



## Conflict Of Interest

### What You Need To Know

The Public Service of Ontario Act (PSOA) reinforces the strong culture of ethics in the public service through the act's conflict of interest provisions.

#### Who Needs to Know?

- > All employees and appointees of public bodies and those employees and appointees of public bodies who leave the public body after the date of proclamation.
- > Any new rules will not apply to former public body employees or appointees who left the public body **before** the rules came into force.

#### What is Conflict of Interest?

- > Conflict of interest is any situation where a public servant's private interests may be in conflict with his or her public service responsibilities.
- > Public servants are in a position of trust and are accountable for fulfilling their duties with integrity.
- > Conflict of interest rules assist public servants to act honestly and honourably in all situations.

#### What are the Rules Concerning Conflict of Interest?

- > The PSOA allows **all** public bodies to develop conflict of interest rules that are at least equivalent to the ethical conduct required by the rules for all ministries.
- > Alternatively, public bodies can choose to follow the conflict of interest rules for ministries.
- > If public bodies choose to develop their own rules, they have one year to develop conflict of interest rules and have them approved by the Conflict of Interest Commissioner.
- > Until new rules are approved, public bodies will follow the existing rules (if they exist) of the public body, except for commission public bodies (organizations with staff appointed by the Public Service Commission), which will follow the same rules as set out for all ministries.
- > If no rules are approved for a public body or a commission public body within one year, the rules for ministries will apply to that public body or commission public body.

\*A list of public bodies is provided in a [regulation](#) under the PSOA.

This information is provided as a convenience only and should not be relied on as authoritative.

For the authoritative text of the law, see the official volumes and office consolidations printed by Publications Ontario.

## What are the Ministry Conflict of Interest Rules?

- > Many public bodies currently have the same rules as for ministries.
- > Conflict of interest rules for ministries prohibit public servants from:
  - using their position to benefit themselves, their spouse or their children
  - accepting gifts
  - disclosing confidential information
  - giving preferential treatment
  - disclosing confidential information
  - hiring their spouse, children, parents or siblings
  - engaging in outside activities that conflict with their public service duties
  - making personal use of government resources
  - after leaving public service;
    - disclosing confidential information even after they have left the OPS
    - accepting post-service employment for 12 months after leaving the OPS, if that employment would create a conflict (applies certain former senior public servants)
    - lobbying their former ministries for 12 months after leaving the OPS (applies to certain senior public servants).
- > There are also special provisions for public servants involved in matters that might involve the private sector, as well as rules for former public servants.
- > The onus is on each public servant to disclose an actual or potential conflict promptly to his or her ethics executive.

## What is the Role of the Ethics Executive?

- > Current and former public body employees or appointees are responsible for notifying their **ethics executive** if they have a conflict of interest or potential conflict of interest.
- > Your ethics executive is:
  - public body appointees: chair of the public body
  - public body employees: the person prescribed in regulation “x” or the chair if no one is prescribed
  - former public body employees and appointees: Conflict of Interest Commissioner
  - chairs of public bodies: Conflict of Interest Commissioner.
- > Your ethics executive is responsible for:
  - promoting ethical conduct by current and former public servants
  - answering questions about the application of conflict of interest rules
  - determining whether a conflict of interest exists
  - providing direction where there is a conflict of interest or potential conflict of interest
  - referring any matter to the Conflict of Interest Commissioner.

## Who is the Conflict of Interest Commissioner?

### The Conflict of Interest Commissioner is responsible for:

- approving public bodies’ conflict of interest rules
- giving direction on conflict of interest and political activity matters referred by chairs of public bodies
- giving direction on post-service conflict of interest obligations of chairs and appointees of public bodies (including notifying the responsible minister if an appointee breaches a requirement)
- receiving and giving direction on personal financial disclosures from public servants working on matters involving the private sector.

## Looking for more information?

For more detailed information about the new PSOA, go to MyOPS, and select Public Service of Ontario Act under “Services.”