

Canadian Environmental Assessment Agency Code of Values and Ethics

Accessed and Printed on April 10, 2013

President's Introductory Statement

It is the Canadian Environmental Assessment Agency's responsibility to provide high-quality environmental assessments that contribute to informed decision making in support of sustainable development. As representatives of the Government of Canada, we are at the forefront of interactions with various stakeholders on major complex multi-billion dollar environmental assessment projects; therefore, the provision of honest and impartial advice is of critical importance.

In order to build and maintain confidence in our institution, public servants employed by the Agency are responsible for ensuring that their actions and decisions respect and comply with the *Agency Code of Values and Ethics* (the Agency Code). The Agency Code affirms ethical conduct as an integral part of the work we do and requires public servants employed by the Agency to exercise due diligence.

Every public servant employed by the Agency has the responsibility to adhere to the Agency Code. I am committed to supporting the understanding of the Agency Code by ensuring that the necessary guidance is available to those faced with any ethical dilemma, questions, and/or concerns.

Elaine Feldman
President

Chapter 1: Statement of Values and Ethics

A. The Role of Federal Public Servants

Federal public servants have a fundamental role to play in serving Canadians, their communities and the public interest under the direction of the elected government and in accordance with the law. As professionals whose work is essential to Canada's well-being and the enduring strength of the Canadian democracy, public servants uphold the public trust.

The Constitution of Canada and the principles of responsible government provide the foundation for the role, responsibilities and values of the federal public sector.¹ Constitutional conventions of ministerial responsibility prescribe the appropriate relationships among ministers, parliamentarians, public servants and the public. A professional and non-partisan federal public sector is integral to our democracy.

B. The Role of Ministers

Ministers are also responsible for preserving public trust and confidence in the integrity of management and operations within public sector organizations and for respecting the tradition of a professional non-partisan federal public sector. Furthermore, ministers play a critical role in supporting public servants' responsibility to provide professional and frank advice.²

C. Objectives

The *Agency Code of Values and Ethics* (the Agency Code) outlines the values and expected behaviours that guide public servants employed by the Canadian Environmental Assessment Agency (the Agency) in all activities related to their professional duties. By committing to these values and adhering to the expected behaviours, public servants strengthen the ethical culture of the public sector, and contribute to public confidence in the integrity of all public institutions.

The Agency Code, which was developed in consultation with employees, management and bargaining agents, provides guiding principles to cultivate a working environment where people are productive and share a common pride in the work they do and their workplace. It is meant to encourage communication between public servants employed by the Agency, and promote respectful relationships that are based on honesty and integrity within the organization, the public, Aboriginal people, proponents, and other stakeholders.

The Agency Code requires public servants employed by the Agency to self-monitor. It also fulfills the requirement of section 6 of the *Public Service Disclosure Protection Act* (PSDPA); which requires the President, as chief executive of the Agency, to establish an organizational code of conduct consistent with the broader *Values and Ethics Code for the Public Sector*.

D. Values and Expected Behaviours

These values and expected behaviours are a compass to guide public servants in everything they do. They cannot be considered in isolation from each other as they will often overlap. They also serve to guide the Agency in its decisions, policies, practices, processes, and systems. Similarly, public servants can also expect to be treated in accordance with this Code by the Agency.

Federal public servants are expected to conduct themselves in accordance with the values of the public sector and these expected behaviours.

1. Respect for Democracy

The system of Canadian parliamentary democracy and its institutions are fundamental to serving the public interest. Public servants recognize that elected officials are accountable to Parliament, and ultimately to the Canadian people, and that a non-partisan public sector is essential to our democratic system.

Public servants shall uphold the Canadian parliamentary democracy and its institutions by:

1. Respecting the rule of law and carrying out their duties in accordance with legislation, policies and directives in a non-partisan and impartial manner.
2. Loyal carrying out the lawful decisions of their leaders and supporting ministers in their accountability to Parliament and Canadians.
3. Providing decision makers with all the information, analysis and advice they need, always striving to be open, candid and impartial.

2. Respect for People

Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and contributes to a safe and healthy work environment that promotes engagement, openness and transparency. The diversity of our people and the ideas they generate are the source of our innovation.

Public servants shall respect human dignity and the value of every person by:

1. Treating every person with respect and fairness.
2. Valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce.
3. Helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination.
4. Working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.

3. Integrity

Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and impartiality of the federal public sector.

Public servants shall serve the public interest by:

1. Acting at all times with integrity and in a manner that will bear the closest public scrutiny, an obligation that may not be fully satisfied by simply acting within the law.
2. Never using their official roles to inappropriately obtain an advantage for themselves or to advantage or disadvantage others.
3. Taking all possible steps to prevent and resolve any real, apparent or potential conflicts of interest between their official responsibilities and their private affairs in favour of the public interest.
4. Acting in such a way as to maintain their employer's trust.

4. Stewardship

Federal public servants are entrusted to use and care for public resources responsibly, for both the short term and long term.

Public servants shall use resources responsibly by:

1. Effectively and efficiently using the public money, property and resources managed by them.

2. Considering the present and long-term effects that their actions have on people and the environment.
3. Acquiring, preserving and sharing knowledge and information as appropriate.

5. Excellence

Excellence in the design and delivery of public sector policy, programs and services is beneficial to every aspect of Canadian public life. Engagement, collaboration, effective teamwork and professional development are all essential to a high-performing organization.

Public servants shall demonstrate professional excellence by:

1. Providing fair, timely, efficient and effective services that respect Canada's official languages.
2. Continually improving the quality of policies, programs and services they provide.
3. Fostering a work environment that promotes teamwork, learning and innovation.

E. Application

The Agency Code came into force on June 15, 2012. It applies to all public servants employed by the Agency. Adherence to these values and expected behaviours is a condition of employment for every public servant employed by the Agency, regardless of their level or position. A breach of these values or behaviours may result in administrative or disciplinary measures being taken, up to and including termination of employment.

The PSDPA defines "public servant" as every person employed in the public sector.³ Every member of the Royal Canadian Mounted Police and every chief executive (including deputy heads and chief executive officers) are also included in the definition of public servant for the purpose of the PSDPA, the *Values and Ethics Code for the Public Sector* and the Agency Code. Public servant includes indeterminate and term employees, individuals on leave without pay, students participating in student employment programs, casual, seasonal and part-time workers.

Individuals on incoming Interchange Canada assignments who do not meet the definition of public servant are expected to comply with, and volunteers are expected to respect, the requirements of the Agency Code.

Order-in-council appointees, such as deputy heads, are subject to the [Conflict of Interest Act](#), and therefore excluded from the application of Chapter II of this Code.

F. Avenues for Resolution

The expected behaviours are not intended to respond to every possible ethical issue that might arise in the course of a public servant's daily work. When ethical issues arise, public servants are encouraged to discuss and resolve these matters with their immediate supervisor. They can also seek advice and support from other appropriate sources within the Agency.

Public servants at all levels are expected to resolve issues in a fair and respectful manner and consider informal processes such as dialogue or mediation.

As provided by sections 12 and 13 of the PSDPA, if a public servant has information that could indicate a serious breach of this Code, they can bring this matter to the attention of their immediate supervisor, the Agency's senior officer for disclosure or the Public Sector Integrity Commissioner.

The senior officer for disclosure is responsible for supporting the chief executive in meeting the requirements of the PSDPA. The senior officer for disclosure helps to promote a positive environment for disclosing wrongdoings, and deal with disclosures of wrongdoing made by employees of the organization. Further information on the duties and powers of the senior officer for disclosure can be found under Section G of Chapter 1.

Members of the public who have a reason to believe that a public servant employed by the Agency has not acted in accordance with this Code can bring the matter to the [Agency's senior officer for disclosure](#) or to the Public Sector Integrity Commissioner to disclose a serious breach of this Code.

G. Duties and Obligations

1. Public Servants

Public servants are expected to abide by the Agency Code and demonstrate the values of the public sector and the Agency in their actions and behaviour. If a public servant does not abide by these values and expectations, he or she may be subject to administrative or disciplinary measures up to and including termination of employment.

Public servants who are also managers have a particular responsibility to exemplify the values and expectations set out in the Agency Code.

As provided by sections 12 and 13 of the PSDPA, if a public servant has information that could indicate a serious breach of the Agency Code they can bring this matter to the attention of their immediate supervisor, the Agency's senior officer for disclosure or the Public Sector Integrity Commissioner.

2. Chief Executive

Chief executives⁴ of public sector organizations have specific responsibilities under the PSDPA, including establishing a code of conduct for their organization, and an overall responsibility for fostering a positive culture of values and ethics in their organization. They ensure that employees are aware of their obligations under this Code and the *Values and Ethics Code for the Public Sector*. They also ensure that employees can obtain appropriate advice within their organization on ethical issues, including possible conflicts of interest.

The President, as chief executive of the Agency, must ensure that the *Values and Ethics Code for the Public Sector*, the Agency Code, and the Agency's internal disclosure procedures are implemented effectively within the organization, and are regularly monitored and evaluated.

The chief executive is responsible for designating an organizational point of contact to handle concerns from members of the public who have reason to believe that a public servant employed by the Agency has not acted in accordance with the Agency Code.

Chief executives are responsible for ensuring the non-partisan provision of programs and services by their organizations.

Chief executives are subject to the *Values and Ethics Code for the Public Sector* and to the *Conflict of Interest Act*.

3. Senior Officer for Disclosure

The senior officer for disclosure helps promote a positive environment for disclosing wrongdoings, and deals with disclosures of wrongdoing made by public servants of their organization. The senior officer for disclosure is responsible for supporting the chief executive in meeting the requirements of the PSDPA.

The senior officer's duties and powers within his or her organization also include the following, pursuant to the internal disclosure procedures established under the PSDPA:

1. Provide information, advice and guidance to public servants of his or her organization regarding the organization's internal disclosure procedures, including the making of disclosures, the conduct of investigations into disclosures, and the handling of disclosures made to supervisors.
2. Receive and record disclosures and review them to establish whether there are sufficient grounds for further action under the PSDPA.
3. Manage investigations into disclosures, including determining whether to deal with a disclosure under the PSDPA, initiate an investigation or cease an investigation.
4. Coordinate handling of a disclosure with the senior officer of another federal public sector organization, if a disclosure or an investigation into a disclosure involves that other organization.
5. Notify the person(s) who made a disclosure in writing of the outcome of any review and/or investigation into the disclosure and on the status of actions taken on the disclosure, as appropriate.
6. Report the findings of investigations, as well as any systemic problems that may give rise to wrongdoings, directly to his or her chief executive, with recommendations for corrective action, if any.

4. Treasury Board Secretariat – Office of the Chief Human Resources Officer

In support of the Treasury Board President's responsibilities under section 4 of the PSDPA, the Office of the Chief Human Resources Officer (OCHRO) is responsible for promoting ethical practices in the public sector.⁵ The OCHRO will work together with all relevant partner organizations to implement and

promote the *Values and Ethics Code for the Public Sector*, and will provide advice to chief executives and designated departmental officials with respect to its interpretation.

The Chief Human Resources Officer may issue directives, standards and guidelines related to the *Values and Ethics Code for the Public Sector*.

The OCHRO will monitor the implementation of the *Values and Ethics Code for the Public Sector* in organizations with a view to assessing whether the stated objectives have been achieved.

5. Public Service Commission

The Public Service Commission (PSC) is responsible for conducting staffing investigations and audits to safeguard the integrity of the public service staffing system and administering certain provisions related to political activities to maintain the non-partisanship of the public service in accordance with the *Public Service Employment Act* (PSEA).

¹ The *Code of Values and Ethics of the Public Sector* and the Agency Code are intended to clarify the role and expectations of public servants within the framework of Canadian parliamentary democracy as laid out in the *Constitution Act* and the basic principle of responsible government, which holds that the powers of the Crown are exercised by ministers who are in turn accountable to Parliament.

² This text reflects the duties and responsibilities set out in *Accountable Government - A Guide for Ministers and Ministers of State*, the *Conflict of Interest Act*, the *Lobbying Act* and the *Public Servants Disclosure Protection Act* (PSDPA).

³ The PSDPA defines the "public sector" as: (a) the departments named in Schedule I to the *Financial Administration Act* and the other portions of the federal public administration named in Schedules I to V to that Act; and (b) the Crown corporations and other public bodies set out in Schedule I of the PSDPA. However, "the public sector" does not include the Canadian Forces, the Canadian Security Intelligence Service or the Communications Security Establishment, which are subject to separate requirements under the Act.

⁴ Chief executive means the deputy head or chief executive officer of any portion of the public sector, or the person who occupies any other similar position, however called, in the public sector (PSDPA, 2005).

⁵ Section 4 of the PSDPA assigns this responsibility to the Minister responsible for the Public Service Human Resources Management Agency of Canada (subsequently the Canada Public Service Agency (CPSA)). With the creation of the Office of the Chief Human Resources Officer within Treasury Board of Canada Secretariat on February 6, 2009, the functions of the CPSA were transferred to the OCHRO.

Chapter 2: Conflict of Interest and Post-Employment

A. Requirements for Public Servants to Prevent and Deal with Conflict of Interest and Post-Employment Situations

Following are the conflict of interest and post-employment requirements⁶ that are a condition of employment for public servants employed by the Agency. These requirements are grounded in and serve to uphold the values contained in the *Values and Ethics Code for the Public Sector* and Chapter I of the Agency Code. By upholding these ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and integrity of the public service. These requirements also form part of Canada's commitments as a signatory to [international agreements on values and ethics](#).

B. Prevention of Conflict of Interest

A conflict of interest is a situation in which the public servant has private interests that could improperly influence the performance of his or her official duties and responsibilities or in which the public servant 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.

A public servant 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, public servants 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, public servants should refer to the requirements found in the *Values and Ethics Code for the Public Sector* and this Code to guide appropriate action. Public servants can also seek guidance from their manager, the Human Resources Division, the [Agency's values and ethics champion](#), the [Agency's senior officer for disclosure](#) or the President.

In addition to the requirements outlined in the Agency Code, public servants are also required to observe any specific conduct requirements contained in the statutes governing the Agency and their profession, where applicable.

C. A Public Servant's General Responsibilities and Duties

A public servant's general responsibilities and duties include:

- 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.
- Unless otherwise permitted in the Agency Code, refraining from having private interests, which would be unduly affected by government actions in which they participate, or of which they have knowledge or information.

- 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.
- 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.
- Not assisting private entities or persons in their dealings with the government where this would result in preferential treatment of the entities or persons.
- Not interfering in the dealings of private entities or persons with the government in order to inappropriately influence the outcome.
- 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.
- Ensuring that any real, apparent or potential conflict that arises between their private activities and their official responsibilities as a public servant is resolved in the public interest.

D. Requirements for Preventing and Dealing with Situations of Conflict of Interest During Employment

Public servants employed by the Agency are required to report in writing to the deputy head and/or the director of Human Resources, all outside activities, assets and 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, every public servant is required to review his or her obligations under Treasury Board's *Policy on Conflict of Interest and Post-Employment*, the *Values and Ethics Code for the Public Sector* and this Code. If a real, apparent or potential conflict of interest exists, he or she is to file a report in a timely manner.

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

1. Assets

Public servants 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 the deputy head or the director of Human Resources in a timely manner.

Where the deputy head or the director of Human Resources determines that any of these assets results in a real, apparent or potential conflict of interest in relation to their official duties, public servants may

<http://www.ceaa.gc.ca/default.asp?lang=En&n=2C9EA083-1&offset=&toc=hide>

be required to divest those assets, or to take other measure to resolve the conflict. Public servants may not sell or transfer assets to family members or anyone else for the purpose of circumventing the compliance requirements.

The types of assets that should be reported and the procedures for reporting and managing such assets are set out in the *Directive on Reporting and Managing Financial Conflicts of Interest*.

2. Outside Employment or Activities

Public servants 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 public servant.

Public servants are required to provide a report to the deputy head or the director of Human Resources 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 in a completely objective manner. The deputy head or the director of Human Resources may require that the outside activities be modified or terminated if it is determined that a real, apparent or potential conflict of interest exists.

Public servants who receive a benefit or income either directly or indirectly from a contract with the Government of Canada are required to report to their deputy head or the director of Human Resources on such contractual or other arrangements. The deputy head or the director of Human Resources will determine whether the arrangement presents a real, apparent or potential conflict of interest, and may require that the contract be modified or terminated.

3. Political Activities

Any public servant considering involvement in a political activity should seek the advice from their manager, the [designated departmental official](#), the Agency's Human Resources Division or the Public Service Commission (PSC) before proceeding.

Public servants 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 public servant 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 the deputy head or the director of the Human Resources.

Similarly, any public servant who is subject to Treasury Board's *Policy on Conflict of Interest and Post-Employment* 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, is to report the proposed activity to the deputy head or the director of Human Resources.

4. Gifts, Hospitality and Other Benefits

Public servants 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 and in keeping with the *Values and Ethics Code for the Public Sector* and the Agency Code.

Public servants 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 public servant concerned, and do not compromise or appear to compromise the integrity of the public servant concerned or of his or her organization.

Public servants are to seek written direction from the deputy head or the director of Human Resources 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.

5. Solicitation

With the exception of fundraising for such officially supported activities as the Government of Canada Workplace Charitable Campaign (GCWCC), public servants may not 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, public servants should ensure that they have prior written authorization from their deputy head or the director of Human Resources 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 organization has past, present or potential official dealings, offers a benefit to the organization, such as funding for an event or a donation of equipment, public servants are to consider whether any real, apparent or potential conflict of interest exists, and obtain the consent in writing from the deputy head prior to accepting any such benefit.

The deputy head 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 the Agency Code is consistent with [paragraph 121\(1\)\(c\) of the *Criminal Code*](#).

6. Avoidance of Preferential Treatment

Public servants 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 family, 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 supervisor. They also are not to 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.

E. Requirements for Preventing Post-Employment Conflict of Interest Situations Before and After Leaving Office

All public servants 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.

1. Before Leaving Employment

Before leaving their employment with the public service, all public servants 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 manager, the deputy head, or the director of Human Resources.

2. Post-Employment Limitation Period for Public Servants in Designated Positions

The Agency has identified all its executives (EX) or their equivalents (including PC-05 and EC-08), EX minus 1 (including, CS-04, EC-07, PC-04 and PM-06) and EX minus 2 (including, PC-03, FI-03, PE-05, IS-05, CS-03, and EC-06) positions for post-employment conflict of interest situations as per section 6.1.2 f. i. of Treasury Board's *Policy on Conflict of Interest and Post-Employment*.

Public servants in these designated positions are subject to a one-year limitation period after leaving office. Before leaving office and during this one-year limitation period, these public servants are to report in writing to the deputy head and/or the director of the Human Resources 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. In addition, these public servants may not, during this one-year period, without their deputy head's authorization:

1. 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 public servant or through their subordinates;

2. 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.⁷ The official dealings in question may either be directly on the part of the public servant or through their subordinates; or
3. 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. Waiver or Reduction of Limitation Period

A public servant or former public servant may apply to the deputy head for a written waiver or reduction of the limitation period. The public servant is to provide sufficient information to assist the deputy head in making a determination as to whether to grant the waiver taking into consideration the following criteria:

1. the circumstances under which the termination of their service occurred;
2. the general employment prospects of the public servant or former public servant;
3. the significance to the government of information possessed by the public servant or former public servant by virtue of that individual's position in the public service;
4. the desirability of a rapid transfer of the public servant's or former public servant's knowledge and skills from the government to private, other governmental or non-governmental sectors;
5. the degree to which the new employer might gain unfair commercial or private advantage by hiring the public servant or former public servant;
6. the authority and influence possessed by that individual while in the public service; and/or
7. any other consideration at the discretion of the deputy head.

F. Resolution

With respect to the arrangements necessary to prevent real, apparent or potential conflict of interest, or to comply with the requirements set out above, it is expected that situations will be resolved through discussion and agreement between the public servant and the deputy head or the director of Human Resources.

When a public servant and the deputy head or the director of the Human Resources disagree on the appropriate arrangements to resolve a real, apparent or potential conflict of interest, the public servant may submit his or her concern and request a third party review to the Agency's senior officer for disclosure. The Agency's senior officer for disclosure reviews the concerns identified by the public

<http://www.ceaa.gc.ca/default.asp?lang=En&n=2C9EA083-1&offset=&toc=hide>

servant, the rationale for the decision and any other information he or she may require to make an informed recommendation to the deputy head for final decision.

G. Consequences

A public servant who does not comply with the requirements set out in the Agency Code may be subject to administrative or disciplinary measures, up to and including termination of employment.

H. Enquiries

Enquiries about the Agency Code should be referred to the [Agency's values and ethics champion](#), [Agency's senior officer for disclosure](#), or the [Agency's Human Resources Division](#).

⁶ The Treasury Board *Policy on Conflict of Interest and Post-Employment* is applicable to organizations in the core public administration, including the Agency.

⁷ Assistant deputy ministers and their equivalents are subject to the *Lobbying Act*. In the case of any conflict between this Policy and the Act, the Act takes precedence.