

Appendix A: Results of the Conflict of Interest Declaration Tracking Exercise

On February 29, 2024, and March 6, 2024, during meetings of the House of Commons Standing Committee on Public Accounts to study the Auditor General's Report on ArriveCAN, there were requests to provide a "list of government employees that also work as contractors."

As outlined in the Treasury Board Directive on Conflict of Interest, employees have the obligation to seek the approval of their deputy head before entering a contractual arrangement with the Government of Canada for which they are receiving any direct or indirect benefit or income. Deputy heads are responsible for ensuring that conflicts of interest in their organizations are identified and resolved appropriately and in favour of the public interest.

Typically, employees are required to submit a Conflict of Interest declaration to their deputy head or to the designated senior official in the organization. The Conflict of Interest declaration, or Confidential Report, is a document completed by the employee that outlines their ownership of assets, receipt of gifts, hospitality or other benefits, or participation in any outside employment or activities that could give rise to a conflict of interest. Employees must submit a Confidential Report if there is any real, apparent or potential conflict of interest situation or there is any question as to whether such a situation may exist within 60 days of initial or subsequent appointments, transfers or deployments, and every time there is a significant change in their personal affairs or official duties.

As per the Policy on People Management, the Chief Human Resources Officer is responsible for providing leadership for people management, including providing direction to deputy heads on human resources matters and overseeing overall performance, compliance, and integrity of people management practices.

The Office of the Chief Human Resources Officer (OCHRO) requested that the 76 organizations in the Core Public Administration, which are subject to the Policy on People Management and the Directive on Conflict of Interest, report on the number of Conflict of Interest declarations they received in 2022-23 and 2023-24 from employees disclosing contractual relationships with the Government of Canada, and the actions taken, where needed, to effectively resolve any real, apparent, or potential conflict of interest situations.

Explanatory Notes:

The data collected and provided below should be considered in light of the following considerations:

- The information is provided in line with the process outlined in the Directive on Conflict of Interest. It identifies the number of Conflict of Interest declarations where an employee has sought the approval of their deputy head before entering a contractual arrangement with the Government of Canada. It does not provide the names of employees.
- The data represents the maximum number of employees who have sought the approval of their deputy head to initiate or continue a contractual relationship with the Government of Canada. In most cases, each declaration represents one individual employee, however, there are limited

occasions in which an employee may submit more than one declaration; when this occurs, the additional declaration is to report a separate situation from the first report.

- The Conflict of Interest declarations filed by public servants contain private information and must be treated in confidence. The information in the Conflict of Interest declaration, such as information on ownership of assets, receipt of gifts, hospitality or other benefits; or information on participation in any outside employment or activities that could give rise to a conflict of interest can only be provided to a third party in accordance with section 8 of the *Privacy Act*.¹
- A single declaration from one employee can cover multiple aspects of a situation that fall into more than one category of a real, apparent, or potential conflict of interest. Therefore, the total number of declarations does not equal the sum of those three categories.
- Employees will sometimes declare an intention concerning an outside activity they are interested in pursuing before making the decision to do so. In those cases, mitigation strategies may be given to the employee to guide them in their choices, and the employee may choose not to proceed further.
- The numbers may not appear consistent since preventive mitigation strategies may be put in place even when no real, apparent, or potential conflict of interest has been identified.
- If the employee does not adhere to the mitigation strategies they have been given, management may take disciplinary action, up to and including termination of employment.
- Declarations that identify real conflicts of interest need to be resolved by the action of the employee (either by not pursuing the contract or resigning from the public service). Employees who place themselves in real conflicts of interest are in contravention of the Directive on Conflict of Interest and subject to disciplinary action, up to and including termination of employment.

The table attached provides the data by organization of the Core Public Administration. Below is a summary of the aggregate results for each fiscal year.

2023-2024 Results

The 76 organizations in the Core Public Administration have reported 162 Conflict of Interest declarations involving contractual relationships with the Government of Canada in 2023-2024, of which 46% (74 of 162) were determined to have had no real, apparent, or potential conflict of interest.

Of the remainder (88 of 162), seven declarations identified real conflicts of interest; 29 declarations identified apparent conflicts of interest and 26 declarations identified potential conflicts of interest. There were 32 declarations still being reviewed by organizations when the data was collected.

In many cases (98 of 162), employees were given mitigation measures to help ensure that the contractual relationship with the Government of Canada did not become a situation of real conflict of interest. In some cases, mitigation strategies were put in place as preventive measures even when there was no current real, apparent, or potential conflict of interest.

¹ [FAQs: Directive on Conflict of Interest - Canada.ca](#)

There were 19 cases for which the contract was ultimately not pursued by the employee and four for which the employee opted to resign from the public service.

2022-2023 Results

The 76 organizations in the Core Public Administration have reported 140 Conflict of Interest declarations involving contractual relationships with the Government of Canada in 2022-2023, of which 60% (85 of 140) were determined to have had no real, apparent, or potential conflict of interest identified.

Of the remainder (55 of 140), eight declarations identified real conflicts of interest; 23 declarations identified apparent conflicts of interest and 20 declarations identified potential conflicts of interest. There were five declarations still being reviewed by organizations at the end of that fiscal year.

In many cases (95 of 140), employees were given mitigation measures to help ensure that the contractual relationship with the Government of Canada did not become a situation of real conflict of interest. In some cases, mitigation strategies were put in place as preventive measures even when there was no current real, apparent, or potential conflict of interest.

There were 18 cases for which the contract was ultimately not pursued by the employee and two for which the employee opted to resign from the public service.

Mitigation strategies:

The organizations in the Core Public Administration have reported the implementation of the following mitigation strategies to prevent conflicts of interest. Employees were required to:

- Not use any departmental property, including intellectual property, in their other employment;
- Perform other employment outside of their regular work hours;
- Not represent or publicize their affiliation with the Department to promote the activities;
- In cases where the employee is a sub-contractor or employee of the contractor, inform the other organization of these mitigation measures and that they must refuse any tasks that could place them in a conflict of interest with their primary employment;
- Not provide preferential treatment or take advantage of information that is not generally available to the public;
- Immediately disclose in writing if the employee as the vendor or their sub-contractors become aware of any matter that causes or is likely to cause a conflict of interest; and,
- Acknowledge that their conduct while working on the contract remains subject to the Values and Ethics Code for the Public Sector, Directive on Conflict of Interest, and the departmental Code of Conduct.