



# The *Public Service of Ontario Act, 2006*: An Ethical Framework for Public Bodies

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# Introduction

- The *Public Service of Ontario Act, 2006 (PSOA)* sets out the ethical framework for public servants in Ontario
- This presentation provides a brief overview of the:
  - (1) PSOA;
  - (2) Political activity rules;
  - (3) Conflict of interest rules; and
  - (4) Role of ethics executive.

# The *PSOA* at a glance

- Expands definition of “public servant” to include:
  - 1) Every employee of a public body\*; and
  - 2) Every person appointed to a public body\*

\*see O. Reg. 146/10 for a list of public bodies

- Establishes a Conflict of Interest Commissioner
- Identifies an ethics executive in each Ministry and public body

<b>Public Servant</b>	<b>Ethics Executive</b>
Appointees	Chair
Employees	Chair unless other individual is listed in O. Reg. 147/10
Chairs	Conflict of Interest Commissioner
Individuals listed in O. Reg. 147/10	Conflict of Interest Commissioner
Former appointees and employees	Conflict of Interest Commissioner

# What is Political Activity

- Supporting or opposing a political party;
- Supporting or opposing a federal, provincial or municipal candidate;
- Being or seeking to be a candidate; or
- Commenting publicly and outside the scope of duties on matters directly related to those duties and that are dealt with in the policies/position of a political party/candidate.

# Political Activity Rules at a Glance

<b>All Public Servants</b>	
are prohibited from engaging in political activity:	
<ol style="list-style-type: none"><li>1. in the work place;</li><li>2. while wearing a uniform associated with public service of Ontario;</li><li>3. using government premises, equipment or supplies; and</li><li>4. by associating his/her position.</li></ol>	
<b>“Most” Public Servants</b>	<b>Specially-Restricted Public Servants**</b>
<ol style="list-style-type: none"><li>1. May engage in political activity that is not restricted. Restricted activities are set out in section 79(1) of the <i>PSOA</i>.</li><li>2. Must be on a leave of absence to engage in restricted political activity.</li></ol>	<ol style="list-style-type: none"><li>1. May only engage in political activity that is specifically permitted under section 89 and 90 of the <i>PSOA</i>.</li><li>2. Part-time specially-restricted public servant may seek authorization from COIC to engage in some additional activities.</li></ol>

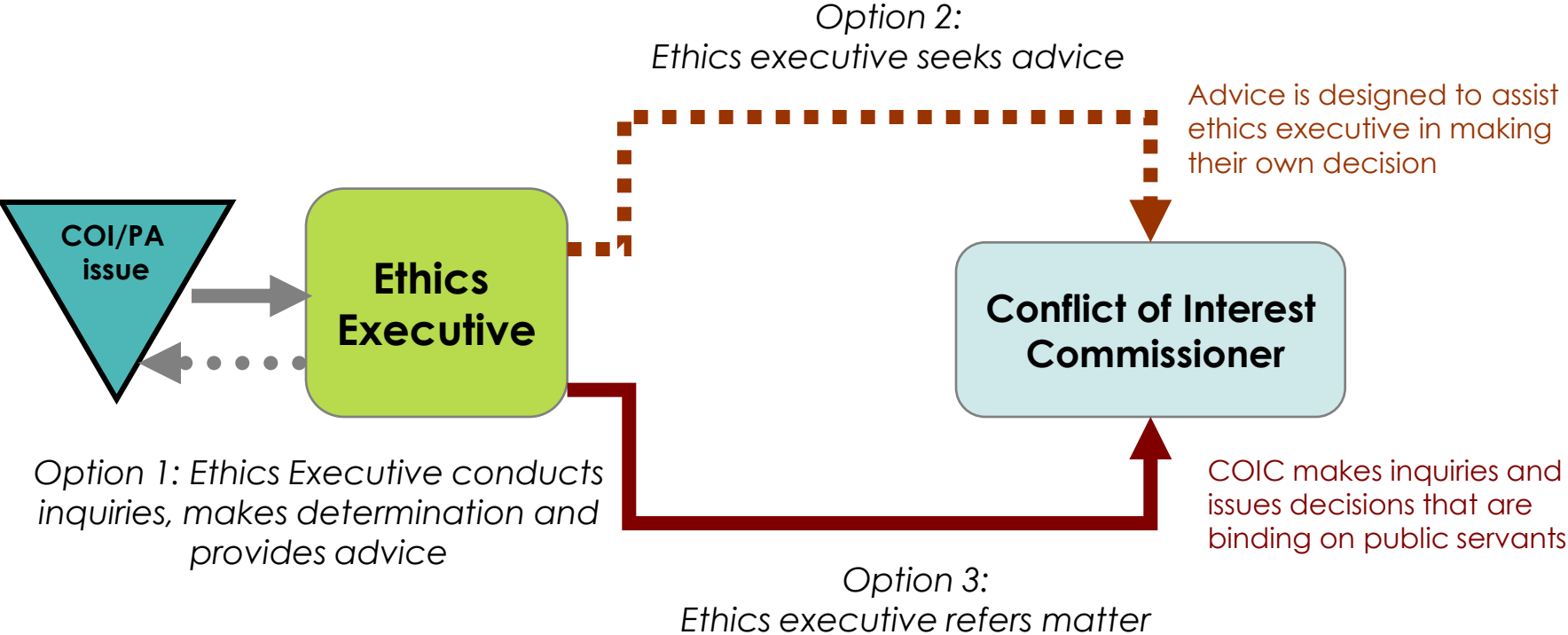
\*\*see s.85(2) of the *PSOA* or Ontario Regulation 378/07 for a list of specially-restricted public servants

# Conflict of Interest Rules at a Glance

- Set out in Ontario Regulation 381/07
- In service rules:
  - Benefiting self, spouse or children (s. 3);
  - Accepting gifts (s. 4);
  - Disclosing confidential information (s. 5);
  - Giving preferential treatment (s. 6);
  - Hiring family members (s. 7);
  - Engaging in business or undertakings (s. 8);
  - Participating in decision-making (s. 9);
  - Disclosure of financial interests (s. 10 and 11); and
  - Prohibition on certain purchases (s. 12)
- Post service rules:
  - Seeking preferential treatment (s. 16);
  - Disclosing confidential information (s. 17);
  - Lobbying (s. 18);\*
  - Employment (s. 19);\*
  - Certain transaction (s. 20)

\* These restrictions only apply to public servants in “designated senior positions”

# Role of Ethics Executives



# More Information

- Case summaries of advice/decisions of the COIC
- Roadmaps for applying political activity rules
- [www.coicommissioner.gov.on.ca](http://www.coicommissioner.gov.on.ca)
- [coicommissioner@ontario.ca](mailto:coicommissioner@ontario.ca)