



**Office of the Conflict of  
Interest Commissioner**

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**Bureau du commissaire  
aux conflits d'intérêts**

**Annual Report  
2009–2010**



**Office of the Conflict of  
Interest Commissioner**

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**Ontario**

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**Office of the Conflict of  
Interest Commissioner**

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**Bureau du commissaire  
aux conflits d'intérêts**

June 30, 2010

The Honourable Harinder Takhar  
Minister of Government Services  
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Whitney Block  
99 Wellesley Street, West  
Toronto, Ontario  
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Dear Minister:

**Re: Office of the Conflict of Interest Commissioner Annual Report**

I am pleased to present to you the annual report of the Office of the Conflict of Interest Commissioner, for the fiscal year 2009-2010.

Yours sincerely,

The Honourable Sidney B. Linden  
Commissioner



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## COMMISSIONER'S MESSAGE

Looking back on my third year as Ontario's Conflict of Interest Commissioner, I am pleased to reiterate the view I expressed in my first annual report—that most public servants strive to be honourable and ethical. That view has been confirmed, on an almost daily basis, in my meetings with officials from across the Ontario government. For the most part, both long-standing and new members of the public service appreciate the principles that are embodied in the conflict of interest and political activity rules and are committed to them. However, as with any organization, there is always room for improvement.

Our efforts this year have established this office as a helpful resource for public servants as they seek to comply with the rules and resolve potentially problematic situations. Our continuing objective is to assist public servants with their own efforts in this regard and to support senior officials in carrying out their oversight responsibilities. In my view, education is the key to meeting that objective. This includes regularly raising public servants' awareness of their obligations when carrying out their duties to the Crown and of the activities to be avoided under the conflict of interest and political activity rules. Education also plays an important part in achieving consistent application of the rules throughout the public service, which I consider a crucial goal.

By focusing on education, we can assist public servants in making informed decisions, and we can support, rather than circumvent, the decision-making responsibility of other designated individuals. Essentially, this is a preventative approach that encourages public servants to be accountable for their conduct and helps to ensure that this office successfully fulfills the role the government envisioned for it.

Through outreach, meetings, and presentations during the year, we have increased awareness of the issues within our mandate. We have also shared information and approaches to common challenges with other jurisdictions. As an organization, we are operating more effectively, having put in place an electronic system to manage, track, and report on the requests and inquiries we receive.

We have come a long way in the three years since this office was created, and we intend to continue to work toward achieving our full potential as a strong partner in the ethical framework of the Ontario government. I continue to feel privileged to have this opportunity to contribute to the Ontario government's efforts to strengthen and improve its public service.

The Honourable Sidney B. Linden  
Commissioner



## ESTABLISHMENT AND GOVERNANCE

To provide context for the activities described in this report, this section briefly describes the establishment and governance of the Office of the Conflict of Interest Commissioner.

### LEGISLATIVE BACKGROUND

The *Public Service of Ontario Act, 2006 (PSOA)* was proclaimed in August 2007. In enacting this legislation, the government intended to strengthen the ethics and accountability framework governing the Ontario public service.

The intent of the *PSOA* is to achieve greater consistency in the application of conflict of interest and political activity rules throughout the public service. Another objective of the legislation is to clarify lines of accountability in applying these rules, thereby contributing to transparency and understanding, within and outside government, with regard to conflict of interest and political activity and related best practices.

Among other things, the *PSOA* provides for the appointment of a Conflict of Interest Commissioner.

### ROLE OF THE COMMISSIONER

Under the *PSOA* and accompanying regulations, the commissioner has a leadership role in contributing to public servants' understanding of the conflict of interest and political activity rules and to the interpretation of those rules. The *PSOA* also explicitly assigns to the commissioner responsibility for certain conflict of interest and political activity matters with respect to specified employees of ministries and employees and appointees of public bodies.

The commissioner aims to fulfill this mandate in the following ways:

- Providing clarity and guidance to the Ontario public service regarding conflict of interest and political activity matters
- Encouraging excellence and consistency within the Ontario public service in the application of the conflict of interest and political activity rules
- Raising awareness in the Ontario public service about conflict of interest and political activity matters

These goals are achieved through three main areas of activity:

- Offering advice and making decisions on conflict of interest and political activity matters involving Ontario public servants and former public servants

- Providing advice and direction to Ontario public bodies regarding the standards of ethical conduct established by the conflict of interest rules
- Developing and sharing information that provides guidance and promotes understanding regarding Ontario's conflict of interest and political activity rules

## PRINCIPLES AND VALUES

The Office of the Conflict of Interest Commissioner has established principles and values to guide its operations: integrity, administrative fairness, independence and impartiality, transparency, consistency, timeliness, and cost-effectiveness.

These principles and values are in keeping with the function of the office as an administrative tribunal that is part of the overall administrative justice system in Ontario.

## GOVERNANCE AND ACCOUNTABILITY

The Conflict of Interest Commissioner is appointed by the Lieutenant Governor-in-Council for a fixed term. The commissioner is accountable to the Minister of Government Services for fulfilling the mandate prescribed in the *PSOA* and is required to report to the minister annually on the activities of the office during the preceding year. However, with respect to making statutory decisions, the commissioner is, and must be seen to be, independent and impartial.

A memorandum of understanding between the government and the Office of the Conflict of Interest Commissioner sets out additional reporting and other responsibilities related to the management, administration, and operation of the office.

## ACTIVITIES IN THIS FISCAL YEAR

Generally speaking, the commissioner's responsibilities can be viewed as either activities set out in the *PSOA*, such as acting as ethics executive for certain individuals, or as activities that are implicit in the commissioner's role in advancing the underlying intent of the *PSOA*.

In all of the commissioner's activities, there is a strong focus on education. The commissioner is firmly of the view that situations where conflict of interest may arise are most likely to be avoided through raising public servants' awareness of their obligations when carrying out their duties and through aiding ethics executives in carrying out their oversight responsibilities.

### MAKING DECISIONS AND OFFERING ADVICE ON SPECIFIC MATTERS<sup>1</sup>

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#### ACTING AS ETHICS EXECUTIVE

The Conflict of Interest Commissioner is the ethics executive for designated individuals, including deputy ministers, chairs of public bodies, the Secretary of Cabinet, and other specified individuals. In this capacity, the commissioner is responsible for providing these individuals with advice or direction on matters involving outside activities (including political activities) that may have an impact on fulfilling their duties as public servants.

During this fiscal year, the commissioner provided advice or direction, as ethics executive, on 23 matters involving conflict of interest or political activity.

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#### ASSISTING OTHER ETHICS EXECUTIVES, OFFICIALS OR OFFICES

Like the commissioner, other senior officials or offices within the Ontario public service have specified responsibilities under the *PSOA*. For example, they may be called upon to answer questions on the application of the conflict of interest and political activity rules or to determine whether a conflict of interest exists or whether a certain political activity is permitted.

To assist individuals or offices in fulfilling these responsibilities, the *PSOA* provides that they may seek the commissioner's guidance. The ethics executive, designated individual or office retains responsibility for the matter in these situations. In other circumstances, an ethics executive may seek to refer a matter to the commissioner. In accepting such a request, the commissioner assumes the decision-making responsibility.

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<sup>1</sup> Appendix 3 provides further information on the distinction between the commissioner's role in making decisions and in offering advice. Summaries of selected specific matters are found in the Illustrative Case Summaries chapter.

During this fiscal year, other ethics executives and prescribed individuals and offices sought the commissioner's advice on 114 matters involving conflict of interest or political activity. Two matters were referred to the commissioner for a determination.

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## CONSIDERING REQUESTS TO PARTICIPATE IN POLITICAL ACTIVITIES

The *PSOA* sets out political activity rights and restrictions for all public servants, and also makes specific provision for individuals to seek permission to participate in activities that are not otherwise permitted. Part-time appointees to certain public bodies must seek such permission from the commissioner, as must public servants for whom the commissioner is the ethics executive. These types of requests are most common when an election is to be held. With no federal, municipal, or Ontario elections in the past year, the commissioner did not receive any requests of this nature.

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## RECEIVING AND PROVIDING ADVICE ON PUBLIC SERVANTS' FINANCIAL DECLARATIONS

Public servants routinely working on matters that might involve the private sector (under defined circumstances) must make a financial declaration to the commissioner. The financial declaration discloses certain financial interests, including those of specified family members. A revised declaration is to be submitted to the commissioner when there is a change in financial information that must be disclosed.

As part of the effort to raise public servants' awareness about the conflict of interest rules and roles and responsibilities regarding compliance, the commissioner established the practice of meeting, with each public servant who made a declaration, to review and sign the declaration form. This provided an opportunity to discuss, more generally, the applicable conflict of interest rules and the roles of the commissioner and the public servants' ethics executives.

This year, the commissioner met with 55 public servants who made financial declarations.

## PROVIDING DIRECTION AND ADVICE REGARDING THE STANDARDS OF ETHICAL CONDUCT

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## ADVISING ON, REVIEWING AND APPROVING RULES SUBMITTED BY PUBLIC BODIES

The conflict of interest rules that apply to public servants working in government ministries also apply to public servants appointed to or employed by public bodies. These rules are set out in Ontario Regulation 381/07 (see Appendix 4) and specify the prohibited activities that could put a public servant at risk of a conflict of interest.

The rules are intended to be broad enough to cover most situations, but the *PSOA* allows public bodies to develop their own rules, at any time, for the commissioner's review and approval. To meet with the commissioner's approval, proposed rules must, at a minimum, meet the degree of ethical conduct contemplated in the regulation.

This year, the commissioner approved the rules submitted by four public bodies. In total, the commissioner has approved the rules of 21 public bodies, and these rules are posted on the commissioner's website.<sup>2</sup> The office continues to work with other public bodies that are considering whether to continue to rely on the regulation or to develop their own rules.

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## IDENTIFYING ENHANCED ORGANIZATIONAL PRACTICES

On occasion, and sometimes in the course of addressing a specific conflict of interest or political activity matter, the commissioner may become aware of an organizational policy or practice which, if introduced or revised, may serve to minimize the risk that situations of concern will arise. During this fiscal year, a number of public bodies acted upon this type of advice and/or analysis from the commissioner by revising practices or procedures to better align with the rules. The following are some illustrative examples:

- Ontario Labour Relations Board implemented guidelines for part-time board members wishing to offer private arbitration services
- Liquor Control Board of Ontario revised certain travel policies
- Agricorp reviewed its policy regarding staff participation on outside agricultural boards
- Education Quality Assurance Office revised the procedure for directors and officers with respect to identifying and disclosing conflicts of interest
- Ontario Securities Commission reviewed the practice regarding staff attendance at industry-hosted events in the context of restricted activities
- Ontario Human Rights Commission organized a board orientation on conflict of interest obligations and initiated a review of its governance policies

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<sup>2</sup> During the year, one of the public bodies with previously approved rules chose to rely solely on the rules in the regulation.

## DEVELOPING AND SHARING INFORMATION

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### CONTRIBUTING TO GENERAL UNDERSTANDING OF THE LEGISLATIVE FRAMEWORK AND RULES

The introduction of the *PSOA* established a broader definition of “public servant.” A result of the broader definition is that in-service and post-service restrictions on certain activities are applicable to appointees as well as to employees of certain government agencies that are defined as public bodies. Government appointees have always understood that they are accountable to the public, and they have thus appreciated the need for a high standard of ethical conduct. Under the *PSOA*, they are also required to comply with rules regarding specified restricted activities.

To assist public servants, particularly those in public bodies, in understanding the specified roles, responsibilities and rules set out in the *PSOA*, the commissioner undertook a number of initiatives:

- Orientation of newly appointed or reappointed chairs of public bodies by way of a letter of introduction, followed by meeting with the commissioner (see Appendix 5 for a sample letter sent to new chairs)
- Presentations to the boards of directors and/or senior management of public bodies
- Presentations to groups of public servants (e.g., ministries’ legal counsel) with common interests in the application or interpretation of the *PSOA* and/or in their interactions with the commissioner
- Development of fact sheets to introduce public servants to the commissioner’s legislated functions, explain the scope of the commissioner’s responsibilities under the *PSOA* in a variety of circumstances, address the factors that prompt the commissioner’s involvement in a matter, and describe the processes for seeking the commissioner’s assistance (see Appendix 6)

In addition, with the benefit of almost three years’ experience and over 300 matters considered to date, the commissioner is in a unique position to advise the government regarding provisions that may require clarification or modification to improve consistency in the interpretation or application of the *PSOA*.

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### ACQUIRING AND SHARING AN EXPANDING BODY OF KNOWLEDGE

As in previous years, this annual report includes a selection of summaries of the conflict of interest and political activity cases addressed during the year (see the Illustrative Case Summaries chapter). Faced with similar issues, public service decision-makers can refer to the case

summaries to assist them in interpreting and applying conflict of interest and political activity rules in a consistent manner. Access to this information also contributes to confidence in the standards of conduct within the Ontario public service.

The commissioner continues to explore ways in which ethic executives can share information about the disposition of common or emerging issues while complying with the rules intended to protect privacy and confidentiality.

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## IDENTIFYING AND SHARING BEST PRACTICES

The commissioner has made it a priority to learn from other offices with comparable responsibilities, with a view to adopting methods, tools, or approaches that may be well suited to the legislative framework that governs the conduct of Ontario public servants and sets out the commissioner's mandate. The commissioner also welcomes opportunities to share information about Ontario's high standard of ethical conduct for public servants and its framework for maintaining that standard.

### **Canadian ethics offices**

- Federal officials

The commissioner met with the Government of Canada officials who are responsible for areas corresponding to aspects of the commissioner's mandate as prescribed in the *PSOA*:

- Conflict of Interest and Ethics Commissioner
- Senate Ethics Officer
- President of the Public Service Commission of Canada
- Chief Human Resources Officer, Treasury Board of Canada Secretariat

These meeting opened lines of communication and provided insight into the challenges and approaches of officials with similar responsibilities.

- President of the Public Service Commission of Canada (PSC)

The PSC's office is evaluating its political activity rules with a view to updating allowances and restrictions for public servants. To this end, the federal commissioner sought information about Ontario's approach to promoting a non-partisan public service. In addition to the more general meetings mentioned above, the commissioner facilitated an exchange of information in this specific area between Ontario government policy and legal experts and federal officials.

- Prince Edward Island's Clerk of the Privy Council

The clerk consulted with the commissioner regarding Ontario's ethical framework in preparation for reporting to the province's premier on new ethics guidelines and a conflict of interest policy for the PEI public service.

### **United States Office of Government Ethics (OGE)**

The commissioner visited the OGE in Washington and, among other things, participated in a seminar regularly offered by the OGE to ethics officials in executive branch agencies. As a result, the commissioner's office is implementing a system of codifying the manner in which matters brought to the commissioner's attention are analyzed. The office also intends to implement the practice of sharing these analysis "road maps" with other Ontario government ethic executives to help facilitate a consistent approach to similar types of matters.

### **Council on Governmental Ethics Laws (COGEL)**

The Office of the Conflict of Interest Commissioner is an active participant in COGEL, an international organization that facilitates the exchange of information on developments and trends in government ethics and best practices in ethics administration. A representative of this office attended this year's annual conference, along with over 400 other ethics professionals. Throughout the year, participation on COGEL's electronic bulletin board provides a valuable perspective on improving or introducing best practices.

## **BUILDING ORGANIZATIONAL CAPACITY**

The commissioner has devoted considerable attention over the last three years to defining the scope of his responsibilities as set out in the *PSOA* and to developing the procedures and tools for carrying out those responsibilities. To that end, extensive ongoing attention has been dedicated to advancing the internal knowledge, infrastructure, and capacity of this office. This is in keeping with the commissioner's continuing goal of establishing this office as an increasingly useful resource for the Ontario public service and others.

This year, the office made significant progress in two specific areas that enhance its organizational capacity.

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### **ELECTRONIC CASE MANAGEMENT DATABASE**

Of primary importance this year was the design and development of an electronic case management system to facilitate recording, tracking, and managing the over 100 inquiries and requests received each year. The system is intended to assist the commissioner with reporting on matters brought to his attention, to help identify trends, to make it possible to readily retrieve

and reference information on previous matters, and to formally track adherence to customer service standards.

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## ENHANCING THE WEBSITE

The commissioner's website is a primary source of information about the work of this office. It provides orientation for public servants and others on the role of the commissioner within the larger government framework and directs visitors to other sources of information and assistance as needed. Preliminary design work to upgrade the website was undertaken this year, with the objective of introducing enhancements to the content in the year to come.



## ILLUSTRATIVE CASE SUMMARIES

During this fiscal year, the commissioner addressed 189 matters. Of those, 50 were either unrelated to the Ontario government (23), or did concern an aspect of the Ontario government but someone other than the commissioner was a more appropriate source of assistance (27). Of the remaining 139 matters, 133 concerned an actual or potential conflict of interest.<sup>3</sup> These included providing advice upon receiving a declaration of a public servant's financial interests. The commissioner considered six matters concerning permitted and prohibited political activity.

The following case summaries are examples of the types of inquiries and requests the commissioner addressed this year. Each example indicates whether the commissioner's role in the matter was to provide advice or to make a determination. For conflict of interest matters, the examples cite the relevant conflict of interest rule.

### **1. Conflict of Interest Advice (O. Reg. 381/07, ss. 3 & 4)**

A public servant for whom the commissioner is the ethics executive sought the commissioner's advice upon receiving a one-time payment of approximately \$900 in connection with attendance at an event on behalf of the Ontario government.

The commissioner advised that the rules prohibiting the acceptance of gifts of greater than nominal value did not apply because the sum was not received from a prohibited person, group, or entity. However, the public servant received the payment while on government business, for which he/she was already receiving a salary. Thus, the payment would represent a benefit if the public servant were to keep it, which would likely contravene section 3. Accordingly, the commissioner advised that, unless the payment was used to compensate the public servant for any non-reimbursed, authorized expenses incurred while attending the event, retaining the payment would contravene conflict of interest rules.

### **2. Conflict of Interest Advice (O. Reg. 381/07, ss. 3, 6 & 9)**

The chair of a public body asked the commissioner, as ethics executive, to advise on the potential for conflict of interest arising from participation in board decisions on programs (administered by the public body) in which the chair was a participant. The chair indicated that these decisions could affect individual program participants.

The commissioner advised the chair to consider several factors in assessing the risk of a contravention of the conflict of interest rules: the chair's duties as a public servant, the extent to which carrying out these duties could have an impact on a final outcome of potential benefit to the chair, and the likelihood that a benefit would accrue to the chair. The commissioner

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<sup>3</sup> A conflict of interest is generally understood to mean a situation in which a public servant has private interests that may interfere with that public servant's ability to carry out his or her duties objectively.

suggested, for example, that in situations where a benefit to individual program participants was only remotely connected to carrying out the chair's duties as a public servant, the risk of contravening the conflict of interest rules was likely to be low.

### **3. Conflict of Interest Advice (O. Reg. 381/07, ss. 3, 5, 6 & 8)**

An ethics executive sought the commissioner's advice as to whether a public servant could accept employment, while on authorized leave of absence from a ministry, with a firm that does work for that ministry and the Crown.

The commissioner reminded the ethics executive that a public servant becomes a *former* public servant only when his/her relationship with the Crown is fully terminated (as outlined in case summary 15, 2008/09 annual report). Accordingly, a public servant who is on an authorized leave of absence remains a public servant and is subject to the in-service conflict of interest rules.

The commissioner advised the ethics executive to consider the extent to which the responsibilities of the public servant intersected with the interests of both the firm and its stakeholders. The more significant or more frequent these intersections, and the greater the public servant's involvement with the firm's and/or stakeholders' interests, the more likely that employment with the firm would conflict with the public servant's duties to the Crown and ability to perform these duties, and the more likely that the firm could obtain an unfair advantage. The commissioner further advised that, if these intersections and the public servant's involvement were limited, it might be possible to mitigate potential conflicts of interest by imposing restrictions on the public servant while on leave.

### **4. Conflict of Interest Determination (O. Reg. 381/07, ss. 6 & 8)**

The part-time chair of a public body asked the commissioner, as ethics executive, to determine whether the chair's affiliation with a public relations/government relations firm would conflict with his/her role and responsibilities as a public servant. The concern stemmed from the government relations activities of the firm and the potential that the firm and the public body (a grant-awarding agency) could have stakeholders in common.

The chair did not intend to engage in the firm's government relations activities. However, given the small size of the firm and the nexus with the chair's responsibilities, the commissioner concluded that the public servant could not be sufficiently insulated from those activities. As well, the commissioner concluded that there was a risk of the appearance of preferential treatment when clients of the firm sought funding from the public body.

## **5. Conflict of Interest Determination (O. Reg. 381/07, ss. 5, 6, 8 & 9)**

As ethics executive, the commissioner was asked to determine whether the duties of the chief executive officer of a public body conflicted with his/her duties as an appointee to another public body in the same sector.

The commissioner determined that assuming duties with both public bodies was not inconsistent with the public servant's obligations under the *PSOA*, but acknowledged that the interests of the two public bodies could intersect, thereby creating the potential for conflicts of interest for the public servant pursuant to Ont. Reg. 381/07.

The commissioner directed the public servant to mitigate the risk of conflicts of interest by continuing to follow two established practices; the public servant disclosed the concurrent associations to both public bodies and recused himself/herself from discussions or decisions in either public body that affected the other.

## **6. Conflict of Interest Determination (O. Reg. 381/07, ss. 3, 5, 6, 8 & 9)**

The chief executive officer of a public body had existing professional and personal relationships with individuals associated with the public body's sector. As ethics executive, the commissioner was asked to determine whether those relationships conflicted with the public servant's duties as chief executive officer.

The commissioner directed the public servant to terminate the professional associations, and thereafter to recuse himself/herself from discussions and decisions concerning any of those entities. As well, to mitigate the appearance of preferential treatment, the commissioner directed the public servant to disclose the personal relationships when undertaking his/her duties as a public servant.

## **7. Conflict of Interest Determination (O. Reg. 381/07, ss. 3, 5, 6, 8 & 9)**

As ethics executive, the commissioner was asked to determine whether a conflict of interest arose from a public servant's role as the part-time chair of a public body and his/her responsibilities with an outside organization. The concern stemmed from the fact that the organization was awarded a contract by the ministry that also had oversight responsibility for the public body.

Although full-time public servants are prohibited from engaging in full-time employment concurrent with their position with the Crown, part-time public servants may do so. Nevertheless, in undertaking such employment, part-time public servants must ensure that they continue to comply with the conflict of interest rules.

In this case, the potential existed that some individuals and organizations with an interest in the public body could also be involved with the outside organization. Accordingly, the commissioner directed the public servant to ensure that these individuals and organizations did

not receive (and were aware that they could not receive) any assistance or information from the public servant other than that which the public servant was expected to provide in the ordinary course of carrying out his/her public service duties. The commissioner also directed the public servant to disclose his/her affiliation with the outside organization to the public body whenever called upon to make decisions concerning the organization and to recuse himself/herself from those decisions.

#### **8. Conflict of Interest Determination (O. Reg. 381/07, ss. 3 & 6)**

A senior public servant had financial interests related to the sector in which he/she had responsibility. The public servant's ethics executive referred the matter to the commissioner for a determination.

Owing to certain characteristics of the holdings and the associated limits on transferring investment benefits, the public servant was unable to dispose of the holdings. Accordingly, the commissioner directed the public servant to take the following steps to mitigate the risk of conflict of interest:

- Refrain from accessing information about the specific entities affected by the holdings
- Ensure that the investment was not extended upon maturity
- Refrain from acquiring additional interests in the sector

To minimize the appearance that any entity could receive preferential treatment by receiving information before it was generally available, the commissioner further suggested that the public servant's ministry codify its existing practice of releasing information to all interested entities simultaneously.

#### **9. Conflict of Interest Determination (O. Reg. 381/07, ss. 3, 6 & 9)**

A public servant was concerned about a potential conflict of interest arising from his/her spouse's professional interest in a matter being considered by the government of Ontario. The public servant asked the commissioner, as ethics executive, to determine whether sufficient measures were in place to minimize the risk of contravening the conflict of interest rules. The public servant had taken the following steps:

- Another public servant had been identified who would assume the public servant's duties when the matter was being discussed or considered and in any unexpected situations
- The public servant disclosed the spouse's interest and recused himself/herself from discussions or decisions regarding the matter and from reviewing any documentation related to the matter

The commissioner concluded that these measures would sufficiently isolate the public servant and thus mitigate the risk of a potential conflict of interest.

#### **10. Conflict of Interest Determination (O. Reg. 381/07, ss. 5, 6, 8 & 9)**

As ethics executive, the commissioner was asked to determine whether a conflict of interest arose from a public servant's duties as a full-time chair of a public body and concurrent role as vice-chair of an outside organization. The concern stemmed from the potential for the public body and the outside organization to have overlapping interests.

The public servant's primary duties in the public body were to assign and coordinate the hearing duties of other board members. The outside organization did not take a position on specific matters related to the public body or lobby the government. Based on these factors, and taking into account the nature of the public servant's proposed affiliation with and specified activities in the outside organization, the commissioner concluded that holding the position with the outside organization would not be inconsistent with the public servant's obligations under the *PSOA*.

#### **11. Conflict of Interest Determination (O. Reg. 381/07, ss. 5 & 12)**

A public servant for whom the commissioner is the ethics executive sought a determination as to whether precautionary restrictions on financial activities, which had been put in place when the public servant was hired (before the full extent of responsibilities was known), could be removed.

The commissioner determined that, in light of the absence of any relationship between the public body and the organization in which the public servant had financial interests, it was unlikely that the financial holdings would be affected by the individual's duties as a public servant. Accordingly, the commissioner determined that it was unlikely that removing the restrictions would create a conflict of interest for the public servant.

The commissioner indicated that it could become necessary to reinstate the restrictions if a relationship were to be established between the organization and the public body in the future.

#### **12. Conflict of Interest Determination (O. Reg. 381/07, ss. 6 & 9)**

As ethics executive, the commissioner was asked to determine whether a conflict of interest arose from a public servant's duties as a full-time commissioner of a public body and concurrent role as a volunteer board member in an outside organization. The concern stemmed from the possibility that the organization could have a matter requiring the attention of the public body.

The commissioner concluded that serving as a volunteer member of the board of the outside organization, while also serving as commissioner of the public body, was unlikely to lead to a conflict of interest since the mandate of the organization was sufficiently distinct from that of the public body. However, the commissioner directed that, in the unlikely event that the

organization had a matter requiring the attention of the public body, the public servant was to take the following steps:

- Advise the organization that it may not receive any information from the public servant other than information supplied in the ordinary course of carrying out his/her duties as commissioner of the public body
- Recuse himself/herself from any decision-making, as commissioner of the public body, that could result in a benefit to the outside organization
- Recuse himself/herself from any decision-making, as a member of the outside organization's board of directors, that could conflict with the interests of the Crown

### **13. Conflict of Interest Advice (O. Reg. 381/07, ss. 3, 5, 6, 8 & 9)**

The Public Appointments Secretariat (PAS) sought the commissioner's advice with respect to a proposed appointment to a public body. The proposed appointee held a senior position in a company that had dealings with senior Ontario government officials and had an interest in government matters of general public concern (e.g., initiatives and policies). The commissioner was asked to provide advice as to whether conflicts of interest could arise if this individual were to be appointed to the public body.

The commissioner advised that, given the individual's employment, there was a risk of contravening a number of conflict of interest rules if the appointment took place. However, in the commissioner's view, the risk could be mitigated by restricting the individual's activities. For example, the individual could recuse himself/herself from participating in the public body's decisions on any matters related to the company or matters where there was an opportunity for the company to benefit.

The commissioner also advised that, if the individual was appointed, the PAS should ensure that the appointee was aware of the restrictions on the use and disclosure of confidential information and that staff of both the public body and company were aware of and documented steps to be taken to mitigate any potential conflict of interest arising from the appointment.

In addition, to enhance transparency and limit the appearance of preferential treatment, the commissioner suggested that both organizations consider communicating publicly the steps taken to minimize the risk of a conflict of interest.

### **14. Conflict of Interest Advice (O. Reg. 381/07, ss. 3, 6 & 9)**

The Public Appointments Secretariat (PAS) sought the commissioner's advice with respect to a proposed appointment to a public body. The proposed appointee was a consultant with an organization that had regular dealings with the public body. The commissioner was asked to advise whether conflicts of interest could arise from this arrangement.

The commissioner advised that there would be potential for conflict of interest if the individual were appointed. The commissioner was of the view that the individual could potentially stand to benefit financially (through increased consulting work) by participating in decisions of the public body on matters favourable to the organization. As well, the individual's affiliation with the organization could create the appearance of preferential treatment for the organization.

To mitigate any potential conflicts of interest, the commissioner advised the PAS to require that the individual, if appointed to the public body, no longer provide consulting services to the organization. In addition, to mitigate the continued risk of an appearance of preferential treatment, the commissioner suggested that the PAS and the public body make known the past consulting relationship.

### **15. Political Activity Advice**

A specially restricted chair of a public body wished to comment on and attend events hosted by a municipal election candidate with whom the chair had a past professional affiliation. As ethics executive, the commissioner was asked to provide advice about the application of the political activity rules to this circumstance.

The commissioner was of the view that commenting on a candidate is a form of political activity that is prohibited for specially restricted public servants. The commissioner acknowledged that the chair was permitted to make comments restricted to publicly known facts about past association with the candidate, but he advised the chair not to respond to any questions when doing so might be interpreted as expressing support for or opposition to the candidate.

The commissioner also cautioned that, although specially restricted public servants are permitted to attend municipal all-candidates meetings, speaking at events held in a candidate's honour might be viewed as an activity in support of a municipal candidate, which is not permitted.

### **16. Political Activity Advice**

The chair of a public body sought the commissioner's advice as to whether an appointee, who is specially restricted for the purposes of political activity, may seek to serve as a school board trustee.

The commissioner was of the view that seeking to become a school board trustee is equivalent to seeking to become a candidate in a municipal election. Therefore, it constitutes a form of political activity. Since the term "municipal election" is not defined in the *PSOA*, the commissioner interpreted the term in a manner that is consistent with the *Municipal Elections Act, 1996* and the *Education Act, 1990*.

A specially restricted public servant is not explicitly permitted to serve as a school board trustee under the *PSOA*. However, the chair, as the appointee's ethics executive, could authorize the appointee to be or seek to become a school board trustee if, in accordance with section 90 of the

*PSOA*, these activities would not interfere with performance of the appointee's duties and would not conflict with the interests of the public body.

### **17. Political Activity Advice**

An ethics executive sought the commissioner's advice about the application of the political activity rules to a specially restricted public servant whose spouse may become a candidate in a future federal election.

The commissioner advised that the political activity rules apply to public servants prior to, during, and after an election period. A public servant's spouse, however, is not subject to those rules.

Nonetheless, the commissioner noted that the actions of a public servant's spouse as a political candidate could lead to a situation where the public servant would contravene the political activity restrictions. For example, a public servant whose name or photograph appears in campaign materials risks being seen to be supporting a candidate or political party. The risk could be mitigated if the spouse's campaign materials only referred to the public servant in general terms and not by name or with reference to his/her position in the Ontario government. The commissioner further advised that, although specially restricted public servants are allowed to attend all-candidates meetings, making other appearances with a candidate, including attending an election night event, would put the public servant at risk of being seen to support a candidate or political party, thereby contravening the political activity restrictions.

### **18. Political Activity Advice**

An ethics executive sought the commissioner's advice about the application of the political activity rules to a public servant who wished to be the president of a federal riding association.

In previous matters, the commissioner has determined that membership in a riding association constitutes political activity under the *Act* (as outlined in case summaries 9, 12 and 13 of the 2007/08 annual report). In the commissioner's view, the president of a riding association would also engage in other activities in support of the political party and its candidates. At a minimum, the president would participate in selecting and endorsing a local candidate, raising money to support a candidate and the party, and developing the party's policies and platforms, all of which would also constitute political activity.

Although being president of a riding association is not a prohibited form of political activity, a public servant may be required, under certain circumstances, to take an unpaid leave of absence while holding that position. The commissioner advised the ethics executive to consider these circumstances and assess the extent to which they may be applicable. For example, the commissioner advised the ethics executive to consider whether the public servant, as a riding association president, could be required to (or choose to) comment on matters, addressed in the

policies of a federal party or candidate, that are directly related to the public servant's duties with the Crown. If so, a leave of absence would be required.



## PERFORMANCE TARGETS

For the purpose of service performance targets, the “customers” of the office are primarily public servants for whom the commissioner is the ethics executive and individuals and offices assigned to the commissioner in his advisory or decision-making role. On occasion, however, matters are brought to the commissioner’s attention by someone outside the public service.

A procedure for submitting complaints about service that the office provides was put in place in our first year. Since then, and using the first two years as a guide, customer service targets have been established for the most measurable standard, namely timeliness. The case management system designed this year will simplify the process of reviewing and reporting on success in meeting these targets.

The commissioner acknowledges inquiries that concern the Ontario public service within five days. Within a further five days, the commissioner strives to either provide a response or requests additional information in order to provide a response. When additional information is requested, the commissioner aims to provide a response within ten days of receiving the information. In the case of inquiries where the matter does not concern the Ontario public service, the commissioner replies within five business days.

The office complied with its targets this year and received many indications of appreciation for prompt and helpful responses to inquiries. No complaints were lodged about service this fiscal year, either informally or formally through the complaints procedure.



# APPENDICES

## 1. APPOINTEES

In accordance with the memorandum of understanding, the annual report is to include “the name of any appointees including when each was first appointed and when the current term of each appointment expires.”

<b>APPOINTEE</b>	<b>EFFECTIVE DATE OF APPOINTMENT</b>	<b>END OF TERM</b>
Justice Sidney B. Linden	July 30, 2007	July 30, 2012



## 2. FINANCIAL INFORMATION

### OFFICE OF THE CONFLICT OF INTEREST COMMISSIONER ANNUAL REPORT 2009-10

#### Appendix 2: FINANCIAL INFORMATION

##### FINANCIAL INFORMATION FOR FISCAL YEAR 2008-09\*

###### Standard Account

	2008-09 Appropriations	Actual Expenditures
Salaries and wages	673,300	443,577
Employee benefits	78,600	38,516
Transportation and communication	71,200	13,992
Services	105,000	397,565
Supplies and Services	46,000	22,368
<b>Subtotal:</b>	<b>\$ 974,100</b>	<b>\$ 916,018</b>
Variance		58,082
<b>TOTAL</b>	<b>\$ 974,100</b>	<b>\$ 974,100</b>

\*Financial information for fiscal 2008-09 has been restated from that reported in 2008-09 annual report using the budgeted allocation rather than estimates.

##### FINANCIAL INFORMATION FOR FISCAL YEAR 2009-10

###### Standard Account

	2009-10 Appropriations	Actual Expenditures
Salaries and wages	632,100	541,836
Employee benefits	68,700	46,977
Transportation and communication	75,200	11,579
Services	153,500	265,016
Supplies and Services	48,600	8,427
<b>Subtotal:</b>	<b>\$ 978,100</b>	<b>\$ 873,835</b>
Savings Declared**	-	22,000
Variance		82,265
<b>TOTAL</b>	<b>\$ 956,100</b>	<b>\$ 956,100</b>

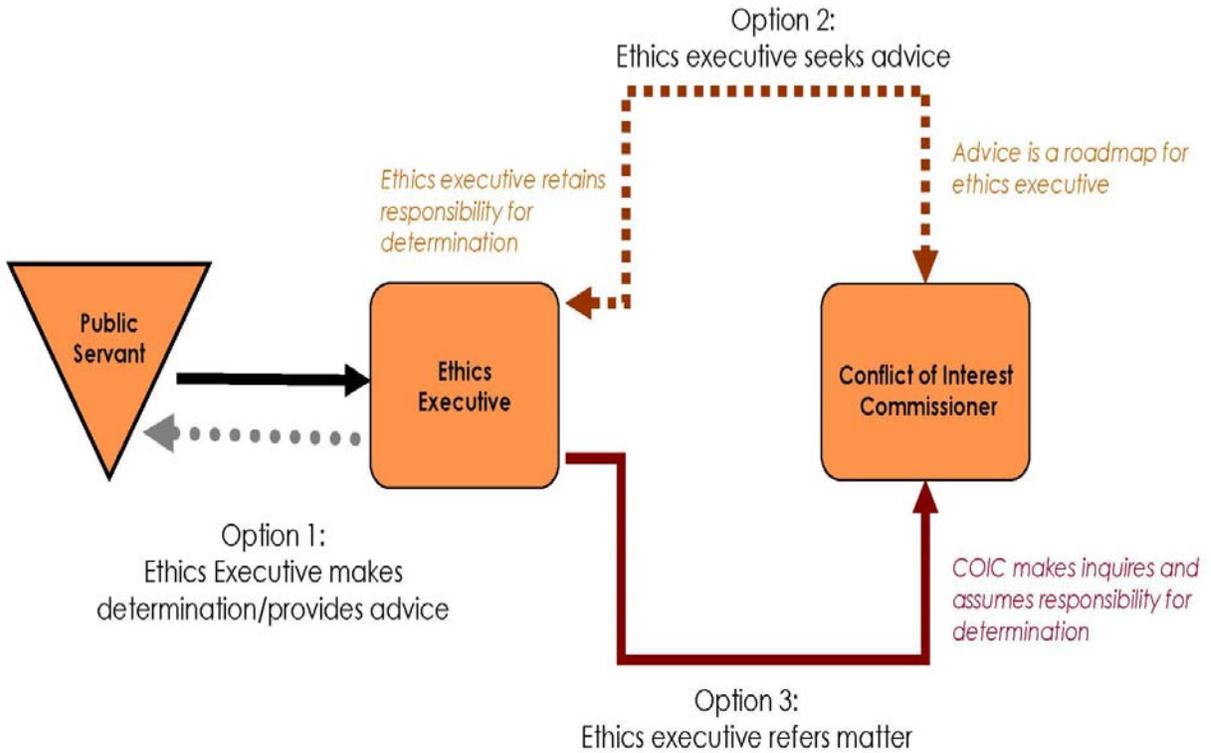
\*\* Represents required savings given up to TBO during the year.

Note:

Statement of financial information prepared by the Business Planning and Financial Management Branch (BPFM) Ministry of Government Services (MGS)

### 3. COMMISSIONER'S ROLE: ADVICE VS. DETERMINATION

#### Role of Conflict of Interest Commissioner: Making Decisions or Offering Advice





**ONTARIO REGULATION 381/07**

made under the

**PUBLIC SERVICE OF ONTARIO ACT, 2006**

Made: June 27, 2007

Filed: July 25, 2007

Published on e-Laws: July 27, 2007

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**CONFLICT OF INTEREST RULES FOR PUBLIC SERVANTS (MINISTRY) AND  
FORMER PUBLIC SERVANTS (MINISTRY)**

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# PART I RULES FOR PUBLIC SERVANTS WHO WORK IN A MINISTRY

## INTERPRETATION

### Definitions

1. In this Part,

“confidential information” means information that is not available to the public and that, if disclosed, could result in harm to the Crown or could give the person to whom it is disclosed an advantage;

“gift” includes a benefit of any kind;

“spouse” means,

(a) a spouse as defined in section 1 of the *Family Law Act*, or

(b) either of two persons who live together in a conjugal relationship outside marriage.

### Application

2. This Part applies to every public servant who works in a ministry.

## PROHIBITED CONDUCT

### Benefiting self, spouse or children

3. (1) A public servant shall not use or attempt to use his or her employment by the Crown to directly or indirectly benefit himself or herself or his or her spouse or children.

(2) A public servant shall not allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Crown.

### Accepting gifts

4. (1) A public servant shall not accept a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the public servant when performing his or her duties to the Crown:

1. A person, group or entity that has dealings with the Crown.
2. A person, group or entity to whom the public servant provides services in the course of his or her duties to the Crown.
3. A person, group or entity that seeks to do business with the Crown.

(2) Subsection (1) shall not operate to prevent a public servant from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances.

(3) A public servant who receives a gift in the circumstances described in subsection (1) shall notify his or her ethics executive.

### Disclosing confidential information

5. (1) A public servant shall not disclose confidential information obtained during the course of his or her employment by the Crown to a person or entity unless the public servant is authorized to do so by law or by the Crown.

(2) A public servant shall not use confidential information in a business or undertaking outside his or her work for the Crown.

(3) A public servant shall not accept a gift directly or indirectly in exchange for disclosing confidential information.

### Giving preferential treatment

6. (1) When performing his or her duties to the Crown, a public servant shall not give preferential treatment to any person or entity, including a person or entity in which the public servant or a member of his or her family or a friend has an interest.

(2) When performing his or her duties to the Crown, a public servant shall endeavour to avoid creating the appearance that preferential treatment is being given to a person or entity that could benefit from it.

(3) A public servant shall not offer assistance to a person or entity in dealing with the Crown other than assistance given in the ordinary course of the public servant's employment.

#### **Hiring family members**

7. (1) A public servant shall not, on behalf of the Crown, hire his or her spouse, child, parent or sibling.

(2) A public servant shall not, on behalf of the Crown, enter into a contract with his or her spouse, child, parent or sibling or with a person or entity in which any of them has a substantial interest.

(3) A public servant who hires a person on behalf of the Crown shall ensure that the person does not report to, or supervise the work of, the person's spouse, child, parent or sibling.

(4) A public servant who reports to, or supervises the work of, his or her spouse, child, parent or sibling shall notify his or her ethics executive.

#### **Engaging in business, etc.**

8. A public servant shall not become employed by or engage in a business or undertaking outside his or her employment by the Crown in any of the following circumstances:

1. If the public servant's private interests in connection with the employment or undertaking could conflict with his or her duties to the Crown.
2. If the employment or undertaking would interfere with the public servant's ability to perform his or her duties to the Crown.
3. If the employment is in a professional capacity and is likely to influence or detrimentally affect the public servant's ability to perform his or her duties to the Crown.
4. If the employment would constitute full-time employment for another person. However, this paragraph does not apply with respect to a public servant who is employed part-time by the Crown. This paragraph also does not apply with respect to a public servant who is on an authorized leave of absence from his or her position, but only if the employment is not contrary to or inconsistent with the terms of the leave of absence.
5. If, in connection with the employment or undertaking, any person would derive an advantage from the public servant's employment as a public servant.
6. If government premises, equipment or supplies are used in the employment or undertaking.

#### **Participating in decision-making**

9. (1) A public servant shall not participate in decision-making by the Crown with respect to a matter that the public servant is able to influence in the course of his or her duties if the public servant could benefit from the decision.

(2) Subsection (1) does not apply if the public servant obtains the prior approval of his or her ethics executive to participate in decision-making by the Crown with respect to the matter.

(3) A public servant who, in the course of his or her employment in a ministry, is a member of a body or group shall not participate in, or attempt to influence, decision-making by the body or group with respect to a matter if the public servant could benefit from the decision or if, as a result of the decision, the interests of the body or group could conflict with the interests of the Crown.

(4) A public servant described in subsection (3) shall inform the body or group if the circumstances described in that subsection exist.

### **MATTERS THAT MIGHT INVOLVE THE PRIVATE SECTOR**

#### **Interpretation**

10. (1) Sections 11 and 12 apply to every public servant who works in a ministry, who routinely works on one or more matters that might involve the private sector and who has access to confidential information about the matter obtained during the course of his or her employment by the Crown.

(2) In this section and in sections 11 and 12, "matter that might involve the private sector" means a matter,

(a) that relates to services currently provided under a program of the Crown or by a public body, an agency of the Crown or a corporation controlled by the Crown with respect to which it is possible that a private sector entity will provide all or part of the financing for the services or will provide some or all of the services, and

(b) that has been referred to a ministry, a public body or an agency of the Crown by the Executive Council or a member of the Executive Council for review or implementation.

#### **Duty to declare certain financial interests**

**11.** (1) When a public servant described in subsection 10 (1) begins work on a matter that might involve the private sector, he or she shall make a declaration to the Conflict of Interest Commissioner in which the public servant discloses the following matters respecting his or her financial interests:

1. A legal or beneficial interest of the public servant in securities or derivatives of corporations or governments, other than the Government of Ontario.
2. A legal or beneficial interest of the public servant in a business entity or a commercial operation or in the assets of such an entity or operation.
3. A legal or beneficial interest of the public servant in real property.
4. A legal or beneficial interest of the public servant in a mutual fund that is operated as an investment club where,
  - i. its shares or units are held by not more than 50 persons and its indebtedness has never been offered to the public,
  - ii. it does not pay or give any remuneration for investment advice or in respect of trades in securities, except normal brokerage fees, and
  - iii. all of its members are required to make contributions in proportion to the shares or units each holds for the purpose of financing its operations.

(2) Despite subsection (1), the public servant is not required to disclose his or her legal or beneficial interest in any of the following:

1. A mutual fund within the meaning of subsection 1 (1) of the *Securities Act* other than a mutual fund described in paragraph 4 of subsection (1) of this Regulation.
  2. Fixed-value securities issued or guaranteed by a government or a government agency.
  3. A guaranteed investment certificate or similar financial instrument issued by a financial institution entitled by law to issue such instruments.
  4. A registered pension plan, an employee benefit plan, an annuity or life insurance policy or a deferred profit sharing plan.
  5. Real property that the public servant, or a member of his or her family, uses primarily as a residence or for recreational purposes.
- (3) The public servant shall disclose the information required by subsection (1), with necessary modifications, in respect of his or her spouse and dependent children, but only to the extent that the legal or beneficial interests of the spouse or a child could create a conflict of interest.

(4) For the purpose of subsection (3), the public servant shall make reasonable efforts to obtain information about the financial interests described in subsection (1) of his or her spouse and dependent children.

(5) The public servant shall give the Conflict of Interest Commissioner a revised declaration whenever there is a change in any of the information required to be disclosed.

#### **Prohibition on certain purchases**

**12.** (1) A public servant described in subsection 10 (1) shall not purchase, or cause another person to purchase on his or her behalf, a legal or beneficial interest in an entity that is carrying on, or proposes to carry on, an activity relating to a matter that might involve the private sector.

(2) Despite subsection (1), a public servant may purchase an interest in a mutual fund (within the meaning of subsection 1 (1) of the *Securities Act*) that includes securities of a person or entity described in subsection (1) but not an interest in a mutual fund described in paragraph 4 of subsection 11 (1) of this Regulation that includes such securities.

- (3) The prohibition described in subsection (1) ceases to have effect with respect to the matter,
- (a) six months after the date on which the action in respect of the matter is completed; or
  - (b) six months after the date the Crown ceases to work on the matter.

#### **List of positions**

**13.** (1) The Public Service Commission shall maintain a current list of positions in which public servants work in a ministry and routinely work on one or more matters that might involve the private sector.

(2) The Commission shall ensure that public servants employed by the Crown in the positions described in subsection (1) are advised of the duties and restrictions imposed upon them under sections 11 and 12.

(3) Every ethics executive shall notify the Commission of changes to be made to the list with respect to those persons for whom he or she is the ethics executive.

## **PART II RULES FOR FORMER PUBLIC SERVANTS WHO WORKED IN A MINISTRY**

### INTERPRETATION

#### **Definition**

**14.** In this Part,

“designated senior position” means any of the following positions:

1. The Secretary of the Cabinet.
2. Deputy minister, associate deputy minister or assistant deputy minister.
3. A position that is classified under subsection 33 (1) of the Act as SMG 2, XOFA 1, XOFA 2, ITX 2, ITX 3 or ITX 4.

#### **Application**

**15.** (1) This Part applies with respect to every former public servant who, immediately before he or she ceased to be a public servant, worked in a ministry.

(2) Despite subsection (1), this Part does not apply to a person who ceases to be a public servant before the day on which section 57 of the Act comes into force.

### PROHIBITED CONDUCT

#### **Seeking preferential treatment, etc.**

**16.** A former public servant shall not seek preferential treatment by, or privileged access to, public servants who work in a minister’s office, a ministry or a public body.

#### **Disclosing confidential information**

**17.** (1) A former public servant shall not disclose confidential information obtained during the course of his or her employment by the Crown to a person or entity unless the former public servant is authorized to do so by law or by the Crown.

(2) A former public servant shall not use confidential information in a business or undertaking.

#### **Restriction on lobbying**

**18.** (1) This section applies to a former public servant who, immediately before ceasing to be a public servant, was employed in a designated senior position.

(2) For 12 months after ceasing to be a public servant, the former public servant shall not lobby any of the following persons on behalf of a public body or another person or entity:

1. A public servant who works in a ministry or public body in which the former public servant worked at any time during the 12 months before he or she ceased to be a public servant.
2. The minister of any ministry in which the former public servant worked at any time during the 12 months before he or she ceased to be a public servant.

3. A public servant who works in the office of a minister described in paragraph 2.

**Restriction on employment, etc.**

**19.** (1) This section applies to a former public servant who, immediately before ceasing to be a public servant, was employed in a designated senior position and who, at any time during the 12 months before he or she ceased to be employed as a public servant, in the course of his or her employment as a public servant,

(a) had substantial involvement with a public body or another person or entity; and

(b) had access to confidential information that, if it were to be disclosed to the public body, person or entity, could result in harm to the Crown or could give the public body, person or entity an unfair advantage in relation to one or more third parties.

(2) For 12 months after ceasing to be a public servant, the former public servant shall not accept employment with the public body, person or entity or serve as a member of the board of directors or other governing body of the public body, person or entity.

**Restriction re certain transactions**

**20.** (1) This section applies to a former public servant who, when he or she was a public servant working in a ministry, advised the Crown about a particular proceeding, negotiation or other transaction.

(2) The former public servant shall not advise or otherwise assist any public body or any other person or entity in connection with the particular proceeding, negotiation or other transaction until the Crown ceases to be involved in it.

(3) Despite subsection (2), the former public servant may continue to advise or otherwise assist the Crown in connection with the particular proceeding, negotiation or other transaction.

**PART III  
COMMENCEMENT**

**Commencement**

**21. This Regulation comes into force on the day section 57 of the Act comes into force.**

## 5. SAMPLE ORIENTATION LETTER TO NEWLY APPOINTED CHAIRS

### Office of the Conflict of Interest Commissioner

2 Bloor Street East  
Suite 1802  
Toronto, Ontario M4W 3J5  
Tel: 416 325-1571  
Fax: 416 325-4330  
E-mail: coicommissioner@ontario.ca  
www.coicommissioner.gov.on.ca

### Bureau du commissaire aux conflits d'intérêts

18e étage, bureau 1802  
2, rue Bloor Est  
Toronto (Ontario) M4W 3J5  
Tél. : 416 325-1571  
Télééc. : 416 325-4330  
Courriel: coicommissioner@ontario.ca  
www.coicommissioner.gov.on.ca



December 7, 2009

[REDACTED]

Chair

[REDACTED]

Toronto, Ontario

[REDACTED]

Dear Mr. [REDACTED]:

I am writing to congratulate you on your recent reappointment as Chair of the [REDACTED] and to wish you continued success.

As your ethics executive, I am taking the liberty of reminding you of some of the key aspects of the *Public Service of Ontario Act, 2006 (PSOA)*, including an overview of the Conflict of Interest Commissioner's mandate and core functions, as well as how my office may be of continued assistance to you in carrying out your duties as ethics executive of your organization.

### **The Role of an Ethics Executive**

By way of reminder, ethics executives are individuals in the public service who have a specified role under the *PSOA* to promote ethical conduct within the organization for which they have responsibility. Ethics executives are responsible for ensuring that public servants are familiar with the conflict of interest and political activity rules that apply to them.

As you are aware, the *PSOA* establishes specific conflict of interest and political activity rules for public servants and former public servants in ministries and public bodies. The applicable conflict of interest rules for current and former public servants working in a ministry (except Minister's staff) and a public body or appointed to a public body, are set out in Ontario Regulation 381/07 to the *PSOA*. The political activity rules are set out in Part V of the *PSOA*.

Part-time appointees to certain public bodies, including the [REDACTED],

are specially restricted public servants pursuant to the *PSOA*. As specially restricted public servants, they are required to seek authorization from the Conflict of Interest Commissioner to engage in political activity that is not specifically permitted by the *PSOA*.

An ethics executive is the first point of contact for employees and appointees requiring decisions or advice on conflict of interest and political activity matters. Unless another individual is identified in Ontario Regulation 375/07, chairs are the ethics executives for employees and appointees of public bodies.

As the Chair of the [REDACTED], you are the ethics executive for individuals appointed to the organization, while the Executive Director and Chief Executive Officer is the ethics executive for individuals who work for the [REDACTED].

As the ethics executive for these individuals, you are responsible for the following:

- answering questions about the application of the conflict of interest and political activity rules
- receiving notification of conflicts or potential conflicts of interest
- making appropriate inquiries
- making determinations and giving directions in respect of conflicts or potential conflicts and political activity matters

In carrying out your duties as ethics executive, you may seek my advice to assist you. In doing so, you retain the decision-making function. Alternatively, you may choose to refer a matter that is brought to your attention to me for determination. When I accept a referral, I will assume the decision-making responsibility. In the cases where I make a determination that a conflict of interest or potential conflict of interest is found, I may provide directions that I consider necessary to minimize potential contraventions of the *PSOA* and its regulations.

Upon receipt of this letter, please contact our office at (416) 325-1571 to arrange a mutually convenient time to meet to review what is set out in this letter, as well as to discuss any questions that you may have regarding our respective roles and responsibilities under the *PSOA*. In view of the Executive Director's responsibilities as ethics executive for employees of the [REDACTED] may I suggest you extend an invitation to the [REDACTED] to also attend this meeting.

In the meantime, you may wish to obtain more information about our office, as well as to review our annual reports, by visiting our website at: [www.coicommissioner.gov.on.ca](http://www.coicommissioner.gov.on.ca).

I look forward to meeting with you in the near future.

Yours sincerely,

The Honourable Sidney B. Linden

Commissioner

## Conflict of Interest Rules Approval

### What is the basis for the commissioner to approve conflict of interest rules?

Under section 59(2) of the *Public Service of Ontario Act, 2006* (the *Act*), the commissioner may approve conflict of interest rules proposed by a public body if, in the commissioner's opinion, the rules establish a degree of ethical conduct that is at least equivalent to that established by the conflict of interest rules in Ontario Regulation 381/07 (the *Regulation*).

### Do public bodies have to develop conflict of interest rules?

No. All public bodies are subject to the conflict of interest rules set out in the *Regulation*. Therefore, they do not have to develop their own rules. Public bodies may choose to develop their own rules if they wish to establish a degree of ethical conduct for their employees and/or appointees that is beyond that which is established by the conflict of interest rules in the *Regulation*.

### How does a public body start the process?

A public body wishing to develop its own rules advises the commissioner of its intention to do so and requests that the commissioner review its proposed rules. If the commissioner accepts the request, the public body receives a Conflict of Interest Rules Assessment Form. The form facilitates the assessment of the proposed rules in comparison with the standards of ethical conduct established by the *Regulation*. The public body submits the completed form and the proposed rules to the commissioner (at [coicommissioner@ontario.ca](mailto:coicommissioner@ontario.ca)). The public body is notified of the outcome of the review, which may include the need to provide additional information or clarification regarding the proposed rules.

### When do approved conflict of interest rules take effect?

Approved rules take effect when they are published on the commissioner's website. Prior to publication, the commissioner's office arranges for the rules to be translated into French and modified for the visually impaired. The effective date is noted on the

website. The commissioner notifies the public body upon approval of proposed rules and again upon their publication.

For further information:

Office of the Conflict of Interest Commissioner  
2 Bloor Street East, Suite 1802, Toronto, ON M4W 3J5  
Tel: 416-325-1571 Fax: 416-325-4330 Email: [coicommissioner@ontario.ca](mailto:coicommissioner@ontario.ca)  
<http://www.coicommissioner.gov.on.ca>

## Appointment Advice

### What is the basis for the commissioner to give advice regarding an appointment?

Under the *Public Service of Ontario Act, 2006* (the *Act*) and Ontario Regulation 384/07, the commissioner may provide advice on the interpretation and application of the conflict of interest provisions of the *Act* in relation to the proposed appointment of a person to a public body or to employment by the Crown.

### Who may request advice from the commissioner regarding an appointment?

The Public Service Commission or its delegate, a minister, or the Director of the Public Appointments Secretariat may request that the commissioner give conflict of interest advice regarding an appointment.

### How is the process of obtaining advice initiated?

An above-mentioned person or body may contact the commissioner's office, preferably in writing, to request conflict of interest advice regarding an appointment for which that person or body is responsible. The request should include the following information:

- Description of the role and responsibility of the potential appointee
- Description of the entity to which the potential appointee may be appointed
- Description of conflict of interest rules or frameworks in place in the organization, if any
- Explanation of the possible conflict of interest issue
- Description of advice obtained, if any, from ministry or other officials regarding the potential conflict of interest

The commissioner may request additional information.

### What is the commissioner's role in giving advice?

The commissioner's role in giving advice is to provide the necessary tools to assist the person or body responsible for the appointment in interpreting and applying the *Act*. It is the responsibility of the person or body seeking advice to make the final decision on an appointment.

## What might the commissioner's advice include?

In giving advice, the commissioner may include the following:

- Relevant provisions of the *Act* and regulations
- Relevant factual or legal issues to be considered
- Information about relevant previous decisions of the commissioner, other agencies, or the courts
- Possible interpretations of the *Act* that may be useful in analyzing the issue
- Suggestions for a course of action that may reduce the risk of a breach of the *Act*

## What will the commissioner's advice not include?

In general, the commissioner's advice will not include the following:

- The commissioner's own findings of fact
- Definitive, conclusive or binding statements on the matter
- Endorsement or rejection of a specific analysis or of an appointment

## Will the commissioner always provide advice if asked?

Generally, the commissioner will provide advice on an appointment if requested to do so. However, in some cases the commissioner may decide that another process under the *Act* or an alternative source of advice is more appropriate in the circumstances.

## What form will the advice take?

Usually, the commissioner will provide advice in writing. Depending on the circumstances, however, the commissioner may choose to provide advice in another form.

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## Conflict of Interest Advice

### What is the basis for the commissioner to give conflict of interest advice?

Under the *Public Service of Ontario Act, 2006* (the *Act*) and Ontario Regulation 384/07, 1(2), the commissioner may provide advice on the interpretation and application of the conflict of interest provisions of the *Act* and its regulations.

### Who may seek conflict of interest advice from the commissioner?

The following persons and bodies may seek conflict of interest of advice from the commissioner:

- Ethics executives
- The Public Service Commission
- Public servants for whom the commissioner is ethics executive
- Former public servants for whom the commissioner is ethics executive

### How is the process of seeking advice initiated?

The above-mentioned persons or bodies may contact the commissioner's office, preferably in writing, to request advice on a conflict of interest matter. The request should include enough background information for the commissioner to understand the nature of the conflict of interest issue. The commissioner may request additional information.

### What is the commissioner's role in giving advice?

In giving advice, the commissioner's role is mainly to provide the necessary tools to assist the decision-maker in interpreting and applying the *Act* in the context of a specific conflict of interest matter. More broadly, the commissioner's advice is intended to enhance the quality and consistency of decision-making across the public service and increase general understanding of the *Act*.

### What might the commissioner's advice include?

In giving advice, the commissioner may include the following:

- Relevant provisions of the *Act* and regulations
- Relevant factual or legal issues to be considered
- Information about relevant previous decisions of the commissioner, other agencies, or the courts

- Possible interpretations of the *Act* that may be useful in analyzing the issue
- Suggestions for a course of action that may reduce the risk of a breach of the *Act*

### **What will the commissioner's advice not include?**

In general, the commissioner's advice will not include the following:

- The commissioner's own findings of fact
- Definitive, conclusive or binding statements on the matter
- Endorsement or rejection of a specific analysis or finding

### **Will the commissioner always provide advice if asked?**

Generally, the commissioner will provide advice if requested to do so. However, in some cases the commissioner may decide that another process under the *Act* is more appropriate in the circumstances, such as a referral to the commissioner for a determination.

### **What form will the advice take?**

Usually, the commissioner will provide advice in writing. Depending on the circumstances, however, the commissioner may choose to provide advice in another form.

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## Conflict of Interest Determination

### What is the basis for the commissioner to make a conflict of interest determination?

Under the *Public Service of Ontario Act, 2006* (the *Act*), section 65, the commissioner may make a determination about the application of the conflict of interest rules to a public servant or former public servant.

### Who may seek a conflict of interest determination from the commissioner?

The following persons may request that the commissioner make a conflict of interest determination:

- A public servant or former public servant for whom the commissioner is ethics executive
- The supervisor of a public servant for whom the commissioner is ethics executive
- The ethics executive of a public servant (an ethics executive may request that a matter be referred to the commissioner)

In addition, the commissioner may make a conflict of interest determination upon being made aware of concerns that a conflict of interest rule has been or is about to be contravened.

### How is the process initiated?

The above-mentioned persons may contact the commissioner's office, preferably in writing, to request that the commissioner make a conflict of interest determination. The request should include enough background information for the commissioner to understand the nature of the conflict of interest issue. A referral request from an ethics executive should include information about why the ethics executive is requesting to refer the matter rather than making the determination. The commissioner may request additional information.

### Will the commissioner always make a determination if asked?

In some cases, the commissioner may decide not to proceed to a determination, such as where another process under the *Act* is more appropriate (e.g., providing advice under section 64 of *Act*) or where it is more appropriate for the ethics executive to make the determination.

## **Will the public servant or former public servant have an opportunity to provide comments to the commissioner?**

Yes. Before making a determination, if the public servant or former public servant has not already provided comments, the commissioner will contact the individual to seek his or her comments on the issues.

## **What might the determination include?**

In making a determination, the commissioner may include the following:

- Relevant provisions of the *Act* and regulations
- Relevant factual and legal issues to be considered
- Findings on the factual and legal issues
- Directions appropriate to addressing the matter
- Advice on how to reduce the risk of a breach of the *Act*

## **Do determination and directions have to be followed?**

Yes. Determinations and directions under the *Act* are final and public servants or former public servants must comply with them. Sanctions may be imposed for contravening determinations, directions, or the conflict of interest rules. The commissioner may recommend that a public servant's supervisor take the following actions:

- Impose disciplinary measures on the public servant, including suspension or dismissal
- Transfer the public servant to another position
- Temporarily relieve the public servant from duty

## **Will the commissioner contact any other individuals?**

The commissioner may contact other individuals to confirm or supplement the information received. Also, the commissioner may notify other individuals (such as the ethics executive) of the outcome of the matter, but only to the extent required to discharge the commissioner's duties under the *Act*.

## **What happens after the determination?**

The commissioner or the ethics executive may contact the public servant or former public servant after the determination in order to ensure that suggested or required actions have been followed, provide additional advice, or add further determinations or directions.

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## **Conflict of Interest Advisor for Consultants, Contactors and Secondees**

### **What is the basis for the commissioner to act as conflict of interest advisor?**

Under the *Public Service of Ontario Act, 2006* (the *Act*) and Ontario Regulation 384/07, the commissioner may act as conflict of interest advisor for a consultant, an independent contractor, or a person seconded to a ministry or Commission public body from a position outside the public service of Ontario.

### **Who may request that the commissioner act as conflict of interest advisor?**

The following may request that the commissioner act as conflict of interest advisor:

- The Public Service Commission
- An ethics executive

### **How is the process initiated?**

An above-mentioned person or body may contact the commissioner's office, preferably in writing, to request that the commissioner act as conflict of interest advisor. The request should include the following information:

- Description of the role and responsibility of the consultant, independent contractor, or person seconded to a ministry or Commission public body
- Description of conflict of interest rules or frameworks in place at the organization, if any
- Explanation of the potential conflict of interest
- Description of advice obtained, if any, from ministry or entity officials regarding the potential conflict of interest
- Persons who should be advised of any advice given

The commissioner may request additional information.

### **What is the commissioner's role in acting as conflict of interest advisor?**

Ordinarily, in acting as conflict of interest advisor, the commissioner will provide advice designed to identify potential conflict of interest concerns and strategies to mitigate these concerns where they exist. More broadly, the commissioner's advice is intended to enhance the quality and consistency of conflict of interest decision-making across the public service.

## **What might the commissioner's advice include?**

In giving advice, the commissioner may include the following:

- Relevant provisions of the *Act* and regulations
- Relevant factual or legal issues to be considered
- Information about relevant previous decisions of the commissioner, agencies, or the courts
- Possible interpretations of the *Act* that may be useful in analyzing the issue
- Suggestions for a course of action that may reduce the risk of a potential conflict of interest

## **What will the commissioner's advice not include?**

In general, the commissioner's advice will not include the following:

- The commissioner's own findings of fact
- Definitive, conclusive or binding statements on the matter
- Endorsement or rejection of a specific analysis or finding

## **Will the commissioner always act as conflict of interest advisor if asked?**

Generally, the commissioner will act as conflict of interest advisor and provide advice if requested to do so. However, in some cases, the commissioner may decide that another process under the *Act* or an alternative source of advice is more appropriate in the circumstances.

## **What form will the advice take?**

Usually, the commissioner will provide advice in writing. Depending on the circumstances, however, the commissioner may choose to provide advice in another form.

## **Who will receive the commissioner's advice?**

The commissioner will provide advice to the individual involved. If appropriate, the commissioner may also make the advice known to the Public Service Commission or to the ethics executive in the same form as provided to the individual.

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## Financial Declaration Advice

### What is the purpose of the financial declaration?

The purpose of the declaration is to identify possible conflicts of interest arising from the financial interests of a public servant or of specified family members of public servants and to take steps to address them where they exist.

### Who is required to make a financial declaration to the commissioner?

Under the *Public Service of Ontario Act, 2006* (the *Act*) and Ontario Regulation 381/07, public servants are required to make a financial declaration to the commissioner if all of the following three circumstances apply to them:

- They work in a ministry or public body
- They routinely work on matters that might involve the private sector
- They have access to confidential information

### How is the process initiated?

The Public Service Commission notifies public servants who work in ministries of the duty to make a financial declaration to the commissioner and provides them with a form for this purpose. Public servants who believe they have a duty to make a financial declaration, but have not been so notified, should contact the commissioner's office for advice on how to proceed.

A public servant who has been notified should complete the form (but leave it unsigned) and send it to the commissioner's office, together with the following:

- A description of the matter(s) on which the public servant is or will be working that might involve the private sector
- A list of the private sector entities involved in these matters

### What is the next step?

The commissioner's office reviews the information provided to ensure that it is complete. If the information is found to be complete, the commissioner's office contacts the public servant to arrange a meeting and also provides general information about the financial declaration process. At the meeting, the public servant and the commissioner discuss the information provided, the relevant conflict of interest rules, and how the rules may apply to the public servant's circumstances. If the information is accurate and complete, the commissioner and public servant sign the declaration form.

## **What happens after the meeting?**

Once the commissioner has all necessary information (including any additional information that may be sought after the meeting), the commissioner provides the public servant with written advice on which conflict of interest rules may be relevant and possible steps to ensure that the public servant is in compliance with those rules. The commissioner may send a copy of this advice to the public servant's ethics executive. In addition, the commissioner may provide the public servant's ethics executive with written advice about possible measures to ensure compliance with the conflict of interest rules.

## **Will the commissioner contact any other individuals?**

A public servant's ethics executive is responsible for ensuring compliance with the conflict of interest rules and may make determinations and/or give directions on conflict of interest matters. Accordingly, the commissioner may deem it necessary to inform the ethics executive of relevant information arising from the financial declaration.

At any time during the process, the commissioner may contact other individuals to confirm or supplement the information provided.

## **What if a public servant's financial interests change?**

If a public servant's financial interests change in a way that affects information that is required to be disclosed, the public servant must make a revised declaration to the commissioner.

## **Is financial information treated confidentially?**

The commissioner treats the financial information of public servants as personal and confidential. The information is held in a secure manner, and it is not disclosed to anyone without the public servant's consent unless it is necessary to do so to carry out the purposes of the *Act* or unless it is required by law.

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## **Election to Office Determination**

### **What is the basis for the commissioner to make an election to office determination?**

Under the *Public Service of Ontario Act, 2006* (the *Act*), section 101, the commissioner may make a determination on whether a public servant's employment or appointment should be terminated upon election to a municipal office.

### **Who may seek an election to office determination?**

The following persons may seek an election to office determination from the commissioner:

- A public servant for whom the commissioner is ethics executive and who has been or is seeking election to a municipal office
- The ethics executive of a public servant who has been or is seeking election to municipal office (the ethics executive may request that a matter be referred to the commissioner)

In addition, the commissioner may make an election to office determination upon being made aware that a public servant for whom the commissioner is ethics executive has been or is seeking election to a municipal office.

### **How is the process of seeking an election to office determination initiated?**

The above-mentioned public servants or ethics executives may contact the commissioner's office, preferably in writing, to request an election to office determination. They may do so before or after the relevant municipal election. The request should include enough background information for the commissioner to understand the following:

- The public servant's duties
- The possible impact of election to office on those duties
- Possible measures to minimize the impact of election to office on the public servant's duties

A referral request from an ethics executive should also include information about why the ethics executive is requesting to refer the matter rather than making the determination. The commissioner may request additional information.

## **Will the commissioner always make an election to office determination if asked?**

In some cases, the commissioner may decide not to proceed to a determination, such as where another process under the *Act* is more appropriate (e.g., providing advice under section 64 of the *Act*) or where it is more appropriate for the ethics executive to make the determination.

## **Will the public servant have an opportunity to provide comments to the commissioner?**

Yes. Before making a determination, if the public servant involved has not already provided comments, the commissioner will contact the individual to obtain his or her comments on the issues.

## **What might the determination include?**

In making a determination, the commissioner may include the following:

- Relevant provisions of the *Act* and regulations
- Relevant factual and legal issues to be considered
- Findings on the factual and legal issues
- Relevant previous decisions of the commissioner, agencies, or the courts
- Advice on how to reduce the risk of a breach of the *Act*

## **Do determinations and directions have to be followed?**

Yes. Determinations under the *Act* are final and public servants must comply with them. Determinations may include directions to take specific steps to ensure compliance with the *Act*.

## **Will the commissioner contact any other individuals?**

The commissioner may contact other individuals for the purpose of confirming or supplementing the information received. Also, the commissioner may notify other individuals involved (such as the ethics executive) of the outcome of the matter, but only to the extent required to discharge the commissioner's duties under the *Act*.

## **What happens after the determination?**

The commissioner may contact the public servant or ethics executive after the determination in order to ensure that suggested or required actions have been followed, provide additional advice, or add further determinations or directions.

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## Political Activity Advice

### What is the basis for the commissioner to give political activity advice to an ethics executive?

Under the *Public Service of Ontario Act, 2006* (the *Act*) the commissioner may provide advice on the interpretation and application of the political activity rules of the *Act* and its regulations.

### Who may seek political activity advice from the commissioner?

The following persons may seek political activity advice from the commissioner:

- Ethics executives
- Public servants for whom the commissioner is ethics executive

### How is the process initiated?

The above-mentioned persons may contact the commissioner's office, preferably in writing, to request that the commissioner provide political activity advice. The request should include enough background information for the commissioner to understand the nature of the activity in which the public servant wishes to engage. The commissioner may request additional information.

### What is the commissioner's role in giving advice?

The commissioner's role in giving advice is mainly to assist the decision-maker in interpreting and applying the *Act* in the context of a specific political activity matter. More broadly, the commissioner's advice is intended to enhance the quality and consistency of decision-making by ethics executives across the Ontario public service and increase general understanding of the *Act*.

### What might the commissioner's advice include?

In giving advice, the commissioner may include the following:

- Relevant provisions of the *Act* and regulations
- Relevant factual or legal issues to be considered
- Information about relevant previous decisions of the commissioner, other agencies, or the courts
- Possible interpretations of the *Act* that may be useful in analyzing the issue
- Suggestions for a course of action that may reduce the risk of a breach of the political activity rules under the *Act*

## **What will the commissioner's advice not include?**

In general, the commissioner's advice will not include the following:

- The commissioner's own findings of fact
- Definitive, conclusive or binding statements on the matter
- Endorsement or rejection of a specific analysis or finding

## **Will the commissioner always provide advice if asked?**

Generally, the commissioner will provide advice if requested to do so. However, in some cases the commissioner may decide that another process under the *Act*, such as a determination by the commissioner, is more appropriate in the circumstances.

## **What form will the advice take?**

Usually, the commissioner will provide advice in writing. Depending on the circumstances, however, the commissioner may choose to provide advice in another form.

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## Political Activity Determination

### What is the basis for the commissioner to make a political activity determination?

Under the *Public Service of Ontario Act, 2006* (the *Act*), sections 84 and 93, the commissioner may make determinations about the application of the political activity rules.

### Who may seek a political activity determination from the commissioner?

The following persons may request that the commissioner make a political activity determination:

- The public servant involved
- The supervisor of the public servant involved
- The ethics executive of the public servant involved (the ethics executive may request that a matter be referred to the commissioner)

In addition, the commissioner may make a political activity determination upon being made aware of concerns that a public servant has engaged in or is about to engage in political activity in contravention of Part V of the *Act*.

### How is the process initiated?

The above-mentioned persons may contact the commissioner's office, preferably in writing, to request that the commissioner make a political activity determination. The request should include enough background information for the commissioner to understand the nature of the activity in which the public servant wishes to engage. A referral request from an ethics executive should include information about why the ethics executive is requesting to refer the matter rather than making the determination. The commissioner may request additional information.

### Will the commissioner always provide a determination if asked?

In some cases, the commissioner may decide not to proceed to a determination, such as where another process under the *Act* is more appropriate (e.g., providing advice under section 64 of *Act*) or where it would be more appropriate for the ethics executive to make the determination.

## **Will the public servant have an opportunity to provide comments to the commissioner?**

Yes. Before making a determination, if the public servant has not already provided comments, the commissioner will contact the public servant to seek his or her comments on the issues raised by the political activity matter.

## **What might the commissioner's determination include?**

In making a determination, the commissioner may include the following:

- Relevant provisions of the *Act* and regulations
- Relevant factual and legal issues to be considered
- Findings on the factual and legal issues
- Relevant previous decisions of the commissioner, agencies, or the courts
- Directions appropriate to addressing the matter
- Advice on how to reduce the risk of a breach of the *Act*

## **Do determination and directions have to be followed?**

Yes. Determinations and directions under the *Act* are final and public servants must comply with them. Specially restricted public servants may subsequently apply for authorization to engage in political activity as set out in section 90(2) or 92(2). Public servants who contravene a rule or direction under the political activity provisions of the *Act* may be subject to disciplinary measures, including suspension and dismissal.

## **Will the commissioner contact any other individuals?**

The commissioner may contact other individuals for the purpose of confirming or supplementing the information received. Also, the commissioner may notify other individuals (such as the ethics executive) of the outcome of the matter, but only to the extent required to discharge the commissioner's duties under the *Act*.

## **What happens after the determination?**

The commissioner may contact the public servant or ethics executive after the determination to ensure that suggested or required actions have been followed, provide additional advice, or add further determinations or directions.

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## Political Activity Authorization

### What is the basis for the commissioner to grant authorization to engage in political activity?

Under the *Public Service of Ontario Act, 2006* (the *Act*), sections 80, 81, 90 or 92, the commissioner may authorize certain public servants to engage in certain political activity that otherwise would not be permitted.

### Who may seek the commissioner's authorization to engage in political activity?

The following persons may request that the commissioner grant authorization to engage in certain political activity:

- A public servant who is not specially restricted, and for whom the commissioner is ethics executive, may request a leave of absence to engage in political activity pursuant to sections 80 and 81 of the *Act*
- A specially restricted public servant, for whom the commissioner is ethics executive, may request authorization to (1) be or seek to be a candidate in a municipal election or (2) campaign on behalf of a candidate in a municipal election
- A part-time specially restricted government appointee to a public body may request authorization to engage in political activity that is otherwise not permitted

### How is the process initiated?

The above-mentioned persons may contact the commissioner's office, preferably in writing, to request authorization to engage in the political activity described above. The request should include enough background information for the commissioner to understand the activity for which authorization is sought.

### Will there be an opportunity for the public servant or appointee to provide comments to the commissioner?

Yes. Before making a determination, if the public servant or appointee involved has not already provided comments, the commissioner will contact the individual to seek his or her comments on the issues.

### Will the commissioner contact any other individuals?

The commissioner may contact other individuals to confirm or supplement the information received. Also, the commissioner may notify other individuals involved

(such as the ethics executive) of the outcome of the matter, but only to the extent required to discharge the commissioner's duties under the *Act*.

### **What might the commissioner's authorization decision include?**

In making an authorization decision, the commissioner may include following:

- Relevant provisions of the *Act* and regulations
- Relevant factual and legal issues to be considered
- Findings on the factual and legal issues
- Relevant previous decisions of the commissioner, agencies, or the courts
- A decision as to whether the public servant is to be granted an unpaid leave of absence, the terms and conditions associated with any leave of absence, and any other terms and conditions
- Advice on how to reduce the risk of a breach of the *Act*

### **Do authorization decisions have to be followed?**

Yes. An authorization decision under the *Act* is final and public servants must comply with its terms and conditions. A public servant who contravenes an authorization decision or its terms and conditions may be subject to disciplinary measures, including suspension and dismissal.

### **What happens after the authorization decision?**

As necessary to address any continuing concerns about compliance with the political activity rules, the commissioner may contact the public servant or the ethics executive following the authorization decision to ensure that suggested or required actions have been followed, provide additional advice, or add further determinations or directions.

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