

# Conflict of Interest Declaration for Public Servants (Public Body Employees/Appointees) Guide

## Applicable conflict of interest rules

The [Public Service of Ontario Act, 2006](#) (PSOA) requires you, as a public servant (public body employee/appointee) to comply with the conflict of interest rules set out in [Ontario Regulation \(O. Reg.\) 381/07](#). The onus is on you to:

- request a determination if a question arises about the application of the conflict of interest rules to you and/or;
- notify your ethics executive if you have a personal or pecuniary interest that could raise an issue under the conflict of interest rules.

Public body rules must meet the ethical requirements of [O. Reg. 381/07](#). They may have their own rules that require the approval of the Integrity Commissioner. Approved rules take effect when posted on the [Commissioner's website](#).

## Early notification of ethics executive

- To minimize the risk of breaching the rules, request a determination and/or give notice before a conflict of interest situation arises. Allow sufficient time for the ethics executive to make a determination and give you direction to address the situation.
- Where circumstances do not permit advance disclosure, request a determination and/or to give notice as soon as possible after the situation arises.

## Submission of form

The completed form should be submitted to **your ethics executive** according to the list below:

Public servant	Ethics executive
Public body employee	The person prescribed in O. Reg. 147/10, <b>OR</b> , the chair if no one is prescribed
Public body appointee	The chair of the public body
Chairs of public bodies	Integrity Commissioner
Person prescribed in O. Reg. 147/10	Integrity Commissioner

## What happens after this completed form is submitted?

1. You may be contacted to clarify information and/or to provide additional information.
2. Other individuals may also be contacted to verify information and/or for additional information.
3. The ethics executive will usually issue a written determination. The determination may include directions to address a conflict of interest or potential conflict of interest.
4. In some instances, your ethics executive may refer the matter to the Integrity Commissioner.
5. Public servants must comply with directions issued by the ethics executive or the Integrity Commissioner.
6. If you are a government appointee and your ethics executive or the Integrity Commissioner makes a determination that you have contravened a conflict of interest rule, your ethics executive or the Integrity Commissioner is required to notify the minister responsible for the entity (to which you are appointed) of the contravention.

## What happens if circumstances change?

If circumstances change, you may request a new determination about the application of the conflict of interest rules to you. It is your ongoing responsibility to give notice any time circumstances change which may give rise to a conflict of interest situation.

### For more information

Consult your HR advisor or your public body chair (appointees).

## Instructions for Part B

### B.2 Benefit self, spouse or children – [O. Reg. 381/07, Subsection 3\(1\)](#)

**B.2.3** Describe how you could be seen as using, or attempting to use, your employment/appointment for a direct or indirect benefit, including what could be seen as the benefit.

### B.3 Prospect of future employment – [O. Reg. 381/07, Subsection 3\(2\)](#)

**B.3.2** Describe the circumstances of the prospect of future employment/appointment that could detrimentally affect the performance of your duties to the Crown, including:

- the nature of the future employment/appointment, including the prospective employer.
- the effect or potential effect, on your duties to the Crown.

### B.4 Accept gifts, including a benefit of any kind – [O. Reg. 381/07, Section 4](#)

"Gift" includes a benefit of any kind. The following are the persons, groups or entities from whom a public servant cannot, as a general rule, accept a gift:

- a person, group or entity that has dealings with the Crown
- a person, group or entity to whom you provide services in the course of your duties to the Crown
- a person, group or entity that seeks to do business with the Crown.

Public servants are not prevented from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances. Gifts valued up to \$50 are normally considered to be of nominal value.

**B.4.3** Include in your description the connection between the person, group or entity and your duties, your public body or the Crown. Describe the:

- dealings, the person, group or entity has with the Crown.
- services you provide to the person, group or entity.
- business, the person, group or entity seeks to do with the Crown.

**B.4.5** Include in your description of the circumstances in which a gift was or may be offered whether it was offered, or will be offered, as an expression of courtesy or hospitality.

### B.5 Disclose or use confidential information – [O. Reg. 381/07, Subsection 5\(1\), 5\(2\)](#)

"Confidential information" means 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.

**B.5.2** Include in the description of the confidential information:

- the type of information (not content).
- whether the information is available to the public.
- whether the information could result in harm to the Crown.
- whether the information could give the person to whom it is disclosed an advantage.

- B.5.3** Include in your description of the circumstances related to the disclosure or use, or potential disclosure or use, of confidential information. Whether you are or were authorized by law or by the Crown to disclose confidential information. If so, include:
- source of the authorization (i.e., was it by law or by the Crown and if by the Crown, the name of the person).
  - content of the authorization (i.e., what did it say).
  - form of the authorization (e.g., was it written).
  - when the disclosure or use, or potential disclosure or use, might occur or occurred.

**B.6 Give or appear to give preferential treatment or offer assistance – [O. Reg. 381/07, Subsection 6\(1\), 6\(2\), 6\(3\)](#)**

- B.6.2** Include, in your description of the circumstances related to preferential treatment:
- what preferential treatment you gave/might give/could be seen as giving.
  - to whom or to what you gave/might give/could be seen as giving preferential treatment.
  - when the preferential treatment was given or might be given or could be seen as being given.
- If you, a family member or a friend has an interest in the person to whom or entity to which you could be seen as giving preferential treatment, identify the person/entity who has the interest and describe the nature of the interest.

- B.6.5** Include in your description of the circumstances regarding an offer of assistance to a person or entity in dealing with the Crown, other than assistance given in the ordinary course of your employment or appointment:
- what assistance you offered, or might offer, outside the course of your employment or appointment.
  - who was or might be the recipient of the offer.
  - when offer was made or might be made.

**B.7 Hire, supervise, report to or contract with family members – [O. Reg. 381/07, Section 7](#)**

- B.7.3** Describe the circumstances regarding your involvement or potential involvement in the hiring of, supervision of or reporting to your spouse, child, parent or sibling including:
- timing of hiring or supervision or reporting to your family member.
  - role you had in the hiring process.
  - reporting relationship you have or will have with your family member.
  - notification of your supervisor.

- B.7.6** Describe the circumstances related to contracting, or potential contracting, with your spouse, child, parent, sibling or a person or entity in which any of them has a substantial interest, including the nature and term of the contract and whether you disclosed your relationship to your supervisor in advance of entering into the contract.

If you contracted, or might contract with a person or entity in which any of your spouse, child, parent or sibling has a substantial interest, describe who has the interest and the nature of the interest.

- B.7.8** If you hired, or might hire, a person who reports to or supervises the work of his or her spouse, child, parent and/or sibling, describe the circumstances including:
- name of the person you hired or might hire.
  - name of the public servant.
  - relationship between them (i.e., spouses, parent/child or siblings).
  - the nature of the reporting relationship between them (i.e., who reports or will report to whom).
  - time/period hiring occurred or might occur.

## **B.8 Engage in outside activities (volunteer or otherwise) – [O. Reg. 381/07, Section 8](#)**

- B.8.3** Describe the circumstances where, outside your OPS employment, you are or will be employed or engaged in a business or undertaking, including:
- how you became involved with the outside business or undertaking (e.g., whether you were approached through your employment with the Crown).
  - what compensation (e.g., a salary, commission, honorarium, gift, etc.), you will receive or you receive, from the outside business or undertaking.
  - your relationship with the outside business or undertaking (i.e., owner, partner, employee, subcontractor, consultant, volunteer or other).
  - your private interests, in connection with the outside employment or undertaking.
  - your duties or services for the outside employment or undertaking.
  - whether, in connection with the outside employment or undertaking, you will have, or have, contact with anyone you deal with in your employment for the Crown.
  - any connection between the outside employment or undertaking and your employment for the Crown (past and present).
  - what confidential information (see B.6 for the definition), you have that is or might be relevant to the outside business or undertaking.
  - whether your employment with the outside business or undertaking will be, or is, in a professional capacity and, the nature of the professional capacity.
  - whether, in connection with the outside employment or undertaking, any person will derive an advantage from your employment as a public servant and, the nature of the advantage.
  - whether you will use government premises, equipment or supplies in the outside employment or undertaking.
- B.8.6** Describe the circumstances related to the dealings that the business or undertaking has with the public body and/or the tendering process and/or related to the provision of services or goods to the Crown, including:
- what ministry issued, or will be issuing, the request for proposals or to what ministry are the services or goods provided, or will the services/goods be provided.
  - the nature of the tender or the services or goods.
  - your involvement (either on behalf of the business or undertaking or on behalf of the Crown) in the tendering process or in respect of the services or goods.
  - the outcome/potential outcome, of the tendering/related process.
  - when the RFP will occur or occurred and/or when the Crown will receive services or goods.

## **B.9 Participate in decision-making – [O. Reg. 381/07, Section 9](#)**

- B.9.2** Describe the circumstances which relates to your participation, in the course of your duties, in the decision-making by the Crown with respect to a matter that you are able to influence and could benefit you. Include:
- the decision making process and your participation.
  - your influence on the decision-making.
  - the benefit you receive/could receive from the decision.
  - whether you obtained or will obtain prior approval of your ethics to participate in the decision.
- B.9.4** Describe the circumstances relevant to decision-making by a body/group of which you are a member, in the course of your employment, that you could benefit from or which could result in a conflict with the interests of the Crown. Include:

- name of the body/group of which you are a member.
- connection to your employment as a public servant.
- your role in the body/group.
- decision or potential decision of the body/group.
- your participation in or influence on the decision of the body/group.
- benefit or potential benefit to you.
- conflict/potential conflict between the interests of the body/group and the interests of the Crown.
- whether you have informed or will inform the body/group that there could be a benefit to yourself or conflict between interests of the Crown and those of the body/group.

**B.10 Other interests which may conflict with the interests of the Crown – [PSOA, Subsection 65\(3\)](#)**

**B.10.4** Include in your description your interest and the conflict/potential conflict with the interests of the Crown.