



Conflict of Interest and Political Activity Advice

Where does the commissioner's authority to give advice come from?

The *Public Service of Ontario Act, 2006* (the *Act*) and Ontario Regulation 384/07, 1(2), authorizes the commissioner to provide advice to public servants on the interpretation and application of the conflict of interest and political activity rules set out in the *Act* or its regulations.

Who may seek advice from the commissioner?

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

- Other ethics executives
- The Public Service Commission
- Public servants for whom the commissioner is ethics executive, and
- Former public servants for whom the commissioner is ethics executive.

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

- Other ethics executives, and
- Public servants for whom the commissioner is ethics executive.

How is the process initiated?

The above-mentioned persons or bodies may contact the commissioner's office via email at coicommissioner@ontario.ca to request advice. The request should include enough background information for the commissioner to understand the nature of the issue or activity in which the public servant wishes to engage. The commissioner may request additional information.

What might the commissioner's advice include?

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 matter. More broadly, the commissioner's advice is intended to enhance the quality and consistency of decision-making by ethics executives across the public service of Ontario and increase the general understanding of the *Act*.

The commissioner's advice 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 not be included in the commissioner's advice?

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

- The commissioner's own findings of the 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 determination.

For further information:
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