

## POST SERVICE CONFLICT OF INTEREST RULES

All former public servants are subject to restrictions under the *Public Service of Ontario Act, 2006 (Act)*. The conflict of interest rules applicable to former public servants are set out in Ontario Regulation 381/07 and 382/07 under the *Act*. There may also be additional rules for public servants in some public bodies set out in the public body's conflict of interest rules posted on the Commissioner's website.

Former public servants have an ethics executive to provide advice and/or make decisions about the application of conflict of interest rules to their post-service activities. For advice about specific activities please contact your ethics executive.

Type of former Public Servant*	Ethics Executive
Former ministry employee	Public Service Commission
Former minister's office employee	Integrity Commissioner
Former public body employee/appointee	Conflict of Interest Commissioner
Former deputy minister	Conflict of Interest Commissioner
Former Secretary of the Cabinet	Conflict of Interest Commissioner

\*Current public servants should discuss post-service activity with the ethics executive listed

The Government of Ontario may choose not to do business with a person or entity that employs or uses the services of a former public servant in a manner that contravenes the post-service conflict of interest rules.

## RULES FOR ALL FORMER PUBLIC SERVANTS

### PREFERENTIAL TREATMENT

You must not seek preferential treatment by, or privileged access to, any public servant in any minister's office, ministry or public body. This restriction is not time limited.

### CONFIDENTIAL INFORMATION

As a public servant, you may have had access to 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. You are prohibited from disclosing or using such information unless you are specifically authorized to do so. This restriction is not time limited.

### SWITCHING SIDES

You are prohibited from advising or otherwise assisting a public body, person, or other entity, in connection with any particular proceeding, negotiation or other transaction about which you advised the Crown. Generally these are matters with an identifiable party with interests that are adverse, or potentially adverse, to the interests of the Crown. This restriction remains in effect until the Crown stops being involved with the matter.

## RULES FOR FORMER PUBLIC SERVANTS IN SENIOR DESIGNATED POSITIONS

Former public servants who were in senior designated positions are also subject to employment and lobbying restrictions for a twelve month period from the date they cease to be a public servant. You cease to be a public servant when your relationship with the Crown is terminated. If you are uncertain when you will cease/have ceased to be a public servant, please contact your ethics executive. A senior designated position is:

1. Any position classified as SMG2, XOFA1, XOFA2, ITX2, ITX3 OR ITX4
2. Deputy Minister, Associate Deputy Minister or Assistant Deputy Minister
3. Secretary of Cabinet
4. Any position identified as such in the Memorandum of Understanding between a public body and its responsible ministry

### EMPLOYMENT OR GOVERNING POSITION

As a former public servant who was in a senior designated position, you are prohibited from accepting employment or serving as member of the board of directors or other governing body of any public body, person or entity if:

1. You had **substantial** involvement with that public body, person or entity
2. You had access to **confidential** information which if disclosed could result in harm to the Crown or could give the public body, person or entity an unfair advantage

### LOBBYING

As a former public servant who was in a senior designated position you are restricted from lobbying any of the following persons on behalf of a public body or another person or entity:

1. Any public servant who works in a ministry or public body in which you worked at any time during the 12 months before you ceased to be a public servant
2. The minister of any ministry or minister's office in which you worked at any time during the 12 months before you ceased to be a public servant
3. Any public servant who works in the office of the minister of any ministry in which you worked at any time during the 12 months before you ceased to be a public servant

Lobbying has the same meaning as the definition of "lobby" in the *Lobbyists Registration Act, 1998* and includes activities for which an individual may not be required to register. Generally, lobbying includes communicating with public office holders in an attempt to influence the following: legislative proposals, legislation, regulations, policies or programs of the government, privatization matters or awarding grants, contributions or other financial benefits.

It can also mean communicating with public office holders in an attempt to award a contract on behalf of the Crown or arranging meetings between public office holders and any other person.

#### 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>