



# Values and Ethics Code

Fisheries and Oceans Canada and the Canadian Coast Guard



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## Table of Contents

Message from the Deputy Minister .....	5
Application .....	6
<b>PART 1: Our Values in Practice .....</b>	<b>7</b>
A) Our Values .....	7
1. Respect for Democracy .....	7
2. Respect for People .....	8
3. Integrity .....	9
4. Stewardship .....	10
5. Excellence .....	10
B) Workplace Leadership .....	11
C) Examples of Behaviours to Avoid .....	12
<b>PART 2: Guidelines and Expectations of Conduct .....</b>	<b>13</b>
1. Care and Use of Government Property .....	13
2. Confidentiality and Use of Information .....	14
3. Providing Testimony and Information .....	15
4. Electronic Networks Access and Use .....	15
5. Duty of Loyalty .....	16
6. Use of Social Networks .....	17
7. Public Comments .....	18
8. Respect and Courtesy When Serving and Dealing with Clients .....	18
9. Off-duty Conduct .....	19
10. Fishery Officer Conduct .....	20

- PART 3: Conflict of Interest ..... 21**
  - A) Definitions .....21**
  - B) Prevention of Conflict of Interest.....22**
  - C) General Responsibilities and Duties .....23**
  - D) Conflict of Interest During Employment .....24**
    - 1. Personal Assets.....24
    - 2. Outside Employment or Activities .....25
    - 3. Political Activities .....27
    - 4. Gifts, Hospitality and Other Benefits .....29
    - 5. Solicitation and Fundraising.....31
    - 6. Avoidance of Preferential Treatment.....31
    - 7. Relationship/Partnership with External Stakeholders .....32
    - 8. Reporting Relationships .....33
  - E) Conflict of Interest Before and After Leaving Employment .....34**
    - 1. Post-Employment Limitation Period When in Designated Positions .....35
    - 2. Waiver or Reduction of Limitation Period.....36
- PART 4: Resolution of Values and Ethics Issues ..... 36**
- PART 5: Resources and Contacts ..... 38**
  - Informal Conflict Management Services.....38
  - Senior Officer for Disclosure .....38
  - Employee Assistance Program.....38
  - Human Resources and Union Representatives.....39
- PART 6: Reference Documents..... 39**



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## Message from the Deputy Minister

As Public Service employees, we provide services to Canadians in line with the policies of the elected government and of our department. We are responsible for the use of public funds and resources and often represent our department and the Government of Canada in our communities. Our role as public servants places us in a unique position of trust, requiring high standards of ethical behaviour that reflect our commitment to the values of Fisheries and Oceans Canada, the Canadian Coast Guard and the Government of Canada.

Our department has an important mandate that directly touches the lives of many families and communities across Canada, and each and every one of us has a key role to play in its delivery. Every day, our jobs may present us with difficult decisions.

Building on the foundation of the *Values and Ethics Code for the Public Sector*, the *Values and Ethics Code - Fisheries and Oceans Canada and the Canadian Coast Guard* underscores our values. It sets out the expectations for behaviour governing all activities we perform to fulfill our mandate. It is binding on all management and employees, and it requires that we all be familiar with its content.

Just as our personal values guide our decisions in our personal lives, our organizational values embodied in these guidelines are meant to guide the daily decisions we make at work.

By itself, the Code cannot address all the issues that may arise in the course of conducting our business. Collaboration and dialogue are a critical part of the process for making sound decisions. I encourage you to embark upon this dialogue.

Public Service reputation, workplace ethics and public trust are not gained by directive or by policy; they are constructed, day in and day out, from the thousands of actions taken by us from coast to coast to coast.

To remain the great organization we are – and to enhance our reputation and standing – each and every one of us must do our part to ensure that our actions and decisions reflect our organizational values.

Let us be proud.

## Application

This Code is effective as of April 2, 2012 and was updated in November 2020.

The *Values and Ethics Code – Fisheries and Oceans Canada and the Canadian Coast Guard (the Code)* applies to every person employed by Fisheries and Oceans Canada<sup>1</sup>, including students, term employees, casual employees, seasonal and part-time workers, as well as individuals working with the Department by means of a secondment or assignment or through an Interchange Canada agreement. Employees on leave, including leave without pay, continue to be subject to the Code for the extent of their leave. Contractors and volunteers, including emeritus scientists, are expected to respect the intent of this Code.

All employees of Fisheries and Oceans Canada, regardless of level or position, are required to adhere to the values and expected standards of behaviour articulated in this Code as a condition of employment. A breach of these values or expectations of conduct may result in disciplinary measures, up to and including termination of employment.

Management must ensure that this Code has been provided to and discussed with all new employees of the Department. However, it is the responsibility of every employee to be aware of the content of this Code.<sup>2</sup> This Code includes the principles and requirements of the *Values and Ethics Code for the Public Sector* and the Treasury Board Secretariat *Directive on Conflict of Interest* to make it a one-reference document. By abiding with this Code, you are also fulfilling your obligation under the *Values and Ethics Code for the Public Sector* and the *Directive on Conflict of Interest*.

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<sup>1</sup> Throughout this document, all references to Fisheries and Oceans Canada include the Canadian Coast Guard (CCG), unless otherwise specified.

<sup>2</sup> This Code fulfills the requirement of section 6 of the *Public Servants Disclosure Protection Act*, which requires federal organizations to establish a code of conduct. It was developed in consultation with employees and bargaining agents.



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## PART 1: Our Values in Practice

### A) Our Values

The following values are a compass to guide us in everything we do. They will support us in all our activities and enable us to better understand expectations and responsibilities within our organization. As they will often overlap, they cannot be considered in isolation from each other. This *Values and Ethics Code – Fisheries and Oceans Canada and the Canadian Coast Guard* is an important source of guidance for us. We are expected to take steps to integrate these values into our decisions, actions, policies, processes and systems. Similarly, we can expect to be treated in accordance with these values by our organization.

The departmental values are based on the federal public sector values of:

1. Respect for Democracy
2. Respect for People
3. Integrity
4. Stewardship
5. Excellence

#### 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:

- 1.1 Respecting the rule of law and carrying out their duties in accordance with legislation, policies and directives in a non-partisan and impartial manner.
- 1.2 Loyal carrying out the lawful decisions of their leaders and supporting Ministers in their accountability to Parliament and Canadians.

- 1.3 Providing decision-makers with all the information, analysis and advice they need, always striving to be open, candid and impartial.

At Fisheries and Oceans Canada, Respect for Democracy also means:

- 1.4 We align efforts, energy and expertise with government and departmental priorities.
- 1.5 We serve the public by providing impartial service and advice that is forthright and free from political influence. We provide the same support to the elected government regardless of which political party or parties are in office.
- 1.6 We raise concerns with management by using the internal processes available to us.

## 2. Respect for People

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

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

At Fisheries and Oceans Canada, Respect for People also means:

- 2.5 We respect human dignity.



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- 2.6 We respect the need for an appropriate balance between work and personal lives.
  - 2.7 We carefully consider the impacts of our words and actions on others.
  - 2.8 We adopt behaviour, appearance and language that promote pride in, and respect for, the Department and enhance its corporate image and reputation.

### 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:

- 3.1 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.
- 3.2 Never using their official roles to inappropriately obtain an advantage for themselves or to advantage or disadvantage others.
- 3.3 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.
- 3.4 Acting in such a way as to maintain their employer's trust.

At Fisheries and Oceans Canada, Integrity also means:

- 3.5 How we achieve results is as important as the achievements themselves.
- 3.6 We prevent and correct situations where there is, or appears to be, favouritism or nepotism.
- 3.7 We accept responsibility for our actions and report inappropriate conduct to management in order to build and maintain trust and accountability.

- 3.8 We live up to our commitments within the workplace and with stakeholders.

## 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:

- 4.1 Effectively and efficiently using the public money, property and resources managed by them.
- 4.2 Considering the present and long-term effects that their actions have on people and the environment.
- 4.3 Acquiring, preserving and sharing knowledge and information as appropriate, including “corporate memory” (i.e. knowledge, skills and experience developed over time).

At Fisheries and Oceans Canada, Stewardship also means:

- 4.4 Our transactions, including purchasing, contracting and travel, can withstand scrutiny at all times.

## 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:

- 5.1 Providing fair, timely, efficient and effective services that respect Canada’s official languages.
- 5.2 Continually improving the quality of policies, programs and services they provide.
- 5.3 Fostering a work environment that promotes teamwork, learning and innovation.



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At Fisheries and Oceans Canada, Excellence also means:

- 5.4 We ensure that we, and those for whom we are responsible, work to our full potential.
- 5.5 We favour collaboration and consultation with internal and external stakeholders.
- 5.6 Our actions respect our commitment to workplace safety and security.

## **B) Workplace Leadership**

**Everyone** is a model for others and, as such, is a leader. No matter where we are or what our role is within the organization, modeling our behaviour and actions according to this Code demonstrates leadership. Ethics in the workplace is a shared responsibility.

We are expected to:

- Always strive to do the right thing;
- Exemplify our organizational values in our decision making and actions;
- Maintain open, positive communications and working relationships;
- Discuss our ethical concerns;
- Report illegal activities and wrongdoing;
- Disclose and resolve possible conflict of interest situations in which we find ourselves;
- Check with our managers and the Values and Ethics Office (V&E) when we are uncertain about any aspect of this Code;
- Be prepared to cooperate in investigations regarding violations of this Code.

**Supervisors and managers** are visible role models, especially for those people who work directly with them, and as such are held to the highest standards. Supervisor and managers lead by example and set the tone for ethical conduct. Actions speak louder than any written code.

Supervisors/managers must demonstrate ethical leadership by:

- Acting with transparency, fairness and objectivity in all transactions and work activities, including staffing, contracting, etc.;
- Exemplifying our values included in this Code and integrating them into policies, programs and work practices;
- Fostering a climate of trust and respect, which expects and supports ethical behaviour and in which concerns may be raised without fear of reprisal through open dialogue;
- Recognizing and reconciling competing values;
- Making commitments that are reasonable and achievable;
- Following through on commitments;
- Foreseeing consequences of actions and decisions;
- Being alert and dealing with undesirable conduct properly and in a timely fashion;
- Holding themselves and their teams accountable;
- Promoting and recognizing excellence and ethical conduct, and encouraging personal and professional development in a learning environment;
- Promoting, exemplifying and recognizing best practices that contribute to a healthier workplace; and
- Protecting employees from reprisal who disclose any serious breach of this Code in good faith.

### **C) Examples of Behaviours to Avoid**

The expected behaviours listed in this Code help define each of our organizational values. Because we might sometimes stray from our values it is important to be able to recognize what unacceptable behaviours are so that we can avoid these at all costs. These behaviours harm the workplace atmosphere and have a direct impact on productivity and employee well-being. Below is a list of examples of what to avoid:

- Attempting to cover up mistakes;
- Hiding information from management;



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- Blaming others or previous regimes;
  - Showing disrespect for diverse opinions or beliefs;
  - Mistreating others;
  - Abusing power;
  - Tolerating abusive behaviour by others;
  - Being cynical or aggressive;
  - Showing favouritism, bias or preferential treatment;
  - Placing personal or unit goals ahead of Government of Canada objectives;
  - Allowing emotions to sway judgment;
  - Participating in gossip;
  - Bullying of any kind.

Please see the list of Effective behaviours<sup>3</sup> related to values and ethics under the heading of « Key Leadership Competencies » on the Treasury Board Secretariat's (TBS) website.

## **PART 2: Guidelines and Expectations of Conduct**

This part of the Values and Ethics Code - *Fisheries and Oceans Canada and the Canadian Coast Guard* provides specific guidelines related to expected behaviours for certain circumstances. Although not exhaustive, it addresses many situations we face on a daily basis.

### **1. Care and Use of Government Property**

Property, equipment, materials, vehicles or facilities purchased or leased by the Department are owned by the Government and, by extension, the people of Canada. They are to be used for official purposes only, unless we have received proper management authorization for any other use. In all cases, use must never be for outside business interests or for any other form of personal gain.

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<sup>3</sup> Underlined terms in this Code are referenced in *PART 7: Reference Documents*.

We are expected to account for and protect any government property and valuables under our control. If any item is lost, stolen or damaged, we must immediately report it to our supervisor.

Unless we have received authorization by the delegated authority, we must return all government property received as part of our duties when we leave our position, or when we are requested to do so by a proper authority.

Our government-issued credit card must be used for official Fisheries and Oceans Canada business only. We are responsible for its use and for paying the invoice in a timely manner. Please refer to the *DFO Directive on Acquisition Cards*.

Any knowledge, information or technology created in Fisheries and Oceans Canada, or by departmental employees, to meet operational requirements must be dealt with in accordance with the Fisheries and Oceans Canada *Intellectual Property Management Policy* and *Intellectual Property Management Guidelines*.

## 2. Confidentiality and Use of Information

See *Access to Information Act* and *Privacy Act*.

As Fisheries and Oceans Canada employees, we must comply with all legislation, directives and procedures relating to any personal or official information that are under the control of the Department.

We access official information only if authorized to do so and if it is required for work. Under no circumstances will we use this information for personal use, gain or financial benefit either for ourselves, our relatives or anyone else. We shall not destroy or change a record, make a false record or hide a record, nor ask or advise someone else to do so.

All information exchanged in the course of our duties must be gathered by legal means, be true and fair and not designed to mislead. During and after our employment with the Department we are required to keep in strict confidence all information we obtained about employees and clients to which the public does not have access. We disclose this type of information only if specifically authorized to do so by legislation or departmental guidelines or by a court of law. In social or public settings, we take care not to discuss confidential, personal or sensitive information.



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We are required to use discretion at all times when conducting investigations or prosecuting.

When we leave the employment of the Department, we do not take with us or retain any official records or documents, including paper documents, electronic or digital information, videos, etc. unless authorized by the delegated authority.

### 3. Providing Testimony and Information

When called upon to testify in court proceedings or to provide information in the course of an investigation, judicial inquiry, fact finding, etc., we are required to do so in a full and forthright manner. We shall not knowingly provide false, misleading, or inaccurate information. We shall conduct ourselves honestly, ethically and with integrity. We will avoid speculation or personal opinions.

### 4. Electronic Networks Access and Use

See the Treasury Board *Policy on Service and Digital* and the *Directive on Service and Digital*, as well as the *DFO's Acceptable Use of Electronic Networks Policy*.

Fisheries and Oceans Canada's electronic network supports a wealth of information and is a cost-effective tool for communications, service to the public, departmental visibility, gathering job-related information and much more. We must use the network effectively, and be cautious not to expose the Department or ourselves to potential harm.

The electronic network is for official use only. However, limited personal use of the network is permitted, provided it complies with all related legislation, policies and guidelines. This must not affect our productivity or that of our colleagues or impose a storage burden on computer systems. Examples of acceptable personal use during breaks and lunch time include limited online banking transactions, reading or writing personal emails or surfing the Web on acceptable sites.

Examples of unacceptable activity of the electronic network includes use for private business, personal gain or profit, political activity, sending chain letters or abusive messages, etc. See *DFO's Acceptable Use Policy for Electronic Networks* for further guidance.

Remember: access to the electronic network can always be traced back to the user.

## 5. Duty of Loyalty<sup>4</sup>

Freedom of expression is a deep-rooted value in our democratic system. It is entrenched in the *Canadian Charter of Rights and Freedoms*, and all Canadians, including federal public servants, enjoy this right.

At the same time, the Public Service of Canada is an important national institution, part of the essential framework of Canadian parliamentary democracy. Through the support we provide to the duly constituted government, public servants contribute in a fundamental way to good government, democracy and Canadian society.

As a result, we have unique responsibilities that are part of our conditions of employment. While our right to freedom of expression is protected in the Charter, as public servants, we are also required to be – and to be seen to be – objective and impartial in fulfilling our responsibilities, and to demonstrate loyalty to our employer, the Government of Canada.

Given these responsibilities, employment in the Public Service involves acceptance of certain restraints, one of the most important of which is the use of caution when it comes to making criticisms of the Government. While we are free to question policies, procedures or instructions, we should do so within the appropriate internal channels. When doing so, we must exercise caution in ensuring that our public statements have no impact on our ability – or the perception of our ability – to objectively and impartially perform our duties as a public servant.

As employees of Fisheries and Oceans Canada, making certain public commentary or criticism, such as signing a petition or publicly speaking out against a policy, direction, position or program of our department, could bring into question the real or perceived ability to perform our official duties in a completely objective and impartial manner. Generally, the more closely our official duties and place of employment are related to the issue, the higher the risk that our objectivity and impartiality will be questioned.

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<sup>4</sup> *Fraser v. Public Service Staff Relations Board*, [1985] 2 S.C.R. 455.



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When balancing our right to freedom of expression with the importance of our duty of loyalty to our employer and impartiality of the public service, we should consider the following:

- The nature of our official duties;
- The visibility of our position within the Department and the public service as a whole;
- The object of the criticism or public statements (i.e. is it critical of a policy, direction or program of Fisheries and Oceans Canada? Of another department?); and
- The impact of our action and/or criticism (i.e. could it question our impartiality or objectivity as a Fisheries and Oceans Canada employee? As a public servant?).

In many circumstances, we can voice our opinions on government positions, policies or decisions. However, in certain circumstances, this balance may only be achieved by limiting our freedom of expression. We must consider these factors and exercise sound judgment before engaging in such activities.

For further guidance, refer to the TBS document entitled *Duty of Loyalty*.

## 6. Use of Social Networks

The Government of Canada actively endorses the use of social networks as a communications tool to reach and interact with its employees as well as the public.

However, we must bear in mind that social networks are public forums, and that comments and behaviours on these forums become part of the public record. As we are now more visible as public servants, we must always consider our organizational values (especially respect for democracy and respect for people) as well as our responsibilities under this Code when making statement on social networks sites.

Comments, criticisms, pictures, videos and personal information that we place on these sites are not private. We must be cautious of what is said and posted in light of our duty of loyalty, security of information, the reputation and professionalism of the Department and the government, and respect for colleagues.

## 7. Public Comments

As Fisheries and Oceans Canada employees, our public comments can easily be seen by others as the voice of the Department. With this in mind, we cannot publicly comment on the Department's position on any subject unless it is part of our official duties.

When authorized, before making public comments, we must make every effort to obtain accurate information and facts by consulting with the proper colleagues and stakeholders to address sensitivities and not going outside the scope of our knowledge and expertise. We must avoid expressing personal opinions on Fisheries and Oceans Canada policies and programs, limiting our public comments to factual information.

All media inquiries must be referred to the Communications Branch or Regional Communications.

## 8. Respect and Courtesy When Serving and Dealing with Clients

At Fisheries and Oceans Canada, we are called upon to work with external and internal clients and stakeholders. While these situations may at times be difficult, we must remain professional and respectful, even under difficult conditions such as in times of personal stress and in the face of provocation. We must never make abusive, derisive, threatening, insulting, offensive or provocative statements or gestures to, or about, another person.

Similarly, we can expect to be treated with respect by our clients and stakeholders. In circumstances when this is not the case, and where appropriate, we can request the other party(ies) to remain respectful. In most cases, we can even postpone an interaction to a later time, when tempers have cooled.

When performing unwelcome activities, such as dealing with fisheries violations or explaining unpopular decisions, we are likely to experience difficult client relations from which we cannot withdraw. Training is available to increase conflict management skills for dealing effectively with difficult situations.



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Please refer to PART 3, Section 7, Relationship / Partnership with External Stakeholders regarding possible situations of conflict of interest when dealing with external stakeholders.

## 9. Off-duty Conduct

Off-duty conduct is usually considered a private matter. However, it could become a work-related matter if it<sup>5</sup>:

- Harms Fisheries and Oceans Canada's reputation or program;
- Renders us unable to perform our duties in a satisfactory manner;
- Leads other employees to refuse, be reluctant to or be unable to work with us;
- Renders us guilty of a serious breach of the *Criminal Code of Canada* and thus renders our conduct injurious to the general reputation of the Department and its employees. For example, the nature of criminal charges may be incompatible with the duties of a peace officer; and/or
- Makes it difficult for the Department to manage its operations efficiently and/or to direct its workforce efficiently.

As Public Service employees, we must consider the impact of our actions even outside the hours of our employment. Off-duty activities may sometimes reflect on both the Department and the Government of Canada and affect the confidence and respect of the public.

Please note: Employees who are bound to the workplace for extended periods of time (i.e. on ships) will find that the line between "on-duty" and "off-duty" becomes blurred. In these circumstances, we should be mindful of the public perception of our actions; the public does not distinguish whether we are on-duty or off-duty.

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<sup>5</sup> Criteria found in Millhaven Fibres Ltd., Millhaven Works, and Oil, Chemical and Atomic Workers Int'l Union, Local 9-670 (1967), 1 (A) Union-Management Arbitration Cases 328. These criteria were subsequently adopted by the PSLRB in several decisions.

## 10. Fishery Officer<sup>6</sup> Conduct

As Fishery Officers we are, and continue to be subject to the *Values and Ethics Code – Fisheries and Oceans Canada and the Canadian Coast Guard* in its entirety. The following standards of conduct are supplementary to all other expectations<sup>7</sup> of behaviour already listed in this Code, and are intended to clearly articulate the additional standards that apply to Fishery Officers.

Fishery Officers carry out the Department's enforcement mandate, and are a key contact group between the Department and the public. The professional and personal activities of Fishery Officers, as law enforcement / peace officers, reflect on the Department and the Government of Canada. As such, as Fishery Officers we are expected to conduct ourselves at all times, both on and off duty, in a manner which will not discredit the Department.

In particular, as Fishery Officers we shall:

- 10.1 Demonstrate the highest standard of observance of the laws, including those that we are accountable for enforcing, and refrain from engaging in conduct that may adversely affect, or be perceived to adversely affect, the performance of our duties and our dealings with other law enforcement agencies. We shall inform our supervisor without delay should we be arrested, detained, or charged with any criminal offence or for a violation of the laws that we are accountable for enforcing.
- 10.2 Not perform our duties under the influence of alcohol, cannabis or any other impairing substances, and not to consume alcohol, cannabis or any other impairing substances while in uniform, whether on duty or not, or while on duty, whether in uniform or not. The sole exception shall be that alcohol may be consumed at a special event when in ceremonial uniform with prior authorization by a fishery officer at least one rank senior to the most senior fishery officer attending the special event. Under no circumstances will impairment due to the consumption of alcoholic beverages or cannabis or any other impairing substances be

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<sup>6</sup> For the purposes of this Code, this includes designated fishery officers and fishery guardians employed by the Department.

<sup>7</sup> Fishery Officers should consult the *Guidelines on Investigations of Breaches of the Fishery Officer Code of Conduct*



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tolerated. If we take any medication that may impair our ability to discharge our duties, we shall inform our supervisor prior to reporting for duty.

- 10.3 Take reasonable steps to avoid conflicts of interest, as defined for all employees in

Part 3 of this Code. In particular, we shall:

- Not use our badge, title or authority to exert influence, to obtain for ourselves or grant any other person, group or organization preferential treatment;
- Not participate in commercial fishing or commercial sport fishing activities (see Part 3, Section 2.2 Commercial Activities Related to Fisheries); and
- Not retain any fish, materials, equipment and/or proceeds obtained or seized in the performance of our duties for our personal use, but always to lawfully dispose of any such goods.

## PART 3: Conflict of Interest

### A) Definitions

**Conflict of interest:** a situation in which a public servant<sup>8</sup> has private interests that could improperly influence the performance of his or her official duties and responsibilities or in which a 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.

According to the Federal Court of Appeal in *Threader*,<sup>9</sup> the existence of an apparent conflict of interest must be determined by the following question: *Would an informed person, viewing the matter realistically and practically and having thought the matter through, think it more likely than not that the public servant, whether consciously or unconsciously, will be influenced in the performance of his official duties by considerations having to do with his private interests?*

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<sup>8</sup> Order-in-council appointees, such as the Deputy Minister and Associate Deputy Minister, are subject to the *Conflict of Interest Act*, and are not subject to Part 3 of this Code.

<sup>9</sup> *Threader v. Canada (Treasury Board)*, [1987] 1 F. C. 41 (CA) paragraph 27.

In the public service, the appearance and perception of a conflict of interest is as important to manage as a real conflict of interest.

**Conflict of Duties:** a conflict that arises, not because of a public servant'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.

**Third Party:** any individual, group, or organization external to the Government of Canada, such as a private individual, a business, a society, an association, or a university.

## **B) Prevention of Conflict of Interest**

This section outlines the conflict of interest and post-employment requirements. These requirements are grounded in and serve to uphold our values. By upholding these ethical standards, we 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.

We maintain 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, we should refer to the requirements set out in this Code to guide appropriate action. We can also seek guidance from our manager or the Values and Ethics Office.



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In addition to the requirements outlined in this appendix, we are also required to observe any specific conduct requirements contained in the statutes governing our department and our profession, where applicable.

**Ultimately, each one of us is responsible for preventing, avoiding and mitigating our conflict of interest situations.**

### **C) General Responsibilities and Duties**

Our general responsibilities and duties include:

- a) Taking all possible steps to recognize, prevent, report, and resolve any real, apparent or potential conflicts of interest between our official responsibilities and any of our private affairs;
- b) Unless otherwise permitted in this Code, refraining from having private interests, which would be unduly affected by government actions in which we participate, or of which we have knowledge or information;
- c) Not knowingly taking advantage of, or benefiting from, information that is obtained in the course of our duties that is not available to the public;
- d) 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;
- e) Not assisting private entities or persons in their dealings with the government where this would result in preferential treatment of the entities or persons;
- f) Not interfering in the dealings of private entities or persons with the government in order to inappropriately influence the outcome;
- g) Maintaining the impartiality of the public service and not engaging in any outside or political activities that impair or could be seen to impair our ability to perform our duties in an objective or impartial manner; and
- h) Ensuring that any real, apparent or potential conflict that arises between our private activities and our official responsibilities as a public servant is resolved in the public interest.

## D) Conflict of Interest During Employment

In order to prevent and deal with situations of conflict of interest during employment, we are required to report in writing to the Values and Ethics Office, using the DFO Conflict of Interest (COI) Declaration Form, all outside activities, assets and interests that **might** give rise to a real, apparent or potential conflict of interest in relation to our official duties. Such a report is to be made within 60 days of our initial appointment or any subsequent appointment, transfer or deployment. This must be done in consultation with our manager.

On a regular basis thereafter, and every time a major change occurs in our personal affairs or official duties, we are required to review our obligations under this Code. If a real, apparent or potential conflict of interest exists, we must complete and submit a DFO COI Declaration Form to the Values and Ethics Office in a timely manner.

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

### 1. Personal Assets

We are required to evaluate our personal assets, taking into consideration the nature of our official duties and the characteristics of our assets. If there is any real, apparent or potential conflict of interest between the carrying out of our official duties and our assets, we are to report this matter to the Values and Ethics Office in a timely manner, using the DFO COI Declaration Form.

Where the Values and Ethics Office determines that any of these assets results in a real, apparent or potential conflict of interest in relation to our official duties, we may be required to divest those assets, or to take measures to resolve the conflict. We may not sell or transfer assets to family members or anyone else for the purpose of circumventing the compliance requirements.



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The types of assets that should be reported and the procedures for reporting and managing such assets are set out in the Treasury Board Secretariat's *Standard on Preventing and Resolving Financial Conflicts of Interest*.

For example, if we work in a section of Fisheries and Oceans Canada where we are involved in developing policies that will affect the fishing industry and we own publicly-traded securities in that same industry, we need to report these assets for review by the Values and Ethics Office, using the DFO COI Declaration Form.

## 2. Outside Employment or Activities

We 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 our objectivity.

After discussing with our manager, we are required to complete a DFO COI Declaration Form and submit it to the Values and Ethics Office when our outside employment or activities might subject us to demands incompatible with our official duties, or cast doubt on our ability to perform our duties or responsibilities in a completely objective manner. The Values and Ethics Office may require that the outside activities be modified or terminated if it is determined that a real, apparent or potential conflict of interest exists.

If we receive a benefit or income either directly or indirectly from a contract with the Government of Canada, we are required to report such contractual or other arrangements to the Values and Ethics Office. The Values and Ethics Office will determine whether the arrangement presents a real, apparent or potential conflict of interest, and may require that the contract be modified or terminated.

The outside activities listed below have significant risks of placing us in a real, apparent or potential conflict of interest with respect to our official duties as employees of Fisheries and Oceans Canada. If we participate in any of these activities we must discuss them with our manager and report it to the Values and Ethics Office for review.

## **2.1 Fisheries and Oceans Canada Programs or Activities**

- Applying for or receiving benefits under any grant, contribution, income assistance program, or any other program administered by Fisheries and Oceans Canada, including the Canadian Coast Guard, whether as an individual or as part of an organization that applies for or receives benefits.
- Being involved in an outside activity for an organization whose mandate is similar or contradictory to that of Fisheries and Oceans Canada or who has dealings with the Department.

## **2.2 Commercial Activities Related to Fisheries**

- Holding or using a commercial fishing license, including having financial interest in one, participating in commercial fishing or commercial sport fishing, holding a fisher's registration card, trading fishing quotas or having any other personal involvement where we stand to receive a personal gain from commercial fishing.

During the assessment of this possible conflict of interest, the following criteria will be used to determine the nature of our duties and our visibility related to this activity:

- level of involvement in enforcement activities related to the fisheries;
- level of involvement in collecting data or samples related to the fisheries;
- level of involvement and influence in the decision-making process related to the setting of fishing allocations and other management measures; and/or
- level of involvement in licensing decisions or policies.

## **2.3 Boards of Directors**

- Being a member of a board of directors of an organization, society or association, whether it is part of our official duties or our private interests, could pose a potential risk of conflict of



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interest if the mandate of the organization is similar or contradictory to that of Fisheries and Oceans Canada or if the entity has dealings with the Department.

If we are involved in an external board of directors we must consult the DFO *Board of Directors Assessment Tool* and follow the requirements set out in its *Decision Tree*. We must ensure that concurrent outside appointments, such as to a board of directors, are managed appropriately and that any resulting conflicts of duties are resolved in the public interest.

For example, the *Decision Tree* identifies that where there is no link with our official duties, as in the case of membership in the board of directors of a condo association or a parent-teacher association, no risk of conflict of interest arises.

### 3. Political Activities

Part 7 of the *Public Service Employment Act* (PSEA) recognizes our right, as public servants, to engage in political activity so long as it does not impair, or is not perceived to impair, our ability to perform our duties in a politically impartial manner.

“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.*

If we wish to engage in a political activity not covered by Part 7 of the PSEA that could constitute a conflict of interest, we are required to report the proposed activity to the Values and Ethics Office who is the Department’s Designated Political Activities Representative. Similarly, if we are subject to this Code but not subject to Part 7 of the PSEA, including casual and part-time workers, and wish to engage in any political activity that could constitute a conflict of interest, we are to report the proposed activity to the Values and Ethics Office.

### 3.1 Non-candidacy

Examples of non-candidacy political activities are: going door-to-door to solicit votes for a candidate or party, putting a sign on your front lawn supporting a candidate or party, donating to a political candidate or party, etc. While in uniform, we shall not attend political gatherings or participate in any political activity. For further examples and guidance, please consult the Public Service Commission's Guidance document.

If we are considering involvement in non-candidacy political activities, we should seek advice from our manager and/or the Values and Ethics Office, before acting. We should also refer to the Public Service Commission's webpage on political activities.

### 3.2 Candidacy

We are required **to seek and obtain permission from the Public Service Commission** to be a candidate, or to seek to be nominated as one, in a federal, provincial, territorial, or municipal election, in accordance with Part 7 of the PSEA. We should seek assistance from the Values and Ethics Office, the departmental Designated Political Activities Representative.

### 3.3 Holding a Position of Office in and/or Volunteering for Aboriginal Band Councils

Holding a position of office and/or volunteering in an Aboriginal band council is not considered a political activity under Part 7 of the PSEA. However, given the mandate of our department, there may be instances when these types of outside activities could place us in a real, apparent or potential conflict of interest. If we participate in any of these activities we must discuss it with our manager and if this participation could place us in a situation of real, apparent or potential conflict of interest, we must report it to the Values and Ethics Office for review.

The nature of our position (i.e. regulatory role, visibility, decision-making power, extent and nature of dealings with the Aboriginal band, area of work coverage, etc.) will be key in the assessment of whether or not there is a real, apparent or potential conflict of interest between our official duties and these outside activities.



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## 4. Gifts, Hospitality and Other Benefits

### 4.1 Acceptance

We are expected to use our 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 overall context of this Code.

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

Although the normal expectation is that we do not accept gifts, hospitality or other benefits, it is permissible:

- If they are infrequent and of minimal value;
- If they are within the normal standards of courtesy or protocol;
- If they arise out of activities or events related to our official duties; **and**
- If they do not compromise or appear to compromise our integrity or that of our department.

Soliciting or accepting a commission, reward, advantage or benefit of any kind from a person **who has dealings with the Government**, without obtaining the required written consent, is an offence under the *Criminal Code* as well as a serious breach of this Code. This could be interpreted as a bribe.

For further information on the acceptance of gifts, please consult the departmental *Guidelines on the Acceptance and Solicitation of Gifts, Hospitality and Other Benefits*.

### 4.2 Situations Where it May be Impossible to Decline a Gift, Hospitality or Other Benefit

We are to seek written direction from the Values and Ethics Office 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 Fisheries and Oceans Canada to warrant acceptance of certain types of hospitality.

### **4.3 Honoraria**

When we participate in events (speaker at a conference, panel, etc.) **in our official capacity**, we do not accept any form of honorarium, regardless of whether such participation was during work hours or not.

### **4.4 Travel Offers from a Third Party**

In the course of our duties, we may receive offers from stakeholders to cover travel-related costs when we are called upon to collaborate with them or are invited to a conference as a speaker or guest.

If a third party offers to pay or reimburse the costs related to our travel, we must assess whether the offer poses a risk of real, apparent, or potential conflict of interest, or may have, or give the appearance of having, influence on our objectivity in carrying out our official duties. We must also ensure that the acceptance of the offer would not contravene any legal, financial or policy requirements. Accepting any offer of funded travel from a third party is unacceptable when:

- it would result in a direct personal benefit from the third party;
- the offer of funded travel was solicited;
- the third party is a potential or current supplier to the Department;
- the third party actively lobbies the Department; or
- the third party receives grants or contributions<sup>10</sup> from the Department, unless a cost-sharing agreement exists between the Department and the organization and where this type of expense is part of the agreement.

If management decides that there is a benefit to, and a value added for, the Department in our attending such an event, a departmental source funding should be identified to cover the cost of the travel.

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<sup>10</sup> “Grant” and “contribution” here have the same meaning as in the Treasury Board *Policy on Transfer Payments*.



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## 5. Solicitation and Fundraising

With the exception of fundraising for officially supported activities as the Government of Canada Workplace Charitable Campaign (GCWCC), we 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 we should ensure that we have prior written authorization from our Regional Director General (RDG), Assistant Commissioner (AC), Assistant Deputy Minister (ADM) or Deputy Commissioner (DC) to solicit donations, prizes or contributions in kind from external organizations or individuals.

Similarly, if an outside individual or entity, with whom Fisheries and Oceans Canada has past, present or potential official dealings, offers a benefit to the Department such as funding for an event or a donation of equipment, we are to consider whether any real, apparent or potential conflict of interest exists, and obtain the consent in writing of our RDG, AC, ADM or DC prior to accepting any such benefit. Consent will be provided in consultation with the Values and Ethics Office, as the delegated authority to provide direction as to whether gifts, hospitality are to be declined or retained by the Department, donated to charity, or disposed of.

Our RDG, AC, ADM or DC 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 Code is consistent with paragraph 121(1) (c) of the *Criminal Code of Canada*.

At Fisheries and Oceans Canada, we must consult the departmental *Guidelines on Fundraising and Solicitation in the Workplace* for acceptable related activities and conduct.

## 6. Avoidance of Preferential Treatment

We are responsible for demonstrating objectivity and impartiality in the exercise of our duties and in our 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 we are prohibited from granting preferential treatment or advantages to family, friends or any other person or entity. We are not to

offer extraordinary assistance to any entity or persons already dealing with the government without informing our supervisor and obtaining their support. We 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.

For example, while it is acceptable to mentor someone regarding general principles in staffing when we are not part of the staffing process, we cannot provide someone with information not generally available to others. We must inform our supervisor of a file that involves a person or entity with which we have a personal relationship (i.e. contract, recruitment, transfer payment, collaboration, etc.) and we must not be responsible for such a file.

We must never use our official identification, title or authority to obtain personal benefit, to exert influence, to obtain or appear to obtain any privilege, favour for ourselves or others, or to do anything that is illegal, improper or against the best interests of the public we serve or the Department. This would be a clear abuse of authority.

## **7. Relationship/Partnership with External Stakeholders**

As public servants, we are called upon to have dealings with a variety of stakeholders. It is important to be, and be perceived as being, impartial and objective in all our dealings with our stakeholders, and to remember that we represent the Department and the Government of Canada. Care must be taken to keep our relationships with stakeholders professional and to avoid any real, apparent or potential conflict of interest, especially if these become recurring and longstanding.

In a number of small communities, Fisheries and Oceans Canada form a visible and significant part of the community. In such cases, it may be a greater challenge for us to keep our professional and personal lives separate. Maintaining our professional demeanour in public fora and assessing the impact of our personal behaviour on our professional duties becomes especially important in these circumstances.



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## 7.1 Consultation and Negotiation

In our role as public servants we are often called upon to manage and participate in consultations with diverse stakeholders, either bilaterally or in multi-stakeholder fora.

- It is important to remain clear and impartial in our role as departmental representatives, in spite of ongoing pressure to 'advocate' for stakeholders.
- It is important to understand the purpose of the consultation, the limitations and flexibilities within the issue, and the objectives of the Department. Consultations can vary from providing information or seeking advice up to significant engagement.
- As managers, it is important to ensure that our employees are equipped to manage or participate in difficult discussions.

There are occasions when, as public servants, we are called upon to be negotiators, with other levels of government, First Nations and other stakeholders:

- A negotiator must understand the mandate, including its limitations and flexibilities.
- A mandate must have the required level of approval.
- For managers, it is important to ensure that our employees are equipped with the skills and mandate required for the negotiation.

## 8. Reporting Relationships

Given that as supervisors we are expected to be unbiased and fair in managing our team, a reporting relationship between family members is a real conflict of interest and should be avoided since it creates the appearance of preferential treatment. The closeness and visibility of the relationship are considered factors in determining the extent to which the definition of family may be applied. For instance, close personal relationships that may not satisfy the legal definition of family but may contribute to a perception of preferential treatment should also be avoided in reporting relationships.

It is our responsibility to identify situations where we may be in a situation of potential conflict of interest and to take appropriate avoidance measures. In cases where it is impossible to avoid the conflict of interest, management should consult with the Values and Ethics Office to assign certain management responsibilities regarding the reporting employee (performance assessment, leave approval, financial approvals, etc.) to another supervisor, and/or take other administrative measures to address the conflict of interest.

## **E) Conflict of Interest Before and After Leaving Employment**

This section contains requirements for preventing post-employment conflict of interest situations before and after leaving Fisheries and Oceans Canada.

We all have a responsibility to minimize the possibility of real, apparent or potential conflict of interest between our most recent responsibilities within the federal public service and our subsequent employment outside the public service.

The sole fact of rehiring a former public servant does not necessarily present a conflict of interest. In fact, in some cases, it might be the most cost-efficient way of dealing with short-term or specific recruitment needs. However, management should ensure good human resources planning, avoid preferential treatment, and respect policies and guidelines.

Before leaving our employment with the public service, we are to disclose our intentions regarding any future outside employment or activities that may pose a risk of real, apparent or potential conflict of interest with our current responsibilities and discuss potential conflicts of interests with our manager and/or the Values and Ethics Office.

For example, if in our current duties, we have significant dealings with an outside stakeholder, it is important not to benefit or seem to benefit from that relationship in order to obtain future employment.



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## 1. Post-Employment Limitation Period When in Designated Positions

At Fisheries and Oceans Canada, all executive (EX) positions are designated for post-employment limitation. In addition, the Deputy Minister is responsible for designating positions of risk for post-employment conflict of interest situations. Such designations are to be communicated to potential and current employees.

If we occupy these designated positions, we are subject to a one-year limitation period after leaving employment with the federal public service. Before leaving and during this one-year limitation period, we are to report to the Values and Ethics Office all firm offers of employment or proposed activity outside the public service that could place us in a real, apparent or potential conflict of interest with our public service employment. We are also immediately to disclose the acceptance of any such offer.

In addition, we may not, during this one-year period after leaving the federal public service, without the authorization of the Deputy Minister via the Values and Ethics Office:

- a) Accept appointment to a board of directors of, or employment with, private entities with which we had significant official dealings during the period of one year immediately prior to the termination of our service. The official dealings in question may either be directly on our part or through our subordinates;
- b) Make representations to any government organization on behalf of persons or entities outside of the public service with which we had significant official dealings, during the period of one year immediately prior to the termination of our service.<sup>11</sup> The official dealings in question may either be directly on our part or through our subordinates; or
- c) Give advice to our clients or employer using information that is not publicly available concerning the programs or policies of the departments or organizations with which we were employed or with which we had a direct and substantial relationship.

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<sup>11</sup> Assistant Deputy Ministers and their equivalents are subject to the *Lobbying Act*. In the case of any conflict between this Code and the Act, the Act takes precedence.

## 2. Waiver or Reduction of Limitation Period

We may apply to the Values and Ethics Office for a written waiver or reduction of the post-employment limitation period. To do so, we are to provide sufficient information to the Values and Ethics Office to assist the Deputy Minister 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 services occurred;
- b) our general employment prospects;
- c) the significance to the government of information we possessed by virtue of our position in the public service;
- d) the desirability of a rapid transfer of our 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 us;
- f) the authority and influence we possessed while in the public service; and/or
- g) any other consideration at the discretion of the Deputy Minister.

## PART 4: Resolution of Values and Ethics Issues

The guidelines set out in this Code are not intended to respond to every possible ethical issue that might arise in the course of our daily work. When these issues arise, we are encouraged to discuss and resolve these matters with our manager in a timely manner. We can also seek advice and support from the Values and Ethics Office.

We are all expected to resolve issues in a fair, respectful and timely manner and consider informal processes such as dialogue or mediation. If necessary, formal recourse such as grievances may also be used.

As provided by Sections 12 and 13 of the *Public Service Disclosure Protection Act* (PSDPA), if we have information that could indicate a **serious breach** of this Code, we can bring this matter to our immediate



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supervisor, the departmental Senior Officer for Disclosure, or the Public Sector Integrity Commissioner.

When faced with an ethical dilemma, the following decision-making steps can assist us in determining an appropriate course of action. We should ask ourselves the following questions:

1. What is difficult about this situation?
2. Is what I want to do legal and consistent with guidelines, policies and this Code?
3. Is what I want to do consistent with our departmental values?
4. What are the consequences and impacts of the possible actions and decisions? Do they in any way impact my ability, real or perceived, to do my job effectively and impartially?
5. Have I asked for advice from an independent, trusted person or service?
6. How would the media, my management or the general public perceive the situation if my actions were reported on the front page of a newspaper?
7. Am I comfortable with the decision I am about to make?

Although this Code sets standards of behaviour for all employees of Fisheries and Oceans Canada, they are not all-inclusive. The absence of a specific standard of behaviour does not mean that an action is condoned and consequently it may still be subject to disciplinary measures up to and including termination of employment.

Always remember that you are responsible for your choices and actions.

## **PART 5: Resources and Contacts**

Any questions related to this Code can be discussed with our manager or supervisor. For additional guidance concerning this Code, please contact the Values and Ethics Office at DFO: ValuesandEthics-Valeursetethique.MPO@dfo-mpo.gc.ca

### **Informal Conflict Management Services**

Conflict management provides employees and managers with a confidential, neutral forum in which to discuss and resolve workplace conflicts before initiating a formal process, or after putting a formal process on hold to attempt to resolve the conflict informally. If we require assistance we may contact our regional Conflict Management Practitioner: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1165>.

### **Senior Officer for Disclosure**

The Senior Officer for Disclosure helps promote a positive environment for disclosing wrongdoing and deals with disclosures of wrongdoing made by public servants of their organization. The Senior Officer for Disclosure is responsible for supporting the Deputy Minister in meeting the requirements of the PSDPA. For information or to make a disclosure please contact the Ombudsman's Office which is responsible for internal disclosures or [disclosure\\_divulgation@dfo-mpo.gc.ca](mailto:disclosure_divulgation@dfo-mpo.gc.ca).

### **Employee Assistance Program**

If we find ourselves in a challenging personal situation (i.e. difficulty managing our time, health issues, substance abuse, relationship issues, etc.) that could affect our professional relationships or performance at work, it is important to speak to our manager or other advisors.

To help overcome personal challenges, we have access to the Employee Assistance Program: 1-800-268-7708



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## Human Resources and Union Representatives

Assistance is also available from our human resources advisors and our union representatives.

## PART 6: Reference Documents

The following is a list of references that relate to the *Values and Ethics Code - Fisheries and Oceans Canada and the Canadian Coast Guard*. It is by no means exhaustive, but it includes the most relevant material.

### Acts and Regulations

*Access to Information Act*  
*Canada Labour Code*  
*Criminal Code of Canada*  
*Financial Administration Act*  
*Public Servants Disclosure Protection Act*  
*Public Service Employment Act*  
*Public Service Labour Relations Act*  
*Privacy Act*

### Fisheries and Oceans Canada Policies and Guidelines

Boards of Directors Assessment Tool and Decision Tree  
Values and Ethics Office  
DFO's Acceptable Use Policy for Electronic Networks  
Employee Assistance Program  
Guidelines on Investigations of Breaches of the Fishery Officer Code of Conduct  
Guidelines on the Acceptance and Solicitation of Gifts, Hospitality and Other Benefits  
Guidelines on Fundraising and Solicitation in the Workplace  
Intellectual Property Management Guidelines  
Intellectual Property Management Policy  
Using Acquisition Cards (Finance and Administration 101)

## **Treasury Board Policies and Directives**

Directive on Acquisition Cards

Directive on Conflict of Interest

Policy on Transfer Payments

Policy on the Use of Electronic Networks

Values and Ethics Code for the Public Sector

Communications Policy of the Government of Canada

Key Leadership Competencies

## **Other**

Workplace Harassment and Violence Prevention Regulations (Canada Labour Code)

DFO COI Declaration Form

Duty of Loyalty

Effective behaviours

International agreements on values and ethics

Political Activities Guidance document

PSC's Political Activities Website