

PHAC EXTERNAL ADVISORY BODY POLICY

2024



Public Health
Agency of Canada

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Canada

TO PROMOTE AND PROTECT THE HEALTH OF CANADIANS THROUGH
LEADERSHIP, PARTNERSHIP, INNOVATION AND ACTION IN PUBLIC HEALTH.

—Public Health Agency of Canada

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To obtain additional information, please contact:

Public Health Agency of Canada
130 Colonnade Rd
A.L 6501H
Ottawa, ON K1A 0K9
Toll free: 1-844-280-5020
Fax: 613-941-5366
TTY: 1-800-465-7735
E-mail: publications-publications@hc-sc.gc.ca

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Public Health Agency of Canada's External Advisory Body Policy (2024)

The Public Health Agency of Canada's (PHAC) External Advisory Body Policy (2024) (subsequently referred to as "the policy") replaces all other PHAC policies or guidance on the management of External Advisory Bodies (EABs).

Overview

Context

The use of EABs is consistent with the Government of Canada's (GOC) commitments to involve individuals outside of the GOC in the federal government's work and decision-making processes.

EABs provide PHAC with expert advice from individuals who have valuable knowledge, expertise, or experience. The advice may relate to scientific, technical, policy or program matters.

PHAC, in creating and supporting EABs, does so in compliance with the principles and requirements set out in applicable federal government policies and legislation, such as those related to privacy, official languages and risk management, among others.

This policy reflects and upholds the principles of openness, transparency, and accountability.

Policy Objective

To ensure independent external advice in a transparent and open manner, and to promote the effective and consistent management, as well as good governance of PHAC's EABs.

Authority

This policy is issued under the authority of the President as the Deputy Head of PHAC.

Application

The policy applies to all situations in which PHAC, through its branches, offices, directorates, centres, and divisions, stands up an EAB on a long-term, short-term, or temporary (*ad hoc*) basis. EABs include expert/advisory panels, task groups and committees established with members external to the federal government and selected to provide expert advice to the Deputy Head, the Minister, the Agency, or Agency senior leadership.

Committees established pursuant to legislation by the Deputy Head in relation to public health are also covered by this policy with respect to their management and operations, except where the legislation directs or provides otherwise.

An EAB may be stood up and operate outside this policy only under exceptional circumstances such as in a public health emergency or when necessary to establish an EAB

in an expedited manner. In such a case, the reasons must be documented, and Deputy Head approval is required.

PHAC will adhere to this policy when co-chairing or jointly managing EABs with other government departments and agencies.

This policy will be reviewed and updated once every five (5) years, or as required.

Definition of an EAB

These are the defining characteristics of an EAB for the purposes of this policy:

- it is established by the Deputy Head, in consultation with the Chief Public Health Officer as appropriate, to provide advice on specific scientific, technical, policy, or program matters within the scope of PHAC's mandate;
- its chair(s) are external to federal government;
- its members are external to the federal government and are selected to provide PHAC with expert advice;
- its members agree to be subject to and to abide by the terms laid out in this policy; and
- the EAB provides its advice to PHAC as a group, and not as individuals or representatives of organizations.

PHAC may collaborate with other government departments, agencies, or organizations to convene or support the work of an EAB.

EABs report directly and provide advice to PHAC. PHAC retains its decision-making authority and determines how it will use the recommendations and advice of an EAB.

Chapter 1

1.0 The Role of External Advisory Bodies

PURPOSE

To set out the reasons to establish an External Advisory Body (EAB) and to define its role.

CONTEXT

The Public Health Agency of Canada (PHAC) seeks information and advice in a variety of situations from a variety of individuals, organizations, agencies, and governments. Not every group that provides advice to PHAC is an EAB. For example, a federal/ provincial/territorial committee and an interdepartmental working group are not considered EABs. EABs are composed of members who are NOT representing federal, provincial, or territorial governments and who are appointed to reflect a wide range of relevant knowledge, expertise, and experience. Members act in an advisory capacity to PHAC specific to the mandate of their EAB.

PRINCIPLE

PHAC values the diversity of expertise as a means to facilitate more informed and well-rounded decisions.

The Deputy Head of PHAC, in consultation with Chief Public Health Officer as appropriate, decides when to establish an EAB and defines its mandate, terms of reference, duration, and membership.

EABs directly report to and provide advice to PHAC, which PHAC in turn considers in its work and during its decision-making processes.

PHAC has the ultimate decision-making authority and accountability for all decisions resulting from the advice received from an EAB.

1.1 Reasons to Establish an EAB

PHAC may establish an EAB to receive external advice on topics such as:

- a) policy development and implementation;
- b) program development and implementation;
- c) emerging issues and priorities for research;
- d) professional or scientific matters where there is a need to supplement PHAC's expertise;
- e) a matter for which there is a lack of conclusive data or scientific certainty; and

- f) a matter for which input on a risks and benefits evaluation, including ways to mitigate or minimize risks, would be beneficial.

1.2 Purpose of an EAB

PHAC may establish an EAB to seek expert advice on scientific, technical, policy, or program matters within PHAC's mandate.

1.3 Authority to Establish an EAB

With the exception of Ministerial Advisory Bodies established by the Minister, all EABs to PHAC are to be established with the approval of the President. Following Deputy Head approval, a senior official will be appointed as executive secretary and will assist with the management of the EAB to which they are named (as listed in section 4.8).

Section 14 of the [Public Health Agency of Canada Act](#) expressly empowers the Minister of Health to establish advisory and other committees in relation to public health, and provides for committee members to be paid remuneration as fixed by the Governor in Council as well as expenses paid in accordance with Treasury Board directives:

14(1) Committee: The Minister may establish External Advisory Bodies and other committees in relation to public health and provide for their membership, duties, functions, and operation.

14(2) Remuneration: Members of a committee shall be paid, for the performance of their duties and functions, any remuneration that may be fixed by the Governor in Council. Additional sources of authority to set up committees and engage experts exist, including the inherent authority of Ministers to contract, and the [Public Service Employment Act](#) authorities.

14(3) Travel, living and other expenses: Members of a committee are entitled to be paid, in accordance with Treasury Board directives, for reasonable travel, living and other expenses incurred in the performance of their duties and functions while absent from their ordinary place of work, in the case of full-time members, or from their ordinary place of residence, in the case of part-time members.

However, members of EABs to PHAC may also be engaged without relying on section 14, such as contractually and/or pursuant to *Public Service Employment Act* authorities.

The CPHO may leverage the EAB's advice to PHAC as part of his/her/their role under subsection 7(1.1) of the *Public Health Agency of Canada Act*. As subsection 7(1.1) of the *Public Health Agency of Canada Act* stipulates that the role of the Chief Public Health Officer (CPHO) is to provide the Minister and the President with public health advice that is developed on a scientific basis, all EABs must be stood up in a way that supports the CPHO's legislated role as an advisor, while also ensuring that external advice generated by individual EABs is independent and evidence-based.

1.4 Factors to Consider

PHAC considers a variety of factors when deciding to establish an EAB and its mandate. These factors include, but are not limited to:

- a) the importance of the matter to the public health of Canadians;
- b) the time and resources available;
- c) the urgency of the matter;
- d) the availability of people with the required knowledge, expertise, and experience; and
- e) the alignment with PHAC's mandate and to Departmental and Government priorities.

1.5 Mandate and Terms of Reference

Every EAB must have a mandate and terms of reference, including duration and reason for existence, and membership.

PHAC sets out the mandate and terms of reference for an EAB. The terms of reference govern how an EAB functions and must explicitly recognize that PHAC retains decision making authority.

The *PHAC Terms of Reference Model* must be consulted when developing the terms of reference of an EAB.

1.6 The Public Health Agency retains Decision-making Authority

The role of an EAB is to provide independent advice to PHAC and may include recommendations as well. PHAC will consider the advice together with other factors when making decisions. PHAC has the ultimate responsibility and accountability for all decisions resulting from the advice received from an EAB.

1.7 Wrap-up of the Work of an EAB

PHAC may end the mandate of an EAB and disband it at any time for a variety of reasons, including:

- a) the completion of the EAB's mandate;
- b) a change in circumstances that causes the EAB's advice to no longer be required; or
- c) a breach of confidentiality or ethics that has undermined the credibility of the EAB.

If the decision is made to disband the EAB prematurely, President's approval will be sought, and the secretariat will inform EAB members in writing within 30 days of the decision being reached.

Chapter 2

2.0 Membership

PURPOSE

To set out the principles respecting the appointment of members to an External Advisory Body (EAB).

CONTEXT

The Public Health Agency of Canada (PHAC) invites members of an EAB to share their knowledge, expertise, or experience and to work together to formulate recommendations. In appointing individuals to an EAB, PHAC's goal is to have a diverse group of members with a range of relevant knowledge, expertise, and experience to provide the best advice possible.

PRINCIPLE

Appointments to an EAB should reflect a broad range of perspectives and experiences relevant to its mandate.

2.1 Appointment of Members

PHAC appoints the members of an EAB and sets a term for the appointment. When deciding on appointments to an EAB, PHAC may seek nominees through an open or targeted call for nominations of people whose knowledge, expertise, or experience best match the mandate of the EAB. Alternatively, PHAC may contact experts solely based on their expertise or may seek recommendations for members from previous or current members or associates, organizations, or networks. PHAC will also consider a person's:

- a) professional standing;
- b) affiliations and interests;
- c) personal suitability;
- d) publicly available information and statements; and
- e) availability.

When deciding on appointments to an EAB, PHAC may choose to establish a selection committee. A selection committee can provide an effective way to support a fair, equitable, and transparent member recruitment and appointment process.

2.2 Number of Members

An EAB must have at least three members, excluding the chair(s). The optimal number of members will depend on the EAB's mandate.

2.3 Knowledge, Expertise, and Experience of Members

When deciding on appointments to an EAB, PHAC will seek a range of relevant knowledge, expertise, and experience, as appropriate. Depending on its mandate, members of an EAB may be domestic or international experts, and may include people who have:

- a) medical, veterinary, scientific, or technical knowledge;
- b) specialized expertise;
- c) recognition as a leader in a relevant field;
- d) practical or clinical experience;
- e) first-hand personal experience as a health professional, patient, consumer, caregiver;
- f) first-hand experience as a person with lived and living experience (PWLLE);
- g) first-hand business knowledge as, for example, a product developer, manufacturer, or commercial enterprise;
- h) organizational experience representing people who share a point of view or interest; and
- i) any other relevant background that will bring useful input to the EAB and complement the knowledge, expertise, and experience of other members.

2.4 Diversity and Inclusion

When deciding on appointments to an EAB, PHAC will seek a diverse and inclusive membership as appropriate. For example, members may be people with lived experience and/or may be sought from different types of stakeholder groups or experts, in addition to specific populations (e.g. racialized communities, 2SLGBTQIA+, persons with disabilities), diverse gender and age groups, official language minority communities, or from a variety of geographic locations. To support the Government of Canada's commitment to reconciliation, selection committees and EABs should also carefully consider how to ensure meaningful representation of Indigenous populations in Canada.

PHAC is committed to using [Sex- and Gender-Based Analysis Plus \(SGBA Plus\)](#) to develop, implement, and evaluate research, surveillance, legislation, policies, regulations, programs, services, and other public health initiatives. SGBA Plus is an intersectional approach to assess how factors such as sex, gender, age, race, ethnicity, socioeconomic status, disability, sexual orientation, cultural background, migration status, and geographic location interact and intersect with each other and broader systems of power and discrimination. EABs should integrate this analysis in their work to understand how intersecting identity factors, histories, power relations, distribution of resources and individuals lived and living realities contribute to differences in health outcomes and accessing health-related resources. Applying SGBA Plus empowers PHAC to formulate responsive and inclusive health research, policies, services, programs, and other initiatives to promote equitable

health outcomes.

2.5 Federal Government Employee Participation in an EAB

To preserve an arm's length relationship between PHAC and the EAB, and to ensure that the EAB provides independent advice and recommendations to PHAC, a federal employee can neither chair nor be a voting member of an EAB. In addition, although federal employees may assist in the preparation of reports or other documents that reflect the advice of the members, they cannot participate in the formulation of an EAB's advice to PHAC. Refer to Chapter 4 for information about the roles and responsibilities of PHAC's employees.

Federal and liaison ex-officio members are non-voting members of the EAB, and do not take part in decision-making processes (section 5.2).

2.6 Appointment of the Chair/ Co-chair

PHAC appoints the chair(s) of an EAB for a specific term. The chair(s) may be a member of the EAB or may be a non-member. A non-member chair does not participate in formulating the EAB's report and recommendations. A non-member chair's primary role is as a facilitator and coordinator.

PHAC may also consider the following models for the chair(s) of an EAB:

- a) vice-chair where a member is appointed, for a specific term, to act on behalf of the chair in the case of the chair's absence or at the request of the chair;
- b) co-chairs, where two members (or non-members) share the responsibilities of the chair; or
- c) rotating chairs where at certain intervals (e.g., every meeting or every year) a new chair is appointed.

When appointing chair(s), PHAC will consider, among other criteria, a person's:

- a) professional standing;
- b) affiliations and interests;
- c) personal suitability; and
- d) availability.

It is recommended that PHAC document the rationale for the selection of the chair(s).

Please refer to section 4.3 that outlines additional responsibilities of the chair/co-chairs.

2.7 Seeking Input on Appointments

When deciding on appointments to an EAB, PHAC may consult with:

- a) the Minister(s), Deputy Head and Chief Public Health Officer, and their office(s);
- b) PHAC officials;
- c) the EAB chair(s) and members already appointed to the EAB;
- d) other individuals with relevant knowledge, as appropriate;
- e) Canadian and international governments;
- f) an expert roster; and
- g) external organizations and associations.

2.8 Requirement Before Appointment

Before being appointed as a member of an EAB, a nominee must:

- a) obtain the security clearance appropriate to the mandate of the EAB, if required;
- b) sign a *Confidentiality Agreement Form*;
- c) complete and sign an *Affiliations and Interests Declaration Form* and, if participation is permitted despite a conflict of interest, accept limitations on participation as described in Chapter 3 of this policy; and
- d) provide a brief autobiography and review and accept a summary of their affiliations and interests (these documents may be made public, including in media releases).

When standing up a new EAB, secretariats must consult PHAC's Chief Security Officer to seek advice on requirements for security clearances.

2.9 Resignation

A member may resign from an EAB by providing written notice to the executive secretary of the EAB, with a copy to the chair(s), including the effective date of the resignation. It is preferred that the member give 14 days' notice of their intent to resign. Once an EAB member makes the decision to resign, the member should be offered an exit interview by the secretariat (section 4.10).

2.10 Termination of Appointment (general)

An appointment, as a voting member or chair, to an EAB ends when:

- a) the member's term is complete;
- b) the member resigns;

- c) the member becomes a federal government employee;
- d) the mandate of the EAB has been completed;
- e) the mandate of the EAB is changed and the member's knowledge, experience or expertise is no longer relevant to the revised mandate;
- f) PHAC and any collaborating government departments, agencies, or organizations decide to rescind the EAB's mandate and terms of reference; or
- g) for cause (section 2.11)

2.11 Termination of Appointment (for cause)

PHAC may end a member's appointment by writing to the member stating the reason(s) the appointment is being concluded and the effective date in circumstances such as:

- a) the member has not acted in accordance with the EAB terms of reference;
- b) the member has breached the *Confidentiality Agreement*;
- c) a change in the member's affiliations and interests results in a direct financial interest or other conflict of interest that prevents full participation;
- d) the member has missed three consecutive meetings of the EAB without satisfactory reasons; or
- e) the member has acted in a way that jeopardizes the integrity of the EAB.

Chapter 3

3.0 Affiliations and Interests

PURPOSE

To define affiliations and interests, including a direct financial interest, and to clarify when, how and to whom members of an External Advisory Body (EAB) must disclose these affiliations and interests and in what circumstances to prohibit or limit participation.

CONTEXT

The Public Health Agency of Canada (PHAC) may seek EAB members with knowledge, expertise and experience that has been gained through activities such as research grants and paid work for an interested party. As such, these individuals may have financial, professional, or intellectual interests and affiliations that could place them in a conflict of interest or in a perception of conflict of interest. A person's affiliations and interests do not necessarily prevent them from being a member of an EAB, since their input could nevertheless be valuable to the EAB's mandate. By asking members to declare their interests and affiliations, the EAB is operating openly and transparently. However, members with a conflict of interest involving a direct financial interest may not participate in any EAB discussion or formulation of advice related to that interest.

PRINCIPLE

Maintaining the credibility of advice provided to PHAC by an EAB depends on members of the EAB disclosing their affiliations and interests.

3.1 Compulsory Disclosure of Affiliations and Interests

Before being appointed to an EAB, a potential member must complete and submit the *Affiliations and Interests Declaration Form* within the time frame set out by the EAB secretariat. A potential member must use the form to disclose all affiliations and interests, including any real or perceived conflicts of interest, affiliations with foreign governments, and direct financial interests that relate to the mandate of the EAB. These might include financial support received from a commercial enterprise, participation in an activity sponsored by a commercial enterprise, a concurrent federal *Governor in Council (GIC)* Appointment or published or publicly stated points of view related to the EAB's mandate. The member must also notify PHAC and the chair of any changes in their *Affiliations and Interests Declaration Form* promptly and on an ongoing basis.

3.2 Definitions and Considerations

For the purposes of this policy, the following definitions will be used:

- a) **financial interest** refers to any assets held, or activities of financial value related to an EAB's work. For example, these may include but are not limited to current employment, investments in companies, partnerships, equity royalties, joint ventures, trusts, real property, stocks, shares, and bonds.
- b) **non-financial interest** refers to any activities or considerations of non-financial or intellectual value related to an EAB's work. For example, these may include, but are not limited to, publicly stated opinions, professional or volunteer affiliations with associations, organizations or other orders of government, participation in boards, meetings or conferences, and research activities.
- c) **directness** of an affiliation and interest refers to whether an interest may directly benefit the individual or immediate family member (direct) or a third party such as the individual's employer (indirect).

3.3 Assessment of Affiliation and Interests

Secretariats are responsible for the assessment of a member's declaration of affiliations and interests to determine whether there is a potential conflict of interest, real or perceived, in the advice that the member may provide as part of the EAB. In the event of a substantial change in a member's affiliations and interests, secretariats should reassess the member's revised declaration.

The [PHAC Conflict of Interest Toolkit](#) may be used to assess whether there is a conflict of interest, and determine the appropriate handling of any identified conflict.

3.4 Affiliations and Interests may not Necessarily Prohibit Appointment

A person with affiliations and interests related to the mandate of an EAB may still be appointed as a member of the EAB. PHAC strives for a range of relevant knowledge, expertise, and experience among EAB members, always considering the need to ensure that the advice given to the Agency by the EAB is credible. This policy recognizes that, sometimes, people with affiliations and interests related to the mandate of the EAB have valuable knowledge, expertise or experience and may have a worthwhile contribution to make to the EAB's work.

3.5 Management Strategies for Affiliations and Interests

After their assessment, secretariats are responsible for identifying potential options for the management of an individual's affiliations and interests. The purpose of management of options with respect to affiliations and interests is to ensure that the advice provided by an EAB is credible and neutral. Management strategies may vary - they may range from full participation on the EAB, to limited participation on various agenda items, up to full exclusion as a voting member of the EAB. Secretariats should consult the Public Health Agency of Canada's Corporate Services Branch regarding the management of conflict of interest risks.

3.6 Approval of Assessments and Management Strategies

he authority (or sub-authority) that has established the EAB shall be responsible for the approval of the management strategy for each individual member that has an identified conflict of interest. At minimum, that approval must be at the Branch Head-level.

Secretariats are responsible for following the approved management strategy for members serving on their EABs.

3.7 Statement at Meeting

The chair(s) will ask members to make a verbal statement of their relevant affiliations and interests in relation to the meeting agenda at the beginning of every meeting.

3.8 Availability of Member Affiliations and Interests in Public Documents

As a condition of appointment and in the spirit of transparency, an EAB member must give PHAC permission to publish a brief biography and a summary of expertise, experience and affiliations and interests on PHAC's website and through additional means, as needed. This information may be published on PHAC's website, on any materials or documents that have been prepared as a result of the EAB's advice, and on any other materials as needed.

The potential member will have the opportunity to review and approve the summary for accuracy during the appointment process.

3.9 Protection of Information

Any information pertaining to a member's affiliations and interests received by PHAC will be marked as protected and managed in accordance with the [Privacy Act](#) and the [Access to Information Act](#). This information will be made public with the consent of the member, as noted in section 3.8.

Chapter 4

4.0 Roles and Responsibilities

PURPOSE

To clarify the roles and responsibilities of External Advisory Body (EAB) members and the chair, as well as the supporting roles of the secretariat, the executive secretary, and other Public Health Agency of Canada (PHAC) branches and officials.

CONTEXT

An EAB is set up to provide advice and recommendations to PHAC. This complex work requires administrative assistance from departmental officials, but the EAB itself is responsible for the content of its advice in whatever form it takes.

PRINCIPLE

The duty of EAB members is to give their best advice to PHAC. Through an EAB secretariat and the executive secretary, PHAC supports the work of EABs.

A. Voting Member: Roles and Responsibilities

4.1 Responsibility to Provide Best Advice

Members of an EAB have a responsibility to PHAC and by extension to all Canadians to provide their best advice.

Members of an EAB also have a responsibility to:

- a) familiarize themselves with this policy, and their own associated responsibilities;
- b) be available and prepared to participate in EAB meetings, including virtual meetings (e.g., teleconferences, email exchanges, videoconferences);
- c) be available and prepared to attend a public engagement activity related to the EAB's mandate and to act as a media spokesperson if requested by PHAC;
- d) participate in the discussions about the EAB's recommendations, advice, or report to PHAC;
- e) consider all the input received that is related to the mandate of the EAB when preparing their recommendations, advice, or report; and
- f) promptly notify the secretariat and the chair(s) of any changes in their affiliations and interests related to the EAB's mandate during the time they are members of the EAB.

4.2 Commitment to Confidentiality

Members must commit to confidentiality and ensure that they will not disclose any sensitive or confidential information received as part of the member's involvement in the EAB. Members will be required to sign a Confidentiality Agreement that applies to information received in writing or verbally, including through email correspondence, telephone calls and print materials, as well as during presentations and discussions at EAB meetings.

4.3 Responsibilities of the Chair(s)

EAB chair(s) have responsibility to:

- a) familiarize themselves with this policy and their own associated responsibilities, including maintaining on-going communications with the Secretariat for the EAB;
- b) provide input to PHAC on the selection of EAB members as requested;
- c) chair EAB meetings;
- d) identify when information and discussions should be treated as confidential and clarify expectations of members regarding this information;
- e) ask members to make a verbal statement of their relevant affiliations and interests at the beginning of every meeting;
- f) facilitate a full and open discussion that creates a culturally safe environment among EAB members in fulfillment of the EAB's mandate;
- g) seek consensus on the EAB's advice among all EAB members and, if there is no agreement, to ensure that the diversity of opinion is noted in meeting records or the report;
- h) deliver the EAB's advice to PHAC and ensure the preparation of the meeting records or report;
- i) function as the designated media spokesperson for the EAB if requested by PHAC unless another person is designated as the media spokesperson, under section 4.6; and
- j) support, in any other way, the fulfillment of the EAB's mandate.

4.4 Role of an EAB Member in Public Consultation

When PHAC decides to seek broad public input on a topic related to the mandate of an EAB, it will consult with the chair(s) and members of the EAB on the approach to be used and the organization of the public engagement activity. The views of the EAB will be considered in the planning and implementation of the public engagement activity, as appropriate. The approach will align with the purpose and objective(s) of the activity and best practices as outlined in departmental guidelines on public engagement.

4.5 Media Requests and Public Inquiries

All media requests or public inquiries related to the EAB should be directed to the EAB secretariat, who in turn will engage the Health Portfolio's Media Relations; responses will subsequently be coordinated by PHAC. PHAC may request a member of the EAB to respond to a media question.

4.6 Media Spokesperson

In accordance with the [*Policy on Communications and Federal Identity*](#), PHAC may designate a spokesperson (e.g., another EAB member, or a designated spokesperson from PHAC) other than, or in addition to, the chair(s) for media inquiries related to the EAB.

A member of an EAB who is not the designated media spokesperson does not have the authority to speak to the media about the work of the EAB unless PHAC specifically asks them to do so.

4.7 Public Communication and Social Media

All public communications about the roles, functions, and topics of relevance to the EAB, including public engagement, press releases, publications, displays, and social media posts must be objective, factual, non-partisan, clear, and written in plain language and contribute directly to the Canadian public's trust in the integrity of the EAB.

EAB members must send all media requests and public inquiries promptly to the EAB secretariat for coordination of a response (section 4.5). EAB members must seek consent from PHAC before disclosing information about the roles, functions, and topics of relevance to the EAB in any public communications. These public communications, including social media content developed by an EAB member, must be reviewed, and approved by PHAC before being disseminated. The EAB secretariat will review/finalize content with the Health Portfolio's Communications and Public Affairs Branch.

The expectations for members' public communications, including social media use around the work conducted by the EAB will be outlined in the EAB's terms of reference, and agreed to as part of the *Confidentiality Agreement* that is signed before appointment (section 2.8).

B. The Public Health Agency of Canada: Roles and Responsibilities

4.8 Executive Secretary to the EAB

PHAC will name a senior official to function as the executive secretary to the EAB. The executive secretary ensures the good management of the EAB on behalf of the President and provides guidance to the secretariat and to the EAB on policy and process. After an EAB submits advice to PHAC, the executive secretary will report back to the EAB on how that advice was used.

4.9 Secretariat

PHAC will establish a secretariat, made up of PHAC officials, to provide organizational and administrative support to each EAB. The secretariat reports to the chair of the EAB through the

executive secretary. The secretariat may also include representatives from other Government of Canada departments and agencies. A working group may be set up to support the secretariat.

4.10 Responsibilities of the Secretariat

The responsibilities of the secretariat include the following:

- a) generally, ensure that the standing up of the EAB is done in accordance with the policy, and meets the expectations of the President;
- b) coordinate the member appointment process;
- c) coordinate the preparation and distribution of materials for EAB members, observers, and others;
- d) assist with the work of the EAB, as required;
- e) provide administrative support to the EAB;
- f) support public access to information about the EAB, as appropriate;
- g) function as a liaison between PHAC and the EAB, including seeking input from PHAC's subject-matter experts;
- h) assist the chair in fulfilling his or her responsibilities;
- i) perform any additional duties as appropriate to support the EAB, including developing risk assessment and mitigation strategies for the EAB;
- j) undertake any tasks that the executive secretary delegates to the secretariat;
- k) report to the executive secretary or PHAC on the EAB's activities;
- l) assist with a review or audit of the EAB, as required;
- m) advise the chair, member, or non-member, to consider whom to invite to provide input to the EAB;
- n) ensure expertise within PHAC is also considered (section 4.11);
- o) advise the chair of whom to invite or accept as an observer to all or part of an EAB meeting;
- p) discuss with the chair of the EAB whether broader input is needed and how it will be sought;
- q) assess and advise the chair on whether all or part of an EAB meeting should be held in camera;

- r) conduct exit interview upon EAB member resignation (section 2.9);
- s) restrict an EAB member's participation in a meeting due to the nature of that person's affiliations or interests; and
- t) advise the chair that the mandate of the EAB has been fulfilled.

As per section 4.8, the executive secretary will report back to the EAB on how that advice was used.

4.11 Role of the Public Health Agency of Canada's Subject-matter Experts

PHAC's scientific, technical, program, policy, and other subject-matter experts can support the work of an EAB in a variety of ways. They may have a responsibility to:

- a) prepare background documents such as research summaries and regulatory process overviews;
- b) provide information about government policies and programs;
- c) make a presentation or answer questions at an EAB meeting; and
- d) report to the executive secretary or secretariat on the actions taken as a result of the advice that the EAB provided to PHAC.

4.12 Responsibilities of the Public Health Agency of Canada's Senior Management

PHAC's senior managers are responsible for implementing this policy through the programs they manage or administer. This responsibility includes:

- a) the governance, management, and operations of EABs to support policy development and the regulatory process;
- b) the oversight of resource allocations and expenditures;
- c) the review and audit of EABs; and
- d) collaboration with other governments, agencies, and organizations as appropriate to the mandate of the EAB.

4.13 Responsibilities of the Strategic Policy Branch

While respecting the role of EABs to provide independent advice to PHAC, PHAC's Strategic Policy Branch is responsible for providing advice and support to EAB secretariats on the application of this policy. They fulfill this responsibility through means such as the following:

- a) provide advice on the application of this policy to PHAC programs and initiatives;
- b) monitor, review, and report on the implementation of the policy; and

- c) update the policy with input from PHAC employees to ensure it remains relevant and continues to reflect Agency priorities and best practices.

Chapter 5

5.0 Ex-Officio and Non-Members (Presenters, Invited Guests, and Observers)

PURPOSE

To clarify the role of individuals who are not External Advisory Body (EAB) voting members. This includes, for example, ex-officio members, liaison members, contracted experts, invited guests and observers.

CONTEXT

The Public Health Agency of Canada (PHAC) may suggest to the EAB Chair certain individuals (who are not EAB members) to provide input on a specific topic or agenda item. As well, individuals may ask to speak to the EAB on a given topic or agenda item or may ask to observe all or part of a meeting. Their request will be considered by the secretariat, in consultation with the chair, and may be granted or refused.

PRINCIPLES

An EAB may benefit from input received from others.

An EAB should make all efforts to accommodate a request for a credible expert to speak to the EAB, acknowledging that the request should be assessed for relevance by the EAB, and acknowledging that individual members, as well as to the process as a whole, operate under time constraints.

5.1 Non-Members

Non-members may provide input but do not participate in formulating advice or recommendations for PHAC.

5.2 Ex-Officio Non-voting Members

Ex-officio members support the work of the EAB by communicating the views of the organization they represent or providing information as a subject matter expert.

Federal ex-officio members

EABs provide independent expert advice and recommendations to PHAC. As a result, a federal employee of any department or agency in the Government of Canada cannot be a voting member of an EAB. Federal employees may serve as non-voting federal ex-officio members, who may support the work of an EAB by communicating the views of the federal organization they represent and provide information on their work.

Liaison ex-officio members

To preserve the integrity of the decision-making process, individuals specifically

representing industry, associations and provincial and territorial jurisdictions cannot take part in the voting or decision-making process. However, they can be liaison ex-officio members. In this role, they can provide information and expertise at EAB discussions, as requested. These members are recommended for appointment by their organizations for a specified period of time. Organization that appoints liaison members may rotate their member representatives in consultation with the PHAC EAB secretariat and based on qualifications for providing expert advice.

Federal and liaison ex-officio members are non-voting members of the EAB, and do not take part in decision-making processes.

5.3 Commitment to Confidentiality

Federal and liaison ex-officio members must commit to confidentiality and ensure that they will not disclose any sensitive or confidential information received as part of the member's involvement in the EAB. Federal and liaison ex-officio members will be required to sign a *Confidentiality Agreement* that applies to information received in writing or verbally, including through email correspondence, telephone calls and print materials, as well as during presentations and discussions at EAB meetings.

5.4 Roles and Responsibilities of Non-voting Members

Non-voting members have the following roles and responsibilities:

- a) provide information and expertise to the EAB discussions and do not take part in the voting and decision-making process;
- b) have a duty to inform and provide information related to the mandate of the EAB on behalf of the organization that they represent;
- c) non-voting members and their substitutes must acquire and maintain a security clearance appropriate to the mandate of the EAB, as noted in its terms of reference; and
- d) non-voting members must sign and abide by a *Confidentiality Agreement*.

Non-voting members are not required to submit an Affiliations and Interests Declaration Form.

5.5 Observers and Presenters (non-members)

Members of the public who are not part of an EAB may observe meetings or present information on specific topics or agenda items. Such individuals are not entitled to information or materials, and their participation remains at the discretion of the secretariat, in consultation with the Chair. Neither observers nor presenters may participate in the formulation of any advice or recommendations to PHAC.

Prior to presenting information or observing an EAB meeting, the EAB secretariat must require the individual to sign a *Confidentiality Agreement*, and may require the following of an individual:

- a) a declaration of their affiliations and interests; and/or
- b) a valid security clearance appropriate to the EAB's mandate.

5.6 Access to EAB materials

PHAC determines which of the materials being used by the EAB may be made available to certain EAB observers and others who request copies. However, while PHAC is committed to openness and transparency, the release of these materials may be prevented for reasons of confidentiality.

5.7 Requests to Participate in or Observe a Meeting

The secretariat, in consultation with the chair(s), will consider all requests (internal and external) to participate in or observe a meeting. The secretariat will respond to the request by telephone or in writing.

5.8 Reasons for an EAB to Hold Closed Meetings

EAB meetings may be closed to non-voting members or non-members for a variety of reasons, including to:

- a) provide the greatest opportunity for an open and transparent discussion among members;
- b) support the protection of confidential information; and
- c) keep deliberations from becoming public before the EAB decides on its final recommendations.

5.9 Attendance at Meetings

At the discretion of the secretariat and in consultation with chair(s), meetings of an EAB may be:

- a) closed to everyone except EAB members (a non-member chair facilitator is considered an EAB member for this purpose);
- b) closed to everyone except EAB members and PHAC support staff;
- c) closed to everyone except EAB members, PHAC support staff and invited presenters, observers, and ex-officio members; or
- d) open, when there are no confidential materials or discussions.

5.10 Invitation to Provide Information

To fulfill an EAB's mandate, the secretariat may, after consulting the Chair, invite an individual with particular expertise or experience to attend a meeting to provide input on a topic or agenda item or to answer a specific question. Invited guests may include:

- a) experts under contract with PHAC;
- b) federal government employees, including those of PHAC;
- c) representatives of corporations and organizations, health professionals and others with information or an interest related to the EAB's mandate; and
- d) members of the public, including people with lived and living experience (PWLLE).

5.11 Contact with an Expert

When PHAC establishes a contract with an expert to provide information to an EAB, it will:

- a) develop a clear statement of work;
- b) set out the contract deliverables and timelines;
- c) follow the Treasury Board of Canada Secretariat's procurement requirements in the [*Policy on the Planning and Management of Investments*](#) and the [*Directive on the Management of Procurement*](#);
- d) follow the [*Government Contracts Regulations*](#) under the [*Financial Administrations Act*](#); and
- e) work closely with the PHAC Chief Financial Officer and Corporate Management Branch (CFOCMB) Centre of Expertise and Procurement, Materiel and Asset Management Division to ensure alignment with internal contracting policies and procedures.

Chapter 6

6.0 EAB Reports and Public Information

PURPOSE

To clarify how an External Advisory Body (EAB) provides advice to the Public Health Agency of Canada (PHAC), and how members of the public have access to information about the EAB, such as its mandate, membership, and work.

CONTEXT

EABs directly report to and provide advice to PHAC. PHAC may make public information about the EAB, such as its mandate, recommendations, advice, or report, as permitted by law and policy.

PRINCIPLE

In keeping with PHAC's openness and transparency policies, EAB information may be made available to the public. However, for a variety of reasons, including the protection of confidential information, it may not always be possible to make public an EAB's recommendations, advice, or report.

6.1 Format and Submission of Recommendations and Advice

EABs are required to capture information about their members, activities, discussions and recommendations or advice. The frequency and format of EAB reports may vary.

The advice from an EAB may be reported using the following formats, as appropriate:

- a) the minutes of a meeting;
- b) a record of proceedings;
- c) a record of decision; or
- d) a formal report.

Materials that are submitted to PHAC must include information on the questions posed by PHAC, the advice submitted, deliberations leading to this advice, diversities, and differences in opinions with respect to the recommendations or advice, and other information of relevance and/or importance to PHAC.

The secretariat will prepare a non-attributable record that includes the recommendations and advice resulting from each EAB meeting. This includes in-person meetings, virtual meetings, conference calls and videoconferences. If parts or all of this record are confidential, the document will indicate it as such.

Materials shall receive approval from the EAB or the chair in a timely manner. Following this, the advice may be reported to the executive secretary or other responsible officials at PHAC.

A member of an EAB who did not participate in a portion of a meeting because of affiliations and interests may not receive the section of the document pertaining to those affiliations and interests until that part of the document becomes public.

6.2 Advice Retention

Recommendations and advice received from an EAB shall be collected and retained in accordance with applicable legislation and policies, such as the Treasury Board of Canada Secretariat's [Directive on Service and Digital](#) and [Policy on Service and Digital](#) as well as the [Library and Archives Canada Act](#).

6.3 Advice Linked to Mandate

An EAB may provide recommendations or advice only in response to questions posed by PHAC and within the scope of its mandate. In the event an EAB provides advice beyond the scope of its mandate, PHAC will retain the advice and may use it at its own discretion for future purposes.

6.4 Follow-up Report to Members

The secretariat or executive secretary will provide the chair(s) and EAB members with information on how PHAC responded to, used, or is planning to use the recommendations or advice it received from the EAB.

6.5 Distribution of Information for Public Use

An EAB, in keeping with values of accountability, transparency, and openness, shall ensure the availability of key information on the Canada.ca website. Secretariats must ensure that the website contains the following information and that they update it when required:

- a) the name of the EAB;
- b) the mandate of the EAB;
- c) a list of EAB members, together with the biographies and summaries of their affiliations and interests;
- d) contact information, such as an email address, for the secretariat; and
- e) the terms of reference of the EAB.

6.6 Publication of Records of Decision or Annual Reports

Secretariats must ensure timely publication of documents related to the activities of the EAB and submissions of advice. Secretariats must post, at a minimum:

- a) the recommendations or advice received (as listed in 6.1); and/or
- b) the annual report (as listed in section 6.7).

6.7 Development of Annual Report

An annual report is strongly recommended for all EABs that hold a public presence, have considerable impact or influence, or for EABs that have an indefinite mandate length.

The secretariat of an EAB should produce a report at least once annually. It should include all relevant information about the EAB and its activities, and must include at minimum the following information:

- a) the mandate of the EAB;
- b) a list of the membership, their biographies, and summaries of their affiliations and interests;
- c) questions that PHAC posed to that EAB, if any;
- d) meeting dates and lists of attendees;
- e) discussions, deliberations, presentations, and other inputs that led to the formulation of any advice, including any diversity of opinion that led to that advice;
- f) list of recommendations;
- g) a Financial Statement; and
- h) any other information of relevance or importance.

EABs that post recommendations and advice (as listed in 6.6), can consider a synthesized annual report that includes: mandate of the EAB, advice received, decisions made, any information of relevance or importance, and financial statement, if applicable.

6.8 Review Prior to Publication

Before making documents publicly available, secretariats must review and ensure that:

- a) appropriate EAB and PHAC approval is obtained;
- b) PHAC is able to post the information publicly without incurring significant risk;
- c) The information within the document is not confidential and non-attributable to any member of the EAB; and
- d) The documents meet publication guidelines as outlined by the Health Portfolio's Communication and Public Affairs Branch.

Chapter 7

7.0 Administration

PURPOSE

To describe the administrative policies which apply to the Public Health Agency of Canada's (PHAC) operation of an External Advisory Body (EAB).

CONTEXT

The secretariat manages the administration of the EAB and must follow the policies set out by the Treasury Board of Canada Secretariat, and the direction within this EAB Policy.

PRINCIPLE

PHAC must ensure that the operational activities of EABs are conducted in accordance with the principles and requirements set out in applicable federal government policies and legislation, including, but not limited to:

- the [Privacy Act](#) to ensure proper management of government records, including personal information and protecting the privacy of individuals;
- The [Access to Information Act](#) and [Library and Archives Canada Act](#) to ensure proper storage and disposal of government documents;
- the [Employment Equity Act](#) to achieve equality in the workplace; and
- the [Duty to Accommodate](#) and the [Accessible Canada Act](#) to avoid discrimination in the workplace and provide a barrier free work environment.

7.1 Official Languages

In keeping with the federal [Official Languages Act](#), EAB members have the right to receive documents and participate in discussions in the official language of their choice. Official languages obligations extend to any EAB information that is made available by PHAC to the public. PHAC is committed to ensuring EAB information as well as the policy and suite of guidance documents are posted in both official languages.

7.2 Travel, Living, Security Screening and Accommodation Expenses

In keeping with section 14(3) of the [Public Health Agency of Canada Act](#):

Members of a committee are entitled to be paid, in accordance with Treasury Board directives, for reasonable travel, living and other expenses incurred in the performance of their duties and functions while absent from their ordinary place of work, in the case of full-time members, or from their ordinary place of residence, in the case of part-time members.

Members of an EAB who travel for authorized EAB purposes will have their travel and accommodation expenses reimbursed according to the National Joint Council [Travel Directive](#) and the Treasury Board of Canada Secretariat's [Directive on Travel, Hospitality, Conference and Event Expenditures](#). The Cost Centre Manager who will be providing pre-approval for the travel and approval for the costs to be reimbursed must ensure that they have appropriate authority to do so, as per the [Delegation of Spending and Financial Authorities \(DSFA\)](#).

Members of an EAB will be reimbursed for applicable security screening expenses, including fingerprinting.

7.3 Intellectual Property

Secretariats should consider what needs to be in place to ensure that the Crown holds appropriate rights to any intellectual property produced by an EAB, and should consult Innovation, Science and Economic Development Canada's [Intellectual Property Strategy](#), and guidance/resources.

7.4 Risk Assessment and Mitigation

The provisions of the Treasury Board of Canada Secretariat's (TBS) *Framework for the Management of Risk* apply to EABs. As such, Deputy Heads are responsible for managing organizational risks by leading the implementation of effective risk management practices. In the interest of effective management of EABs, branches must evaluate the potential liabilities that their EAB's activities could place upon the Crown. This includes conducting a risk assessment to identify, address and mitigate risks. EAB activities must be conducted in accordance with good risk management principles and practices outlined in the TBS Framework and its supporting learning resources.

7.5 Indemnification and Legal Assistance for Members: When Serving as Volunteers

PHAC undertakes to provide volunteer members with protection against civil liability provided:

- a) the volunteer member acts in good faith, within the scope of the EABs mandate;
- b) does not act against the interests of the Crown; and
- c) does not have available to them such protection.

For an eligible member to receive protection against civil liability, including for legal costs of defending an action as well as any award of damages against them, volunteer members must notify PHAC within 2 weeks of receipt of a claim, action, suit or proceeding brought against the member, and must obtain PHAC's consent, in advance, to the legal counsel selected to represent the volunteer member and any associated costs. PHAC may, at its own expense and discretion, participate in the conduct of the defense of any such claim, action, suit or proceeding, and any negotiations for the settlement of the same. PHAC will indemnify the member for payment of any settlement, provided that the member has obtained PHAC's consent to the settlement.

Members act collectively as an advisor to PHAC with respect to the mandate of their EAB, but they are not final decision makers. PHAC has the ultimate responsibility and accountability for any decision resulting from the advice received from an EAB.

[Claims against the Crown and Ex-Gratia payments](#) provides clear guidance on the level of financial delegation authority required and outlines the controls necessary to manage and administer settlement of claims against the Crown.

7.6 Remuneration of Members

PHAC may compensate its EAB members for their participation on an EAB. The decision to compensate members should be made at the time of appointment, if possible; and must be based on a rationale which may include the requirement for life experience, exceptional scope of work, or other criteria. There is a strong rationale for remunerating members with precarious economic situations, members who are contributing to multiple committees and those who must give up an hourly wage to participate. Such decisions will be made by the Deputy Head, or a person identified by the Deputy Head, and in adherence to applicable Treasury Board of Canada Secretariat policies and guidelines for reporting and auditing. The appropriate mechanism to compensate members should be considered in consultation with the Chief Financial Officer and Corporate Management Branch (CFOCMB) and the Strategic Policy Branch (SPB).

Statutes provide that EABs are or may be established by Minister(s), the Deputy Head and Chief Public Health Officer, and that members may be remunerated. Such remuneration may be fixed by the Governor in Council (GIC), but the relevant provisions may differ from one statute to the other.

7.7 Honoraria

In exceptional circumstances, PHAC has the discretion to offer an honorarium as a token of appreciation for services that have been provided free of charge if there is an authority (program/departmental legislation, order-in-council) in place that specifically allows for it to be paid. For example, if the EAB is being formed through the authority of sections 14(1) and 14(2) of the [Public Health Agency of Canada Act](#), and the GIC that is a result of 14(2) includes authority for honorarium, then it could be paid.

If there is no authority by the GIC in an order-in-council, a gratuitous payment through a Participation Agreement and Payment Form (PAPF) may be warranted. Each decision to offer an honorarium should be considered in consultation with the CFOCMB and SPB, and should be well documented. CFOCMB and/or SPB may consult with legal services to confirm if appropriate authority exists for the payment of honorarium.

Honoraria are not to be paid to public servants, federal, provincial, or municipal, or other public officials already receiving salary for the conduct of public business. An honorarium should not be used as a replacement for salary and wages.

The [Honorarium and similar payments](#) provides guidance and consideration for issuing honorariums and similar payments and the Treasury Board [Guide to Ex Gratia Payments and Honorariums](#) should also be reviewed before opting to provide a gratuitous payment.

7.8 Review and Evaluation

It is government practice to conduct regular evaluations and audits to verify that government initiatives are cost-effective and achieve expected results. EABs may be reviewed under the broader context of program evaluations and, program audits.

7.9 Material Breach of Privacy

Any individual aware of a breach of privacy shall immediately contact the Executive Secretary who will contact the [Privacy Management Division](#) in the Health Portfolio's Corporate Services Branch.

Appendix A: Glossary

For the purposes of the External Advisory Body (EAB) Policy (2024), the following words are given the meanings shown in this table.

Table 1. Glossary

Accountability	The Public Health Agency of Canada’s (PHAC) meeting of commitments and communicating outcomes, including its rationale for how and why it made a given decision.
Chair/ Co-chair	The person appointed by PHAC to facilitate the work of the EAB. The chair(s) may be a member of the advisory body or may be a non-member. A non-member chair does not participate in formulating the advisory body’s report and recommendations. A non-member chair’s primary role is as a facilitator and coordinator.
Commercial enterprise	A corporation, partnership or other organized business that operates in the marketplace, including buying or selling goods, services, research, or ideas.
Direct financial interest	A person has a direct financial interest when the person, the person’s spouse or common law partner, or the person’s dependent family members has a direct financial interest in the outcome of the EAB’s work, through current employment, investments in companies, partnerships, equity royalties, joint ventures, trusts, real property, stocks, shares, or bonds.
Executive Secretary	A PHAC official, often high ranking such as a Director General, who has the lead responsibility for administration and oversight of the EAB.
External Advisory Body	<p>These are the defining characteristics of an EAB:</p> <ul style="list-style-type: none"> • it is established under the authority of the Deputy Head to provide advice on specific scientific, technical, policy, or program matters within the scope of PHAC’s mandate; • its chair(s) are external to the federal government; • its members are external to the federal government and are selected to provide PHAC with expert advice; and • it provides its advice to PHAC as a group and not as individuals or representatives of organizations. <p>PHAC may collaborate with another government department, agency, or organization to convene or support the work of an EAB.</p>

	<p>EABs report directly to and provide advice to PHAC. PHAC retains its decision-making authority and decides how it will use the recommendations and advice of an EAB.</p>
Ex-Officio Members	<p>Ex-officio members support the work of the EAB by communicating the views of the organization they represent or providing information as a subject matter expert.</p> <p><u>Federal ex-officio members</u> are subject matter experts employed by PHAC or other federal departments and agencies, are non-voting members, and do not take part in decision-making processes. In this role, they can provide information and expertise at EAB discussions, as requested.</p> <p><u>Liaison ex-officio members</u> are subject matter experts representing industry, associations, and provincial and territorial jurisdictions, are non-voting members, and do not take part in decision-making processes. In this role, they can provide information and expertise at EAB discussions, as requested. These members are recommended for appointment by their organizations for a specified period of time. Organization that appoints liaison members may rotate their member representatives.</p>
Individual members	<p>The most common membership type for an EAB are individuals that are not federal government employees who provide expert and relevant advice to PHAC and have full voting rights with no restrictions.</p>
Non-voting Members	<p>EAB members who are:</p> <ul style="list-style-type: none"> • Federal employee subject matter experts (federal ex-officio); and • Industry, associations, and provincial/territorial subject matter experts (liaison ex-officio). <p>Non-voting members are not eligible to participate in the decision-making process.</p>
Openness	<p>Inviting, hearing, considering, and sharing of information in the conduct of PHAC's business.</p>
Public	<p>All individuals and groups who may be interested in or affected by the advice provided by an EAB. The definition does not require the certainty that any individual or group has such an interest, just that they may have an interest. Therefore, the public includes consumers, people with lived and living experience (PWLLE), professionals and members of academia and industry and the groups that represent them.</p>

Secretariat	A dedicated resource that provides organizational and administrative support to an EAB.
Transparency	Facilitating access to and understanding of the information and processes that PHAC uses to conduct its business.
Vice-Chair	The person appointed to act on behalf of the chair in case of the chair's absence or at the request of the chair.
Voting Members	EAB members who are selected to join an EAB based on expertise, and who take part in the process of developing and providing advice to PHAC, including voting (as needed).