

## 9.4 Code of Conduct for Civil Servants

### Policy Statement

The Code of Conduct delineates broad principles of basic values and behaviour standards that call for a high-level of ethical conduct by employees designed to enhance confidence in the public service.

Observance of this code serves to ensure that there will be no conflict between an employee's private interests and the Government's primary interest in service to the public efficiently, impartially, and with integrity. It is important to note, however, that this code is not all inclusive, and that certain conduct, even if not proscribed here or elsewhere, may raise conflicts of interest. If other questions arise, they should be settled in accordance with the general principles in this code. Furthermore, the code is to be read in the context of applicable legislation, departmental policies, and contractual provisions directed at avoiding conflicts of interest.

### Definition

#### **CONFLICT OF INTEREST**

A conflict of interest is any situation in which an employee, either for himself/herself or some other persons(s), attempts to promote a private or personal interest which results in the following:

- an interference with the objective exercise of his/her duties in the public service;
- a gain or an advantage by virtue of his/her position in the public service.

### Policy Objective

The objective of the code is to ensure that employees avoid conflicts of interest, and act in the public interest at all times, in the course of the discharge of official duties and functions.

### Application

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations and all bargaining unit staff who are employed by the Government of Nova Scotia.

## Policy Directives

### PRINCIPLES

The principles set out below should be interpreted sensibly and construed broadly. The public interest mandates that employees:

- perform their duties and functions impartially, responsibly, diligently, efficiently, and with integrity
- arrange their private interests in a manner that will prevent a conflict of interest, with any doubt in this respect being resolved in favour of the public interest
- not solicit or accept directly or indirectly, a fee, gift, or benefit from a person or an organization that has dealings with the government where the fee, gift, or benefit could influence the performance of official duties and functions
- benefit from government programs, services, and initiatives only to the extent that a member of the public benefits therefrom
- benefit from information that is obtained in the course of employment only to the extent that a member of the public may benefit therefrom
- not benefit from, use, or permit the use of government property, including property leased to the government, or government services for anything other than in the course of the performance of official duties and functions, and otherwise only to the extent that a member of the public may use or benefit therefrom
- in the course of the performance of official duties and functions involving the public, assist all members of the public fairly and reasonably
- maintain appropriate confidences
- observe all laws and rules
- treat other employees with respect and dignity
- not use their position, office, government affiliation or government information or property to pursue personal interests
- act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law
- not accord preferential treatment in relation to any official matter to family members or friends, or to organizations in which the employee, family members, or friends have an interest, and take care to avoid being placed, or appearing to be placed, under obligation to any person or organization that might profit from special consideration by the employee
- disclose to the Deputy Head of the department, agency, board, and commission that an employee's spouse or dependent children have a contract or agreement with the government or with any minister or department, unless the contract or agreement has been awarded by open public tender.

### **ETHICAL DIMENSIONS**

The ethical dimensions of a particular set of circumstances will not always be obvious and in cases of uncertainty must be measured using the criteria of legality, fairness, and defensibility. An employee's conduct must be legal, fair, and appropriate in the circumstances and defensible in the event it is challenged.

### **OUTSIDE ACTIVITIES**

Involvement in outside employment and other activities by employees is not prohibited unless such employment or other activity:

- causes or is likely to result in a conflict of interest
- is performed in such a way as to appear to be an official act, or to represent a government opinion or policy
- unduly interferes through telephone calls, or otherwise, with regular duties
- involves the use of government premises, equipment, or supplies, unless such use is otherwise authorized.

It is the responsibility of the employee to make a confidential report to their supervisor in writing as to the nature of the employment or outside activity. The supervisor may require that such employment or activity be curtailed, modified, or ceased, when it has been determined that a conflict of interest exists.

### **NOTIFICATION**

Each employee will receive a copy of the code.

### **INTERPRETATION**

Employees who require clarification or direction regarding the interpretation or application of the code should consult with their supervisor, or at their option, consult with the Conflict of Interest Commissioner in accordance with Section 27B of the *Members and Public Employees Disclosure Act*.

### **EDUCATION**

Every department, agency, board, and commission is responsible for preparing information and education materials about the code for employees and for making appropriate arrangements for the preparation and implementation of training of employees regarding conflict of interest and post-service behaviour.

### **POST-SERVICE RESTRICTIONS**

No person who was an employee shall, within six months of ceasing to be an employee, act for him or herself, or on behalf of any person or entity, in connection with any proceeding, transaction, negotiation, or case to which a department, agency, board, or commission is a party, if the former employee acted for or advised the department, agency, board, or commission in connection therewith while holding either such office or employment and if the matter might result in the conferring on a person of a benefit or a purely commercial or private nature or of any other nature on a person or class of persons that is other than the general public or a broad class.

### **FORMER PUBLIC EMPLOYEES**

Employees who have official dealings, other than those that consist of routine provision of service available to members of the public, with former employees who are or may be governed by the post-service restrictions must report this fact to their supervisor, who shall determine whether the former employee is complying with the prescribed measures. The supervisor may apply to the Conflict of Interest Commissioner for a ruling on the matter.

Employees shall not have official dealings with former employees determined to be acting in violation of the post-service restrictions.

## **Policy Guidelines**

Guidelines may be developed, as required, to assist departments, agencies, boards, and commissions with implementation and administration of the code.

## **Accountability**

### **EMPLOYEES**

Every employee has a duty to avoid conflicts of interest and is accountable for his/her conduct.

### **DEPUTY MINISTERS**

The Deputy Head of each department, agency, board, and commission is responsible for administering the code and for issuing instructions necessary for implementation of the code including, but not limited to, the following:

- ensuring that employees are informed of the requirements of the code and enforcing compliance

- determining whether a conflict of interest exists and what actions, if any, are to be taken
- establishing procedures for employees to report a conflict of interest to their respective supervisors
- discussing post-employment restrictions during exit interviews, where possible

The Deputy Head may augment the code with supplementary procedures and guidance respecting conflicts of interest and post-service situations particular to the unique and special responsibilities of the department, agency, board, or commission and reflecting any special requirements contained in statutes governing the operations of the department, agency, board, or commission. The Deputy Heads are urged to consult with the Conflict of Interest Commissioner when dealing with conflict of interest situations to ensure uniformity and consistency in approach.

The Treasury and Policy Board of the Executive Council is responsible for administering the code with respect to Deputy Heads.

#### **CONFLICT OF INTEREST COMMISSIONER**

The Conflict of Interest Commissioner has a mandate to provide employees with opinions and recommendations in relation to conflicts of interest, to make inquiries on his/her own initiative, to entertain complaints from anyone concerning conflicts of interest, and to inquire into conduct of past employees within two years after such former employees ceased to be employees.

An employee may, by application in writing, request that the Conflict of Interest Commissioner give an opinion and recommendations, which are confidential, on any matter respecting employees under the code and the *Members and Public Employees Disclosure Act*. An employee who acts on the opinion and recommendations given by the Conflict of Interest Commissioner is deemed not to be in contravention of the code or the *Members and Public Employees Disclosure Act* with respect to the matters dealt with in the opinion and recommendation.

#### **HUMAN RESOURCES DIVISIONS**

The Human Resources Divisions in departments are responsible for establishing procedures to ensure that before or upon any appointment, appointees sign a document certifying that they have read and understood the code and that, as a condition of employment, they will observe it.

## Monitoring

The Deputy Head of each department, agency, board, and commission is responsible for enforcing the terms of this code with respect to employees.

### **CONFIDENTIALITY**

Information concerning the private interest of an employee that is provided to a supervisor in a department, agency, board, and commission shall be treated in complete confidence, subject to the disclosure requirements established by law.

### **FAILURE TO AGREE**

Where an employee and his/her supervisor disagree with respect to the appropriate arrangements necessary to achieve compliance with the code or the *Members and Public Employees Disclosure Act*, the disagreement shall be submitted to the Deputy Head.

### **FAILURE TO COMPLY**

An employee who fails to comply with the code shall be subject to appropriate disciplinary action, up to and including discharge.

## References

*Civil Service Act* and regulations  
*Criminal Code of Canada*  
*House of Assembly Act*  
*Members and Public Employees Disclosure Act*  
*Mineral Resources Act*  
*Nova Scotia Human Rights Act*  
*Public Service Act* and regulations

## Enquiries

General Enquiries, Public Service Commission (902) 424-7660

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