

# **Policy on Conflict of Interest and Post-Employment**

## **Parks Canada Agency**

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### **1. Effective date**

**1.1** This policy takes effect on July 2014.

**1.2** This policy and the 2014 *Parks Canada Values and Ethics Code* replace the 2005 *Parks Canada Agency Code of Ethics*.

### **2. Application**

This policy applies to all Parks Canada team members.

### **3. Context**

**3.1.** Parks Canada team members contribute in a fundamental way to good government, democracy and Canadian society through the loyal, impartial, and non-partisan support they provide to the elected government and through the service they provide to Canadians. As dedicated professionals, they serve the public interest and uphold the public trust.

**3.2.** This policy elaborates on the *Parks Canada Values and Ethics Code* and on the *Values and Ethics Code for the Public Sector*. This policy's content is aligned with these two Codes.

This policy provides direction and measures to assist the Parks Canada Agency and Parks Canada team members in effectively dealing with real, potential and apparent conflict of interest situations which may arise during and after employment at Parks Canada Agency.

Preventing, managing or resolving conflict of interest situations is one of the principal means of maintaining public trust and confidence in the impartiality and integrity of the public service.

**3.3.** This policy and the requirements for Parks Canada team members in Appendix A (Requirements for Parks Canada team members) of this policy form part of the conditions of employment and must be read in conjunction with the *Parks Canada Values and Ethic Code* and the Collective Agreement between the Parks Canada and the Public Service Alliance of Canada.

**3.4** Parks Canada team members involvement in union activities is not governed by this policy.

**3.5.** This policy is issued pursuant to section 13. 3b) of the *Parks Canada Agency Act*.

## **4. Definitions**

### **a. Parks Canada team member**

The expression "Parks Canada team member" refers to any person employed by Parks Canada: indeterminate employees (including seasonal employees), term employees, students, casual employees, part-time workers, and employees on secondment or assignment.

Although they are not Parks Canada team members, individuals on joining the Agency on an Interchange Canada assignments are expected to comply with the requirements in Appendix A of this policy (Requirements for Parks Canada team members).

### **b. Chief Executive Officer**

For the purposes of this policy, the term "Chief Executive Officer" means the Chief Executive Officer of the Parks Canada Agency or his delegated alternates.

### **c. Conflict of Interest**

A situation in which the Parks Canada team member has private interests that could improperly influence the performance of his or her official duties and responsibilities or in which the Parks Canada team member uses his or her office for personal gain.

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

#### **d. Conflict of Duties**

A conflict that arises, not because of a Parks Canada team member's private interests, but as a result of one or more concurrent or competing official responsibilities. For example, these roles could include his or her primary public service employment and his or her responsibilities in an outside role that forms part of his or her official duties, such as an appointment to a board of directors, or other outside function.

#### **e. Resolution procedures and services**

Internal procedures and services available to Parks Canada team members. They include a wide spectrum of options from the grievance procedure to a facilitate conversation.

### **5. Policy statement**

#### **5.1 Objectives**

The objectives of this policy are to:

- 5.1.1.** Ensure that, in situations of real, apparent or potential conflict of interest and situations where there is a conflict of duties, decisions are made in a manner that upholds the public interest;
- 5.1.2.** Facilitate ethical decision-making within the Parks Canada Agency and by Parks Canada team members to resolve conflicts between private and public interests;
- 5.1.3** Establish measures to help Parks Canada team members prevent, manage and resolve conflict of interest and post-employment situations that could impair either the Agency's integrity or the public's perception of its integrity.

## **5.2 Expected results**

The expected results of this policy are that:

- a. The Parks Canada Agency has the appropriate mechanisms in place to assist Parks Canada team members to report and effectively manage real, apparent or potential conflict of interest situations when performing their duties and after employment;
- b. Parks Canada team members take appropriate action to avoid, reduce or manage situations of real, potential or apparent conflict of interest in the performance of their duties and after employment in the public service.

## **6. Roles and responsibilities**

### **6.1. Chief Executive Officer**

**6.1.1.** Monitoring the Agency's performance with respect to the application and administration of this policy by assessing the organization's service delivery structure, resource allocation, human resources competencies, performance indicators, as well as the systems, processes and procedures to prevent and effectively manage real, apparent or potential conflicts of interest in favor of the public interest;

**6.1.2.** At least every five years, having prepared by a person or body, other than the Agency or any of its officers or employees, a report on the consistency of the Conflict of Interest and Post-Employment management with the values and principles that are to govern the management of its human resources.

**6.1.3.** Without unduly restricting Parks Canada team members' ability to seek other employment, reviewing their operations and organizational structure for post-employment situations:

- a. Determining which positions in the Parks Canada Agency may be at risk for post-employment concerns and designating them as subject to the requirements in section 3.2 of Appendix A (Requirements for Parks Canada team members), and normally including all positions in the PCX category;
- b. When appropriate, reducing or waiving the one-year limitation period, in consideration of the criteria set out in section 3.3 of Appendix A (Requirements for Parks Canada team members).

## **6.2. Parks Canada Ombudsman**

**6.2.1.** Ensuring that Parks Canada team members have access to advice and assistance when they are unsure of whether they are in a conflict of interest, and when they are considering undertaking any political activity;

**6.2.2.** Ensuring that procedures are in place within the Agency for Parks Canada team members to file a report of all situations, assets or interests that might give rise to a real, apparent or potential conflict of interest with respect to their official duties. These reports are to be administered in accordance with the *Privacy Act*;

## **6.3. Chief Human Resource Officer**

**6.3.1.** Ensuring that all Parks Canada team members, and anyone considering joining the Agency are informed that this policy and the requirements for Parks Canada team members in Appendix A (Requirements for Parks Canada team members) of this policy form part of the conditions of employment.

This obligation is fulfilled by having individuals acknowledge these requirements in their initial acceptance of an offer of employment to the Agency and on any subsequent appointment or deployment within the Agency;

**6.3.2.** Ensuring that the delegation of the responsibilities and authorities for the implementation of this policy are clearly communicated to all Parks Canada team members.

## **6.4. Parks Canada Management Team: middle managers and managers in the executive group**

**6.4.1.** Ensuring that all Parks Canada team members are informed on the requirements of this policy, and that members who have indicated an intention to leave their employment are reminded of these requirements;

**6.4.2.** Ensuring that any conflict arising between the private interests and the official duties of a Parks Canada team member is resolved in favor of the public interest, by considering the nature and risk of the conflict of interest in relation to the feasibility and practicality of the measures required to resolve the conflict, and communicating the decision and the reasons for the decision to the Parks Canada team member. While a declaration of a possible conflict of interest may often be sufficient, additional requirements may be necessary, as outlined in Appendix A (Requirements for Parks Canada team members);

**6.4.3.** Ensuring that benefits provided or offered to the Parks Canada Agency by outside entities or individuals with whom the Agency has past, present or potential official dealings are managed appropriately and that any resulting organizational conflict of interest is resolved in the public interest;

**6.4.4.** Ensuring that concurrent outside appointments that are part of a Parks Canada team member's official duties, such as to a board of directors, are managed appropriately and that any resulting conflicts of duties are resolved in the public interest;

**6.4.5.** Ensuring that decisions taken to resolve conflicts of interest and post-employment situations are, where practicable, made in mutual agreement with the Parks Canada team member in question, using fair and effective means to resolve disagreements regarding the decisions.

## **6.5. Parks Canada team members**

**6.5.1.** Taking all possible steps to recognize, prevent, report, and resolve any real, apparent or potential conflicts of interest between their official responsibilities and any of their private affairs;

**6.5.2.** Unless otherwise permitted by the Agency, refraining from having private interests, which would be unduly affected by Agency actions in which they participate, or of which they has knowledge or information;

**6.5.3.** Not knowingly taking advantage of, or benefiting from, information that is obtained in the course of their duties that is not available to the public;

**6.5.4.** Refraining from the direct or indirect use of, or allowing the direct or indirect use of government property of any kind, including property leased to the government, for anything other than officially approved activities;

**6.5.5.** Not assisting private entities or persons in their dealings with the government where this would result in preferential treatment of the entities or persons;

**6.5.6.** Not interfering in the dealings of private entities or persons with the government in order to inappropriately influence the outcome;

**6.5.7.** Maintaining the impartiality of the public service and not engaging in any outside or political activities that impair or could be seen to impair their ability to perform their duties in an objective or impartial manner;

**6.5.8.** Ensuring that any real, apparent or potential conflict that arises between their private activities and their official responsibilities as a Parks Canada team member is resolved in the public interest.

## **6.6. Public Service Commission**

**6.6.1** The Public Service Commission is responsible for administering the provisions of Part 7, Political Activities, of the Public Service Employment Act (PSEA), including:

- a. Granting permission to an employee seeking nomination for or being a candidate in a federal, provincial, municipal or territorial election;
- b. Authorizing leave without pay to an employee who is a candidate in a federal, provincial, or territorial election;
- c. Receiving and investigating allegations of inappropriate political activity as defined in the PSEA, and taking corrective action when the allegations are founded.

## **7. Consequences**

A Parks Canada team member who has not complied with this policy may be subject to disciplinary measures, up to and including termination of employment.

## **8. Resolution and Recourse**

With respect to the arrangements necessary to prevent real, apparent or potential conflict of interest, or to comply with the requirements set out below, it is expected that situations will be resolved through discussion and agreement between the Parks Canada team member and the delegated manager.

When a Parks Canada team member and the manager disagree on the appropriate arrangements, the disagreement will be resolved through appropriate resolution procedures and services established by the Chief Executive Officer.

## **9. References**

### **9.1. Legislation**

- a. Parks Canada Agency Act*
- b. Criminal Code*
- c. Financial Administration Act*
- d. Lobbying Act*
- e. Public Servants Disclosure Protection Act*
- f. Public Service Employment Act / Part 7, Political Activities*
- g. Privacy Act*



## **9.2. Related policies and publications**

- a. Parks Canada Values and Ethics Code
- b. Human Resources Values and Operating Principles / Parks Canada Agency
- c. Values and Ethics Code for the Public Sector
- d. Policy on Interchange Canada
- e. Policy on Privacy Protection
- f. Collective agreement between the Parks Canada Agency and the Public Service Alliance of Canada

## **10. Inquiries**

Please direct inquiries about this policy to the Parks Canada Centre for Values and Ethics.

## **Appendix A: Requirements for Parks Canada team members to prevent and deal with conflict of interest and post-employment situations**

Following are the conflict of interest and post-employment requirements that are a condition of employment for Parks Canada team members subject to this policy. These requirements are grounded in and serve to uphold the values contained in the *Parks Canada Values and Ethics Code*. By upholding these ethical standards, Parks Canada team members conserve and enhance public confidence in the honesty, fairness and integrity of the public service.

### **1. Prevention of conflict of interest**

A Parks Canada team member maintains public confidence in the objectivity of the public service by preventing and avoiding situations that could give the appearance of a conflict of interest, result in a potential for a conflict of interest or result in an actual conflict of interest.

Conflict of interest does not relate exclusively to matters concerning financial transactions and the transfer of economic benefit. While financial activity is important, conflicts of interest in any area of activity can have a negative impact on the perceived objectivity of the public service.

With the permanent and pervasive nature of information technology, Parks Canada team members should be particularly sensitive to real, apparent or potential conflicts of interest that may arise from messages and information transmitted via the Internet and other media.

It is impossible to foresee every situation that could give rise to a real, apparent or potential conflict of interest. When in doubt, Parks Canada team members should refer to the requirements found in this appendix and the *Parks Canada Values and Ethics Code* to guide appropriate action. Parks Canada team members can also seek guidance from their manager, or if necessary from the Parks Canada Ombudsman.

## **2. Requirements for preventing and dealing with situations of conflict of interest during employment:**

Parks Canada team members are required to report in writing to their manager, in accordance with the Parks Canada Agency's procedures, all outside activities, assets and private interests that might give rise to a real, apparent or potential conflict of interest in relation to their official duties. Such a report is to be made within 60 days of their initial appointment or any subsequent appointment, transfer or deployment.

On a regular basis thereafter, and every time a major change occurs in their personal affairs or official duties, Parks Canada team members are required to review their obligations under this policy and the *Parks Canada Values and Ethics Code*. If a real, apparent or potential conflict of interest exists, they are to file a report in a timely manner.

When negotiating financial arrangements with outside parties, Parks Canada team members are to comply with the requirements listed in this appendix as well as other related directives or policies issued by the Treasury Board. When in doubt, Parks Canada team members are to immediately report the situation to their managers in order to seek advice or direction on how to proceed.

### **2.1. Assets**

Parks Canada team members are required to evaluate their assets, taking into consideration the nature of their official duties and the characteristics of their assets. If there is any real, apparent or potential conflict of interest between the carrying out of their official duties and their assets, they are to report this matter to their delegated manager in a timely manner.

Where the delegated manager determines that any of these assets results in a real, apparent or potential conflict of interest in relation to their official duties, Parks Canada team members will be required to divest those assets, or to take other measures to resolve the conflict. Parks Canada team members cannot sell or transfer assets to family members or anyone else for the purpose of circumventing the compliance requirements.

## **2.2. Outside employment or activities**

Parks Canada team members may engage in employment outside the public service and take part in outside activities unless the employment or activities are likely to give rise to a real, apparent or potential conflict of interest or would undermine the impartiality of the public service or the objectivity of the Parks Canada team member.

Parks Canada team members are required to provide a report to their delegated manager when their outside employment or activities might subject them to demands incompatible with their official duties, or cast doubt on their ability to perform their duties or responsibilities in a completely objective manner. The delegated manager may require that the outside activities be modified or terminated if it is determined that a real, apparent or potential conflict of interest exists.

Parks Canada team members who receive a benefit or income either directly or indirectly from a contract with the Government of Canada are required to report to their delegated manager on such contractual or other arrangements. The delegated manager will determine whether the arrangement presents a real, apparent or potential conflict of interest, and may require that the contract be modified or terminated.

## **2.3. Political Activities**

Any Parks Canada team member considering involvement in political activity should seek the advice of their manager, a human resources advisor, the Parks Canada Ombudsman or a Public Service Commission (PSC) advisor before acting.

Parks Canada team members are required to seek and obtain permission from the PSC to seek nomination for or be a candidate in a federal, provincial, territorial, or municipal election, in accordance with Part 7 of the *Public Service Employment Act* (PSEA).

"Political activities" are defined in Part 7 of the *PSEA* as "any activity in support of, within or in opposition to a political party; carrying on any activity in support of or in opposition to a candidate before or during an election period; or, seeking nomination as or being a candidate in an election before or during the election period."

Any Parks Canada team member who wishes to engage in a political activity not covered by Part 7 of the *PSEA* that could constitute a conflict of interest is required to report the proposed activity to their delegated manager.

Similarly, any Parks Canada team member who is subject to this policy but who is not subject to Part 7 of the PSEA, including casual and part-time workers, who wishes to engage in any political activity that could constitute a conflict of interest, must report the proposed activity to their delegated manager.

## **2.4. Gifts, hospitality and other benefits**

Parks Canada team members are expected to use their best judgment to avoid situations of real, apparent or potential conflict of interest by considering the following criteria on gifts, hospitality and other benefits in light of the *Parks Canada Values and Ethics Code* and this policy.

Parks Canada team members are not to accept any gifts, hospitality or other benefits that may have a real, apparent or potential influence on their objectivity in carrying out their official duties and responsibilities or that may place them under obligation to the donor. This includes activities such as free or discounted admission to sporting and cultural events, travel or conferences.

The acceptance of gifts, hospitality and other benefits is permissible if they are infrequent and of minimal value, within the normal standards of courtesy or protocol, arise out of activities or events related to the official duties of the Parks Canada team member concerned, and do not compromise or appear to compromise the integrity of the Parks Canada team member concerned or of the Agency.

Parks Canada team members are to seek written direction from their delegated manager where it is impossible to decline gifts, hospitality or other benefits that do not meet the principles set out above, or where it is believed that there is sufficient benefit to the organization to warrant acceptance of certain types of hospitality.

## **2.5. Solicitation**

With the exception of fundraising for such officially supported activities as the Government of Canada Workplace Charitable Campaign (GCWCC), Parks Canada team members cannot solicit gifts, hospitality, other benefits or transfers of economic value from a person, group or organization in the private sector who has dealings with the government. When fundraising for such official activities, Parks Canada team members should ensure that they have prior written authorization from their delegated manager in order to solicit donations, prizes or contributions in kind from external organizations or individuals.

Similarly, if an outside individual or entity, with whom the Agency has past, present or potential official dealings, offers a benefit to the Agency such as funding for an event or a donation of equipment, Parks Canada team members are to consider whether any real, apparent or potential conflict of interest exists, and obtain the consent in writing of their delegated manager prior to accepting any such benefit.

The delegated manager may require that the activities be modified or terminated where it is determined that there is a real, potential or apparent conflict of interest or an obligation to the donor. These provisions are designed to ensure that this policy is consistent with paragraph 121(1)(c) of the *Criminal Code*.

## **2.6 Avoidance of preferential treatment**

Parks Canada team members are responsible for demonstrating objectivity and impartiality in the exercise of their duties and in their decision-making, whether related to staffing, financial awards or penalties to external parties, transfer payments, program operations or any other exercise of responsibility.

This means that they are prohibited from granting preferential treatment or advantages to their family, their friends or any other person or entity. They are not to offer extraordinary assistance to any entity or persons already dealing with the government without the knowledge and support of their manager. They must not disadvantage any entity or persons dealing with the government because of personal antagonism or bias.

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

## **3. Requirements for preventing post-employment conflict of interest situations before and after leaving office:**

All Parks Canada team members have a responsibility to minimize the possibility of real, apparent or potential conflict of interest between their most recent responsibilities within the federal public service and their subsequent employment outside the public service.

### **3.1 Before leaving employment**

Before leaving their employment with the public service, all Parks Canada team members are to disclose their intentions regarding any future outside employment or activities that may pose a risk of real, apparent or potential conflict of interest with their current responsibilities and discuss potential conflicts with their delegated manager.

### **3.2 Post-employment limitation period for Parks Canada team members in designated positions**

Parks Canada team members in these designated positions are subject to a one-year limitation period after leaving office applies to Parks Canada team members in positions designated as at risk for post employment conflict of interest. Before leaving office and during this one-year limitation period, these Parks Canada team members are to report to their former manager all firm offers of employment or proposed activity outside the public service that could place them in a real, apparent or potential conflict of interest with their public service employment. They are also to disclose immediately the acceptance of any such offer.

In addition, these Parks Canada team members may not, during this one-year period, without the Chief Executive Officer's authorization:

- a. accept appointment to a board of directors of, or employment with, private entities with which they had significant official dealings during the period of one year immediately prior to the termination of their service. The official dealings in question may either be directly on the part of the Parks Canada team member or through their subordinates;
- b. make representations to any government organization on behalf of persons or entities outside of the public service with which they had significant official dealings, during the period of one year immediately prior to the termination of their service. The official dealings in question may either be directly on the part of the Parks Canada team member or through their subordinates;
- c. give advice to their clients or employer using information that is not publicly available concerning the programs or policies of the departments or organizations with which they were employed or with which they had a direct and substantial relationship.

### **3.3 Waiver or reduction of limitation period**

A Parks Canada team member or former team member may apply to the Chief Executive Officer for a written waiver or reduction of the limitation period. The Parks Canada team member is to provide sufficient information to assist the Chief Executive Officer in making a determination as to whether to grant the waiver taking into consideration the following criteria:

- a. the circumstances under which the termination of their service occurred;
- b. the general employment prospects of the Parks Canada team member or former team member;
- c. the significance to the government of information possessed by the Parks Canada team member or former team member by virtue of that individual's position in the public service;
- d. the desirability of a rapid transfer of the Parks Canada team member's or former team member's knowledge and skills from the government to private, other governmental or non-governmental sectors;
- e. the degree to which the new employer might gain unfair commercial or private advantage by hiring the Parks Canada team member or former team member;
- f. the authority and influence possessed by that individual while in the public service;
- g. any other consideration at the discretion of the Chief Executive Officer.



#### **4. Consequences**

A Parks Canada team member who does not comply with the requirements set out in this appendix may be subject to disciplinary measures, including termination of employment.