

duties, delegated authorities and knowledge, and must avoid the expression of personal opinions or speculation.

L. PROTECTION OF DCC PROPERTY

1. Employees are expected to use and safeguard DCC's property for the conduct of the Corporation's business, and to protect it from theft, misuse or damage.

M. DISCLOSURE OF WRONGDOING

M1 Introduction

1. As a Crown corporation, DCC is subject to the *Public Servants Disclosure Protection Act* (PSDPA, as amended). The PSDPA provides a means for employees of DCC to disclose information that they believe could show that a wrongdoing has been committed in the public sector or that they were asked to commit a wrongdoing. This is also referred to as "whistleblowing". The PSDPA protects DCC employees who come forward against reprisal.
2. The PSDPA lets DCC employees disclose to their supervisor or to the senior officer designated for the purpose by DCC's President, any information that the employee believes could show that a wrongdoing has been committed or is about to be committed, or that could show that the employee has been asked to commit a wrongdoing. Alternatively, DCC employees may choose to disclose this information to the Public Sector Integrity Commissioner of Canada.
3. The types of wrongdoings that are covered in the PSDPA include the following:
 - a) a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of section 19 of the PSDPA;
 - b) a misuse of public funds or a public asset;
 - c) a gross mismanagement in the public sector;
 - d) 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;
 - e) a serious breach of a code of conduct established under section 5 or 6 of the PSDPA; and
 - f) knowingly directing or counseling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).

M2 Disclosure Process

1. Initial Response: Employees who discover, or are made aware of, a wrongdoing that has been committed or will be committed should first attempt to raise the matter with/through their supervisors. If that is not successful or is not possible, employees may communicate directly with **DCC's President who is designated the Senior Officer for the purposes of the PSDPA** and is responsible for acting upon such disclosures.
2. Public Sector Integrity Commissioner of Canada: Normally, when an employee believes



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that the issue could not be raised in confidence within DCC, including the Board of Directors, or believe that the issue was not resolved, he or she may make a disclosure of wrongdoing directly to the Office of the Public Sector Integrity Commissioner (OPSIC).

3. The OPSIC provides a safe and confidential mechanism enabling public servants to disclose wrongdoings committed in the public sector. It also protects from reprisal public servants who have disclosed wrongdoing and those who have cooperated in investigations. The OPSIC's goal is to enhance public confidence in Canada's public institutions and in the integrity of public servants.
4. Prior to making a disclosure, an employee should review the process with the OPSIC. The OPSIC, through their internal review processes, will determine if they will review the disclosure or refer it back to DCC for investigation and/or resolution.
5. The OPSIC may be reached through the following address:

60 Queen Street, 7th floor
Ottawa ON K1P 5Y7
Telephone: (613) 941-6400 or 1-866-941-6400
<http://www.psic-ispc.gc.ca/>
6. Provision of Advice: DCC's President is available to provide information on this section of the Code and to provide informal advice to employees who are considering making a disclosure.
7. An employee who comes to seek advice or to make a disclosure may be accompanied by another person, a friend, a peer, etc. Where time or distance prevents a direct meeting with the President, an employee may choose to provide information by telephone. If deemed necessary, the President will make arrangements to meet with the employee.
8. Disclosure of wrongdoing: Once advice has been sought, the employee may formally disclose the information to the President, preferably in writing. The disclosure must include the nature of the wrongdoing, the name of the person alleged to have committed the wrongdoing, the date and description of the wrongdoing, and any other pertinent information. The information should be as precise and comprehensive as possible.
9. Screening and review of a disclosure: The President will review, or delegate to another person to review the information and determine if there are sufficient grounds for further action. The disclosure may be rejected if it is determined that it is trivial and vexatious, fails to allege or give adequate particulars of a wrongful act, or if it is determined that it was not given in good faith or on the basis of reasonable belief.
10. The President may also decline to review a disclosure if it is determined that the matter could be dealt with more appropriately by some other means.
11. Following the review, the President will inform the employee in writing of whether the investigation will proceed further. If the President decides to proceed further, it will be decided, from the nature and particulars of the wrongdoing, what the appropriate next steps are, which include an attempt at resolution and/or investigation. It is expected that most situations will be addressed by discussing the matter with the employees concerned, identifying avenues of resolution and taking appropriate action.

12. Investigation: If the matter cannot be concluded through a resolution mechanism, the President may initiate an investigation, either by performing the investigation personally or delegating the investigation to a member of the Executive Management Group who is outside the reporting chain for the parties involved. If necessary, the President may use external resources to undertake the investigation.
13. Decision: The person conducting the investigation will prepare a report, including recommendations, for the President. The President will review these recommendations and make a decision on any administrative or disciplinary action. The President will inform the parties in writing of the outcome of the investigation.

M3 Protection Against Reprisal

1. The PSDPA protects employees from reprisal if the disclosure was made in good faith. The Act also provides a fair and objective process for those who are accused of wrongdoing and it protects the confidentiality of all those involved in the disclosure process.
2. Nothing in the PSDPA prohibits anyone from making an anonymous disclosure (e.g., a "brown envelope" disclosure), but an anonymous disclosure is not considered to be a "protected disclosure" for the purposes of the PSDPA. The PSDPA specifies that a protected disclosure is one made by an employee to their supervisor, the President, or the Commissioner. Anonymous disclosures cannot meet this condition, since the source of the disclosure is not identifiable as a public servant. Therefore, protections against reprisal and provisions respecting protection of information are not necessarily available to those who make an anonymous disclosure.
3. Similarly, the PSDPA would not protect an employee who asks a representative to make the disclosure on his or her behalf. To trigger the protections of the PSDPA, an employee must be identifiable as the source of the disclosure, or be involved in a disclosure investigation. If a representative makes the disclosure, the representative would be considered the discloser under the PSDPA.
4. Protection from reprisal under the PSDPA is also available to those who have, in good faith, cooperated in investigations into possible wrongdoings. Consequently, if an employee who made an anonymous disclosure is a participant in the subsequent investigation, that person would be entitled to protection from reprisal under the PSDPA by virtue of his or her cooperation in the investigation.

Appendix A

Partial list of key legislation and policies applicable to DCC employees:

Legislation, including regulations:

[Access to Information Act](#)

[Criminal Code of Canada](#)

[Financial Administration Act](#)

[Official Languages Act and Regulations](#)

[Privacy Act](#)

[Public Servants Disclosure Protection Act](#)

Treasury Board of Canada Secretariat policies:

Contracting Policy (including compliance with the government of Canada's obligations under the *North American Free Trade Agreement*, the *World Trade Organization - Agreement on Government Procurement* and the *Agreement on Internal Trade*)

Policy on Government Security

Related DCC Corporate policies and procedures including, but are not limited to, those noted in the following documents:

- Office Services Manuals, Procedures and Policies
- Human Resources Policies and Process Manual
- Environmental Management Framework
- Financial Management Policy and Process Manual
- Information Technology Procedures and Policies
- Operations Manual, including the Delegated Signing Authorities
- Corporate Security Policies and Standards
- Health & Safety Manual
- Integrity Management Framework

Annex I to DCC's Code of Business Conduct

Values and Ethics Code for the Public Sector

The Role of Federal Public Servants

Federal public servants have a fundamental role to play in serving Canadians, their communities and the public interest under the direction of the elected government and in accordance with the law. As professionals whose work is essential to Canada's well-being and the enduring strength of the Canadian democracy, public servants uphold the public trust.

The Constitution of Canada and the principles of responsible government provide the foundation for the role, responsibilities and values of the federal public sector.^[1] Constitutional conventions of ministerial responsibility prescribe the appropriate relationships among ministers, parliamentarians, public servants^[2] and the public. A professional and non-partisan federal public sector is integral to our democracy.

The Role of Ministers

Ministers are also responsible for preserving public trust and confidence in the integrity of public sector organizations and for upholding the tradition and practice of a professional non-partisan federal public sector. Furthermore, ministers play a critical role in supporting public servants' responsibility to provide professional and frank advice.^[3]

Objectives

This Code outlines the values and expected behaviours that guide public servants in all activities related to their professional duties. By committing to these values and adhering to the expected behaviours, public servants strengthen the ethical culture of the public sector and contribute to public confidence in the integrity of all public institutions.

As established by the Treasury Board, this Code fulfills the requirement of section 5 of the *Public Servants Disclosure Protection Act* (PSDPA). It was developed in consultation with public servants, public sector organizations and bargaining agents. This Code should be read in conjunction with organizational codes of conduct.

Statement of Values

These values are a compass to guide public servants in everything they do. They cannot be considered in isolation from each other as they will often overlap. This Code and respective organizational codes of conduct are important sources of guidance for public servants. Organizations are expected to take steps to integrate these values into their decisions, actions, policies, processes, and systems. Similarly, public servants can expect to be treated in accordance with these values by their organization.

RESPECT FOR DEMOCRACY

The system of Canadian parliamentary democracy and its institutions are fundamental to serving the public interest. Public servants recognize that elected officials are accountable to Parliament, and ultimately to the Canadian people, and that a non-partisan public sector is essential to our democratic system.

RESPECT FOR PEOPLE

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

INTEGRITY

Integrity is the cornerstone of good governance and democracy. By upholding the highest ethical standards, public servants conserve and enhance public confidence in the honesty, fairness and impartiality of the federal public sector.

STEWARDSHIP

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

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 a high-performing organization.

Expected Behaviours

Federal public servants are expected to conduct themselves in accordance with the values of the public sector and these expected behaviours.

1. **Respect For Democracy**

Public servants shall uphold the Canadian parliamentary democracy and its institutions by:

- 1.1 Respecting the rule of law and carrying out their duties in accordance with legislation, policies and directives in a non-partisan and impartial manner.
- 1.2 Loyal carrying out the lawful decisions of their leaders and supporting ministers in their accountability to Parliament and Canadians.
- 1.3 Providing decision makers with all the information, analysis and advice they need, always striving to be open, candid and impartial.

2. **Respect For People**

Public servants shall respect human dignity and the value of every person by:

- 2.1 Treating every person with respect and fairness.
- 2.2 Valuing diversity and the benefit of combining the unique qualities and strengths inherent in a diverse workforce.
- 2.3 Helping to create and maintain safe and healthy workplaces that are free from harassment and discrimination.
- 2.4 Working together in a spirit of openness, honesty and transparency that encourages engagement, collaboration and respectful communication.

3. **Integrity**

Public servants shall serve the public interest by:

- 3.1 Acting at all times with integrity and in a manner that will bear the closest public scrutiny, an obligation that may not be fully satisfied by simply acting within the law.
- 3.2 Never using their official roles to inappropriately obtain an advantage for themselves or to advantage or disadvantage others.
- 3.3 Taking all possible steps to prevent and resolve any real, apparent or potential conflicts of interest between their official responsibilities and their private affairs in favour of the public interest.
- 3.4 Acting in such a way as to maintain their employer's trust.

4. **Stewardship**

Public servants shall use resources responsibly by:

- 4.1 Effectively and efficiently using the public money, property and resources managed by them.
- 4.2 Considering the present and long-term effects that their actions have on people and the environment.
- 4.3 Acquiring, preserving and sharing knowledge and information as appropriate.

5. **Excellence**

Public servants shall demonstrate professional excellence by:

- 5.1 Providing fair, timely, efficient and effective services that respect Canada's official languages.
- 5.2 Continually improving the quality of policies, programs and services they provide.
- 5.3 Fostering a work environment that promotes teamwork, learning and innovation.

Application

Acceptance of these values and adherence to the expected behaviours is a condition of employment for every public servant in the federal public sector, regardless of their level or position. A breach of these values or behaviours may result in disciplinary measures being taken, up to and including termination of employment.

The PSDPA defines the "public sector" as: (a) the departments named in Schedule I to the *Financial Administration Act* and the other portions of the federal public administration named in Schedules I.1 to V to that Act; and (b) the Crown corporations and other public bodies set out in Schedule I of the PSDPA. However, "the public sector" does not include the Canadian Forces, the Canadian Security Intelligence Service or the Communications Security Establishment, which are subject to separate requirements under the Act.

The *Values and Ethics Code for the Public Sector* came into force on April 2, 2012.

Avenues for Resolution

The expected behaviours are not intended to respond to every possible ethical issue that might arise in the course of a public servant's daily work. When ethical issues arise, public servants are encouraged to discuss and resolve these matters with their immediate supervisor. They can also seek advice and support from other appropriate sources within their organization.

Public servants at all levels are expected to resolve issues in a fair and respectful manner and consider informal processes such as dialogue or mediation.

As provided by sections 12 and 13 of the PSDPA, if public servants have information that could indicate a serious breach of this Code, they can bring the matter, in confidence and without fear of reprisal, to the attention of their immediate supervisor, their senior officer for disclosure or the Public Sector Integrity Commissioner.

Senior officers for disclosure are responsible for supporting the chief executive in meeting the requirements of the PSDPA. They help promote a positive environment for disclosing wrongdoing, and deal with disclosures of wrongdoing made by employees of the organization. Further information on the duties and powers of senior officers for disclosure can be found in the attached Appendix.

Members of the public who have reason to believe that a public servant has not acted in accordance with this Code can bring the matter to an organizational point of contact that has been designated for the handling of such concerns or to the Public Sector Integrity Commissioner to disclose a serious breach of this Code.

Appendix

DUTIES AND OBLIGATIONS

PUBLIC SERVANTS

Public servants are expected to abide by this Code and demonstrate the values of the public sector in their actions and behaviour. Furthermore, public servants must also adhere to the behavioural expectations set out in their respective organizational codes of conduct. If a public servant does not abide by these values and expectations, he or she may be subject to administrative or disciplinary measures up to and including termination of employment.

Public servants who are also managers are in a position of influence and authority that gives them a particular responsibility to exemplify the values of the public sector.

As provided by sections 12 and 13 of the *Public Servants Disclosure Protection Act* (PSDPA), if public servants have information that could indicate a serious breach of this Code they can bring this matter, in confidence and without fear of reprisal, to the attention of their immediate supervisor, their senior officer for disclosure or the Public Sector Integrity Commissioner.

CHIEF EXECUTIVES^[4]

Chief executives of public sector organizations have specific responsibilities under the PSDPA, including establishing a code of conduct for their organization and an overall responsibility for fostering a positive culture of values and ethics in their organization. They ensure that employees are aware of their obligations under this Code and their specific organizational code of conduct. They also ensure that employees can obtain appropriate advice within their organization on ethical issues, including possible conflicts of interest.

Chief executives ensure that this Code, their organizational code of conduct, and their internal disclosure procedures are implemented effectively in their organization, and that they are regularly monitored and evaluated. Chief executives of Crown corporations may rely on their boards of directors for support in this duty.

Chief executives are responsible for ensuring the non-partisan provision of programs and services by their organizations.

Chief executives are subject to this Code and to the *Conflict of Interest Act*.

SENIOR OFFICERS FOR DISCLOSURE

The senior officer for disclosure helps promote a positive environment for disclosing wrongdoing and deals with disclosures of wrongdoing made by public servants of their organization. Senior officers are responsible for supporting the chief executive in meeting the requirements of the PSDPA.

The senior officer's duties and powers within his or her organization also include the following, in accordance with the internal disclosure procedures established under the PSDPA:

1. Provide information, advice and guidance to public servants regarding the organization's internal disclosure procedures, including the making of disclosures, the conduct of investigations into disclosures, and the handling of disclosures made to supervisors.
2. Receive and record disclosures and review them to establish whether there are sufficient grounds for further action under the PSDPA.
3. Manage investigations into disclosures, including determining whether to deal with a disclosure under the PSDPA, initiate an investigation or cease an investigation.
4. Coordinate handling of a disclosure with the senior officer of another federal public sector organization, if a disclosure or an investigation into a disclosure involves that other organization.



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

TREASURY BOARD OF CANADA SECRETARIAT-OFFICE OF THE CHIEF HUMAN RESOURCES OFFICER

In support of the Treasury Board President's responsibilities under section 4 of the PSDPA, the Office of the Chief Human Resources Officer (OCHRO) is responsible for promoting ethical practices in the public sector.^[5] The OCHRO will work with all relevant partner organizations to implement and promote this Code, and will provide advice to chief executives and designated departmental officials with respect to its interpretation.

The Chief Human Resources Officer may issue directives, standards and guidelines related to this Code.

OCHRO will monitor the implementation of this Code in organizations with a view to assessing whether the stated objectives have been achieved.

¹ This Code is intended to clarify the role and expectations of public servants within the framework of Canadian parliamentary democracy as laid out in the *Constitution Act* and the basic principle of responsible government, which holds that the powers of the Crown are exercised by ministers who are in turn accountable to Parliament.

² The *Public Servants Disclosure Protection Act* (PSDPA) defines "public servant" as every person employed in the public sector (this includes the core public administration, Crown corporations and separate agencies). Every member of the Royal Canadian Mounted Police and every chief executive (including deputy ministers and chief executive officers) are also included in the definition of public servant for the purpose of the PSDPA and this Code.

³ This text reflects the duties and responsibilities set out in *Accountable Government: A Guide for Ministers and Ministers of State*, the *Conflict of Interest Act*, the *Lobbying Act* and the PSDPA.

⁴ "Chief executive" means the deputy head or chief executive officer of any portion of the public sector, or the person who occupies any other similar position, however called, in the public sector (PSDPA, 2005).

⁵ Section 4 of the PSDPA assigns this responsibility to the Minister responsible for the Public Service Human Resources Management Agency of Canada (subsequently the Canada Public Service Agency (CPSA)). With the creation of the Office of the Chief Human Resources Officer within Treasury Board of Canada Secretariat on February 6, 2009, the functions of the CPSA were transferred to the OCHRO.

ⁱ The PSDPA states that DCC's President & CEO shall establish a code of conduct applicable to DCC (which addresses the Corporation's specific work environment, risk and mandate) and that this code must be consistent with the Treasury Board of Canada's (TBS) Values and Ethics Code for the Public Sector (in effect April 1, 2012).

ⁱⁱ Activities conducted prior to this date will be deemed governed by the former policy.