

Respect

Excellence

Integrity

Leadership



PUBLIC WORKS
AND GOVERNMENT SERVICES CANADA
AND THE PRIVATE SECTOR:
FOSTERING AN ETHICAL RELATIONSHIP



Public Works and
Government Services
Canada

Travaux publics et
Services gouvernementaux
Canada

Canada

FOSTERING AN ETHICAL RELATIONSHIP

A MESSAGE FROM THE DEPUTY MINISTER AND ASSOCIATE DEPUTY MINISTER

The Government of Canada is committed to raising awareness of the ethical



guidelines that govern Public Works and Government Services Canada (PWGSC) and to helping all members of our Department reach their fullest potential. In view of this commitment, we are pleased to present the document *Public Works and Government Services Canada and the Private Sector: Fostering an Ethical Relationship*.

The goal of these guidelines is to ensure that our employees and the private-sector organizations with which we do business have a common understanding of our core values.

PWGSC VISION:

To excel in government operations.

Our ongoing commitment to values and ethics is integral to PWGSC's success as we strive to address the challenges of doing business in the 21st century. We have set high standards for ourselves in order to achieve our vision and mission. We recognize that continued investment in our people is essential if we are to deliver high quality services.

PWGSC has a workforce of more than 14,000 people, all working diligently to provide best value to the government and to Canadians, and to be transparent and accountable in all they do.

In our role of providing common services to more than 100 federal departments and agencies, PWGSC

must ensure that its interactions with private-sector businesses are rooted in ethical conduct. Close collaboration between PWGSC, other government departments, agencies, suppliers, partners and service providers is required to ensure effective and efficient use of taxpayers' money. PWGSC employees have a special responsibility to foster ethical relationships and must conduct themselves in a manner that is fully accountable and transparent to Canadians, mindful of any conflicts of interest and free from any expectations of preferential treatment.

This fundamental approach to doing business ensures that dealings with the private sector are conducted in a fair and equitable manner.

PWGSC MISSION:

To deliver high-quality services and programs that meet the needs of federal organizations and ensure sound stewardship on behalf of Canadians.

Now more than ever before, the way in which we do business is as important as the end result. While no set of rules is so exhaustive that it can govern all types of professional behaviour and all situations, PWGSC is confident that sound professional conduct stems from a solid understanding and consistent application of our organizational values and high ethical standards.

We invite you to read these guidelines designed to foster understanding of the importance PWGSC leadership places on building and maintaining ethical relationships with the private sector.

François Guimont
Deputy Minister

Andrew Treusch
Associate Deputy
Minister



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PWGSC STATEMENT OF VALUES

In 2006, as a best practice, PWGSC undertook a review of its Statement of Values, initially developed in 1997.

During this exercise, PWGSC employees throughout Canada participated in a consultation process resulting in the renewed PWGSC Statement of Values described below.

In providing common, central and shared government services, the employees of PWGSC are guided by and proudly identify with the following values:

Respect – We are honest, equitable, fair and respectful with our colleagues, partners and clients, all the while recognizing their individual contributions and diversity.

Integrity – We act with integrity and in the public's best interest at all times and ensure transparent, accountable and responsible management at all levels of the organization.

Excellence – We work collaboratively to provide for excellence and professionalism in the delivery of services to our partners, clients and Canadians while achieving best value for government.

Leadership – We demonstrate leadership through responsible action, forward-looking perspective and commitment to continual improvement.

These guidelines use the PWGSC values as a basis for minimizing risks associated with relationships between PWGSC employees and the private sector.

DOING BUSINESS WITH PWGSC

The Government of Canada, through PWGSC, spends billions of dollars a year doing business with the private sector.

PWGSC supports the operations of the Government of Canada by providing a wide variety of common services. PWGSC is the procurer of goods and services, the manager and steward of common office space, the provider of real estate services, the banker and the accountant for the Government of Canada. PWGSC also provides services in the areas of payroll and pensions, information technology, translation, audit, communications and consulting.

By providing these centralized services to departments and agencies in an accountable, ethical and transparent manner, PWGSC allows them to focus their energy and resources on their primary mandate—serving Canadians.

Responsibilities of PWGSC employees

In performing their activities, PWGSC employees are required to adhere to the laws, regulations and policies established by the government and the Department. This includes upholding the democratic, professional, ethical and people values outlined in the Values and Ethics Code for the Public Service and the departmental values. All employees must acknowledge this code as a condition of their employment.

Under the Financial Administration Act, PWGSC employees who are involved in the collection, management or disbursement of public money are required to report in writing to a superior any knowledge or information related to a contravention or to fraud committed by any person against Her Majesty.

Responsibilities of the private sector

Private-sector organizations are required to conduct their relationships with PWGSC employees in a respectful and professional manner. They should be aware of the principles and values that guide departmental employees and should not compromise them.

Private-sector vendors involved in the procurement process are also required to respond to the government's bid



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solicitations in an honest, fair and comprehensive manner, accurately reflect their capacity to satisfy the requirements stipulated in the bid or contract documents, and submit bids and enter into contracts only if they expect to be able to fulfil all obligations of the contract. Vendors are obliged to alert the contracting authority to any factual errors that they discover in bid solicitations.

All contracts subject to the requirements of the Code of Conduct for Procurement and all solicitation and other documents relating to contracts will incorporate appropriate clauses.

A vendor bidding on a competitive tender or awarded a non-competitive contract must certify that it meets the requirements of the above provisions. After contract award, these tender conditions are carried forward as a contractual obligation.

It is a condition of all contracts that the vendor has read and agrees to be bound by the terms of the Code of Conduct for Procurement.

Lobbying

The Lobbying Act came into force on July 2, 2008, bringing with it new accountability and transparency rules for lobbyists, therefore:

- Consultant lobbyists are not permitted to receive any payment that is in whole or in part contingent on the outcome of their lobbying.
- Clients of consultant lobbyists are not permitted to make any such payment to a consultant lobbyist that they have retained.

vendors. PWGSC enters into such arrangements only after due consideration and proper authorization. There is a clearly defined approval process with financial and other limits imposed for these types of arrangements.

It should be noted that while PWGSC does undertake such collaboration, it does not endorse companies, products or services, nor does it give suppliers preferential treatment or an inside advantage for donations to or sponsorship of PWGSC activities. PWGSC will ensure that any collaborative arrangements are transparent to Canadians and fairly acknowledged in a factual and non-promotional manner.

PROTECTION OF PROPRIETARY INFORMATION

Federal employees are required to safeguard proprietary information and information given in confidence by private-sector suppliers. If PWGSC releases such information, it does so in accordance with the provisions of the Access to Information Act or otherwise in accordance with the law.

In turn, suppliers of goods and services to PWGSC are required to comply with the law as well as government-wide and PWGSC policies, standards and guidelines for safeguarding classified and designated information disclosed for the purposes of their contracts.

COLLABORATIVE ARRANGEMENTS/PARTNERING

In special circumstances and for specific purposes that support the PWGSC mission, the Department may undertake a joint initiative, partnership or collaborative arrangement with service providers or



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CONFLICTS OF INTEREST

PWGSC employees are expected to arrange their private affairs in a manner that will prevent conflicts of interest.

WHAT IS A CONFLICT OF INTEREST?

A "conflict of interest" arises from an activity or situation that places a PWGSC employee in a real, potential or apparent conflict between the employee's private interests and the employee's official duties and responsibilities.

Employees are expected to act with honesty and to uphold the highest ethical standards so that public confidence and trust in the integrity, objectivity and impartiality of government are maintained and enhanced. PWGSC employees:

- must 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; fundraising for charitable organizations must be authorized by the Deputy Minister or his delegate;
 - must not accept gifts, hospitality or other benefits that may have a real or apparent influence on their objectivity in carrying out their official duties or that may place them under obligation to the donor; this includes, but is not limited to, free or discounted admission to sporting and cultural events arising out of an actual or potential business relationship directly related to their official duties;
 - must not step outside their official roles to assist private entities or persons in their dealings with the government where this would result in preferential treatment to the entities or persons;
- must avoid or withdraw from activities or situations that would place them in real, potential or apparent conflict of interest with their official duties due to ownership of assets, liabilities, family relationships or other such circumstance;
 - must avoid outside employment or other activities which might subject them to demands incompatible with their official duties or cast doubt on their ability to perform their duties objectively; and
 - must submit a Confidential Report to Human Resources Labour Relations before engaging in or considering taking a job outside the federal government, including owning a business. Employees can seek guidance from Human Resources Branch on conflict of interest related questions.

Members of Parliament and Public Office Holders must also submit reports to the Office of the Conflict of Interest and Ethics Commissioner to prevent and avoid conflicts of interest between their public duties and their private interests.

Post-employment measures

To maintain the impartiality and the integrity of government, PWGSC employees must follow specific requirements and measures, referred to as "post-employment" measures.

When considering any type of post-employment opportunity and before leaving office, PWGSC employees must promptly disclose, in a Confidential Report, all firm offers of employment or any such offers they are contemplating accepting or may have accepted that could place them in a real, apparent or potential conflict of interest between their new employment and their most recent responsibilities within PWGSC.

These post-employment measures are intended to govern firm offers of employment from entities with which the PWGSC employee has had significant official



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dealings in the year immediately prior to leaving his or her position and which come from clients or organizations external to the public service. These measures are not intended to prevent re-employment of former employees within the public service.

PWGSC employees staffed in executive (EX) positions as well as EX minus 1 and EX minus 2 (and equivalent) positions shall not:

- accept appointment to a board of directors of, or employment with, entities with which they personally, or through their subordinates, had significant official dealings within one year of leaving the federal public service (cooling off period);
- make representations for, or on behalf of, persons to any department or organization with which they personally, or through their subordinates, had significant official dealings within one year of leaving the federal public service; or
- give advice to their clients using information that is not available to the public concerning the programs or policies of the departments or organizations with which they were employed or with which they had a direct and substantial relationship.

PWGSC has guidelines in place for managing potential associated risks when retaining the services of former PWGSC employees. However, all such employment or contracting should withstand the closest public scrutiny and requires approval of the Deputy Minister for the limitation period to be waived or reduced.

GIFTS AND HOSPITALITY

Private-sector organizations must refrain from offering, and PWGSC employees are expected to decline, gift or hospitality offers that could be perceived as a personal benefit to PWGSC employees derived from their employment. Business relationships or

activities that could compromise integrity must be avoided at all costs.

However, it is acceptable for PWGSC employees to accept a minimal-value gift, hospitality or other benefit if the benefit:

- is offered in circumstances that could not be deemed to compromise or influence, or be perceived as compromising or influencing, the performance of official duties and responsibilities;
- is not perceived as being of a nature which personally benefits the PWGSC employee as an individual in an inappropriate way and does not place, or cannot be perceived as placing, a PWGSC employee in a position of obligation towards the donor;
- is within the bounds of probity and propriety;
- is a normal expression of courtesy or protocol;
- is within the normal standards of hospitality;
- is of minimal value (a maximum of \$50); and
- is of an infrequent (e.g. yearly or semi-annually) nature.

The following are examples of offers that may be accepted by PWGSC employees. These examples are not to be interpreted as being exhaustive of all cases:

- an incidental gift (e.g. calendar, mug, pen or t-shirt) of minimal value;
- an invitation to a corporate or association reception that is modest, infrequent (yearly or semi-annually), and to which a representational cross-section of the private sector and government is invited;



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- an invitation to a trade show or professional development activity where there is a mutual benefit that respects the above criteria, particularly as regards value, infrequency and business context;
- a working meal of minimal value and infrequent in nature when conducting working sessions with companies (e.g. a progress meeting on a major project); or
- an invitation to a government-sanctioned event within Canada (e.g. the Vimy Awards or the Information Technology Awards), where there is a significant benefit to the government or PWGSC.

PWGSC employees are not allowed to solicit, without proper authorization, gifts, hospitality, other benefits or transfers of economic value from a person, group or organization in the private sector that has or could have dealings with the government.

DISCLOSING WRONGDOING

Under the *Public Servants Disclosure Protection Act* (PSDPA), any person (public servant or member of the general public) who witnesses or has knowledge of wrongdoing in the public-sector workplace may refer the matter for investigation to the Public Sector Integrity Commissioner (PSIC).

Within PWGSC, the Assistant Deputy Minister, Departmental Oversight Branch, is the senior officer responsible for internal disclosures. The senior officer's mandate is to receive disclosures and investigate potential cases of wrongdoing. The senior officer also works in collaboration with the PSIC. Investigations are conducted in accordance with the PSDPA, which protects the identities of persons involved in the disclosure process, including those of the persons making disclosures, witnesses and persons alleged to be responsible for wrongdoings.

Employees or members of the private sector who fail to comply with any of the required legislation or policies are subject to penalties provided for in the applicable legislation or policies.

FOR MORE INFORMATION

This document is a brief overview of statutes, policies and rules that govern the relationships between PWGSC employees and the organizations with which they do business. If the content of this document appears to be in any way inconsistent with, or in contradiction to, the relevant regulations or legislation, please refer to the latter.

If you have any questions about PWGSC's approach to fostering ethical relationships or want copies of policies and guidelines, please contact the offices listed below.

PWGSC Senior Ethics and Internal Disclosure Officer

1-866-516-2276 – www.tpsgc-pwgsc.gc.ca/apropos-about/rspnsblt-cntblt-eng.html

Provides ethical guidance, receives disclosures and investigates potential cases of wrongdoing within the Department.

Public Service Integrity Canada

1-866-941-6400 – www.psic-ispc.gc.ca

The Office of the Public Sector Integrity Commissioner provides an external review of disclosures in a timely, equitable and confidential manner. It ensures public sector employees who make good-faith disclosures are protected from job reprisal.

Procurement Ombudsman

1-866-734-5169 – www.opo-boa.gc.ca

The Office of the Procurement Ombudsman is an independent organization with a government-wide mandate. The Office's overall objective is to strengthen the fairness, openness and transparency of federal procurement.



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Commissioner of Lobbying of Canada

1-613-957-2760 – www.ocl-cal.gc.ca
The Registry of Lobbyists is the principal means provided under the Lobbying Act to ensure transparency with regard to lobbying of public office holders.

Office of the Conflict of Interest and Ethics Commissioner

1-613-995-0721 – www.ciec-ccie.gc.ca
The Office provides advice and guidance to Public Office Holders and is also responsible for receiving confidential reports of assets, liabilities and activities and maintaining public registries for publicly declarable information.

OTHER REFERENCES

PWGSC Internet site

www.tpsgc-pwgsc.gc.ca/comm/index-eng.html

PWGSC Proactive Disclosure Web site

www.tpsgc-pwgsc.gc.ca/proactive/index-eng.html

PWGSC Accountability and Transparency Web site

www.tpsgc-pwgsc.gc.ca/apropos-about/rspnsblt-ccntblt-eng.html

PWGSC Information for Businesses Web site

www.tpsgc-pwgsc.gc.ca/services/ntrprss-bsnsss-eng.html

PWGSC Government Clients Web site

www.tpsgc-pwgsc.gc.ca/services/gvrnmnt-eng.html

PWGSC Serving Canadians Web site

www.tpsgc-pwgsc.gc.ca/services/cndns-eng.html

Values and Ethics Code for the Public Service

www.tbs-sct.gc.ca/pubs_pol/hrpubs/tb_851/vec-cve-eng.asp

Code of Conduct for Procurement

www.tpsgc-pwgsc.gc.ca/app-acq/cndt-cndct/contexte-context-eng.html

Financial Administration Act

laws.justice.gc.ca/en/F-11/index.html

Federal Accountability Act

laws.justice.gc.ca/en/showtdm/cs/F-5.5

Criminal Code of Canada

laws.justice.gc.ca/en/showtdm/cs/C-46

Access to Information Act

laws.justice.gc.ca/eng/A-1/index.html

Public Servants Disclosure Protection Act

laws.justice.gc.ca/eng/P-31.9/index.html

Privacy Act

laws.justice.gc.ca/eng/P-21/index.html

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