

Code of Conduct

Respecting Conflict of Interest and
Oath of Office and Secrecy

for the Employees of the
Government of the Northwest Territories

INTRODUCTION

The Government of the Northwest Territories (GNWT) is entrusted with the protection of the public interest. Therefore, it is essential that GNWT employees adhere to high ethical standards that maintain and foster public confidence. Recognition and documentation of these standards will ensure continued public confidence in the impartiality and integrity of the public service.

The Code of Conduct Respecting Conflict of Interest and Oath of Office and Secrecy for the Employees of the Government of the Northwest Territories (the “Code”) identifies standards of conduct for GNWT public service employees in the execution of their duties, and in specific areas once an employee terminates their employment. It also outlines what steps employees should take to ensure they do not place themselves in a situation that can be perceived as a conflict of interest.

The range and complexity of GNWT activities are such that it is not possible to produce a detailed list of all conflict of interest situations. The purpose of this Code is to clarify those activities that may constitute conflict of interest situations; the Code is not designed to be exhaustive.

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APPLICATION

1. These guidelines and procedures apply to all employees of the GNWT in all Departments, Boards and Agencies, except those employed by the NWT Power Corporation. These guidelines and procedures also apply to former employees as outlined under Post-Employment, Sections 54 to 68.
2. The Code of Conduct Respecting Conflict of Interest and Oath of Office and Secrecy is a condition of employment with the GNWT. Employees who fail to comply with these standards may be subject to disciplinary action up to and including dismissal. Employees should contact their manager or supervisor for advice and assistance on the interpretation or application of this Code.

DEFINITIONS

3. **“Candidate”** means a candidate as defined in the *Elections Act* or the *Canada Elections Act* as applicable.
4. **“Code”** means the Code of Conduct Respecting Conflict of Interest and Oath of Office and Secrecy for employees and former employees of the GNWT public service.
5. **“Controlling interest”**: a person or group of persons holds a controlling interest in a corporation if that person or group of persons exercises direction over, or directly or indirectly owns, shares of the corporation carrying more than 10% of the voting rights attached to all outstanding shares of the corporation.
6. **“Dependent child”** means any child of an employee who is under the age of 19 years or 19 years of age and older and dependent on the employee by virtue of physical or mental infirmity.
7. **“Deputy Head”** means Deputy Ministers, Superintendents of Education Authorities and Chief Executive Officers of GNWT public service corporations and agencies pursuant to the *Public Service Act*.
8. **“Employee”** means a person employed in the GNWT public service pursuant to the *NWT Public Service Act*.
9. **“Ethics Counsellor”** means the independent person retained by the GNWT to provide advice, counsel and rulings on conflict of interest matters pursuant to the provisions of this Code.
10. **“Executive Manager”** means senior managers who have been employed under an Executive Manager contract.
11. **“Immediate family”** includes the following relatives of the employee or of the employee’s spouse:

- a) parent or step-parent
 - b) brother
 - c) sister
 - d) spouse
 - e) child
 - f) step-child
 - g) foster child
 - h) adopted child
 - i) in-laws
 - j) grandparents, and
 - k) any relative residing in the employee's household or with whom the employee presently resides.
12. **"Official agent"** means an official agent as defined in the *Elections Act* or *Canada Elections Act* as applicable.
13. **"Financial interest"** means any direct or indirect interest concerning or involving money.
14. **"Political party"** means a registered party as defined in the *Canada Elections Act* or an unregistered party functioning in the Territories to achieve political aims.
15. **"Spouse"** includes any person, regardless of gender, who:
- a) is married to the employee unless the employee and that person are separated and no longer living in a spousal relationship;
 - b) together with the employee, entered in good faith into a marriage that is invalid, unless the employee and that person are separated;
 - c) is cohabiting outside marriage with the employee, if
 - i) the person and the employee have cohabited for a period of at least 1 year,
 - ii) the person and the employee have cohabited in a relationship of some permanence and are together the natural or adoptive parents of a child, or
 - iii) the employee represents the person as his or her spouse.

16. **“Territorial riding association”** means the territorial association of a political party.

CONFLICT OF INTEREST

17. A conflict of interest exists where there is an actual or perceived incompatibility between an employee’s duties and responsibilities of office and the private interests of the employee or an immediate family member which can include but is not limited to pecuniary interests including investments and business involvements; outside employment; service, whether voluntary or otherwise, on a board, council or committee or other organization; and personal relationships, including immediate family and spouse.

An employee must at all times avoid being in a position of conflict of interest in order to ensure that:

- a) the responsibility to act in the public interest and perform the duties of office in an appropriate and objective manner is not nor is perceived to be impaired; and/or
- b) public confidence and trust in the public service and the GNWT generally is upheld and not impaired.

CONFIDENTIAL INFORMATION AND THE OATH OF OFFICE AND SECRECY

18. Employees owe a duty of loyalty to their employer, the GNWT.
19. Each employee, before being paid any remuneration, must swear or affirm the following Oath of Office and Secrecy:

I, _____, solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the public service of the Northwest Territories and that I will not, without due authority, disclose or make known any matter that comes to my knowledge by reason of such employment. So help me God.

OR

I, _____, solemnly affirm and declare that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the public service of the Northwest Territories and that I will not, without due authority, disclose or make known any matter that comes to my knowledge by reason of such employment.

20. Employees must not use, and must not appear to use, confidential information or their ability to access such information for the purpose of furthering their own interests or those of their immediate family, relatives, friends, business associates or former business associates.
21. Employees shall:
 - a) Not use confidential information to confer a personal benefit on themselves, a member of their immediate family, a relative, friend, business associate or former business associate;
 - b) Not improperly disclose confidential information acquired

in the course of performing official duties; and

- c) Avoid circumstances where they could confer, or appear to confer a personal benefit on themselves, a member of their immediate family, a relative, friend, business associate or former business associate through the use of confidential information.
22. An employee's duty to maintain the confidentiality of information, and the Oath of Office and Secrecy, continue to bind the employee after employment with the GNWT ends for any reason. This is of particular importance where employees or former employees have had access to confidential information which if disclosed, could harm the interests of the GNWT and/or the people it represents.
23. In circumstances where an employee, or a former employee, believes that they may be asked to or required to disclose confidential information, or breach their Oath of Office and Secrecy, or that they may have breached their Oath of Office and Secrecy or disclosed confidential information, the employee or former employee shall notify their Deputy Head, or, in the case of former employees, the Deputy Head of their former Department, in writing of the circumstances and request clarification of their obligations.
24. Disclosure of confidential information and/or failure to comply with the Oath of Office and Secrecy could result in disciplinary action up to and including dismissal.
25. In the case of a former employee, disclosure of confidential information and/or failure to comply with the Oath of Office and Secrecy may result in legal action against the former employee.

DISCLOSURE

26. Employees shall disclose to their Deputy Head any situation that may be a conflict of interest, or that may be a potential conflict of interest.
27. Disclosure procedures apply to all employees in order to prevent situations where an employee's private interests may conflict with their work in the GNWT.
28. There are two methods of disclosure which guide employees to ensure that conflicts of interest are identified and resolved:
29. Employee initiated disclosure: Sections 31 to 37 provide a process in which an employee identifies a conflict of interest and discloses this conflict to their Deputy Head;
30. Employer initiated disclosure: Sections 40 to 53 provide a process in which employees may be asked by their Deputy Head to provide a formal sworn or affirmed written disclosure statement.

Employee Initiated Disclosure Statements

31. Employees who find themselves involved in a Government activity or decision that is directly related to or affects a private or outside interest held by the employee shall disclose that interest to their Deputy Head immediately upon becoming aware of the situation.
32. Any employee, who believes that any work related or private business, commercial or other interests might be construed as being in conflict with his or her duties must disclose such interests, in writing, to their Deputy Head.

33. The employee shall complete a written disclosure statement and submit it to the Deputy Head who shall ensure its confidentiality in accordance with Sections 38 and 39.
34. As a matter of privacy and practicality, certain property is exempt from disclosure by employees, including:
- a) the primary residence owned or controlled by the employee;
 - b) the primary recreational property owned or controlled by the employee;
 - c) automobiles owned or controlled by the employee; and
 - d) items of domestic, household or personal use or ownership including cash, bonds issued by non-profit making companies or institutions, trust and bank certificates and retirement savings plans that are not self-directed.

For a complete list of items that are exempt from disclosure requirements, refer to Section 43.

35. Certain interests held by an employee are also exempt from disclosure by employees in that they are not deemed to give rise to a conflict of interest, specifically:
- a) the interest is one of general public application;
 - b) the interest affects an employee as one of a broad class of persons; or
 - c) the interest is so remote or insignificant that it cannot be regarded as likely to influence the employee.
36. Employees shall arrange their personal affairs so there is no contravention of this Code.
37. Written disclosure statements provided to the Deputy Head shall remain within the Department, Corporation or Agency.

Confidentiality of Disclosure Statements

38. Disclosure statements provided under Section 31 are confidential and shall be retained by the Deputy Head in a secure location. They shall not be accessible, or disclosed to, any other person unless required by law or in accordance with this Code or any other applicable GNWT policy.
39. Subject to the provisions herein, the Deputy Head
- a) shall not make a disclosure statement available for inspection by any person other than the employee who filed the statement without that employee's approval;
 - b) shall not reveal the contents of a disclosure statement to any person other than the employee who filed the statement without the employee's approval; and
 - c) shall destroy any disclosure statements provided by the employee four years after the employee ceases to be employed within that department, unless there is an ongoing proceeding in respect of the employee to which those documents relate, or the documents are required for legal proceedings.

Employer Initiated Disclosure Statements

40. In addition to an employee identifying and disclosing a conflict of interest under Sections 31 to 37, employees may be asked to provide a sworn or affirmed disclosure statement as follows:

Any employee who is working in a position, function or on a project where, in the view of the Deputy Head, a conflict of interest may arise may be asked by their Deputy Head to provide a sworn or affirmed disclosure statement to the Ethics Counsellor. This disclosure shall be provided within 30 days of the Deputy Head's written request.

The types of functions, positions or projects in which an employee is participating and may be asked to provide a sworn disclosure could include (but are not limited to):

- a) an employee who is directly responsible for regularly approving contracts of a significant value (e.g. over \$100,000); or
- b) an employee who is making significant policy decisions.

41. The disclosure statement that is provided to the Ethics Counsellor will include:

- a) the source and amount of any income received by the employee, their spouse, and/or the employee's dependent children:
 - i. in the 12 months preceding the provision of the initial disclosure statement; or
 - ii. for the period following the provision of the initial disclosure statement and preceding the filing of the subsequent disclosure statement.
- b) all assets, liabilities, and financial interests held by the employee, their spouse, and/or the employee's dependent children. Where the employee singly or collectively with their spouse, and/or the employee's dependent children have a controlling interest in any corporation this must be specified.

42. Where the employee has made a disclosure statement but before they have made a subsequent disclosure statement as requested herein and the employee, their spouse, and/or the employee's dependent child:

- a) acquire a new source of income;
- b) acquire or dispose of an asset or financial interest referred to in a disclosure statement;
- c) incur or discharge a liability referred to in a disclosure statement;
- d) acquire or dispose of an interest in a corporation or partnership referred to in Section 42 (b); or
- e) becomes aware of any further interest(s) that was not reported in the initial disclosure statement requested

in Section 41, the employee shall, within 30 days after such occurrence, provide the Ethics Counsellor with a supplemental disclosure statement that contains a report of the acquisition of the new source of income, the acquisition or disposition of the asset, financial interest or interests, or the incurring and discharge of the liability.

43. The following items are not required to be included in disclosure statements:

- a) any interest in real property that is primarily for the residential or recreational use of the employee, their spouse, and/or the employee's dependent children;
- b) assets, liabilities and financial interests having a value of less than \$10,000;
- c) a source of income, other than income from the employee's job with the GNWT that pays less than \$1,000 in a 12 month period;
- d) cash on hand or on deposit with a bank, trust company, credit union or other financial institution in Canada that is lawfully entitled to accept deposits;
- e) personal property used for transportation or for household educational, recreational, social or aesthetic purposes;
- f) bonds, investments and securities of fixed value issued or guaranteed by any government in Canada or by an agency of any such government;
- g) an investment in open-ended mutual funds;
- h) guaranteed investment certificates or other similar financial instruments;
- i) annuities and life insurance policies;
- j) any registered retirement savings plans, pension plan or senior manager benefit plan that is not self-administered;
- k) pension rights;
- l) support payments; or

- m) a liability to a financial institution referred to in paragraph (d) where the liability relates to assets referred to in paragraph (e) through (k).
44. The Ethics Counsellor shall review and investigate all sworn disclosure statements or subsequent disclosure statements and make a determination whether or not the information so disclosed constitutes a conflict of interest as set out in the Conflict of Interest provision.
45. Within 30 days after the receipt of a disclosure statement or subsequent disclosure statement, the Ethics Counsellor shall prepare a summary disclosure statement for the Deputy Head containing all information provided by the employee in a disclosure statement or subsequent disclosure statement except:
- a) the amount of income of the employee, their spouse or dependent children reported in the disclosure statement;
 - b) the value of assets, liabilities and financial interests reported in the disclosure statement; or
 - c) the value of any interest in a corporation or partnership reported in the disclosure statement.

The summary disclosure statement shall also include a determination as to whether or not the information contained in the employee's disclosure statement constitutes a conflict of interest.

46. Where a conflict of interest exists, the Ethics Counsellor shall, within seven days of making such a determination:
- a) advise the Deputy Head of the general nature of the conflict; and
 - b) discuss with the employee the nature of the conflict and direct the employee in writing, on the appropriate actions to take in order to resolve the conflict of interest.

47. Within 30 days after receiving direction from the Ethics Counsellor, the employee must confirm with the Ethics Counsellor that the appropriate actions have been taken to resolve the conflict.
48. The Ethics Counsellor shall advise the Deputy Head that such actions have been undertaken and that the nature of the conflict has been resolved.
49. Where an employee has not taken appropriate actions in order to resolve the conflict as directed by the Ethics Counsellor, the Ethics Counsellor shall advise the Deputy Head.
50. The Ethics Counsellor shall prepare a register containing summary disclosure statements and supplemental disclosure statements, and shall:
 - a) make that register available for examination by the Deputy Minister of Human Resources; and
 - b) provide a copy of any summary disclosure statement or supplemental disclosure statement to the Deputy Minister of Human Resources on request.
51. Subject to the provisions herein, the Ethics Counsellor:
 - a) shall not make any other information contained in a disclosure statement or supplemental disclosure statement filed with the Ethics Counsellor available for inspection by any person other than the employee who filed the statement; and
 - b) shall not reveal the contents of a disclosure statement or supplemental disclosure statement to any person other than the employee who filed the statement.
52. Disclosure statements and supplemental disclosure statements prepared pursuant to this Section shall be destroyed four years after the employee ceases to be employed in the public service of the GNWT, unless there is an ongoing proceeding in respect of the employee to which those documents relate, or the documents are required for legal proceedings.

53. Executive Managers shall provide disclosure to the Ethics Counsellor in accordance with the *Public Service Act*, its regulations, relevant Financial Management Board direction, the Senior Managers' Handbook and their individual employment contracts.

POST-EMPLOYMENT

54. For the purposes of this section senior manager means executive managers, assistant deputy ministers, regional superintendents, directors and other positions included in the senior manager group.
55. It is in the public interest to facilitate the movement of individuals and the transfer of skills and knowledge to private and public sector organizations dealing with the GNWT.
56. In dealings with the private sector, the interests of the GNWT must be protected. At the same time, post service restrictions should not unjustifiably restrict the movement of employees to the private sector. In addition, employees should not be restricted from using the knowledge and expertise gained through employment with the GNWT about the operation of government.
57. When employment with the GNWT ends, employees continue to owe obligations to the GNWT because of the confidentiality of the information to which he or she was privy. Confidential GNWT information must not be used for personal gain or commercial advantage.
58. Post-employment activities that give rise to concern include:
- a) former employees may have an unfair advantage, real or perceived, in procuring GNWT contracts or other

work;

- b) former employees who have had access to confidential information which, if disclosed, could harm the interests of the GNWT and/or the people it represents; and former employees, who may use personal contacts and influence in the GNWT to advance a third party interest for financial or personal gain.

59. To guard against the above situations arising, all former senior managers are prohibited, for a period of six months after ceasing to be an employee, from:

- a) accepting employment with or appointment to the board of an outside entity:
 - i. If that individual had substantial involvement with that outside entity in the course of his or her employment by the GNWT during the six months before he or she ceased to be a senior manager; and
 - ii. If he or she had access to confidential information (in the course of his or her employment by the GNWT before he or she ceased to be a senior manager) that, if disclosed to that outside entity, could result in loss or damage to the GNWT or could give the outside entity an unfair advantage.
- b) lobbying for or on behalf of any person, entity or organization, on issues where the former senior manager has confidential information directly related to the issue and uses that information to assist in lobbying efforts; and
- c) advising or consistently representing a person or entity in return for a fee or personal benefit concerning proceedings, transactions, negotiations or cases to which the GNWT is a party and of which the former employee acted or advised the GNWT while in office, where the matter might result in an unfair advantage to another person or persons.

60. Where a senior manager accepts a position with an outside entity and possesses or had access to confidential information, the release of which could provide that entity with an unfair advantage or cause loss or damage to the GNWT, that outside entity may be restricted, during the six month period following the former employee's GNWT employment, from doing business with the GNWT (with respect to matters in which that confidential information may result in an unfair advantage or loss or damage to the GNWT).
61. Where a senior manager lobbies the GNWT on behalf of an organization in contravention of the requirements of this section, the GNWT reserves the right not to do business with that organization with respect to that particular issue or transaction.
62. The GNWT may seek damages for the misuse of confidential information from a former employee and/or any organization that uses the confidential information where the damages are quantifiable and recoverable.
63. In circumstances where it is not clear whether or not a former senior manager may enter into a business, other employment or activities identified under Section 60 above, within six months of ceasing to be an employee, the senior manager shall notify the Deputy Head of their former department in writing of the nature of such business or employment and request clarification and/or approval.
64. The Deputy Head may grant an exemption and may impose such conditions in writing as he or she considers appropriate in the circumstances where he or she is satisfied that:
 - a) the consideration and terms of the request are reasonable; and
 - b) it is not contrary to the public interest to authorize the request.

65. Where the request has been approved with conditions, the former senior manager shall comply with any conditions imposed by the Deputy Head.
66. When the Deputy Head makes a determination to prohibit a former senior manager's engagement in business or employment, the former senior manager shall be notified in writing together with the reason for withholding such permission.
67. In circumstances where a former employee reasonably believes that they may be asked or required to breach their Oath of Office and Secrecy or that they may be in breach of their Oath of Office and Secrecy, the former employee shall notify the Deputy Head of their former Department, Board or Agency or the Deputy Minister of Human Resources, in writing of the circumstances and request clarification of the obligations arising from their Oath of Office and Secrecy.
68. Executive Managers must abide by the provisions of their employment contracts with respect to post-employment activities.

OUTSIDE EMPLOYMENT, SERVICE AND VOLUNTEER ACTIVITIES

69. In this section "outside activity" includes outside employment, self-employment, service (with or without remuneration) on boards, councils or committees, and volunteers activities.
70. When an employee wishes to engage in an outside activity outside regularly scheduled hours of duty, which could:
 - a) cause a conflict of interest;
 - b) be performed in such a way as to appear to be an official act on the government's behalf, or to represent a

Government opinion or policy;

- c) interfere with regular duties;
- d) involve the use of Government premises, equipment or supplies; or
- e) place the employee in a position where the employee has confidential knowledge or information to which the employee can exploit that knowledge or information for personal gain;

the employee shall notify the Deputy Head in writing of the nature of the activity and shall not participate in the outside activity until granted permission to do so.

71. Where a Deputy Head determines that there is a potential for a conflict of interest from an employee's involvement in outside activities, the matter will be discussed with the Deputy Minister of Human Resources. If necessary, the Deputy Head and the Deputy Minister of Human Resources jointly seek advice and input from the Ethics Counsellor. The Deputy Head will advise the employee in writing of his or her decision. An explanation will be provided where the Deputy Head makes a determination to:

- a) prohibit an employee's engagement in any outside activity due to a real or perceived conflict of interest; or
- b) grant the employee permission to engage in outside activities with conditions. Such permission is normally granted where the Deputy Head is satisfied that a real or perceived conflict of interest would be rare or an isolated occurrence and therefore can be addressed by the requirement that the employee not participate in any GNWT decision or discussion that could impact the outside activity or in any discussion or decision by the outside organization that could impact the GNWT.

ACCEPTANCE OF GIFTS AND BENEFITS

72. All GNWT employees receive compensation for their work. Care must be taken to ensure that perceptions are not created that employees will accept additional gifts or benefits in order to take certain actions.
73. An employee shall not accept any payment, gift, honorarium or service that could be viewed as a payment for services rendered through his or her employment. Employees may accept gifts of small intrinsic value (under \$100.00) that are received as part of the business protocol, hospitality or social obligation that normally accompany the duties or responsibilities of the employee and that cannot be viewed as payment.
74. In circumstances where it is not clear whether or not an employee may keep a gift or benefit, the employee shall obtain approval before accepting and/or retaining the gift or benefit. The Deputy Head shall make the determination in the case of his or her department and in the case of a Deputy Head, the Secretary to Cabinet shall make the determination. In the case of a gift or benefit to the Secretary to Cabinet, the Premier shall make the determination.
75. Where an employee is denied permission to keep a gift or benefit, that employee shall be notified in writing together with the reason for withholding such permission.

USE OF GOVERNMENT EQUIPMENT AND PROPERTY

76. In order to ensure that there is not a perception that employees benefit personally as a result of their employment in the GNWT, employees are prohibited from using Government equipment, facilities or property for anything other than Government business, **except for limited and occasional personal use of Government phones, e-mail and Internet access, as defined in Policy and the Code of Conduct.**
77. The GNWT acknowledges the requirement for employees to have reasonable use of government phones, **e-mail and Internet access** for personal reasons, **provided it does not negatively impact performance of their work responsibilities.**

Employees are advised that the following activities are expressly forbidden:

Phone usage:

- a) Conducting illegal activities.
- b) Making personal long distance calls or sending long distance **personal faxes** charged to a Government number.
- c) Conducting private business or soliciting money for personal causes.
- d) Political lobbying.
- e) Making/delivering hate messages, **messages that are discriminatory or defamatory, and messages that could be considered harassment or antisocial.**
- f) Using objectionable language.
- g) Misrepresenting oneself or the GNWT.

Internet usage:

- a) **Conducting illegal activities.** This includes copying and sending confidential or proprietary information or software that is protected by copyright and other laws protecting intellectual property, and maliciously or knowingly spreading viruses. Illegal activities will be promptly reported to the Royal Canadian Mounted Police (RCMP) for investigation.
- b) **Accessing websites supporting hate, pornography, gambling, shopping or auctions, investments or stock trading, gaming, espionage and terrorism, theft, or drugs, unless accessing such sites is a requirement of your job responsibilities and access is authorized.**
- c) **Transmitting or downloading material that is discriminatory, defamatory, harassing, insulting, offensive, pornographic or obscene.**
- d) **Participating in activities including the preparation or distribution of content that could damage the Government's image or reputation.**

E-mail usage:

- a) **Conducting illegal activities.**
- b) **Sending messages and/or attachments that contain racist, sexist or sexually explicit items or content including pictures, jokes, hoaxes or executable graphics.**
- c) **Sending hate mail, harassing others, making discriminatory remarks, or using objectionable language.**
- d) **Misrepresenting other employees on any GNWT network by sending e-mail from their computer.**
- e) **Conducting or pursuing their own business interests or those of another organization.**
- f) **Political lobbying.**

DEALINGS WITH FAMILY, FRIENDS AND RELATIVES

78. Employees must conduct themselves in a manner that promotes confidence in an unbiased, professional public service. It is therefore important that employees not be seen to be taking actions to further the private interests of their immediate family, friends or relatives.
79. Employees are prohibited from:
- a) participating in decisions where it may reasonably be perceived that in the performance of their duties there is the opportunity to improperly benefit the interests, financial or otherwise of the employee or members of their family or their friends, directly or indirectly;
 - b) using their position to seek to influence a decision made by another person to benefit a financial interest of the employee, a member of their immediate family, or a friend or relative of the employee;
 - c) sharing information that is gained in the employee's capacity and is not available to the general public, to benefit a financial interest of the employee, a member of their immediate family, or a friend or relative of the employee; and
 - d) giving preferential treatment to an individual, corporation or organization, including a non-profit organization, in which the employee, a member of their immediate family, or a relative or friend of the employee, has an interest, financial or otherwise.
80. It is generally not appropriate for an employee to supervise a member of their immediate family or be in the direct chain of command over a family member. The Deputy Head may approve an exemption to this prohibition in appropriate circumstances. The Deputy Head will consult with the Deputy Minister of Human Resources when considering an exemption.

PUBLIC STATEMENTS

81. GNWT employees are free to comment on public issues; however, they must not use their position in Government to lend weight to the public expression of their personal opinions.
82. More specifically, employees of the GNWT:
- a) must exercise caution when making comments that are critical of Government policies, and be aware that they may lend more weight to those comments as a result of their position and/or level of seniority in the GNWT;
 - b) in making public comments, must not jeopardize the perception of impartiality in the performance of their duties;
 - c) shall not release information that is not generally available to the public; and
 - d) proposing to publicly criticize a policy or direction with which they are involved, shall obtain the written permission of the Deputy Head prior to making such public comment.

POLITICAL ACTIVITY

83. If engaging in political activities, employees must be able to maintain impartiality in relation to their duties and responsibilities. Within the constraints established in the *Public Service Act* and in this Code, employees are free to participate in political activities, including belonging to a political party, supporting a candidate for elected office and actively seeking elected office, as long as the political activities are clearly separated from the activities related to his or her employment.

84. When engaging in political activities that may conflict in a manner that is real or perceived with employment duties or that compromise the interests of the Government, employees must make written disclosure to the Deputy Head.
85. When engaging in political activities, an employee shall not:
- a) personally solicit funds for a territorial political party or candidate;
 - b) during working hours, engage in any political activity for or on behalf of a territorial, provincial or federal political party or a candidate;
 - c) use the premises, air charters, supplies, equipment or services belonging to or in the possession of the GNWT for the purposes of any political activity, unless the premises are leased residential premises;
 - d) display or distribute territorial, provincial or federal campaign literature or other promotional material in any office or premises belonging to or in the possession of the GNWT, unless the premises are leased residential premises;
 - e) be a candidate in a federal, provincial or territorial election, unless on a leave of absence granted by the Minister of Human Resources for that purpose;
 - f) serve as an official agent for a candidate or as an executive officer of a territorial political party or territorial riding association; or
 - g) intentionally use or attempt to use their position to affect the political activity of any other person.
86. Where an employee falls into the category of “restricted employee”, pursuant to the *Public Service Regulations*, additional restrictions on political activity apply. Restricted employees include:
- a) deputy ministers, assistant deputy ministers and heads of secretariats of the Executive Council;
 - b) division directors, assistant directors and regional

superintendents;

- c) chief executive officers of GNWT corporations or agencies; and
- d) staff of the Department of the Executive, other than secretarial staff, clerical staff, or executive assistants to elected Ministers.

87. Restricted employees are subject to the restrictions placed on all GNWT employees and in addition they may not:

- a) publicly express views on any matter that forms part of the platform of a territorial or federal political party or candidate, including any criticism of candidates, positions or policies;
- b) attend any meeting of a territorial or federal political party as a voting delegate;
- c) serve as executive officer of a federal political party, riding or association; or
- d) campaign on behalf of or otherwise actively work in support of a territorial or federal political party or candidate.

88. In addition to the restricted employees included under Section 86, superintendents of education, area superintendents of education, assistant superintendents of education and supervisors of schools may not hold the office of mayor of a municipality.

- Municipality includes cities, towns, villages and hamlets.

89. Employees who are elected as a member of a territorial or provincial legislative assembly or as a member of Parliament immediately cease to be a GNWT public service employee.

90. Employees who seek election and are not elected, are entitled to return to the same or similar employment, effective the day after the election.

91. In circumstances when it is not clear whether or not an employee may enter into a political activity, they shall notify

their Deputy Head in writing of the nature of the intended political activity and seek approval. If permission is withheld, the employee shall be notified in writing together with the reason for withholding such permission.

REPORTING CONFLICTS OF INTEREST

92. All employees share the responsibility of maintaining a high level of integrity in the public service; and the GNWT recognizes that it must foster an environment in which employees feel able to raise such issues or concerns in clear and proper ways without fear of reprisal.
93. If an employee has identified or is concerned about conflicts of interest, the employee should bring it to the attention of their Deputy Head, the Secretary to Cabinet, the Deputy Minister of Human Resources or the GNWT Audit Bureau. This is not a violation of either the Code or an employee's Oath of Office and Secrecy. In many cases, reporting conflicts of interest is, in fact, an obligation of the employee.
94. No employee shall be disciplined or face any reprisal for identifying conflicts of interest unless, after a thorough investigation the reporting of such was found to be vexatious and malicious. An employee who is found to have reported a conflict of interest or other breach of this Code for vexatious or malicious reasons may be subject to disciplinary action up to and including dismissal.

PROFESSIONAL CODES OF CONDUCT AND ETHICS

95. The GNWT Code of Conduct does not preclude the responsibility of members of professional organizations to uphold their professional organization's code of conduct and ethics in the performance of their duties with the GNWT. In instances where compliance with a professional code of conduct and ethics could be viewed as a breach of this Code, the employee will discuss the matter with his/her Deputy Head.

The Deputy Head will provide the employee with direction to ensure the employee can fulfil their responsibilities under their professional code of conduct and ethics while still adhering to this Code. If necessary, the Deputy Head may seek the assistance of the Ethics Counsellor in these matters.

Where a Deputy Head is bound by a professional code of conduct and ethics the discussion referred to above should be held with the Secretary to Cabinet.

DECISIONS AND REVIEWS OF DECISIONS

96. Where a Deputy Head prohibits an employee's actions under the provisions of this Code, the employee has the right to request a review of those decisions to the Deputy Minister of Human Resources. In the case of employees of the Department of Human Resources, a review request can be made of the Secretary to Cabinet.

The Deputy Minister of Human Resources will review the decision, taking into consideration any previous determination of the Ethics Counsellor.

97. Should an employee not agree with any decisions or actions taken as a result of the application of this Code, the employee may access the grievance process contained in the appropriate collective agreement or the *Public Service Act*.

RESPONSIBILITIES OF THE PARTIES

98. **Deputy Heads** are responsible for:

- a) ensuring that employees are advised of and understand the provisions of the Code and the consequences of non-compliance;
- b) ensuring that in circumstances where it is not possible for an employee to read and understand the Code without assistance that appropriate steps are taken to ensure that the employee understands the Code and the consequences of non-compliance;
- c) ensuring that all employee requests or discussions under provisions of this Code are responded to confidentially and in a timely manner;
- d) designating a departmental contact for matters related to the Code;
- e) ensuring that employees who are working in a position, function or on a project in which a conflict of interest may arise are requested to provide a sworn disclosure statement to the Ethics Counsellor and procedures and timelines are met in accordance with Section 40.
- f) ensuring all possible breaches of the Code are thoroughly and professionally investigated within a reasonable time frame and, where the Code is found to have been breached, that appropriate action is taken;

Note: Where an investigation is unsubstantiated the employee(s) who reported the breach of the Code shall be advised of the conclusion and reasons. An unsubstantiated complaint is not necessarily vexatious or

malicious.

- g) providing fair and consistent direction on actions to be taken by both the Deputy Head and the employer to resolve identified conflicts of interest. Deputy Heads may consult with either or both the Deputy Minister of Human Resources or the Ethics Counsellor on appropriate actions.
- h) ensuring that, where an employee discloses a conflict of interest or a potential conflict of interest, discussions are held with the employee to determine appropriate actions to be taken in order to resolve the matter. Such steps may include but are not limited to:
 - i. revising an employee's assignment,
 - ii. limiting specific activities, and
 - iii. providing written direction to the employee on appropriate actions to take in order to resolve the conflict.

Any action to be taken by the Deputy Head shall be provided to the employee in writing, together with reasons for taking that action.

- i) ensuring that confidential information is handled with caution and discretion;
- j) ensuring that statements of disclosure are maintained in accordance with Section 39;
- k) delegating authority and responsibility, for investigations, where applicable;
- l) ensuring that employees or members of the public who report conflicts of interest or other breaches of this Code are not subject to reprisal;
- m) ensuring that appropriate action is taken where the reporting of a conflict of interest or other breach of this Code by an employee was vexatious or malicious; and
- n) ensuring that they do not knowingly contract with an employee or a former employee or a company in which that employee or former employee has an interest, contrary to this policy.

99. **Managers and supervisors** are responsible for:

- a) advising staff on issues under the Code;
- b) ensuring that confidential information is handled with caution and discretion;
- c) ensuring that they do not knowingly contract with an employee or a former employee or a company in which that employee or former employee has an interest, contrary to this policy; and
- d) assisting staff in the resolution of conflicts of interest.

100. **Employees** are responsible for:

- a) disclosing and resolving potential conflicts of interest or other breaches of this Code;
- b) providing affirmed disclosure statements as requested and taking appropriate actions to resolve identified conflicts of interest when directed in writing by the Ethics Counsellor;
- c) promptly advising their Deputy Head of any changes in their personal circumstances that would affect previous disclosure statements or previous permission for involvement in outside activities;
- d) taking appropriate actions to resolve identified conflicts of interest when directed in writing by their Deputy Head;
- e) reporting conflicts of interest of other employees for which they have factual or circumstantial evidence or for whom they believe may be in a conflict of interest situation;
- f) checking with their supervisor or Deputy Head when they are uncertain about any provision of the Code including:

- i. the appropriateness of receiving outside

remuneration,

ii. potential or actual conflicts of interest, and

iii. releasing any information that may be confidential.

g) arranging their personal affairs so there is no contravention of the provisions of the Code.

101. **The Ethics Counsellor** is responsible for:

- a) reviewing and investigating sworn or affirmed disclosure statements or supplemental disclosure statements and making a determination as to whether or not the information contained in such documents constitute a conflict of interest;
- b) providing fair and consistent direction on actions to be taken by both the Deputy Head and the employee in order to resolve identified conflicts of interest;
- c) providing summary information from disclosure statements to the Deputy Heads;
- d) preparing and maintaining a register containing summary disclosure statements and supplemental disclosure statements, and providing such register and summary information to the Cabinet Secretary upon request; and
- e) maintaining confidential disclosure files in accordance with Sections 50, 51 and 52.

102. **The Deputy Minister of Human Resources** is responsible for:

- a) providing assistance to Deputy Heads, when requested, on determining where a potential conflict may arise;
- b) regularly reviewing the Code of Conduct to ensure it remains up to date and appropriate for the GNWT; and
- c) accepting reviews of decisions by Deputy Heads to prohibit the activities of employees due to a conflict of interest.