



POST-SERVICE CONFLICT OF INTEREST RULES

All public servants who leave government are subject to post-service restrictions. The conflict of interest rules applicable to former public servants are set out in Ontario Regulation 381/07 and 382/07 under the *Public Service of Ontario Act, 2006*.

Former public servants can contact their Ethics Executive to receive advice and/or decisions about the application of conflict of interest rules to their post-service activities.

Former public servant*	Ethics Executive
Former ministry employee	Public Service Commission
Former minister's office employee	Integrity Commissioner
Former public body employee/appointee	Integrity Commissioner
Former deputy minister or Secretary of the Cabinet	Integrity Commissioner

* Current public servants should discuss potential post-service activity with the Ethics Executive listed.

The Ontario government may choose not to do business with a person or entity that employs or uses the services of a former public servant in a manner that contravenes the post-service conflict of interest rules.

Rules for All Former Public Servants

1) *Preferential Treatment*

You must not seek preferential treatment by, or privileged access to, any public servant in any minister's office, ministry or public body. This restriction is not time limited.

2) *Confidential Information*

As a public servant, you may have had access to information that is not available to the public and that, if disclosed, could result in harm to the Crown or could give the person to whom it is disclosed an advantage. You are prohibited from disclosing or using such information unless you are specifically authorized to do so. This restriction is not time limited.

3) *Switching Sides*

You are prohibited from advising or otherwise assisting a public body, person, or other entity, in connection with any particular proceeding, negotiation or other transaction about which you advised the Crown. Generally these are matters with an identifiable party with interests that are adverse, or potentially adverse, to the interests of the Crown. This restriction remains in effect until the Crown is no longer involved with the matter.

There may be additional rules for public servants in some public bodies, as set out in the public body's conflict of interest rules. These are posted on the website of Office of the Integrity Commissioner.



Additional Rules for Former Public Servants in Senior Designated Positions

Former public servants who held senior designated positions are subject to additional employment and lobbying restrictions for a 12-month period from the date they cease to be a public servant. You cease to be a public servant when your employment or appointment with the Crown ends.

A senior designated position is:

- Any position identified as such by a public body;
- The Secretary of the Cabinet, Deputy Minister, Associate Deputy Minister or Assistant Deputy Minister; or,
- Any position classified as SMG2, XOFA1, XOFA2, ITX2, ITX3 OR ITX4.

1) *Employment or Governing Position*

You are prohibited from accepting employment or serving as member of the board of directors or other governing body of any public body, person or entity if:

- You had **substantial** involvement with that public body, person or entity; **and**
- You had access to **confidential** information which if disclosed could result in harm to the Crown or could give the public body, person or entity an unfair advantage

2) *Lobbying*

You are restricted from lobbying any of the following persons:

- Any public servant who works in a ministry or public body in which you worked at any time during the 12 months before you ceased to be a public servant;
- The minister of any ministry or minister's office in which you worked at any time during the 12 months before you ceased to be a public servant; and,
- Any public servant who works in the office of the minister of any ministry in which you worked at any time during the 12 months before you ceased to be a public servant.

Lobbying has the same meaning as the definition of "lobby" in the *Lobbyists Registration Act, 1998* and includes activities for which an individual may not be required to register. Generally, lobbying includes being paid to communicate with public office holders in an attempt to influence the following: legislative proposals, legislation, regulations, policies or programs of the government, privatization matters or awarding grants, contributions or other financial benefits. It can also mean communicating with public office holders in an attempt to award a contract on behalf of the Crown or arranging meetings between public office holders and any other person.

For further information

Office of the Integrity Commissioner of Ontario
ethics@oico.on.ca
416-314-8983 or 1-866-956-1191
www.oico.on.ca

This summary is provided for information only.
For the authoritative text, refer to the *Public Service of Ontario Act, 2006* and its regulations.

