

Instructions for Oath Administrators

Common Questions and Answers

1. Who should make the oaths and affirmations?

All public servants are required to make the Oath or Affirmation of Office and the Oath or Affirmation of Allegiance. See the “Who should make the Oaths and Affirmations” chart on the next pages.

2. Are there any exemptions to making the oaths and affirmations?

All public servants must make the Oath or Affirmation of Office. However, there are two exemptions to making the Oath or Affirmation of Allegiance:

- a. If the public servant is not a citizen of Canada and asserts that making the oath could result in the loss of their citizenship in another country.

Note: The public servant is not required to provide proof of their citizenship in another country.

- b. If the public servant identifies as an Indigenous person and objects to making the oath because it would be inconsistent with their views regarding the relationship with the Crown and Indigenous peoples.

Note: The public servant does not have to provide proof of their Indigenous identity or status.

3. What is the definition of “Indigenous person” and “Indigenous peoples” for the purpose of using the exemption?

“Indigenous person” means an individual who forms part of the “Indigenous peoples”, which includes the First Nations, Inuit and Métis peoples within Canada.

4. What is the difference between swearing an oath or making an affirmation?

There is no substantive difference between swearing an oath and making an affirmation. Both methods produce the same obligations and responsibilities. When an oath is sworn, a solemn promise is made invoking the name of God, whereas an affirmation is a solemn promise made without any reference to God. There is no preferred method; it is a public servant’s choice to swear or affirm.

5. Who can administer the oaths and affirmations?

The oaths and affirmations should be administered in person by the hiring manager or other authorized person as set out in regulation ([Ontario Regulation 373/07](#)). See the “Oaths Administrators” chart on the next pages.

6. When should the oaths and affirmations be administered?

The oaths and affirmations must be administered upon commencement of employment/appointment – as close to the start date as possible.

If the public servant will begin working at a location where the oaths and affirmations cannot be readily administered (e.g., where there is no oath administrator available and no access to video conferencing tools):

- a. The Oaths Form must be included with the offer letter for employees.
- b. The manager must ensure that the public servant reads the Oaths Form and understands and acknowledges their obligations under the oaths/affirmations on their first day of employment/appointment or as soon as possible thereafter.
- c. The manager (or another oath administrator) must administer the oaths or affirmations either in person or remotely via video conference at the earliest opportunity when next on site or once access to video conferencing tools are available (see processes outlined below) and should ensure that the public servant understands their obligations for ethical conduct.
- d. The oath administrator must ensure a signed copy of the Oaths Form is retained in the human resources file.

7. How should the oaths and affirmations be administered?

The oaths and affirmations can be administered in person or they can be administered virtually/remotely if certain conditions are met.

When administering the oaths and affirmations in person, the hiring manager or other authorized oath administrator should:

- a. Provide the public servant with an explanation of the oaths and affirmations and how they relate to the ethical framework in the public service of Ontario.
- b. Ask whether the public servant would like to swear the oaths or make affirmations. If the public servant does not wish to make the Oath or Affirmation of Allegiance based on one of the two permitted exemptions, they should select the applicable exemption on the form.

Note: In recognition of Ontario's religious and cultural diversity, public servants are **not** required to place their hand on a specific religious text when electing to "swear" the oath. However if desired, public servants can bring in their own religious text or sacred item for this purpose. Public servants may also choose to refer to the specific name of their God/Deity (e.g., "So help me, Creator") when orally reciting the oaths.

- c. Instruct the public servant to follow the appropriate wording, read the oaths or affirmations aloud and then sign the form in the "Signature of Public Servant (declarant)" section.
- d. Sign the form in the "Signature of Oath Administrator" section and ensure a signed copy is retained in the human resources file.

Note: Oaths and affirmations can also be administered to a group of public servants (in this case, each public servant must make the oaths or affirmations and sign an individual Oaths Form).

Where a public servant is unable to attend a physical work location or is not in the same physical work location as their manager or oaths administrator, the oaths and affirmations can be administered virtually/remotely using the Oaths Form for virtual/remote administration.

In addition to the steps outlined above, where the oaths and affirmations are administered virtually/remotely, the hiring manager or other authorized oath administrator should:

- a. Provide the public servant with the Oaths Form in advance via email, directing them to the Oaths Form for virtual/remote administration.
- b. Only administer the oaths and affirmations through the use of an electronic method of communication (e.g., video conferencing) in which the hiring manager/oaths administrator and the public servant can see, hear and communicate with each other in real time throughout the entire process.
- c. Consider the use of an interpreter or other assistive technologies (such as screen-readers or closed captioning) should the public servant require accommodation.
- d. Take steps to confirm the identity of the public servant swearing the oaths or making the affirmations.
- e. Instruct the public servant to use an electronic signature for the "Signature of Public Servant (declarant)" section of the Oaths Form.
- f. Advise the public servant that the signed Oaths Form must be provided back to the hiring manager/oaths administrator via email as soon as possible. Once received, the hiring manager/oaths administrator must sign the form using an electronic signature in the "Signature of Oaths Administrator" section, which has been modified in accordance with [Ontario Regulation 431/20](#) (Administering Oath or Declaration Remotely) under the *Commissioners for Taking Affidavits Act*.
- g. Document the process, including attendees, date and time the oaths or affirmations were administered and ensure a signed copy of the Oaths Form is retained in the human resources file.

Oath Administrators

Public Servant	Persons Authorized to Administer the Oath or Affirmation
Who works in a ministry, but not in a minister's office	<ul style="list-style-type: none"> • the deputy minister of the ministry, • a public servant who is employed under Part III of the Act and who exercises managerial functions in a ministry, • a lawyer in the public service of Ontario, • any other public servant who is an appointed commissioner for taking affidavits.
Who works in a minister's office	<ul style="list-style-type: none"> • a minister, • a public servant who is employed under Part III of the Act and who exercises managerial functions in the Office of the Premier, Cabinet Office or minister's office, • a lawyer in the public service of Ontario, • any other public servant who is an appointed commissioner for taking affidavits.
Who works in a Commission public body (not an appointee)	<ul style="list-style-type: none"> • the public servant's ethics executive as determined under subsection 62 (1) of the Act, • a public servant who is employed under Part III of the Act and who exercises managerial functions in the Commission public body or in the ministry to whom the Commission public body reports, • a lawyer in the public service of Ontario, • any other public servant who is an appointed commissioner for taking affidavits.
Who works in a public body that is not a Commission public body (not an appointee)	<ul style="list-style-type: none"> • the public servant's ethics executive as determined under subsection 62 (1) of the Act, • a public servant who exercises managerial functions in the public body, • a lawyer in the public service of Ontario, • any other public servant who is an appointed commissioner for taking affidavits.
Who is a government appointee to a public body	<ul style="list-style-type: none"> • the chair of the public body, • a lawyer in the public service of Ontario, • any other public servant who is an appointed commissioner for taking affidavits.
Who is the chair of a public body	<ul style="list-style-type: none"> • a public servant employed under Part III of the Act who works in the Cabinet Office and who is an appointed commissioner for taking affidavits, • a lawyer in the public service of Ontario.

Who Should Make the Oaths or Affirmations

This chart sets out when the oaths and affirmations should be administered to public servants.

Status of Public Servant	Oaths or Affirmations Required	Comments
Regular Employees in Ministries and Commission Public Bodies		
New regular employee from outside the Ontario Public Service	Yes	
New regular employee from fixed term position	Yes	
Fixed Term Employees in Ministries, Ministers' Offices and Commission Public Bodies		
New fixed term employee	Yes	
Fixed term employee with a contract extension	No	The original oaths or affirmations continue to apply
Fixed term employee with concurrent or over-lapping fixed term positions (i.e., no break in service between fixed term contracts)	Yes (for first position only)	<ul style="list-style-type: none"> • The oaths or affirmations administered for the first position continue to apply. • Oath administrators should still ensure that employees understand they continue to be bound by the oaths or affirmations.
Fixed term employee with subsequent new fixed term assignments (not extension) (i.e., break in service between fixed term contracts)	Yes	
Seasonal employee (with or without recall status)	Yes	Employees who are re-hired the next season begin a new period of employment and are required to re-make the oaths or affirmations.
Public Servants in Public Bodies		
New appointees (all public bodies)	Yes	Public bodies can establish internal processes for administration of the oaths and affirmations for both appointees and employees.
New employees (not Commission public bodies)	Yes	Public bodies can establish internal processes for administration of the oaths and affirmations for both appointees and employees.