

# Library and Archives Canada, Code of Conduct: Values and Ethics

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## Introduction

Library and Archives Canada (LAC) is mandated to acquire, preserve and make accessible Canada's documentary heritage for the benefit of present and future generations, to facilitate

cooperation among communities, and to serve as the continuing memory of the Government of Canada and its institutions.

We, as LAC employees, are proud to support such a unique mandate. Motivated and enthusiastic, we are dedicated to providing high standards of service, wherever we work in the organization, to all Canadians and those interested in the vast collection of publications, archival records, sound and audiovisual materials, photographs, art, cartographic and philatelic materials, and electronic documents that we hold in trust. We are passionate about sharing our knowledge and expertise with colleagues and with clients.

Our personal and professional values, as well as the values of the public service of Canada and of LAC, guide our decision-making and help us act appropriately when complex ethical situations arise. Hence, we have developed the *LAC Code of Conduct: Values and Ethics* together. The Code describes the values we adhere to as public servants, the leadership we demonstrate every day, the responsibilities we assume, and the ethical behaviours we adopt and maintain in order to support our organizational culture, operational needs and business objectives. The Code is a tool that helps us evaluate the ethical challenges with which we are sometimes faced as part of our daily activities. The Code cannot provide an exhaustive list of all actions that should be taken or avoided. Its objective is to strengthen our ethical culture and the judgment we rely on to carry out our duties. Each of us plays an important role in upholding the values of the Code, and in using it to guide our decisions and actions as public servants.

Together, we will read it, discuss it, and embody its spirit.

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## **1. Context**

### **1.1 Our mandate**

Pursuant to the preamble of the [Library and Archives of Canada Act](#), LAC has a mandate to:

- preserve the documentary heritage of Canada for the benefit of present and future generations;
- be a source of enduring knowledge accessible to all, contributing to the cultural, social and economic advancement of Canada as a free and democratic society;
- facilitate cooperation among the communities involved in the acquisition, preservation and diffusion of knowledge; and
- serve as the continuing memory of the government of Canada and its institutions.

### **1.2 Our role as federal public servants**

Under the direction of the elected government and in accordance with the legislation, we, as federal public servants, play a fundamental role in serving Canadians, communities and the public interest. As professionals who uphold the public trust, our work is essential to Canada's well being and the enduring strength of the Canadian democracy.

We work under a specific constitutional and policy framework that:

- serves as the foundation of the role, responsibilities and values of the federal public sector;
- supports ministerial responsibility whereby the minister is accountable to Canadians for LAC activities; and
- requires a professional and non-partisan federal public sector, which is integral to our democracy.

Thus, independently of the provisions of this Code, it is our duty as federal public servants to comply with all the specific requirements for conduct contained in the legislation, policies and procedures relevant to our responsibilities.

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### **1.3 Values and Ethics Code for the Public Sector**

The [Values and Ethics Code for the Public Sector](#) (VECPS) came into force on April 2, 2012. Pursuant to subsection 5(1) of the [Public Servants Disclosure Protection Act](#) (PSDPA), deputy heads are required to establish their own codes. The [VECPS](#) is an integral part of all the legislation, policies and directives governing the federal public service and is complemented by various Treasury Board policies, in particular the [Policy on Conflict of Interest and Post Employment](#).

Thus, the LAC *Code of Conduct: Values and Ethics* and the [VECPS](#) are complementary. The [VECPS](#) is more general because it applies to all federal public servants, whereas the LAC Code of Conduct responds to the characteristics of our institution, mandate and employees.

### **1.4 Application**

The LAC *Code of Conduct: Values and Ethics* applies to every person employed by LAC, including students, term employees, casual employees, seasonal and part-time workers, and Emeritus program participants. Individuals working with LAC by means of a secondment or assignment or through an Interchange Canada agreement must also comply with this Code. Employees on leave, including leave without pay, remain subject to the Code for the extent of their leave. Contractors and volunteers are also expected to respect the intent of this Code.

As a condition of employment, LAC employees are required to adhere to and abide by the values established in this Code. All employees are responsible for knowing the requirements set out in the Code, and those who do not comply may be subject to disciplinary measures, up to and including dismissal in extreme cases.

As stipulated in sections 12 and 13 of the [PSDPA](#), if employees have information that may indicate a serious violation of this Code, they can, confidentially and without fear of reprisal, disclose this information to their immediate supervisor and/or to the values and ethics champion or the senior executive responsible for values and ethics, who will review the information and

provide an interpretation. Employees can also disclose the information to the Senior Officer for Internal Disclosure or to the Office of the Public Sector Integrity Commissioner of Canada.

Employees can refer to the [portal](#) on the LAC values and ethics intranet site for more information and/or for the contact information of values and ethics resource people.

The guidelines set out in this Code are not intended to take into account all the ethical questions that may arise on a day-to-day basis. The examples provided are there to help us and guide us in our decision making, but they are far from being exhaustive and cannot substitute for our good judgment in such situations.

Appendices A and B of this document provide definitions illustrating the Code, as well as links to additional references.

## **2. Values and leadership in the workplace**

### **2.1 Values**

This Code broadly describes the values and ethics that guide LAC employees in all the activities related to executing our mandate and in creating a healthy and productive workplace.

The values that follow are based on and are inseparable from the values of the federal public sector. They must therefore be interpreted in relation to one another.

These values guide us at all times in choosing which path to take, and support us in cases of doubt regarding which behaviour to adopt. In addition, as LAC employees, we can expect to be treated in accordance with these values.

By adopting these values, we strengthen the ethical culture of our institution and of the public sector. We also contribute to maintaining public confidence in the integrity of all public institutions.

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#### **I. Respect for democracy**

The system of Canadian parliamentary democracy and its institutions must serve the public interest. As public service employees, we recognize that elected officials are accountable to Parliament, and ultimately to the Canadian people, and that a non-partisan public sector is essential to maintaining our democratic system.

At LAC:

- we respect the rule of law and carry out our duties in accordance with legislation, policies and directives in a non-partisan and impartial manner;

- we provide decision-makers with all the information, analysis and advice they need, always striving to be open, candid and impartial; and
- we implement the lawful decisions of our leaders, who support the Minister of Canadian Heritage and Official Languages in remaining accountable to Parliament and Canadians.

As public service employees, we have certain responsibilities. In particular, we owe a duty of [loyalty](#) to our employer, the Government of Canada. This duty derives from the essential mission of the public service to help the government serve the public interest and implement government policies and ministerial decisions.

## **II. Respect for people**

Treating all people with respect, dignity and fairness is fundamental to our relationship with the Canadian public and with our partners and colleagues, and contributes to a safe and healthy work environment that promotes engagement, openness and transparency. The diversity of our people and the ideas they generate are the source of our innovation.

At LAC:

- we value diversity and the benefit of combining the unique qualities and strengths inherent in a diverse and professional workforce;
- we help create and maintain safe and healthy workplaces that are free from harassment and discrimination; and
- we work together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.

## **III. Integrity**

By applying and promoting high ethical standards, we maintain and enhance public confidence in the honesty, fairness and impartiality of the federal public sector.

At LAC:

- we act with integrity and in an exemplary manner;
- we do not use our official role to gain advantage for ourselves or to advantage or disadvantage others;
- we take steps to prevent and resolve any real, apparent or potential conflicts of interest between our official responsibilities and our private affairs; and
- we act in such a way as to maintain the trust of our employer and the public.

## **IV. Stewardship**

As federal public servants, we use and care for public resources responsibly.

At LAC:

- we effectively and efficiently use the public money, property and resources we manage;
- we consider the present, medium- and long term effects of our actions and decisions; and
- we acquire, preserve and share knowledge and information in accordance with the appropriate policies and procedures.

## **V. Excellence**

Excellence in the design and delivery of public sector policy, programs and services is beneficial to every aspect of Canadian public life. Engagement, collaboration, effective teamwork and professional development are all essential to an organization's performance.

At LAC:

- we provide fair, timely, efficient and effective services that respect Canada's official languages; and
- we continually strive to improve the quality of our policies, programs and services in accordance with our mandate.

We foster a work environment that promotes teamwork, learning and innovation. We encourage the sharing of our knowledge and expertise with Canadians, professional communities and creators of documentary heritage via regular communication, our participation in conferences and presentations, and our active social media presence.

## **2.2 Leadership in the workplace**

As LAC employees, regardless of our role in the institution, we demonstrate leadership by incorporating the values of LAC and the public service into our decisions, our actions and our working relationships with our colleagues and external partners:

- we maintain positive communications and working relationships;
- we recognize the value of individual contributions and diversity, and listen objectively to the different points of view that contribute to the richness of knowledge;
- we respectfully discuss ethical concerns; and
- we report illegal activities and wrongdoing.

As managers and supervisors, we set the example and adopt behaviour that sets the tone for values and ethics. In addition to the above standards of conduct, we must comply with the most stringent standards:

- we encourage and maintain an ongoing dialogue on public sector values and ethics in our activity sector, taking into account the specific nature of the challenges faced by LAC;
- we act with transparency, fairness and objectivity in our transactions and work activities, including areas such as staffing and contracting;
- we apply the values included in this Code and incorporate them into our policies, programs and work practices;

- we foster a climate of trust and respect in which concerns may be raised openly and without fear of reprisal; and
- we recognize and promote excellence and ethical behaviours that contribute to creating a healthy work environment.

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### **3. Additional responsibilities**

The following section contains a number of responsibilities that, although not exhaustive, pertain to many situations that we may face as LAC employees.

#### **3.1 Use of information and confidentiality**

As part of our professional duties, we are required to comply with the legislation, directives and procedures relating to any personal or official information that is under the control of LAC.

We manage information to support day-to-day activities and we adequately protect this information by securing protected and classified documents, both paper and electronic, even when they have to be transported elsewhere to carry out LAC activities. We ensure the strict confidentiality of the information protected by the [Access to Information Act](#) and the [Privacy Act](#) unless we have obtained explicit authorization to disclose such information under the provisions of these acts.

#### **3.2 Use of electronic networks**

At LAC, we use the electronic network to support business objectives.

Information produced via social media and electronic networks is subject to the precautionary measures for confidentiality and the use of information.

Limited personal use of the network is permitted, provided that it complies with all related legislation, policies and guidelines. This personal use must not hinder our productivity or that of our co-workers and must not impose a burden on the storage capacity of the computer systems.

Employees should refer to the Treasury Board [Policy on Acceptable Network and Device Use](#) for more information.

#### **3.3 Use of government property**

Property, equipment, materials, vehicles or facilities purchased or leased by LAC are the responsibility of the government and, by extension, the people of Canada. We must use government property only as part of our professional duties at LAC, unless we have obtained the appropriate authorization. Government property must never be used for personal business interests or any other personal gain.

Some use of government property for personal reasons is permitted, however, with certain conditions.

Personal use of cellular telephones is permitted, provided that such use is reasonable and limited.

When we leave our employment at LAC, we must hand in all the government property that we received as part of our duties, unless we have obtained appropriate authorization to keep it.

If we have a government credit card, we must use it only to carry out our official duties at LAC. We are responsible for its use and for paying the invoice in a timely manner.

For more information, please refer to the Treasury Board [Directive on Acquisition Cards](#).

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### **3.4 Intellectual property**

Knowledge, information, technology or inventions created at LAC or by LAC employees with a view to meeting operational requirements must be handled in compliance with the various laws that govern intellectual property.

For more information about intellectual property, please refer to the [Public Servants Inventions Act](#) and the [Copyright Act](#).

## **4. Prevention of conflicts of interest**

As LAC employees, we maintain public confidence in the objectivity, honesty and integrity of the public service by preventing and avoiding situations that could give the appearance of a conflict of interest or that could result in a potential or real conflict of interest.

According to the [Conflict of Interest Act](#), "a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests."

A conflict of interest therefore arises the moment our private interests enter into conflict with the mission we have been given. The notion of a conflict of interest is in fact very broad.

Along with the [VECPS](#), the Treasury Board of Canada Secretariat (TBS) published the [Policy on Conflict of Interest and Post Employment](#), a non-exhaustive summary of which is provided in the following section.

As public service employees:

- we take all possible steps to recognize, prevent, report, and resolve any real, apparent or potential conflicts of interest between our official responsibilities and our private affairs;

- we do not knowingly take advantage of information obtained in the course of our official duties that is not accessible to the public;
- we refrain from the direct or indirect use of, or allowing the direct or indirect use of, government property, including property leased to the government, for anything other than officially approved activities;
- we do not assist private entities or persons in their dealings with the government if it could result in preferential treatment;
- we do not interfere in the dealings of persons or private entities with the government in order to inappropriately influence the outcome; and
- we take all appropriate steps to address any real, apparent or potential conflict of interest that arises between our private affairs and our official responsibilities as LAC employees.

## **4.1 Declaration**

When a real, apparent or potential conflict of interest occurs between an employee's private affairs and professional responsibilities, the employee must complete the [Confidential Report declaration form](#), and submit it to the conflict of interest (COI) officer.

If the COI officer determines that the situation represents a real, apparent or potential conflict of interest in relation to the employee's official duties, he or she must inform the employee within 30 days of receiving the form. The employee will then have to take appropriate steps to resolve the conflict.

In general, we should not have to request authorization or make a declaration regarding our private affairs. However, where there is doubt, it is recommended that we consult our immediate supervisor and/or the COI officer, who will be able to help determine whether a form should be completed in the event that our private affairs or activities could conflict with our professional duties. Completing a form helps prevent and manage conflicts of interest and, by the same token, protects employees.

When a major change occurs in our private affairs or in our official duties, we should review our obligations under this Code or speak with our immediate supervisor and/or the COI officer for guidance on whether to complete a declaration form.

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## **4.2 Outside employment or activities**

In general, LAC employees can hold employment and/or participate in activities outside the public service during their free time, subject to the applicable COI rules.

In situations where this employment or these activities may adversely affect the institution or the public service and compromise the objectivity of employees in the performance of their professional duties, the employee should speak with his or her immediate supervisor to determine the relevance of disclosing this information on the declaration form.

We must at all times maintain our professional independence and avoid putting ourselves in a conflict of interest situation.

Belonging to professional associations and/or participating in conferences on a topic related to our professional duties at LAC, such as music, history, photography or literature; participating in a recital; organizing music festivals; participating as a judge of literary awards; etc., do not generally constitute activities that require a declaration form to be completed in advance.

Similarly, publishing research results in articles or books is an activity carried out by many LAC employees. These activities are entirely acceptable when they do not involve the use or disclosure of information to which employees have access as part of their employment at LAC and to which the public does not have access. Furthermore, employees should acknowledge that the work does not necessarily reflect LAC's point of view.

In some cases, however, we are required to [complete the Confidential Report](#) and submit it to the COI officer, in particular when the outside activity or employment:

- is with an organization that has business dealings with LAC, especially when that organization applies for, negotiates or receives contracts or financial benefits from LAC;
- is related to our official duties at LAC; or
- involves lobbying or advocating with LAC.

Furthermore, if we receive a benefit or income directly or indirectly from a contract with the government, we are required to report the situation to the COI officer, who will make a determination.

This list is not exhaustive and each case must be reviewed individually. Therefore, when in doubt, employees should consult their immediate supervisor and/or the COI officer.

When participating in conferences or in public forums via social media, it is helpful to keep in mind that LAC employees are also representatives of the institution and that they should constantly strive to maintain public confidence in their ability to work with integrity and impartiality.

For more information, please refer to the [Communications Policy of the Government of Canada](#).

### **4.3 Political activities**

We are permitted to engage in political activities while respecting the principle of political impartiality in the public service. However, we cannot engage in political activities or any other type of activity that could cause a real, apparent or potential conflict of interest with our official duties or that could limit, or be considered as limiting, our ability to perform our duties in an objective or impartial manner.

Prior to seeking nomination as, or being, a candidate in a federal, provincial, territorial or municipal election, we must first obtain permission from the [Public Service Commission](#) (PSC). The [PSC](#) is responsible for administering the political activities regime.

A guide is available for employees who wish to engage in any political activities in support of, within or in opposition to a political party, or in support of or in opposition to a candidate before or during an election period. For more information, please refer to the [PSC site](#) and the [Political Activity Self-Assessment Tool](#).

#### **4.4. Solicitation**

LAC employees demonstrate mutual assistance and great generosity during the charitable campaigns approved for the entire public service and in support of the causes of non-profit organizations.

Normally, fundraising campaigns for a non-profit organization that do not involve active solicitation are acceptable and are not within the scope of this Code. When in doubt, employees should consult their immediate supervisor.

Selling products such as chocolate bars as part of a fundraising campaign for organizations such as schools, sports teams and non-profit associations is permitted, but only if this activity does not involve active solicitation. Employees can place a box of items to be sold with a description of the event or organization seeking funding, the contact information of the employee participating in the campaign, and an envelope to collect the money in common areas such as kitchens, as long as LAC employees feel entirely free to participate or not.

Requesting donations from fellow employees to recognize a milestone in a co-worker's life (e.g., to buy a gift for a new parent, to donate to an association or send flowers following a death, or to contribute to a retirement gift) is not considered solicitation for the purposes of the LAC Code of Conduct. Care must nevertheless be taken to ensure that contributions are optional and that employees feel free to contribute.

However, it is still necessary to submit a request in writing to the COI officer for any other solicitation on LAC property or as a LAC employee. The officer will assess the values, ethics and conflict of interest considerations and will make a recommendation to the Librarian and Archivist of Canada for approval, as appropriate. This prior written approval is also required to solicit donations, prizes or contributions from third parties, including for the [Government of Canada Workplace Charitable Campaign](#) (GCWCC).

Approval is granted only under exceptional circumstances and for official activities. Without this approval, we are prohibited from soliciting in the workplace, using LAC equipment to prepare solicitation activities, or approaching our LAC contacts (external and internal) for donations or for private affairs (e.g., for charities for which we volunteer or for personal businesses). Lastly, we cannot use our LAC email, telephone or mailing addresses for solicitation purposes.

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## **4.5 Avoidance of preferential treatment**

As LAC employees, we are required to demonstrate objectivity and impartiality in the exercise of our duties and in our decision-making, whether related to a staffing process, financial awards or penalties to external parties, transfer payments, program operations or any other exercise of responsibility.

We shall not grant preferential treatment. In addition, before providing extraordinary help to any person or entity that has business dealings with the government, we are to inform our immediate supervisor and obtain his or her support. Furthermore, we shall not disadvantage any person or entity that has business dealings with the government. We are required to inform our supervisor of situations involving a person or entity with which we have a personal relationship (e.g., contract, recruitment, transfer payment, collaboration, etc.) so that appropriate measures can be taken.

We shall not grant access to LAC premises to third parties for the purpose of promoting, providing or selling goods or services not related to our official duties, with the exception of approved activities (e.g., the [GCWCC](#)).

Providing information that is publicly accessible is not considered preferential treatment.

Although it is acceptable to advise another person on the general principles of staffing if we are not taking part in the staffing process, we must refrain from providing that person with information to which the other candidates generally do not have access.

We must not use our official identification, professional title or authority to obtain personal benefit; to exert influence; to obtain or appear to obtain any privilege or favour for ourselves or for others, or special standing; or to do anything that is illegal, improper or against the interest of the Canadian public.

## **4.6 Appointment to a board of directors**

In general, we can be appointed to a board of directors without prior approval.

A LAC employee can be a member of the board of directors of an art gallery or an historical interpretation centre, provided that this activity does not conflict with the employee's official duties within the institution.

However, if we accept or plan to accept an appointment to the board of directors of an organization that has business dealings with LAC, particularly when this organization seeks, negotiates or receives contracts or financial benefits from the institution, we must complete the [Confidential Report](#) and submit it to the COI officer.

## **4.7 Gifts, honoraria, hospitality and other benefits**

In general, we should not accept gifts, hospitality or any other benefits in order to avoid putting ourselves in a real, apparent or potential conflict of interest.

Accepting gifts, honoraria, hospitality and other benefits for work-related activities is permissible only if they meet all the following criteria:

- they are infrequent and of minimal value, such as low-cost promotional items, simple meals or souvenirs with no cash value;
- they arise out of activities or events related to the official duties of the employee concerned;
- they are within the normal standards of courtesy, hospitality or protocol; and
- they do not compromise or appear to compromise the integrity of the employee or of LAC in any way.

When a gift does not meet the above criteria or when it is believed that there is sufficient benefit to LAC to warrant acceptance of the offer, we must discuss the rationale, risks and mitigation measures with our immediate supervisor, and seek direction from the COI officer as needed. The COI officer will provide a written assessment indicating whether the offer must be declined or accepted.

If the offer is to be accepted, the COI officer will indicate whether it will be retained by LAC, donated to charity, disposed of, or retained by the employee.

On occasion, third parties offer to pay for our travel expenses when we are asked to attend a conference as a guest speaker or participant as part of our official duties. In such a case, it is necessary to determine whether this offer may present a real, apparent or potential conflict of interest, or whether accepting the offer could have a real or apparent influence on our objectivity in the performance of our duties at LAC. When we receive such an offer, we must speak with our immediate supervisor to ensure that we are in compliance with policy requirements, in particular the [Policy on Attendance at Conferences Outside the National Capital Region](#) [PDF 52 KB].

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## 5. Post-employment

### 5.1 Limitation period

According to the Treasury Board [Policy on Conflict of Interest and Post Employment](#) (2012), the Librarian and Archivist of Canada is responsible for determining the positions that, because of their duties, may result in a real, apparent or potential post-employment conflict of interest. For LAC, that means the executive (EX) group, EX minus 1 positions, EX minus 2 positions and their equivalents.

LAC employees who occupy designated positions are subject to a one-year limitation period after leaving office.

Before leaving office and during this one-year limitation period, these employees are to report, in writing, to the Librarian and Archivist of Canada all firm offers of employment or proposed activity outside the public service that could place them in a real, apparent or potential conflict of interest with their public service employment. They are also to disclose immediately the acceptance of any such offer. In addition, these employees may not, during this one-year period, do any of the following without the approval of the Librarian and Archivist of Canada:

- accept an 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 be either directly on the part of the employees or through their subordinates.
- make representations to any government organization on behalf of persons or entities outside the public service 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 be either directly on the part of the employees or through their subordinates.
- give advice to their clients or employer using information that is not publicly available concerning the programs or policies of LAC or of organizations with which they were employed or with which they had a direct and substantial relationship.

In general, we are responsible for minimizing the possibility of any real, apparent or potential conflicts of interest between the most recent responsibilities associated with our duties in the federal public service and the opportunities outside it.

## **5.2 Waiver or reduction of limitation period**

Employees or former employees may apply to the Librarian and Archivist of Canada for a written waiver or reduction of the limitation period. To do this, employees are to provide sufficient information to assist the Librarian and Archivist of Canada in determining whether to grant the waiver, taking into consideration the following criteria:

- the circumstances under which the termination of the employee's service occurred;
- the general employment prospects of the employee or former employee;
- the significance to the government of information possessed by the employee or former employee by virtue of that employee's position in the public service;
- the desirability of a rapid transfer of the employee's or former employee's knowledge and skills from the government to private, other governmental or non-governmental sectors;
- the fact that assistant deputy ministers are subject to the [Lobbying Act](#), which takes precedence in the case of any conflict between the Act and this Code;
- the degree to which the new employer might gain unfair commercial or private advantage by hiring the employee or former employee;
- the authority and influence possessed by that employee while in the public service; and
- any other consideration, at the discretion of the Librarian and Archivist of Canada.

## **6. Potential solutions**

With respect to the arrangements necessary to resolve any 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 employee and the Librarian and Archivist of Canada's delegate. When an employee, his or her manager and the COI officer disagree on the appropriate arrangements to resolve a real, apparent or potential conflict of interest, the disagreement will be resolved through grievance resolution procedures.

When a LAC employee wilfully and intentionally violates the LAC Code of Conduct or other legislation, policies or procedures, and another employee is aware of these actions, that employee can, confidentially and without fear of reprisal, bring it to the attention of the Senior Officer for Internal Disclosure or the [Office of the Public Sector Integrity Commissioner of Canada](#) (PSIC). The [VECPS](#) provides further information on the duties and powers of senior officers for internal disclosure, and the PSIC offers a safe, confidential and independent mechanism for disclosing potential wrongdoing in the federal public sector. The role of the PSIC is to complement existing recourse mechanisms within departments.

When we are faced with an ethical challenge, we can ask ourselves the following questions:

- What makes the situation challenging?
- Does the situation affect my objectivity in carrying out my duties?
- Does my planned action comply with the letter and spirit of the legislation, guidelines, policies and Code?
- Does my planned action comply with the values of the VECPS and of LAC?
- What are the potential consequences and repercussions of these actions and decisions?
- Do they affect my real or apparent ability to carry out my duties effectively and impartially?
- Have I sought advice from an independent and trustworthy person or service?
- What would the media, my management or the general public think of the situation if my actions made the headlines in a newspaper?
- Am I comfortable with the decision I am preparing to make?

## Conclusion

This document will guide us in making professional decisions in situations that may, at times, seem ambiguous. It expresses our shared values and helps us to continually hone our capacity to make ethical decisions as we perform our daily tasks to execute LAC's mandate. It provides us with the tools and processes to help us respond appropriately when faced with grey areas, and when working with each other, our clients and stakeholders.

In the same way that this Code was developed in collaboration, we will continue to collaborate in implementing the values expressed here: respect for democracy, respect for people, integrity, sound stewardship, and excellence. We will support each other in fulfilling our individual responsibilities under this Code, and in so doing, inspire confidence in the institution that we are proud to serve.

## Appendix A: Definitions

**Conflict of interest:** Any situation in which the employee has private interests that could improperly influence the performance of his or her official duties and responsibilities or in which the employee uses his or her public office for personal gain. The conflict of interest can be real, apparent or potential, that is:

- real, if the conflict of interest exists at the present time;
- apparent, if the conflict of interest could be perceived by a reasonable observer to exist, whether or not it is the case; or
- potential, if the conflict of interest could reasonably be foreseen to exist in the future.

**Discrimination:** Treating people differently and negatively for various reasons such as race, national or ethnic origin, colour, religion, age, sex (including discrimination based on pregnancy), sexual orientation, marital status, family status, physical or mental disability, or pardoned conviction.

**Electronic network:** Groups of computers and computer systems that can communicate with one another, including, but not limited to, the Internet, electronic knowledge networks of the Government of Canada and video network infrastructure, as well as public and private networks outside a department. The network contains both wired and wireless elements.

**Harassment:** Improper conduct by an individual that is directed at and offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises any objectionable act, comment or display that demeans, belittles or causes personal humiliation or embarrassment, and any act of intimidation or threat. It also includes harassment within the meaning of the [Canadian Human Rights Act](#) (i.e., based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, physical or mental disability, or pardoned conviction).

**Intellectual property:** All rights to any elements or information of a scientific or technical nature, whether oral or recorded in any form or medium and whether or not protectable by patent or copyright, including but not limited to data, techniques, methods, processes, know-how, inventions, designs, formulae, photographs, drawings, plans, specifications, reports, studies, technical and procedural manuals, computer firmware and computer software, data files, and documentation including, without limitation, patents, copyrights, trade secrets, trademarks, registered industrial designs, any applications for same, and all rights therein.

**Political activity:** Under Part 7 of the [Public Service Employment Act](#), carrying out any activity in support of, within or in opposition to a political party; carrying out 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 a federal, provincial, territorial or municipal election before or during the election period.

**Solicit:** Ask repeatedly or earnestly for or seek or invite.

**Wrongdoing:** The [Public Servants Disclosure Protection Act](#) applies to the following wrongdoings in or relating to the public sector:

1. a contravention of any Act of Parliament or of the legislature of a province or territory, or of any regulations made under any such Act, other than a contravention of section 19 of the [PSDPA](#);
2. a misuse of public funds or a public asset;
3. a gross mismanagement in the public sector;
4. an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of a public servant;
5. a serious breach of a code of conduct established under section 5 or 6 of the [PSDPA](#); and
6. knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (1) to (5).

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## Appendix B: Reference Documents

The following is a list of the legislation, policies and guidelines that provide further details on the various sections of this Code. This list is not exhaustive, but it contains the most relevant documents. Employees should refer to other research and seek advice from their manager when they require clarification on an issue.

### Legislation

- [Canadian Charter of Rights and Freedoms](#)
- [Canada Labour Code](#)
- [Criminal Code](#)
- [Canadian Human Rights Act](#)
- [Constitution Acts](#)
- [Access to Information Act](#)
- [Public Service Employment Act](#)
- [Employment Equity Act](#)
- [Financial Administration Act](#)
- [Public Servants Disclosure Protection Act](#)
- [Privacy Act](#)
- [Copyright Act](#)
- [Lobbying Act](#)
- [Conflict of Interest Act](#)
- [Official Languages Act](#)
- [Public Service Labour Relations Act](#)

### Central agency publications and policies

- [\*Political Activities and You...\*](#)
- [\*Values and Ethics Code for the Public Sector\*](#)
- [\*Collective Agreements\*](#)
- [\*Occupational Health and Safety Directive\*](#)
- [\*Guidelines for Discipline\*](#)
- [\*Guideline for External Use of Web 2.0\*](#)
- [\*Duty of Loyalty\*](#)
- [\*Communications Policy of the Government of Canada\*](#)
- [\*Policy on Interchange Canada\*](#)
- [\*Employment Equity Policy\*](#)
- [\*Policy on the Duty to Accommodate Persons with Disabilities in the Federal Public Service\*](#)
- [\*Policy on Information Management\*](#)
- [\*Policy on Harassment Prevention and Resolution\*](#)
- [\*Policy on Government Security\*](#)
- [\*Policy on Conflict of Interest and Post-Employment\*](#)
- [\*Policy on Official Languages\*](#)
- [\*Contracting Policy\*](#)
- [\*Policy on Acceptable Network and Device Use\*](#)