



DEFENCE CONSTRUCTION CANADA

CODE OF BUSINESS CONDUCT

October 2017



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A. INTRODUCTION

1. The actions and the integrity of the behaviour of employees of Defence Construction Canada (DCC or the Corporation) are very important. Compliance with appropriate standards of conduct when undertaking business activities serves to preserve the reputation, image and success of DCC.
2. DCC's Code of Business Conduct (Code) outlines: DCC's mission, vision and values; the expected behaviours and standard of conduct; rules of conduct and procedures to minimize the possibility of a conflict of interest situation arising; and the avenues for resolution.
3. DCC's Code has been approved by the Board of Directors of the Corporation and is established pursuant to section 6 of the *Public Servants Disclosure Protection Act*.ⁱ This Code amends and replaces all previous versions.

B. EFFECTIVE DATE

1. The effective date of this Code is May 8, 2017ⁱⁱ.

C. APPLICATION

1. This Code applies to all employees of the Corporation, including continuing, term, casual, or temporary, as well as any person who is under a contract of employment with DCC. Any questions related to the application of this Code should be sent to the President's Office.
2. Compliance with the Code is a condition of employment. An employee who is found not to be in compliance with the requirements in this Code is subject to appropriate disciplinary action up to and including termination of employment. Dishonest or unethical conduct or conduct that is illegal constitutes a breach of the Code regardless of whether the Code specifically addresses such conduct. Any Employee who fails to meet the standards set out in the Code will be subject to possible review of his or her actions, or lack thereof, as well as corrective and/or disciplinary action up to and including immediate dismissal.
3. Before commencing any type of employment with the Corporation, all employees must sign a document certifying that they have read, understood and will observe this Code. Immediately after commencing employment, employees must complete a *Disclosure Report* to the President of assets (other than exempt assets described below) and of any outside activities.
4. Annually, all employees are to review their status and to reply to correspondence from the President regarding any changes to their status. As issues arise that could represent a change to their status, employees shall notify the President's Office at the earliest possible opportunity rather than waiting for the next annual update. Employees are also required to inform their supervisors of any potential conflict of interest situations and of outside activities.



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5. The Treasury Board Secretariat Values and Ethics Code for the Public Sector (Public Sector Code) came into force April 2012 and also applies to DCC employees because DCC is a Crown Corporation. DCC's Code complements, supports and integrates the Public Sector Code, which is Annex I to this document.
6. This Code replaces all previous codes. Non-compliance occurring prior to the date that this Code comes into effect will be governed by the appropriate former code.

D. STANDARDS OF BUSINESS CONDUCT

1. Employees are to conduct themselves in a professional manner at all times and strive to achieve the highest standards of behaviour and integrity while undertaking their work on behalf of DCC and its Client-Partners.
2. Conducting business affairs in a professional manner is not only measured by the type of work that an employee does, it is also a reflection of the attitude and behaviour with which an employee approaches and performs tasks.
3. All employee activities shall be consistent with this Code. In addition, employees are required to observe any specific conduct requirements contained in relevant Federal and Provincial legislation and regulations that apply to DCC as well as any applicable Government of Canada policies and employees are also expected to comply with all of DCC's corporate policies and processes (for an illustrative list of these, see *Appendix A*). Employees who belong to a professional association are governed by the requirements of that entity and if any inconsistencies arise, DCC's Code prevails.

E. DCC MISSION, VISION AND VALUES

MISSION: To provide timely, effective and efficient project delivery and full lifecycle support for infrastructure and environmental assets required for the defence of Canada.

VISION: To be a knowledgeable and innovative leader and employer of choice, valued by the Government of Canada and industry.

VALUES: Dedication, Collaboration, Competence, Fairness

Dedication: DCC is dedicated to supporting defence infrastructure and environmental requirements. For over 65 years, DCC employees have dependably and diligently carried out that mission for Client-Partners.

Collaboration: DCC is committed to developing collaborative relationships with Client-Partners, industry and employees and other stakeholders. Together, we leverage our shared expertise towards our common goals.

Competence: DCC has created a dynamic working environment in which the qualifications, experience and expertise of employees are focused on developing innovative solutions to the Client-Partners' needs.



Fairness: DCC deals with its Client-Partners, industry, employees and other stakeholders in a fair and ethical manner, advocating mutual respect and professionalism.

F. CONFLICT OF INTEREST

1. Employees are expected to adhere to the highest standards of conduct with respect to conflicts of interest in particular in relation to gifts and hospitality, requests for sponsorships, outside activities, and in all dealings with DCC colleagues, Client-Partners and external parties.
2. In keeping with the principles described below, each employee is responsible for taking all necessary actions to prevent real, potential or apparent conflicts of interest. Employees shall perform their work-related duties and arrange their private affairs in such a manner that public confidence and trust in the integrity, objectivity and impartiality of DCC are conserved and enhanced.
3. A conflict of interest may occur when an employee 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 for personal benefit.
4. Since DCC employees are involved in the awarding and management of contracts, it is particularly important to eliminate the potential for conflict of interest. Also, employees shall behave in such a way that there is no potential for allegations of influence or of favouritism. The bar for ethical standards has intentionally been set very high, and employees must also be sensitive to even perceptions of inappropriate actions that might compromise the integrity of the Corporation. In particular, DCC employees likely have a conflict of interest if they are in any way associated with or have a private economic interest in or a material interest in an entity that DCC does or plans to do business with in the future. For example, if DCC does or plans to do business with an entity, such as a supplier that an employee has a financial interest in, or if an employee is, has been or will be related to or associated with the person or entity being considered for a contract procured or managed by DCC, then a conflict situation could arise and the DCC employee cannot approve or be involved in any way with the contract, for example, in the procurement or contract management processes.
5. DCC will not permit employees in personal or business relationships which create or appear to create a conflict of interest to remain in such a conflict or potential conflict. This includes, but is not limited to, blood relationships, those in a legal or common law marriage and those in a business relationship. DCC reserves the right to move one or both of the individuals in such situations to a comparable position within the organization. DCC will not hire or move an individual into a position which creates such a conflict or potential conflict of interest. Employees with management responsibilities who have personal relationships with a staff member must ensure the relationship is and remains outside of their immediate team or line of control and to notify their supervisors with a view to developing a solution which eliminates or mitigates the conflict of interest.
6. Where a conflict of interest does arise between an employee's official duties and their private interests and/or outside activities, the conflict will be resolved in favour of the public interest. DCC's President has the discretion to determine whether such a situation may arise.



7. To ensure ongoing compliance, you must assess your situation:
 - Annually;
 - Each time your job changes; and/or
 - Any time there is a change in your personal situation (assets/outside activities).

F1 Particular Guidelines

1. To ensure that the personal interests of employees do not conflict or appear to conflict with the interests of DCC, employees should be aware of the following guidelines:
 - a) employees have an obligation to act in a manner that will meet public expectations when undergoing the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law;
 - b) employees shall not have private interests, other than those permitted pursuant to these measures, that would be affected particularly or significantly by corporate actions in which they participate;
 - c) employees shall arrange their private affairs in a manner that will prevent real, potential or apparent conflicts of interest from arising, but if such a conflict does arise between the private interests of an employee and the work-related duties and responsibilities of that employee, the conflict shall be resolved in favour of the public interest;
 - d) employees shall not solicit or accept transfers of economic benefit in the course of conducting DCC business, other than incidental gifts, customary hospitality, or other benefits of nominal value.
 - e) employees shall not knowingly give, offer or agree to offer or give a bribe. DCC employees must exercise reasonable diligence and care in all procurements and contract management;
 - f) employees shall not step out of their official roles to assist private entities or persons in dealings with DCC, or with any entity within the Government of Canada, where this would result in real or perceived preferential treatment or favouritism;
 - g) employees shall not take advantage of, or benefit from, information that is obtained in the course of their employment with DCC;
 - h) employees shall not directly or indirectly use, or allow the use of, DCC's property of any kind for anything other than officially approved activities; and
 - i) employees shall not act, after they leave employment with DCC, in such a manner as to take improper advantage of their previous position.

F2 Gifts, Hospitality and Other Benefits

1. Employees must recognize that the offer or acceptance of gifts, hospitality or other benefits may place them in a real, apparent or perceived conflict of interest situation in relation to their official duties and responsibilities. DCC employees shall not accept cash, goods or services at reduced prices or for free, preferred treatment of any kind in a business enterprise, or loans of money, material or equipment on a preferential basis, or any or other benefits from a contractor, supplier, or any other entity that has an actual or



potential business relationship with DCC.

2. In accepting or offering gifts or hospitality, whether arising out of activities associated with the performance of duties and responsibilities at DCC or where offered by entities, employees must comply with the following guidelines:
 - a) Employees may only accept or offer a courtesy item of nominal value such as a mug, pen, notebook or baseball hat. In cases where a courtesy item greater than nominal value is offered and it is improper not to accept it at the time (i.e. at a public gathering), the item shall be passed to a member of the Senior Management Team for appropriate disposition.
 - b) Employees may accept or offer larger courtesy items (for example, golf shirts) in circumstances and events sanctioned by DCC. Note that it is not always appropriate for employees to wear promotional items that highlight firms that conduct business with DCC because doing so may be perceived as favouritism.
 - c) Employees should not permit a supplier, contractor or consultant to pay for a meal without prior approval of their supervisor. Employees who are authorized to pay for others' meals shall do so only in the normal course of business. Paying for such meals shall not be done on a routine basis without a specific business purpose. Expense claims shall clearly identify all participants as well as the nature of the business conducted.
 - d) Employees may accept an invitation to a private sector business reception or industry association function if it is related to DCC's business and compatible with the corporation's objectives. The cost of such events should be modest.
 - e) Employees shall neither accept nor offer tickets or payment of fees for a sporting, cultural or recreational event from entities with which DCC conducts business.
 - f) Employees shall not accept the cost of transportation, accommodation or other services that are not of a nominal value, associated with sponsored or no-cost functions. The value of meals, receptions and other activities which are part of a conference or a training and development session, the attendance and payment for which has been approved in accordance with DCC policy, does not need to be separately approved or reported.
 - g) Hospitality beyond a nominal value or which exceeds these guidelines should not be accepted. In exceptional circumstances when it is judged that the benefit to the corporation warrants special consideration, an employee must seek the approval of the President in advance of accepting the hospitality.
 - h) Any employee who believes that they are being offered a gift, benefit or hospitality in exchange for preferential treatment or information should immediately report this to the President and to their supervisors.

F3 Solicitation, Fees or Honorariums

1. With the exception of fundraising for activities officially sanctioned by DCC, such as the Government of Canada Workplace Charitable Campaign, DCC employees shall not solicit donations, prizes, contributions or transfers of economic value from suppliers, contractors, persons, groups or organizations in the private sector that deal with DCC. Employees must have prior written approval from a member of DCC's Senior Management Team before seeking donations, prizes or contributions in kind from external organizations or



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individuals for officially sanctioned fundraising events. For DCC internal fundraising, please refer to DCC's Charitable Organizations and Fundraising Policy.

2. Whenever DCC employees attend industry or other business meetings or conferences, they must pay their own expenses and claim reimbursement according to the relevant DCC policy. Where DCC covers the travel expenses of an employee who undertakes in his or her official capacity, to address a meeting (or participate in similar functions) of a group or organization, and the employee receives a fee or honorarium for such activity from the group or organization involved, the employee must report this to DCC's President and return the fee or honorarium. If it is not possible to decline or return such money, or if to do so would be construed as being discourteous, then the employee must remit the money to DCC.

F4 Preferential Treatment

1. Employees must demonstrate objectivity and impartiality in the exercise of their duties and in their decision making, whether related to contract awards, staffing processes, or any other activity. Employees shall not be seen to endorse or favour one supplier, contractor or consultant over another.
2. Employees shall not take advantage of their position to obtain or give privileges, benefits, or information. In particular employees are not to:
 - a) Accord preferential treatment in relation to any work-related matter to family members or friends, or to organizations in which the employee, or his or her family members or friends have an interest. Care must be taken to avoid being placed, or appearing to be placed, under obligation to any person or organization that might profit from special consideration by the employee.
 - b) Offer assistance in dealing with DCC or any arm of government, to any individual or entity where such assistance is outside the official role of the employee, without prior approval of their supervisors.

F5 Outside Activities

1. Involvement in outside employment and other activities by employees is not prohibited, unless the employment or activity is likely to give rise to a real, apparent or potential conflict of interest, or would undermine the impartiality or objectivity of the employee, or would interfere with the performance of daily duties. Outside activities include paid or volunteer work or any political activities such as assisting a candidate or if a DCC employee wishes to run for public office in any level of government. DCC's President has the discretion to determine whether a conflict of interest situation may arise. Therefore, employees engaging in outside activities or contemplating such activities shall file a *Disclosure Report* with the President and shall inform their supervisor. The information provided in the *Disclosure Report* shall outline all aspects of the activity in detail. If the President determines that a real or potential conflict of interest situation exists, it may be requested that such activity be curtailed, modified, or ceased.
2. Employees:
 - a) Shall not directly, either as an individual or as a business, enter into any contract with DCC other than for the purposes of employment with the corporation. For greater certainty employees cannot provide goods and or services to DCC, as an individual,



sole proprietor, partner, owner, or employee of another entity; and

- b) Shall immediately cease all outside employment or business relationships involving a contract with DCC.
3. DCC employees are expected to respect the following conditions regarding outside activities: personal activities are to be carried on outside normal DCC working hours and without the use of DCC resources; the level of activity undertaken should not affect work performance; and business relationships developed as a result of these activities may be perceived as a conflict of interest, depending on the circumstances, and employees must be sensitive to this.

F6 Post-employment

1. Without unduly restricting their ability to seek other employment, all DCC employees should minimize the possibility of real, apparent or potential conflicts of interest between their subsequent employment in the private sector and their most recent responsibilities at DCC. Employees leaving DCC should not take improper advantage of their previous position with DCC. Before leaving DCC, employees whose future post-employment activities may pose a risk of a conflict of interest with their current responsibilities should notify DCC's President of this potential.
2. DCC's President may designate certain positions that may be at risk for post-employment conflict of interest situations. As examples, members of DCC's executive management group and senior management, as well as certain contracting officers, may be designated positions subject to post-employment measures due to the type of work conducted which would have involved significant official dealings with suppliers or other entities with which DCC conducted business. This designation is to be in relation to the last position held by the employee before leaving DCC. Employees in these specifically designated positions may be subject to a one year limitation period after leaving their position and, during this year, these employees are to report to the President all firm offers of employment or proposed activity that could place them in a real, apparent or potential conflict of interest situation related to their employment with DCC. DCC's President has the discretion to and may reduce or waive this one-year period, depending on such factors as: the circumstances of the end of service; the general employment prospects; the significance to the government of information possessed by the employee by virtue of the previous position held; the desire to rapidly share the knowledge and skills that the employee possesses with the new employer; the degree to which the new employer might gain unfair commercial or private advantage as a result of the hiring; the authority and influence possessed by the employee while with DCC; and any other relevant consideration. In addition, during this one-year period, without the authorization of DCC's President, employees in these designated positions may not:
 - a) Accept appointment to a board of directors of, or employment with, private sector entities with which they had significant official dealings during the period of one year immediately prior to the termination of their service. These official dealings may either be directly by the employee or through subordinates;
 - b) Make representations to any government organization on behalf of persons or entities outside of the public sector with which they had significant official dealings, during the period of one year immediately prior to the termination of their service. These official dealings may either be directly on the part of the employee or through subordinates; or



- c) Give advice to their clients or employer using information that is not publicly available concerning DCC programs or policies or those of the entities with which the employee had a direct and substantial relationship.

F7 Employee Assets and Liabilities

1. On commencing employment with DCC, employees shall make a disclosure to the President regarding certain assets and liabilities by completing a *Disclosure Report*. This information will be treated as confidential. Employees shall also disclose to the President when an asset is acquired or when the nature of the asset or liability changes.
2. Assets requiring disclosure include, but are not limited to:
 - a) Loans received directly or indirectly from, or loans granted directly or indirectly, to persons doing business with DCC or persons having an interest in a person doing business with DCC;
 - b) Direct or indirect interest in partnerships, proprietorships, joint ventures, private companies, publicly traded companies and/or family businesses doing business with DCC, or investments in self-directed or self-managed securities in publicly traded companies that do business with DCC;
 - c) Direct or indirect ownership interests amounting to 10 per cent or more of an entity;
 - d) Direct and contingent liabilities in respect of any of the assets described above;
 - e) Any other assets and liabilities where the value of same is in an amount or amounts such that a well-informed person could reasonably conclude that such ownership might influence an employee's behaviour in the exercise of his or her duties as an employee of DCC.
- 2.1 Assets and interests intended for the private use of employees and their families, and assets that are not of a commercial character are not subject to the compliance measures of DCC's Code. Such assets include, but are not limited to:
 - a) Residences, recreational property and farms used or intended for use by employees or their families; household goods and personal effects; works of art, antiques and collectibles; automobiles and other personal means of transportation;
 - b) Registered Retirement Savings Plans that are not self-administered; investments in open-ended mutual funds; guaranteed investment certificates and similar financial instruments; cash and deposits; Canada Savings Bonds and other similar investments in securities of fixed value issued or guaranteed by any level of government in Canada or agencies of those governments;
 - c) Annuities and life insurance policies; pension rights; and money owed by a previous employer, client or partnership.
3. If employees have questions as to whether any of these circumstances apply, they should seek clarification from the President.
4. Where it is determined by the President that assets or liabilities constitute a real or potential conflict of interest in relation to the duties and responsibilities of the employee, the employee must either divest the assets or terminate the liability or otherwise satisfy the President that such a conflict no longer exists. Assets are usually divested either by selling



them in an arm's length transaction or by making them subject to a trust arrangement. In making a determination, the President shall take into consideration such factors as: the specific duties and responsibilities of the employee; the level of direction to which the employee is subject in the performance of duties and in the making of decisions; and the value and type of assets and liabilities involved.

G. COMPLIANCE

1. The compliance measures set out the procedural and administrative requirements to be observed by employees of DCC in order to minimize the risk of conflict of interest and to permit the resolution of such conflicts of interest, should any arise, in favour of the public interest.
2. An employee demonstrates compliance with the Code in the following ways:
 - a) Avoidance: by avoiding or withdrawing from activities or situations that may give rise to a conflict of interest situation relative to work-related duties and responsibilities at DCC;
 - b) Disclosure Report: by providing a written statement to the President indicating ownership of an asset, receipt of a gift, hospitality or other benefit, or participation in any outside employment or activity; and
 - c) Divestment: where continued ownership by an employee would constitute a real or potential conflict of interest with the employee's work-related duties and responsibilities, the employee may elect to sell the asset at arm's length or place that asset in trust.
3. Employees must not sell or transfer assets to family members or others for the purposes of circumventing these measures.
4. Following a *Disclosure Report* there may be instances where the withdrawal from the activity or divestment will be necessary. The President will make this decision and communicate it to the employee. The President will determine the appropriate method of compliance and, in doing so, will try to achieve mutual agreement with the employee, based on the individual circumstances.

H. CONFIDENTIALITY

1. Information concerning the private interests of employees provided to the President is treated in confidence.

I. FAILURE TO AGREE

1. Where an employee and the President disagree with respect to the appropriate arrangements necessary to achieve compliance with the Code, the disagreement shall be resolved by DCC's Board of Directors.



J. PROTECTION AND USE OF INFORMATION

1. Employees of DCC are not to disclose any information received as part of their normal course of business for personal gain.
2. Employees are often provided with information that is not publicly available, such as proprietary, sensitive or classified information. The disclosure of such information could be injurious to Canada, the Corporation, Client-Partners, DCC employees, and/or private sector companies. Such information as well as information that is provided in confidence shall only be disclosed to those requiring the information for legitimate business purposes and only in accordance with government security policies, DCC's corporate security policy, the *Access to Information Act*, the *Privacy Act* and DCC's contract conditions.
3. Third party requests for information of a proprietary, sensitive or classified nature must be referred to DCC's Access to Information and Privacy Coordinator.
4. DCC, as Federal Crown Corporation and agent of the Crown, creates, is exposed to and receives Canadian government sensitive information of differing security classifications, for example: Cabinet and Treasury Board of Canada Secretariat submissions; Orders in Council (prior to public disclosure); and information concerning federal-provincial affairs and international affairs, the disclosure of which could result in injury to the national interest.
5. The following are basic rules for DCC employees regarding the disclosure, use and communication of confidential information:
 - a) except with the consent of the party that is the subject of the information, confidential information must never be communicated to anyone other than appropriate DCC employees, officers, or representatives;
 - b) documents containing confidential information must be strictly controlled; and
 - c) verbal discussions of confidential information must be conducted in an appropriate fashion, taking into consideration the surroundings.

K. PUBLIC COMMENT

1. As a Crown Corporation, the public and/or media organizations may, from time to time, take an active interest in DCC or its activities.
2. Requests for interviews or other information related to DCC's policies, finances, individual employees or Government appointments must be referred to a member of the Executive Management Group. Only a member of the Executive Management Group may issue public or media statements or make comments on DCC's policy or position on any subject related to its business affairs.
3. Prior to speaking with the media, employees must contact DCC's Communications Team first in order to identify any potential conflict for our Client-Partners, or for the government stakeholders. Where appropriate, while respecting the restrictions noted in the previous paragraph, employees may speak to the media about their particular job or individual projects. Any public or media statements must be factual, within the employee's scope of



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 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.