

INFORMATION TO AID ETHICS EXECUTIVES IN GIVING ADVICE AND MAKING DETERMINATIONS

The following lists set out information that may be relevant to an ethics executive when determining whether a conflict of interest exists.

The lists are not intended to be exhaustive and each fact situation is different. Additional information may be needed in a particular case.

BENEFIT SELF, SPOUSE OR CHILDREN (O. REG. 381/07, 3(1))

- Employee's name, position title, contact information, including the Branch in which the employee works
- Description of employee's responsibilities/duties and hours of work
- How might employee's employment with Crown directly or indirectly benefit employee, or employee's spouse or children or an entity in which employee or employee's spouse or children have a substantial interest?
- Who stands to derive benefit and what is benefit to be gained?
- Is the employee involved in procurement activities on behalf of the Crown?
- Is the employee privy to confidential information that could benefit a family member?
- Does the employee have a family member who works for an organization that could utilize confidential government information to which the employee has access?
- Does the employee have a family member who works for an organization that receives grants from the government?

PROSPECT OF FUTURE EMPLOYMENT (O. REG. 381/07, S. 3(2))

- Employee's name, position title, contact information, including Branch at which employee works
- Description of employee's responsibilities/duties and hours of work
- Description of future employment including nature of employment and name and address of the prospective employer (person or entity)
- How might prospect of future employment detrimentally effect, or be perceived to detrimentally effect, the performance of employee's duties?

ACCEPTING GIFTS (O. REG. 381/07, S. 4)

- Employee's name, position title, contact information, including Branch at which employee works
- Description of employee's responsibilities/duties and hours of work
- Description of gift or other benefit offered to or received by employee
- Approximate value of gift or benefit
- What is the context in which the gift will be given or has been received?
- Person, group or entity providing gift
- Does the person, group or entity have dealings with the Crown? Regulated by the Crown? Receive services from the Crown? Receive funding from the Crown? Lobby the Crown?
- What is the employee's relationship to the donor? Does employee provide service to the person, group or entity in course of employee's duties? Does the employee inspect or regulate the business of the person, group or entity? Does the employee review grant applications from the donor?
- Does the person, group of entity seek to do business with Crown?
- Is gift of nominal value given as expression of courtesy or hospitality?
- How would the gift be perceived by others (i.e. might it be perceived to influence the employee in performing his/her duties to the Crown)?

DISCLOSURE OF CONFIDENTIAL INFORMATION (O. REG. 381/07, S. 5(1))

- Employee's name, position title, contact information, including Branch at which employee works
- Description of employee's responsibilities/duties and hours of work
- Information that employee disclosed or may be perceived by others to have been disclosed
- How information was disclosed
- Identity of the third party to whom information disclosed
- Is the information available to the public?
- What is the nature of the information?
- Could disclosure of information result in harm to Crown?
- Could disclosure of information give advantage to person to whom disclosed?

USE OF CONFIDENTIAL INFORMATION (O. REG. 381/07, S. 5(2))

- Employee's name, position title, contact information, including Branch at which employee works
- Description of employee's responsibilities/duties and hours of work
- Information that employee used, or may be perceived by others to have used
- Whether information available to the public
- What is the nature of this information?
- Could disclosure of information result in harm to Crown?
- Could disclosure of information give advantage to person to whom disclosed?
- How employee may have used, or may be perceived by others to have used, information in a business or undertaking outside employment with Crown

GIVING PREFERENTIAL TREATMENT (O. REG. 381/07, S. 6))

- Employee's name, position title, contact information, including Branch at which employee works
- Description of employee's responsibilities/duties and hours of work
- Has employee in course of employee's duties given preferential treatment to person or entity?
- Has employee in course of employee's duties created appearance of giving preferential treatment to the person or entity that could benefit from it?
- Identity of person or entity to whom employee may have given or be seen to have given preferential treatment
- Does employee or member of his or her family or friend have interest in person or entity?
- What was the nature of the interaction between the employee and person or entity?

HIRING FAMILY MEMBERS (O. REG. 381/07, S.7)

- Employee's name, position title, contact information, including Branch in which the employee works
- Description of employee's responsibilities/duties and hours of work
- Has employee hired is or her spouse, child, parent or sibling?
- Has employee entered into a contract on behalf of Crown with his or her spouse, child, parent or sibling or with an entity in which any of them has a substantial interest?
- Is employee reporting to or supervising his or her spouse, child, parent or sibling?
- What are the circumstances under which employee is reporting to or supervising spouse, child, parent or sibling?
- What is the name of the spouse, child, parent or sibling who is reporting to or supervising the employee?
- Is the employee in a role with respect to the family member that could, or could be perceived as, treating the family member with favouritism?
- Is the employee in a position to influence the family member's supervisor so as to create the perception of favouritism?

ENGAGING IN BUSINESS (O. REG. 381/07, S. 8)

- Employee's name, position title, contact information, including the Branch in which the employee is employed
- Description of employee's responsibilities/duties and hours of work, including whether the employee is employed in a professional capacity
- Detailed description of proposed outside activity including: name and address of company/organization/volunteer board, etc.
- Hours during which employee will be involved in the activity and number of hours per week or per month (will employment be full-time or part-time)
- Anticipated start date and end date, if any
- Compensation to be received
- How the outside activity was secured
- Could outside activity in any way interfere with, or be perceived to interfere with, employee's ability to perform his or her duties to the Crown?
- Could the outside activity in any way conflict with, or be perceived to conflict with, the employee's duties to the Crown?
- If the outside employment is in the employee's professional capacity, whether it is likely to influence or detrimentally affect the employee's ability to perform his/her duties to the Crown
- Does/would this activity require employee to contact, or be in contact with, any of the same people employee deals with or has dealt with in his or her work for the Crown?
- Does/would employee's name (or organization's name) appear on any published or distributed materials?
- What, if any, advertising or promotion will be undertaken to promote the activity?
- Does/would this activity involve the use of government premises, equipment or supplies?
- What relationship, if any, exists between the employee's employment by the Crown and outside employment?
- To what confidential information is the employee privy in his/her employment by the Crown that is possibly relevant to the outside activity?
- Does the outside employer provide goods or services to the Crown or may the outside employer potentially provide goods or services?

PARTICIPATING IN DECISION-MAKING (O. REG. 381/07, S. 9)

- Employee's name, position title, contact information
- Description of employee's responsibilities/duties and hours of work
- How might employee's involvement in decision-making on behalf of the Crown benefit the employee?
- What is the employee's role in the decision-making?
- To what degree is the employee able to influence the decision being made on behalf of the Crown?
- Who stands to derive benefit from the decision-making and what is benefit to be gained?
- Did the employee obtain prior approval of the Ethics Executive to participate in the decision?
- If the employee is a member of a body or group in the course of the employee's employment and the employee is participating in decision-making by the body or group with respect to:
 - a decision the employee could benefit from, what is the potential benefit? What is the employee's role on the body/group? To what extent can the employee influence the decision-making?
 - a decision that could conflict, or potentially conflict, with the interests of the Crown, what is the conflict or potential conflict? What is the employee's role in the decision-making? To what extent can the employee influence the decision-making?
- Did the employee inform the body/group that there could be a benefit to the employee or conflict between the interests of the Crown and those of the body/group?

For further information:

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