is one of the core values of the *Public Service Employment Act*. It is essential to a professional public service and responsible democratic government and ensures that appointments and promotions to and within the public service are based on merit and free from political influence. It supports the capacity and willingness of employees to serve governments regardless of political affiliation. It enables employees to provide objective policy advice and administer programs and services for Canadians in a politically impartial manner.

Political activity: As defined by Part 7 of the *Public Service Employment Act*, political activity means carrying on 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 a federal, provincial, territorial or municipal election before or during the election period.

Property: includes but is not restricted to vehicles, buildings, premises, facilities, uniforms, badges, credentials, files and documents, office equipment and supplies, computers, software, video equipment, and telecommunications devices.

Representativeness: is one of the guiding values of the *Public Service Employment Act*. It requires that appointment processes be conducted without bias and do not create systemic barriers to helping achieve a public service that reflects the Canadian population it serves.

Sponsored travel: A private organization pays for the public servant to travel to a certain location and perform official duties (i.e. transportation, accommodations, meals).

Third party: Any individual, group or organization external to the Government of Canada, such as a private individual, a business, a society, an association or a university.

Valuables: include, but are not restricted to, any items of value such as government credit cards and telephone calling cards.

Wrongdoing: The *Public Servants Disclosure Protection Act* defines wrongdoing as serious violations that go against the public interest, such as

- violating any Act of Parliament or any Act of the legislatures of the provinces or territories;
- misusing public funds or public assets;
- gross mismanagement;
- doing something—or failing to do something—that creates a substantial and specific danger to the health, safety or life of persons or to the environment;
- seriously breaching any code of conduct that applies to the public sector; and
- knowingly directing or counselling a person to commit wrongdoing as defined above