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Canada

DEPARTMENT OF NATIONAL DEFENCE
AND CANADIAN FORCES

Code of Values and Ethics

DEFENCE
ETHICS
PROGRAMME



PROGRAMME
D'ÉTHIQUE DE
LA DÉFENSE



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Art direction ADM(PA)

DEPUTY MINISTER AND CHIEF OF THE DEFENCE STAFF STATEMENT

The Department of National Defence (DND) and the Canadian Forces (CF) have a special responsibility for the defence of Canada, its people and its parliamentary democracy. Discharging this responsibility requires, among other things, a commitment by the Department of National Defence and its employees, and the Canadian Forces and its members, to apply the highest ethical standards in all decisions and actions, whether at home or abroad.

This commitment is met through the effective integration of DND employees and CF members as a Defence Team operating hand-in-hand to ensure the defence of Canada and Canadians at home and abroad. In order to work effectively together, DND and the CF must operate from ethical principles, values and expected behaviours that can provide a common basis for the Defence Team, while respecting the unique mandates and terms of services of CF members and DND employees. The *Department of National Defence and Canadian Forces Code of Values and Ethics (DND and CF Code of Values and Ethics)* provides exactly that. For DND employees, it reinforces and expands on the values and expected behaviours found in the *Values and Ethics Code for the Public Sector* promulgated by the Treasury Board. For CF members, it complements the values and ethics that constitute the Canadian military ethos reflected in *Queen's Regulations and Orders* as well as CF customs and practices described in *Duty with Honour: the Profession of Arms in Canada*.

The *DND and CF Code of Values and Ethics* is part of the Defence Ethics Programme (DEP). The DEP is a comprehensive values-based ethics programme that has been providing ethical guidance to both DND and the CF, at the individual and the organizational level since it was implemented in 1997. Its Terms of Reference were approved by both the Deputy Minister and the Chief of the Defence Staff. The DEP applies to all personnel within DND and the CF.

The aim of the DEP is to foster ethical practices in the workplace and in operations so that DND employees and CF members will consistently perform their duties to the highest ethical standards. The primary means of achieving this aim is to provide guidance to DND employees and CF members in applying values and ethics in all decisions and actions, whether at home or abroad. The DEP has also provided DND employees and CF members with a common basic set of ethical principles and obligations in the form of a *Statement of Defence Ethics* which was authorized in 1997 and which has been updated and made consistent with the *DND and CF Code of Values and Ethics*.

Canadians rightfully expect the highest ethical behaviour from the people entrusted with the task of ensuring their defence. The adoption of a strong ethical stance by DND and the CF is therefore necessary to maintain and enhance the trust of Canadians in the integrity and accountability of DND and the CF.



To enhance integrity and accountability in the public sector generally, Parliament passed the *Public Servants Disclosure Protection Act*, S.C. 2005 c. 46 (PSDPA) in 2005, which came into force on 15 April 2007. It provides clear guidance to public servants on several options for addressing and reporting wrongdoing, as defined in section 8 of the PSDPA, in the public sector. The PSDPA requires that Treasury Board establish a code of conduct for the public sector. The *Values and Ethics Code for the Public Sector* came into force on April 2, 2012. The PSDPA also requires that each department establish a code of conduct for public servants within their department that is both consistent with the *Values and Ethics Code for the Public Sector* and reflects the specific requirements of the department's mandate.

While the CF is an organization that is excluded from the definition of "public sector" in section 2 of the PSDPA, section 52 requires that the CF establish procedures for the disclosure of wrongdoings, including the protection of persons who disclose the wrongdoings and these procedures must, in the opinion of Treasury Board, be similar to those set out in the Act.

The *DND and CF Code of Values and Ethics* represents an important enhancement of the DEP that will allow the DEP to proactively shape, promote, and develop an ethical culture that reflects and supports public sector and CF values and ethics. Leadership and management at all levels are expected to visibly promote and support the values and ethics of this code. The *DND and CF Code of Values and Ethics* contributes to providing CF members and DND employees with a sense of ethical assurance in the values and ethics that they must practice in carrying out their duties. It contains general and specific guidance in applying the highest ethical standards in all decisions and actions. It gives DND employees and CF members a firm foundation for working together while respecting the values and ethics unique to DND and the CF.

This *DND and CF Code of Values and Ethics* is a directive that applies to employees of the Department of National Defence and an order that applies to officers and non-commissioned members of the Canadian Forces. A breach of its principles, values or expected behaviours may result in administrative and/or disciplinary measures being taken under this *DND and CF Code of Values and Ethics* and the relevant *Defence Administrative Orders and Directives* (DAODs). In addition for CF members, compliance with the *DND and CF Code of Values and Ethics* is deemed necessary for good order and discipline and disciplinary measures as may also be warranted under the *Code of Service Discipline*.



W.J. Natynczyk
General
Chief of the Defence Staff



Robert Fonberg
Deputy Minister



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1. Short Title

- 1.1 This code may be cited as the *DND and CF Code of Values and Ethics*.

2. Application

- 2.1 The *DND and CF Code of Values and Ethics* sets a standard of expected behaviours for all personnel in the Department of National Defence (DND) and the Canadian Forces (CF)¹. The principles, values and expected behaviours it contains apply to DND and its employees and to the CF and its members. Nothing in the *DND and CF Code of Values and Ethics* is in derogation of standards of conduct and other disciplinary or administrative accountability procedures and mechanisms established pursuant to the *National Defence Act* or the Queen's Regulations and Orders.
- 2.2 For the purposes of the *DND and CF Code of Values and Ethics*, "DND employees" means a person employed in DND under the *Public Service Employment Act*, S.C. 2005, c.22 as amended, including indeterminate and term employees, individuals on leave without pay, students participating in Student Employment Programs, casual, seasonal and part-time workers, as well as individuals on incoming secondment or Interchange Canada assignments and volunteers.
- 2.3 Acceptance of the values and ethics of the *DND and CF Code of Values and Ethics* and adherence to the expected behaviours is a condition of employment for all DND employees and applicable to all CF members, regardless of their level position or rank. A breach of these principles, values or expected behaviours may result in administrative and / or disciplinary measures being taken, up to and including termination of employment.
- 2.4 For the purposes of the *DND and CF Code of Values and Ethics*, "CF member" means any member of the CF Regular Force, Special Force and Reserve Force, including the Cadet Instructor Cadre and the Canadian Rangers².
- 2.5 Compliance with these principles, values and expected behaviours is an order for all CF members. Compliance with this *DND and CF Code of Values and Ethics* is necessary for good order and discipline. A breach of these values or expected behaviours may result in administrative and / or disciplinary measures being taken under this *DND and CF Code of Values and Ethics* and the relevant *Defence Administrative Orders and Directives* (DAODs) or, for CF members, disciplinary measures may also be warranted under the *Code of Service Discipline*.
- 2.6 The *DND and CF Code of Values and Ethics* is divided into four separate but interrelated chapters: values and ethics, values and ethics in operations, conflict of interest and post-employment, and disclosure of wrongdoing. Although chapter 1 is a foundation for chapters 2, 3, and 4, each chapter is self-contained in its application to the matter it addresses. As a result, provisions for failure to comply are stated for the chapter to which they apply.
- 2.7 The *DND and CF Code of Values and Ethics* came into force on 13 June 2012.

¹ Order-in-council appointees, namely the Deputy Minister, the Chief of the Defence Staff, the Associate Deputy Minister, the Judge Advocate General, Military Judges and the Principal of the Royal Military College of Canada, are subject to the *Conflict of Interest Act*, and therefore are not subject to this code's Chapter III: *DND and CF Policy on Conflict of Interest and Post-Employment*.

² Although not members of the CF, honorary members of the CF are expected to respect the policies the *DND and CF Code of Values and Ethics*, including that of Chapter III: *DND and CF Policy on Conflict of Interest and Post-Employment*.

CHAPTER I:

VALUES AND ETHICS

3. Introductory Statement

3.1 The Role of DND employees and CF members

- 3.1.1 DND employees and CF members play a fundamental role in serving Canadians, their communities and the public interest under the direction of the elected government and in accordance with the law.
- 3.1.2 As dedicated professionals whose work is essential to Canada's and Canadians' well-being, as well as to the enduring strength of the Canadian democracy and the protection of its territory and its sovereignty, they contribute to upholding the public trust.
- 3.1.3 The Constitution of Canada and the principles of responsible government provide the foundation for the role, responsibilities and values of the federal public sector, which includes DND, and of the CF³. Constitutional conventions of ministerial responsibility prescribe the appropriate relationships among ministers, parliamentarians, DND employees, CF members⁴ and the public. A professional and non-partisan federal public sector is integral to our democracy.
- 3.1.4 Ministers are also responsible for preserving public trust and confidence in the integrity of management and operations of public sector organizations and for respecting the tradition of a professional non-partisan federal public sector, which includes DND, and of the CF. Furthermore, Ministers play a critical role in the ability of DND employees and CF members to provide professional and frank advice⁵.

4. Objectives

- 4.1 This *DND and CF Code of Values and Ethics* describes the common values and expected behaviours that guide both CF members and DND employees in all activities related to their professional duties. By committing to these values and adhering to the expected behaviours, DND employees and CF members strengthen the ethical culture of the public sector, which includes DND, and of the CF, and contribute to public confidence in the integrity of all public institutions, the cornerstone of good governance and democracy.
- 4.2 For DND employees, the *DND and CF Code of Values and Ethics* fulfills the requirement of Section 6 of the PSDPA and must be read in conjunction with the *Values and Ethics Code for the Public Sector*. For CF members, the *DND and CF Code of Values and Ethics* is promulgated by virtue of the CDS' authority under the *National Defence Act*. It complements the values and ethics that constitute the Canadian military ethos reflected in the *Queen's Regulations and Orders*, as well as CF customs and practices, and should be read in conjunction with *Duty with Honour: The Profession of Arms in Canada*.

³ This *DND and CF Code of Values and Ethics* is intended to clarify the role and expectations of DND employees and of CF members within the framework of Canadian parliamentary democracy as laid out in the *Constitution Act* and the basic principle of responsible government.

⁴ The Public Servants Disclosure Protection Act defines "public servant" as every person employed in the public sector. The PSDPA excludes the CF from the definition of public sector. Under the *National Defence Act*, CF members include non-commissioned members (NCM) and officers. NCMs are defined as "any person, other than an officer, who is enrolled in, or who pursuant to law is attached or seconded otherwise than as an officer to, the Canadian Forces". Officers are defined as "(a) a person who holds Her Majesty's commission in the Canadian Forces, (b) a person who holds the rank of officer cadet in the Canadian Forces, and (c) any person who pursuant to law is attached or seconded as an officer to the Canadian Forces".

⁵ See the duties and responsibilities set out in *Accountable Government - A Guide for Ministers and Ministers of State*, the *Conflict of Interest Act*, the *Lobbying Act* and the PSDPA.

5. Principles, Values and Expected Behaviours of DND Employees and CF Members

- 5.1** This section identifies general ethical principles and specific values, each with a set of expected behaviours that are an essential part of the public roles exercised by DND employees and CF members. The general ethical principles, specific values and expected behaviours are presented in Table-1 and Table-2. Together they constitute a compass to guide DND employees and CF members in everything they do.
- 5.2** The following Table-1 lists ethical principles and expected behaviours that apply to DND employees and CF members. They are to provide guidance and to ensure that all decisions and actions are taken in the public interest. The ethical principles are consistent with our most fundamental democratic ideals and are to be applied in order of precedence.

TABLE 1 – ETHICAL PRINCIPLES OF DND AND CF

ETHICAL PRINCIPLES	EXPECTED BEHAVIOURS
1. RESPECT THE DIGNITY OF ALL PERSONS	<p><i>At all times and in all places, DND employees and CF members shall respect human dignity and the value of every person by:</i></p> <p>1.1 Treating every person with respect and fairness.</p> <p>1.2 Valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce.</p> <p>1.3 Helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination.</p> <p>1.4 Working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.</p>
2. SERVE CANADA BEFORE SELF	<p><i>At all times and in all places, DND employees and CF members shall fulfil their commitments in a manner that best serves Canada, its people, its parliamentary democracy, DND and the CF by:</i></p> <p>2.1 Making decisions and acting at all times in the public interest.</p> <p>2.2 Performing their duty or their responsibilities to the highest ethical standards.</p> <p>2.3 Avoiding or preventing situations that could give rise to personal or organizational conflicts of interests.</p> <p>2.4 Providing decision-makers with all the information, analysis and advice they need, always striving to be open, candid and impartial.</p>
3. OBEY AND SUPPORT LAWFUL AUTHORITY	<p><i>At all times and in all places, DND employees and CF members shall uphold Canada's parliamentary democracy and its institutions by:</i></p> <p>3.1 Respecting the rule of law.</p> <p>3.2 Carrying out their duty and their duties in accordance with legislation, policies and directives in a non-partisan and objective manner.</p>

- 5.3 The following Table-2 lists specific values and expected behaviours that apply to CF members and DND employees. The values have equal weight. If a doubt should arise in the application of one or more of these values, the three ethical principles will assist in choosing a course of action.

TABLE 2 – VALUES AND EXPECTED BEHAVIOURS OF DND EMPLOYEES AND CF MEMBERS	
SPECIFIC VALUES	EXPECTED BEHAVIOURS
1. INTEGRITY	<p><i>DND employees and CF members shall serve the public interest by:</i></p> <p>1.1 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.</p> <p>1.2 Never using their official roles to inappropriately obtain an advantage for themselves or to advantage or disadvantage others.</p> <p>1.3 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.</p> <p>1.4 Acting in such a way as to maintain DND's and the CF's trust, as well as that of their peers, supervisors and subordinates.</p> <p>1.5 Adhering to the highest ethical standards, communicating and acting with honesty, and avoiding deception.</p> <p>1.6 Being dedicated to fairness and justice, committed to the pursuit of truth regardless of personal consequences.</p>
2. LOYALTY	<p><i>DND employees and CF members shall always demonstrate respect for Canada, its people, its parliamentary democracy, DND and the CF by:</i></p> <p>2.1 Loyal carrying out the lawful decisions of their leaders and supporting Ministers in their accountability to Parliament and Canadians.</p> <p>2.2 Appropriately safeguarding information and disclosing it only after proper approval and through officially authorised means.</p> <p>2.3 Ensuring that all personnel are treated fairly and given opportunities for professional and skills development.</p>
3. COURAGE	<p><i>DND employees and CF members shall demonstrate courage by:</i></p> <p>3.1 Facing challenges, whether physical or moral, with determination and strength of character.</p> <p>3.2 Making the right choice amongst difficult alternatives.</p> <p>3.3 Refusing to condone unethical conduct.</p> <p>3.4 Discussing and resolving ethical issues with the appropriate authorities.</p>

SPECIFIC VALUES	EXPECTED BEHAVIOURS
4. STEWARDSHIP	<p><i>DND employees and CF members shall responsibly use resources by:</i></p> <p>4.1 Effectively and efficiently using the public money, property and resources managed by them.</p> <p>4.2 Considering the present and long-term effects that their actions have on people and the environment.</p> <p>4.3 Acquiring, preserving and sharing knowledge and information as appropriate.</p> <p>4.4 Providing purpose and direction to motivate personnel both individually and collectively to strive for the highest standards in performance.</p> <p>4.5 Ensuring resources are in place to meet future challenges.</p>
5. EXCELLENCE	<p><i>DND employees and CF members shall demonstrate professional excellence by:</i></p> <p>5.1 Continually improving the quality of policies, programs and services they provide to Canadians and other parts of the public sector.</p> <p>5.2 Fostering or contributing to a work environment that promotes teamwork, learning and innovation.</p> <p>5.3 Providing fair, timely, efficient and effective services that respect Canada's official languages.</p>

6. Duties and Obligations

6.1 DND Employees

- 6.1.1** DND employees are expected to abide by the *DND and CF Code of Values and Ethics*, and demonstrate the values of the public sector in their actions and behaviour.
- 6.1.2** Public servants who are also supervisors or managers have a particular responsibility to exemplify the values of the public sector.
- 6.1.3** As provided by Sections 12 and 13 of the PSDPA, if public servants have information that could indicate a serious breach of this code, they can bring this matter to the attention of their immediate supervisor, their senior officer for disclosure or the Public Sector Integrity Commissioner. Within DND, the Chief Review Services is the delegate of the Deputy Minister and of the Chief of the Defence Staff to act as senior officer for disclosure.
- 6.1.4** Supervisors and managers at all levels are expected to create a healthy ethical culture that is free from reprisal, ensure that all DND employees are given every opportunity to meet their legal and ethical obligations to act, and to proactively inculcate the values of the *DND and CF Code of Values and Ethics*.

6.2 CF Members

- 6.2.1 CF members are expected to abide by *DND and CF Code of Values and Ethics* and demonstrate the values of this code in their actions and behaviour.
- 6.2.2 CF members who are also in a leadership role have a particular responsibility to exemplify the military values of the Canadian Forces and the common values and expected obligations of the *DND and CF Code of Values and Ethics*.
- 6.2.3 CF leaders, at all levels, are expected to create a healthy ethical culture that is free from reprisal, ensure that all subordinates are given every opportunity to meet their legal and ethical obligations to act, and to proactively inculcate the values of the *DND and CF Code of Values and Ethics*.

6.3 Chief Review Services (CRS)

- 6.3.1 The CRS is responsible for the formulation of policies required for the development and the administration of a Defence Ethics Programme (DEP), for overseeing the implementation of the DEP, and for regularly monitoring and evaluating the effectiveness of the implementation of the DEP throughout DND and the CF. The *DND and CF Code of Values and Ethics* is an integral part of the DEP.
- 6.3.2 Procedures for the oversight, the monitoring and the evaluation of the effectiveness of the DEP can be found in the DAOD 7023 series.

6.4 Deputy Minister (DM) and Chief of the Defence Staff (CDS)

- 6.4.1 The DM⁶ and the CDS have specific responsibilities in DND and the CF, and an overall responsibility for fostering a positive culture of values and ethics in DND and the CF. They ensure that personnel are aware of their obligations under the *DND and CF Code of Values and Ethics*. They also ensure that DND employees and CF members can obtain appropriate advice within their organizations on ethical issues, including issues related to conflicts of interest.
- 6.4.2 The DM must ensure the effective implementation of the *Values and Ethics Code for the Public Sector*, and both the DM and the CDS must ensure the effective implementation of the *DND and CF Code of Values and Ethics* in DND and the CF, including regularly monitoring and evaluating how well these codes are being applied throughout the organization. Procedures for the effective implementation, monitoring and evaluation of these codes can be found in the DAOD 7023 series.
- 6.4.3 The DM and CDS are responsible for ensuring non-partisanship in carrying out the mandates of DND and the CF.
- 6.4.4 The DM is subject to the *Values and Ethics Code for the Public Sector*, the *DND and CF Code of Values and Ethics* and to the *Conflict of Interest Act*.
- 6.4.5 The CDS is subject to the *DND and CF Code of Values and Ethics* and the *Conflict of Interest Act*.

⁶ As defined in Section 2 of the PSDPA, the Deputy Minister of DND is a 'chief executive' under the Act by virtue of being the deputy head of a portion of the public sector.

6.5 Treasury Board Secretariat - Office of the Chief Human Resources Officer

- 6.5.1** In support of the President of the Treasury Board's responsibilities under section 4 of the PSDPA, the Office of the Chief Human Resources Officer (OCHRO) is responsible for promoting ethical practices in the public sector. OCHRO will work together with all relevant partner organizations to implement and promote the *Values and Ethics Code for the Public Sector*, and will provide advice to the DM and to designated departmental officials with respect to its interpretation.
- 6.5.2** The TB Chief Human Resources Officer may issue directives, standards and guidelines related to the *Values and Ethics Code for the Public Sector*.
- 6.5.3** OCHRO will monitor the implementation of the *Values and Ethics Code for the Public Sector* in organizations with a view to assessing whether the stated objectives have been achieved.

6.6 Public Service Commission (PSC)

- 6.6.1** The PSC is responsible for conducting staffing investigations and audits, and administering certain provisions related to political activities in accordance with the *Public Service Employment Act*.

7. Failure to Comply

7.1 For DND employees

- 7.1.1** A DND employee who fails to comply with ethical principles, values, expected behaviours or the policies of the *Values and Ethics Code for the Public Sector* or the *DND and CF Code of Values and Ethics*, or fails to comply with the DAOD 7023 series, may be subject to appropriate disciplinary action, up to and including termination of employment under DAOD 5016-0, *Standards of Civilian Conduct and Discipline*.

7.2 For CF members

- 7.2.1** A CF member who fails to comply with ethical principles, values, expected behaviour or the policies of the *DND and CF Code of Values and Ethics*, or fails to comply with the DAOD 7023 series, may be subject to one or more of the following:
- a. change of duties;
 - b. release or other administrative action as set out in the *Administrative Review (AR) Career Decisions block* of DAOD 5019-2, *Administrative Review*; and / or
 - c. disciplinary action under the *National Defence Act*.

8. Avenues of Resolution

- 8.1 The expected behaviours are not intended to cover to every possible ethical situation or issue that might arise in the course of a DND employee's or CF member's daily work. When situations or issues arise that do not clearly fall under the listed expected behaviours, DND employees and CF members are encouraged to discuss and resolve these matters with their immediate supervisor. They can also seek advice and support from other appropriate sources within their organization.
- 8.2 DND employees and CF members at all levels are expected to resolve issues in a fair and respectful manner and make use of informal processes such as dialogue or mediation.
- 8.3 When a DND employee or a CF member disagrees with the DM, the CDS, or their delegates, as applicable, on the application of the ethical principles, the specific values or the expected behaviours contained in the *DND and CF Code of Values and Ethics*, the disagreement will be resolved through established recourse or grievance procedures.
- 8.4 Members of the public who have a concern that a DND employee has acted in such a way as to breach either the *Values and Ethics Code for the Public Sector* or with the *DND and CF Code of Values and Ethics* can report their concerns to the employee's immediate supervisor, the employee's chain of command or to the CRS through the Director Defence Ethics Programme.
- 8.5 Similarly, members of the public who have a concern that a CF member has not acted in accordance with the *DND and CF Code of Values and Ethics* can report their concern to the member's immediate supervisor, the member's chain of command or to the CRS through the Director Defence Ethics Programme.

CHAPTER II:

VALUES AND ETHICS IN OPERATIONS

This Chapter is to be developed by the CRS through the Director Defence Ethics Programme in partnership with Level One stakeholders from the Canadian Forces and the Department of National Defence that are significantly involved in military operations at home and abroad.

CHAPTER III:

DND AND CF POLICY ON CONFLICT OF INTEREST AND POST-EMPLOYMENT

9. Introductory Statement

9.1 This policy on conflict of interest and post-employment applies to all DND employees and CF members. The related specific measures and procedures can be found in the *Defence Administrative Order and Directive* (DAOD) 7021 series on conflict of interest.

9.2 Requirements for DND employees and CF members to prevent and deal with conflict of interest and post-employment situations

9.2.1 The following are the conflict of interest and post-employment requirements that are a condition of employment for DND employees under the DM's authority and applicable to CF members by virtue of the CDS' authority under the *National Defence Act*. These requirements are grounded in and serve to uphold the values contained in the *Values and Ethics Code for the Public Sector*, the *DND and CF Code of Values and Ethics*, and the Canadian Forces military ethos. By upholding these ethical standards, DND employees and CF members conserve and enhance public confidence in the honesty, fairness and integrity of the public service, which includes DND, and of the CF. These requirements also form part of Canada's international commitments as a signatory to international agreements on values and ethics (Annex B - International agreements on values and ethics).

9.3 Prevention of conflict of interest

9.3.1 DND employees and CF members maintain public confidence in the objectivity of the public service, which includes DND, and of the CF, by preventing and avoiding situations that could give the appearance of a conflict of interest, or result in a potential for a conflict of interest, or give rise to 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 and of the CF. 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.

9.3.2 It is impossible to foresee every situation that could give rise to a real, apparent or potential conflict of interest. When in doubt, DND employees and CF members should refer to the requirements found in this chapter of the *DND and CF Code of Values and Ethics*, the *Values and Ethics Code for the Public Sector*, and the DAOD 7021 series on conflict of interest and post-employment to guide their action. DND employees and CF members can also seek guidance from their supervisor, their manager, their officer in charge or their commanding officer. However, as indicated in the DAOD 7021 series, there are many circumstances when DND employees and CF members must seek a decision on what may be an apparent, a potential, or a real conflict of interest, and/or an authorization from the DM, the CDS or their delegates, as applicable on a course of action related to conflict of interest or post-employment.

9.3.3 In addition to the requirements outlined in this chapter, DND employees and CF members are also required to observe any specific requirements on conduct contained in the statutes and regulations governing DND, the CF and their profession, where applicable.

10. Definitions

10.1 DND employee: a person employed in DND under the *Public Service Employment Act*, S.C. 2005, c.22 as amended, including indeterminate and term employees, individuals on leave without pay, volunteers, students participating in Student Employment Programs, casual, seasonal and part-time workers.

For the purpose of this policy, individuals on incoming secondment or Interchange Canada assignments are considered DND employees and are expected to comply with, and volunteers are expected to respect the policies of this Chapter III: DND and CF *Policy on Conflict of Interest and Post-Employment*. However, Order-in-council appointees are not subject to this policy but to the *Conflict of Interest Act*⁷.

10.2 CF member: Any member of the Canadian Forces Regular Force, Special Force and Reserve Force, including the Cadet Instructor Cadre and the Canadian Rangers subject to the *National Defence Act*. Although they are not CF members, honorary members of the CF, such as Honorary Colonels and Honorary Captains (Navy) are expected to comply with, and respect, the policies of this Chapter III: DND and CF *Policy on Conflict of Interest and Post-Employment*

10.3 Personal Conflict of Interest (PCOI): a situation in which the DND employee or CF member has private interests that are not an integral part of their public role and that could improperly influence the performance of his or her official duties and responsibilities or in which the DND employee or CF member uses his or her office for personal gain. A real conflict of interest is defined as existing at the present time in a situation; an apparent conflict of interest could be perceived by a reasonable observer to exist in a situation, whether or not it is the case; and a potential conflict of interest could reasonably be foreseen to exist in the future. Conflicts of interest may arise in the following circumstances: outside activities (including political activities); acceptance of gifts, hospitality and other benefits; post-employment activities; and any other activity or decision incompatible with the official duties and responsibilities of a DND employee or a CF member. An apparent PCOI is just as serious as a real or potential PCOI.

10.4 Organizational Conflict of Interest (OCOI): a situation in which the actions or decisions of DND employees or CF members call into question the integrity, the objectivity, the impartiality, and the non-partisanship of DND or the CF. As a result, the situation could be perceived by a reasonable observer as placing DND or the CF in a conflict of interest with the public interest. A real organizational conflict of interest is defined as existing at the present time in a situation; an apparent organizational conflict of interest could be perceived by a reasonable person to exist in the situation, whether or not it is the case; and a potential organizational conflict of interest could reasonably be foreseen to exist in the future. An apparent OCOI is just as serious as a real or potential OCOI.

10.5 Conflict of Duties: A conflict that arises, not because of a DND employee's or CF members' private interests, but as a result of one or more concurrent or competing official responsibilities. For example, responsibilities associated with his or her primary official duties compete with his or her responsibilities in a role outside of DND or the CF, such as an appointment to a board of directors, or other outside function, when that role is also part of his or her official duties.

⁷ Order-in-council appointees in the DND and the CF are the Deputy Minister, the Chief of the Defence Staff, the Associate Deputy Minister, the Judge Advocate General, Military Judges and the Principal of the Royal Military College of Canada.

11. General responsibilities and duties of DND employees and CF members include:

- 11.1 taking all possible steps to recognize, prevent, report, and resolve any real, apparent or potential conflicts of interest between their official responsibilities and any of their private affairs;
- 11.2 unless otherwise permitted in this Chapter, refraining from having private interests, which would be unduly affected by government actions in which they participate;
- 11.3 not knowingly taking advantage of, or benefiting from, information that is obtained in the course of their official duties that is not available to the public;
- 11.4 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;
- 11.5 not assisting private entities or persons in their dealings with the government where this would result in preferential treatment of the entities or persons;
- 11.6 not interfering in the dealings of private entities or persons with the government in order to inappropriately influence the outcome;
- 11.7 maintaining the impartiality of the public sector and of the Canadian Forces and not engaging in any outside or political activities that impairs or could be seen to impair their ability to perform their duties in an objective manner;
- 11.8 ensuring that any real, apparent or potential conflict that arises between their private activities and their official responsibilities as a DND employee or CF member is resolved in the public interest;
- 11.9 refraining from public criticism of the Government of Canada⁸; and
- 11.10 refraining from any political activity that could impair or appear to impair the objectivity and impartiality of the DND employee, CF member, the public sector, or the Canadian Forces.

12. Requirements for preventing and dealing with situations of conflict of interest during employment

- 12.1 DND employees and CF members are required to report to the DM or the CDS, through established procedures, all outside activities, assets and interests that might give rise to a real, apparent or potential conflict of interest in relation to their official duties. Such a report is to be made within 60 days of their initial appointment or any subsequent appointment, transfer or deployment.
- 12.2 On a regular basis thereafter, and every time a major change occurs in their personal affairs or official duties, every DND employee and CF member is required to review his or her obligations under the *Policy on Conflict of Interest and Post-Employment*, the *Values and Ethics Code for the Public Sector* and this chapter of the *DND and CF Code of Values and Ethics*. If a real, apparent or potential conflict of interest exists or when in doubt, he or she is to file a report in a timely manner.

⁸ It is not considered to be public criticism when a DND employee or a CF member reports information as an inherent part of an organization's mandate. It is not considered public criticism for a DND employee to make a protected disclosure subject to the PSDPA. It is not considered public criticism for a CF member to report to the proper authority any infringement of the pertinent statutes, regulations, rules, orders and instructions governing the conduct of any person subject to the *Code of Service Discipline* under QR&O 4.02 for officers and QR&O 5.01 for non-commissioned members.

- 12.3** When negotiating financial arrangements with outside parties, DND employees and CF members are to comply with the requirements listed in the *DND and CF Code of Values and Ethics*, as well as other related directives or policies issued by the Treasury Board. When in doubt, they are to immediately report the situation to their managers in order to seek advice or direction on how to proceed.
- 12.4** Reporting procedures can be found in the DAOD 7021 series.

13. Assets

- 13.1** DND employees and CF members are required to evaluate their assets, taking into consideration the nature of their official duties and the characteristics of their assets. If there is any real, apparent or potential conflict of interest between the carrying out of their official duties and their assets, they are to report this matter to the DM or CDS, or their delegates, as applicable, in a timely manner.
- 13.2** Where the DM or CDS, or their delegates, as applicable, determines that any of these assets results in a real, apparent or potential conflict of interest in relation to their duties and responsibilities, DND employees and CF members may be required to divest those assets, or to take other measures to resolve the conflict. DND employees and CF members may not sell or transfer assets to family members or anyone else for the purpose of circumventing the compliance requirements.
- 13.3** The types of assets that should be reported and the procedures for reporting and managing such assets are set out in the Directive on *Reporting and Managing Financial Conflicts of Interest*.

14. Outside employment or activities

- 14.1** DND employees and CF members may engage in employment outside the public service or their terms of 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 or objectivity of DND, the CF, DND employees, or CF members.
- 14.2** DND employees and CF members are required to provide a confidential report to the DM or the CDS through the CRS, Director Defence Ethics Programme (DDEP), who is their delegate for conflict of interest, when their outside employment or activities might subject them to demands incompatible with their official duties, or cast doubt on their ability to perform their duties in a completely objective manner. In accordance with QR&O 19.42, CF members are required to obtain their Commanding Officer's permission to engage in an outside activity prior to submitting their confidential report to the CDS through the CRS for final determination. The DM or the CDS, as applicable, may require that the outside activities be modified or terminated if it is determined that a real, apparent or potential conflict of interest exists.
- 14.3** DND employees and CF members who receive a benefit or income either directly or indirectly from a contract with the Government of Canada are required to report to the DM or the CDS on such contractual or other arrangements. The DM or the CDS, through the CRS/DDEP, will determine whether the arrangement presents a real, apparent or potential conflict of interest, and may require that the contract be modified or terminated.

15. DND Employees and CF Members Political Activities

15.1 DND employees or CF members considering any involvement in political activity should seek the advice of their supervisor, their officer in charge, their commanding officer, their manager, a human resources officer, the CRS through the Director Defence Ethics Programme, or the Public Service Commission (PSC), as appropriate, before acting.

15.2 For DND Employees

15.2.1 “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.”

15.2.2 DND employees who wish to engage in a political activity not covered by Part 7 of the PSEA that could constitute a conflict of interest are required to report the proposed activity to the DM, through the CRS.

15.2.3 Similarly, DND employees who are subject to the *DND and CF Code of Values and Ethics* but who are not subject to Part 7 of the PSEA, who wish to engage in any political activity that could constitute a conflict of interest, are to report the proposed activity to the DM, through the CRS. This includes students appointed within Student Employment Programs, seasonal, casual and part-time workers, volunteers, incoming individual on secondment and Interchange Canada assignment.

15.2.4 Political activities are outside activities. DND employees must declare to the CRS their intent to seek nomination to be a candidate in a federal, provincial, territorial, municipal, band council, school board or other local government body election. CRS will determine whether there is a COI or whether a potential COI or the appearance of a COI can be addressed in a manner that would not undermine the impartiality of DND or the objectivity of the public service.

15.2.5 Once a decision has been rendered by the CRS that the outside activity is not in violation of the DAOD 7021 provisions related to conflict of interest, DND employees are required to follow the procedures set by the Director Labour Relations Policies and Programmes as the Political Designated Activities Representative to seek and obtain permission from the PSC to seek nomination for or be a candidate in a federal, provincial, territorial or municipal election, in accordance with Part 7 of the PSEA. The requirement to seek and obtain permission from the PSC does not apply to school boards’ or other local government bodies’ elections, such as those of band councils.

15.3 For CF members

15.3.1 Regular Force members

15.3.1.1 QR&O 19.44(7) prohibits a CF member of the Regular Force from:

- a. taking an active part in the affairs of a political organization or party;
- b. making a political speech to electors, or announce himself or herself, or allow himself or herself to be announced, as a candidate, for election to the Parliament of Canada or a provincial legislature; or

- c. except with the permission of the Chief of the Defence Staff, accepting an office in a municipal corporation or other local government body or accepting to be nominated for election to such office.

15.3.2 The CDS has delegated to CRS the authority to assess whether a conflict of interest exists in the case of a Regular Force member intending to accept an office in a municipal corporation. Therefore, Regular Force members must submit a confidential report to CRS declaring their intent to seek a nomination before accepting to be nominated for election to an office in a municipal corporation or other local government body and before accepting to hold such an office.

15.3.3 Procedures for submitting a confidential report can be found in the DAOD 7021 series.

15.3.4 Reserve Force members

15.3.4.1 Members of the Reserve Force are not prohibited from participating in political activities, other than the restrictions imposed under QR&O 19.44(8) whereby “No officer or non-commissioned member shall organize or take part in a political meeting on a defence establishment.”

15.3.4.2 However, CF members must avoid any real, apparent or potential conflict of interest or outside activity that would undermine the impartiality or objectivity of the Government of Canada.

15.3.4.3 For these reasons, members of the Reserve Force must submit a confidential report to the CRS declaring their intent to seek nomination to be a candidate in a federal, provincial, territorial or municipal, band council, school board or other local government body election. The CRS will determine whether there is a conflict of interest or if potential or appearance of conflict of interest can be resolved through constraints imposed upon the Reserve Force member so that engaging in the political activity does not undermine the impartiality or the objectivity of the Government of Canada, DND or the CF.

15.3.4.4 Procedures for submitting a confidential report can be found in the DAOD 7021 series.

16. Gifts, hospitality and other benefits

16.1 DND employees and CF members are expected to use their best judgment to avoid situations of real, apparent or potential conflict of interest by considering the following criteria on gifts, hospitality and other benefits while keeping in mind the full context of the *Values and Ethics Code for the Public Sector*, *DND and CF Code of Values and Ethics* and the *Treasury Board Policy on Conflict of Interest and Post-Employment*.

16.2 DND employees and CF members are not to accept any gifts, hospitality or other benefits that may have a real, apparent or potential influence on their objectivity in carrying out their official duties or that may place them under obligation to the donor. This includes activities such as free or discounted admission to sporting and cultural events, travel or conferences.

- 16.3** The acceptance of gifts, hospitality and other benefits is permissible if they are infrequent and of minimal value, within the normal standards of courtesy or protocol, arise out of activities or events related to the official duties of DND employee or CF member concerned, and do not compromise or appear to compromise the integrity of the DND employee or CF member concerned or of his or her organization.
- 16.4** DND employees and CF members are to seek a written decision from the DM or the CDS, or their delegates, as applicable, where it is impractical to decline gifts, hospitality or other benefits that do not comply with the principles set out above, or where it is believed that there is sufficient benefit to the organization to warrant acceptance of certain types of hospitality.
- 16.5** Procedures for the acceptance of gifts, hospitality or other benefits can be found in the DAOD 7021 series.

17. Solicitation, Sponsorships and Donations

- 17.1** With the exception of fundraising for charitable organizations, DND employees and CF members 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 charitable organizations, DND employees and CF members in their public roles should ensure that they have prior written authorization from the DM or the CDS, as applicable, in order to solicit donations, prizes or contributions in kind from external organizations or individuals.
- 17.2** If an outside individual or entity, with whom the organization has past, present or potential official dealings, offers a benefit to DND or the CF such as funding for an event, which constitutes sponsorship, or a donation of equipment, DND employees and CF members are to consider whether any real, apparent or potential conflict of interest exists, and obtain the consent in writing of the DM or the CDS, or their delegates, as applicable, prior to accepting any such benefit.
- 17.3** Similarly, if DND or the CF fund an event or donate equipment to an individual or entity with whom the organization has past, present or potential official dealings, DND employees and CF members in their public roles are to consider whether any real, apparent or potential conflict of interest exists. If a conflict of interest exists, they are to obtain the consent in writing of the DM or CDS, or their delegates, as applicable, prior to accepting any such sponsorship or donation.
- 17.4** In any of the situations described above, the DM or the CDS, or their delegates, as applicable, 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 the Treasury Board *Policy on Conflict of Interest and Post-Employment* is consistent with paragraph 121(1) (c) of the *Criminal Code of Canada*.
- 17.5** Procedures on acceptance of gifts, hospitality and other benefits can be found in the DAOD 7021 series.

18. Avoidance of Preferential Treatment

- 18.1** DND employees and CF members are responsible for demonstrating objectivity and impartiality in the exercise of their duties and in their decision-making, whether related to staffing, financial awards or penalties to external parties, transfer payments, program operations or any other exercise of responsibility.
- 18.2** This means that they are prohibited from granting preferential treatment or advantages to family, friends and associates or any other person or entity. They are not to offer extraordinary assistance to any entity or persons already dealing with the government without the knowledge and support of their supervisor. They also are not to disadvantage any entity or persons dealing with the government because of personal antagonism or bias.
- 18.3** Providing information that is publicly accessible is not considered preferential treatment.
- 18.4** Procedures on questions of preferential treatment as they relate to COI can be found in the DAOD 7021 series.

19. Requirements for preventing post-employment conflict of interest situations before and after leaving office

- 19.1** All DND employees and CF members have a responsibility to minimize the possibility of real, apparent or potential conflict of interest between their most recent responsibilities within the DND or the CF, and their subsequent employment outside DND or the CF.

20. Before Leaving Employment

- 20.1** Before leaving their employment with the public service or being released from military service, all DND employees and CF members are to disclose their intentions regarding any future outside employment or activities that may pose a risk of real, apparent or potential conflict of interest with their current responsibilities and discuss potential conflicts with their supervisor, manager or their superior as applicable.

21. Post-employment limitation period and restrictions for DND employees and CF members in designated position

- 21.1** The DM and the CDS are the authorities for designating positions that represent a risk of producing post-employment conflict of interest situations as per section 6.1.2 f (i) of the Treasury Board *Policy on Conflict of Interest and Post-Employment*. Designated positions can be found under the DAOD 7021 series.
- 21.2** DND employees and CF members in designated positions are subject to a one-year limitation period and restrictions after leaving office. Before leaving office and during this one-year limitation period, these DND employees or CF members, or these former DND employees or former CF members, are to report to the DM or the CDS through CRS in accordance with the procedures established in DAOD 7021 series.

- 21.3** DND employees and CF members must report all firm offers of employment or proposed activity outside the public service or the CF that could place them in a real, apparent or potential conflict of interest with their public service employment or CF service. They are to also disclose immediately the acceptance of any such offer. In addition, these DND employees or CF members may not do the following during the one-year period, without the DM's or CDS' authorization, as appropriate:
- a. accept appointment to a board of directors of, or employment with, private entities with which they had significant official dealings during the period of one year immediately prior to the termination of their service. The official dealings in question may either be directly on the part of the DND employee or CF member or through subordinates;
 - b. make representations to any government organization on behalf of persons or entities outside of the public service or the CF with which they had significant official dealings, during the period of one year immediately prior to the termination of their service. The official dealings in question may either be directly on the part of the DND employee or CF member or through subordinates; or
 - c. give advice to their clients or employer using information that is not publicly available 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.

22. Waiver or Reduction of the Post-employment Limitations

- 22.1** DND employees or CF members, or former DND employees or former CF members, subject to post-employment limitations may apply to the DM or CDS, as appropriate, through the CRS in accordance with the procedures established in DAOD 7021 series, for a written waiver or reduction of the limitation period and / or its restrictions. The DND employee, the CF member, the former DND employee or the former CF member is to provide sufficient information to assist the DM or the CDS, as appropriate, 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 their employment or service occurred;
 - b. the general employment prospects of the DND employee or CF member, or of the former DND employee or former CF member;
 - c. the significance to the government of information possessed by the DND employee, the CF member, the former DND employee, or the former CF member, by virtue of that individual's position or former position in DND or the CF;
 - d. the desirability of a rapid transfer of the DND employee's, the CF member's, the former DND employee's, or the former CF member's 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 the DND employee, the CF member, the former DND employee, or the former CF member;
 - f. the authority and influence possessed by that individual while in DND or the CF; and/or
 - g. any other consideration at the discretion of the DM or the CDS.

⁹ 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.

23. Resolution

- 23.1** With respect to the arrangements necessary to prevent real, apparent or potential conflict of interest, or to comply with the requirements set out above, it is expected that situations will be resolved through discussion and agreement between the DND employee, the CF member, the former DND employee, or the former CF member, and the DM or the CDS, or their delegates, as applicable. When a DND employee or a CF member disagrees with the DM, the CDS, or their delegates, as applicable, on the application of the ethical principles, the specific values or the expected behaviours contained in the *DND and CF Code of Values and Ethics*, the disagreement will be resolved through established recourse or grievance procedures.

24. Failure to Comply with the DND and CF Policy on Conflict of Interest and Post-Employment

24.1 For DND employees

- 24.1.1** A DND employee who fails to comply with the conflict of interest or post-employment provisions, of the *Values and Ethics Code for the Public Sector*, the *DND and CF Code of Values and Ethics* or the DAOD 7021 series, may be subject to appropriate disciplinary action, up to and including termination of employment under DAOD 5016-0, *Standards of Civilian Conduct and Discipline*.

24.2 For CF members

- 24.2.1** A CF member who fails to comply with the conflict of interest or post-employment provisions, the policies of the *DND and CF Code of Values and Ethics* or the DAOD 7021 series may be subject to one or more of the following:
- a. change of duties;
 - b. release or other administrative action as set out in the *Administrative Review (AR) Decisions* block of DAOD 5019-2, *Administrative Review*; and/or
 - c. disciplinary action under the *National Defence Act*.

CHAPTER IV:

DISCLOSURE OF WRONGDOING

25. Introductory statement

- 25.1** As provided by Sections 12 and 13 of the PSDPA, if DND employees have information that could indicate wrongdoing as defined by the PSDPA, including a serious breach of the *Values and Ethics Code for the Public Sector* or of the *DND and CF Code of Values and Ethics*, they can bring this matter to the attention of their immediate supervisor, the senior officer for disclosure, or the Public Sector Integrity Commissioner. Within DND and the CF, the senior officer for disclosure is the Chief Review Services (CRS).
- 25.2** The CRS, as the senior officer for disclosure, is responsible for supporting the DM and the CDS in meeting the requirements of the PSDPA. The CRS helps promote a positive environment for disclosing wrongdoings, and deals with disclosures of wrongdoing made by employees of the organization. Further information on the duties and powers of the CRS as the senior officer for disclosure can be found in the DAOD 7024 series on the disclosure of wrongdoing.
- 25.3** DND employees and CF members will find procedures for reporting wrongdoing in the DAOD 7024 series. In addition, CF members will find specific requirements for reporting wrongdoing in the QR&O 4.02 for the general responsibilities of officers and QR&O 5.01 for the general responsibilities of non-commissioned members.
- 25.4** Members of the public who have a concern that a CF member has acted in such a way as to seriously breach the *DND and CF Code of Values and Ethics* can report their concern to the member's immediate supervisor, to the member's chain of command or to the CRS as the designated senior officer for disclosure as identified in the DAOD 7024 series.
- 25.5** Similarly, members of the public who have a concern that a DND employee has acted in such a way as to seriously breach either the *Values and Ethics Code for the Public Sector* or with the *DND and CF Code of Values and Ethics* can report their concerns to the employee's immediate supervisor, to the employee's manager, to the CRS as the designated senior officer for disclosure as identified in the DAOD 7024 series, or to the Public Sector Integrity Commissioner.

26. DND Employees

- 26.1** DND employees are expected to apply the *DND and CF Code of Values and Ethics* in all their decisions and actions as employees of DND and, in particular, to adhere to the expected behaviours set out in the *DND and CF Code of Values and Ethics*. If a DND employee does not abide by these values and expectations as they relate to the disclosures of wrongdoing and the prohibition of reprisal, he or she may be subject to administrative and / or disciplinary measures up to and including termination of employment.
- 26.2** DND employees who are also managers have a particular responsibility to exemplify the values of the public sector.
- 26.3** As provided by Sections 12 and 13 of the PSDPA, if a public servant has information that could indicate wrongdoing as defined by the PSDPA, including a serious breach of the *Values and Ethics*

Code for the Public Sector or the *DND and CF Code of Values and Ethics*, he or she can bring this matter to the attention of their immediate supervisor, the CRS as the designated senior officer for disclosure as identified in the DAOD 7024 series or the Public Sector Integrity Commissioner.

- 26.4** Procedures and mechanisms to report wrongdoing can be found in the DAOD 7024 series.
- 26.5** Section 19 of the PSDPA states that no person shall take any reprisal against a public servant or direct that one be taken against a public servant. Reprisals are:
- a. a disciplinary measure;
 - b. the demotion of the DND employee;
 - c. the termination of employment of the DND employee;
 - d. any measure that adversely affects the employment or working conditions of the DND employee; and
 - e. a threat to take any of the measures referred to in any of paragraphs (a) to (d).
- 26.6** Anyone who takes a reprisal against a public servant who has made a protected disclosure of wrongdoing or who has in good faith participated in an investigation into a disclosure or an investigation under section 33 of the PSDPA will be subject to disciplinary actions and / or administrative consequences. In addition, he or she may be guilty of an offence and subject to the punishment as set out in section 42.3 of the PSDPA.

27. DND Employees and Wrongdoing Related to the CF and its Members

- 27.1** While the CF is an organization that is excluded from the definition of “public sector” in section 2 of the PSDPA, section 52 requires that the CF provide disclosure of wrongdoing procedures and protection provisions for CF members similar to those available to the public sector. A stringent wrongdoing reporting and reprisal protection regime already applies to all CF members.

28. CF Members

28.1 CF Members Obligation to Report Wrongdoings

- 28.1.1** CF members are to apply the *DND and CF Code of Values and Ethics* in all their decisions and actions as members of the CF and, in particular, to adhere to the expected behaviours set out in the *DND and CF Code of Values and Ethics*.
- 28.1.2** CF members who are also in a leadership role have a particular responsibility to exemplify the military values of the CF, the ethical values and the expected behaviours reflected in the *DND and CF Code of Values and Ethics*.
- 28.1.3** All Officers are obligated under QR&O 4.02(1)(e) (*General Responsibilities of Officers*), and all Non-Commissioned members are obligated under QR&O 5.01(e) (*General Responsibilities of Non-Commissioned Members*), to report to the proper authority any infringement of the pertinent statutes, regulations, rules, orders and instructions governing the conduct of any person subject to the *Code of Service Discipline*.

28.1.4 Procedures and mechanisms to report wrongdoing can be found in the DAOD 7024 series.

28.2 Prohibition against taking reprisals applicable to CF members

28.2.1 In accordance with QR&O 19.15(2), no officer or non-commissioned member shall take any of the following actions, or direct that any be taken, against any person who has, in good faith, reported to a proper authority any infringement of the pertinent statutes, regulations, rules, orders and instructions governing the conduct of any person subject to the *Code of Service Discipline*, made a disclosure of wrongdoing or cooperated in an investigation carried out in respect of such a report or disclosure:

- a. a disciplinary action;
- b. a career remedial or other administrative action;
- c. the demotion of the person;
- d. the release, recommendation for release or termination of employment of the person;
- e. any measure that adversely affects the service, employment or working conditions of the person; or
- f. a threat to take any of the actions referred to in any of subparagraphs (a) to (e).

28.2.2 Reprisals against a CF member who has made a disclosure of wrongdoing can be punished by administrative and/or disciplinary measures, as may be warranted under the *Code of Service Discipline*.

29. The Chief Review Services (CRS) as Senior Officer for Disclosure

29.1 The CRS is responsible for the establishment, development and the administration of the disclosure of wrongdoing in DND and the CF.

29.2 As senior officer for disclosure the CRS helps promote a positive environment for disclosing wrongdoings, and deals with disclosures of wrongdoing made by DND employees or CF members. The CRS is responsible for supporting the DM and the CDS in meeting the requirements of the PSDPA.

29.3 The duties and powers of the CRS within DND and the CF also include the following, pursuant to the established internal disclosure procedures:

- a. Provide information, advice, and guidance to DND employees and CF members regarding the DND and the CF internal disclosure procedures, including the making of disclosures, the conduct of investigations into disclosures, and the handling of disclosures made to supervisors;
- b. Receive and record disclosures, and review them to establish whether there are sufficient grounds for further action under the PSDPA or established procedures for the CF, where applicable;
- c. Manage investigations into disclosures, including determining whether to deal with a disclosure under the PSDPA or established procedures for the CF, and initiate an investigation, or cease an investigation;
- d. Coordinate handling of a disclosure with the senior officer of another federal public sector organization, if a disclosure or an investigation into a disclosure involves that other organization;

- e. Notify the person(s) who made a disclosure in writing of the outcome of any review and/or investigation into the disclosure, and on the status of actions taken on the disclosure, as appropriate; and
- f. Report the findings of investigations, as well as any systemic problems that may give rise to wrongdoings, directly to his or her chief executive, with recommendations for corrective action, if any.

30. Deputy Minister (DM) and Chief of the Defence Staff (CDS)

- 30.1** The DM and the CDS have specific responsibilities in DND and the CF, and an overall responsibility for fostering a positive culture of values and ethics in DND and the CF, including the reporting of wrongdoing in a workplace free of reprisals. They ensure that personnel are aware of the extent of their obligations under the *Values and Ethics Code for the Public Sector* and the *DND and CF Code of Values and Ethics*. They also ensure that DND employees and CF members can obtain appropriate advice within their organizations on ethical issues, including issues related to conflict of interest.
- 30.2** The DM and the CDS ensure the effective implementation of the *Values and Ethics Code for the Public Sector* and the *DND and CF Code of Values and Ethics* in DND and the CF, including regularly monitoring and evaluating how well they are being applied throughout the organization.
- 30.3** The DM and CDS are responsible for ensuring non-partisanship in carrying out the mandates of DND and the CF.
- 30.4** The DM is subject to the *Values and Ethics Code for the Public Sector* and to the *Conflict of Interest Act*.
- 30.5** The CDS is subject to the *Conflict of Interest Act*.

31. Treasury Board Secretariat - Office of the Chief Human Resources Officer

- 31.1** In support of the President of the Treasury Board's responsibilities under section 4 of the PSDPA, the Office of the Chief Human Resources Officer (OCHRO) is responsible for promoting ethical practices in the public sector. OCHRO will work together with all relevant partner organizations to implement and promote the *Values and Ethics Code for the Public Sector*, and will provide advice to chief executives and designated departmental officials with respect to its interpretation.
- 31.2** The TB Chief Human Resources Officer may issue directives, standards and guidelines related to the *Values and Ethics Code for the Public Sector*.
- 31.3** OCHRO will monitor the implementation of the *Values and Ethics Code for the Public Sector* in organizations with a view to assessing whether the stated objectives have been achieved.

32. Public Service Commission

- 32.1** The Public Service Commission (PSC) is responsible for conducting staffing investigations and audits, and administering certain provisions related to political activities in accordance with the *Public Service Employment Act*.

REFERENCES

Source Reference

- *Public Servants Disclosure Protection Act*
- *Access to Information Act*
- *Criminal Code of Canada*
- *Financial Administration Act*
- *Privacy Act*
- *Security of Information Act*
- *Canada Evidence Act*
- *National Defence Act*
- *Lobbying Act*
- *Queen's Regulations and Orders*
- *Values and Ethics Code for the Public Sector*
- A-PA-005-000/AP-000, *Duty with Honour: The Profession of Arms in Canada (2009)*
- *Statement of Defence Ethics*
- *Policy on Conflict of Interest and Post-Employment*, Treasury Board
- *Policy on Government Security*, Treasury Board
- *Directive on Divestment of Assets and Establishment of Blind Trusts*, Treasury Board

Related References

- *Report to the Prime Minister on the Leadership and Management of the Canadian Forces*, 25 March 1997
- *Terms of Reference for the Defence Ethics Program*, 21 December 1997
- *Fundamentals of Canadian Defence Ethics*
- DAOD 3004-0, *Contracting*
- DAOD 3004-1, *Procedural Overview - Contracting*
- DAOD 3004-2, *Service Contracts*
- DAOD 5012-0, *Harassment Prevention and Resolution*
- DAOD 5016-0, *Standard of Civilian Conduct and Discipline*
- DAOD 5019-2, *Administrative Review*
- DAOD 5026-0, *Civilian Grievances*
- DAOD 5046-0, *Alternative Dispute Resolution*

- DAOD 7021-0, *Conflict of Interest and Post-Employment*
- DAOD 7021-1, *Outside Activities*
- DAOD 7021-2, *Post-Employment*
- DAOD 7021-3, *Solicitation and Acceptance of Gifts, Hospitality and Other Benefits*
- DAOD 7023-0, *Defence Ethics*
- DAOD 7023-1, *Defence Ethics Programme*
- DAOD 7024-0, *Disclosure of Wrongdoings in the Workplace*
- DAOD 7024-1, *Internal Procedures for Disclosure of Wrongdoings in the Workplace*
- *Guideline for the Use of Alternate Dispute Resolution Processes*
- *DGLRC Guidelines for Political Activities for Civilian Employees*
- *Internal Disclosure of Wrongdoing - Guidelines for CF Supervisors, DND Managers and Employees*
- QR&O 4.02, *General Responsibilities of Officers*
- QR&O 5.01, *General Responsibilities of Non-Commissioned Members*
- QR&O 19.15, *Prohibition of reprisals*
- QR&O 15.01, *Release of Officers and Non-Commissioned Members*
- QR&O 19.42, *Civil Employment*
- QR&O 19.43, *Directorships and Interest in Companies*

ANNEXES

ANNEX A

THE SHARED AND DISTINCT VALUES

1. Annex A provides a brief description of the values and ethics found in the *Values and Ethics Code for the Public Sector* and in *Duty with Honour: the Profession of Arms in Canada* that have been integrated into the *DND and CF Code of Values and Ethics*.
2. DND and the CF are expected to ensure that the *DND and CF Code of Values and Ethics* is respected in all decisions, actions, policies, processes, and systems related to their joint and separate mandates. DND employees and CF members are correspondingly expected to ensure that the values and ethics of the *DND and CF Code of Values and Ethics* are always applied in the exercise of their public roles.
3. Although the first section on Public Sector Values presents a set of values that apply to all public sector employees, including DND employees, these values properly interpreted in the light of the CF mandate apply equally to CF members. Similarly, although the second section on Canadian Forces Military Values presents a set of values that apply to all CF members, these values properly interpreted in the light of the DND mandate apply equally to DND employees. However, the *DND and CF Code of Values and Ethics* also specifies instances when values and ethics apply in unique ways to DND employees and to CF members. By respecting both what is distinct and common between DND and the CF, the *DND and CF Code of Values and Ethics* provides in one code a set of principles, values and expected behaviours that apply to DND employees and CF members in the exercise of the public roles.

4. PUBLIC SECTOR VALUES

- 4.1 The *Values and Ethics Code for the Public Sector* identifies a set of five core values that guide public servants in all activities related to their professional duties. The five core values are: Respect for Democracy; Respect for People; Integrity; Stewardship; and Excellence. They cannot be considered in isolation from each other as they will often overlap. These five core values constitute a set of values applicable to all public sector employees, in whichever department, agency, Crown corporation, or other agency of the Government of Canada that they may be employed. They are applicable at all times to public sector employees in relation to their public role, wherever they may be. As public servants, DND employees are part of the public sector. A description of these five core values as found in the *Values and Ethics Code for the Public Sector* is reproduced below.

4.1 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.”

4.2 Respect for People

“Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and 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 wellspring of our spirit of innovation”.

4.3 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 objectivity of the federal public sector.”

4.4 Stewardship

“Federal public servants are entrusted to use and care for public resources responsibly, for both the short-term and long-term.”

4.5 Excellence

“Excellence in the design and delivery of public sector policy, programs and services is beneficial to every aspect of Canadian life. Positive engagement, collaboration, effective teamwork and professional development are all essential to a high-performing organization.”

5. CANADIAN FORCES MILITARY VALUES

The Canadian Forces have identified four essential Canadian military values: duty, loyalty, integrity, and courage. These four values are an integral part of the Canadian military ethos endorsed by the Chief of the Defence Staff. They represent core military values that are to guide CF members at all times in their decisions and actions, wherever they may serve. A useful description of these Canadian military values is provided in *Duty with Honour: the Profession of Arms in Canada* and is reproduced below.

5.1 Duty

“First and foremost, duty entails service to Canada and compliance with the law. It obliges members to adhere to the law of armed conflict while displaying dedication, initiative and discipline in the execution of tasks. Duty further demands that Canadian Forces members accept the principle of the primacy of operations and that military leaders act in accordance with the professional precept of “Mission, own troops, self,” as mentioned previously. Performing one’s duty embraces the full scope of military professional excellence. It calls for individuals to train hard, pursue professional self-development, and carry out their tasks in a manner that reflects pride in themselves, their unit and their profession. Overall, this concept of duty motivates personnel both individually and collectively to strive for the highest standards of performance while providing them with purpose and direction throughout the course of their service.”

5.2 Loyalty

“Loyalty is closely related to duty and entails personal allegiance to Canada and faithfulness to comrades across the chain of command. For loyalty to endure, it must be reciprocal and based on mutual trust. It requires that all Canadian Forces members support the intentions of superiors and readily obey lawful orders and directions. However, it also imposes special obligations on all leaders and commanders. Leaders must ensure their subordinates are treated fairly, and prepare and train them spiritually, mentally and physically for whatever tasks they’re assigned. Subordinates must be given opportunities for professional development and career advancement. Downward loyalty further demands that Canadian Forces members be properly cared for, that their desires and concerns be heard and that their personal needs be tended to, both during

the time of their service and after it. This is especially so if they have been wounded or injured in the course of their duties. And this concept of loyalty extends to the immediate families of Canadian Forces members, who are entitled to official recognition and consideration for the important contribution they make to the morale and dedication of loved ones in uniform.”

5.3 Integrity

“To have integrity is to have unconditional and steadfast commitment to a principled approach to meeting your obligations while being responsible and accountable for your actions. Accordingly, being a person of integrity calls for honesty, the avoidance of deception and adherence to high ethical standards. Integrity insists that your actions be consistent with established codes of conduct and institutional values. It specifically requires transparency in actions, speaking and acting with honesty and candour, the pursuit of truth regardless of personal consequences, and a dedication to fairness and justice. Integrity must especially be manifested in leaders and commanders because of the powerful effect of their personal example on peers and subordinates.”

5.4 Courage

“Courage is a distinctly personal quality that allows a person to disregard the cost of an action in terms of physical difficulty, risk, advancement or popularity. Courage entails willpower and the resolve not to quit. It enables making the right choice among difficult alternatives. Frequently, it is a renunciation of fear that must be made not once but many times. Hence, courage is both physical and moral. Both types of courage are required because of their essential complementarities and to meet the serious demands the profession of arms makes on individuals. Courage requires constant nurturing and is not suddenly developed during operations.

ANNEX B

INTERNATIONAL AGREEMENTS ON VALUES AND ETHICS

1. **United Nations Office on Drugs and Crime's Action against Corruption and Economic Crime**
<http://www.unodc.org/unodc/en/corruption/index.html>
2. **Anti-Corruption Portal of the Americas (Organization of American States)**
<http://www.oas.org/juridico/english/fightcur.html>
3. **OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions**
http://www.oecd.org/department/0,3355,en_2649_34859_1_1_1_1_1,00.html
4. **Corruption of Foreign Public Officials Act**
<http://laws.justice.gc.ca/eng/acts/C-45.2/index.html>
5. **Enforcement of the Corruption of Foreign Public Officials Act**
<http://www.international.gc.ca/trade-agreements-accords-commerciaux/ds/index.aspx?view=d>
6. **RCMP – International Corruption**
<http://www.rcmp-grc.gc.ca/ccb-sddc/international-corrup-eng.htm>
7. **World Bank - Governance and Anti-Corruption**
<http://web.worldbank.org/WBSITE/EXTERNAL/WBI/EXTWBIGOVANTCOR/0,,menuPK:1740542~pagePK:64168427~piPK:64168435~theSitePK:1740530,00.html>
8. **Transparency International**
<http://www.transparency.org/>
9. **Transparency International Canada Inc.**
<http://www.transparency.ca/>
10. **Global Organization of Parliamentarians Against Corruption (GOPAC)**
<http://www.gopacnetwork.org/>