

**CONFLICT OF INTEREST RULES  
FOR MEMBERS OF THE  
FRENCH LANGUAGE HEALTH SERVICES ADVISORY COUNCIL**

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HEALTH SERVICES ADVISORY COUNCIL**

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**INTERPRETATION**

**Definitions**

1. In this Part,

“**Agency**” means the French Language Health Services Advisory Council;

“**Chair**” means the chair of the Agency appointed by the minister;

“**confidential information**” means information that is not available to the public and that, if disclosed, could result in harm to the Crown or the Agency or could give the person to whom it is disclosed an advantage;

“**Conflict of Interest Commissioner**” and “**Commissioner**” means the Conflict of Interest Commissioner appointed by the Lieutenant Governor in Council pursuant to the *Public Service of Ontario Act, 2006*;

“**ethics executive**” means for members, the Chair of the Agency, and for the Chair, the Conflict of Interest Commissioner;

“**gift**” includes a benefit of any kind;

“**member**” means a person appointed by the minister to serve as a member of the Agency;

“**minister**” means the Minister of Health and Long-Term Care or such other minister of the government of Ontario who is responsible for the Agency and “the ministry” means the ministry of the minister;

“**spouse**” means,

(a) a spouse as defined in section 1 of the *Family Law Act*, or

(b) either of two persons who live together in a conjugal relationship outside marriage.

### **Application**

2. This Part applies to every member of the Agency.

## **PROHIBITED CONDUCT**

### **Benefiting self, spouse or children**

3. (1) A member shall not use or attempt to use his or her position at the Agency to directly or indirectly benefit himself or herself or his or her spouse or children.

(2) A member shall not allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Agency or the Crown.

### **Accepting gifts**

4. (1) A member shall not accept a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the member when performing his or her duties to the Agency or the Crown:

1. A person, group or entity that has dealings with the Agency or the Crown.

2. A person, group or entity with whom the member deals in the course of his or her duties to the Agency or the Crown.

3. A person, group or entity that seeks to do business with the Agency or the Crown.

(2) Subsection (1) shall not operate to prevent a member from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances.

(3) A member who receives a gift in the circumstances described in subsection (1) shall notify his or her ethics executive.

### **Disclosing confidential information**

5. (1) A member shall not disclose confidential information obtained during the course of his or her appointment to the Agency to a person or entity unless the member is authorized to do so by law or by the Crown or the Agency.
- (2) A member shall not use confidential information referred to in subsection (1) in a business or undertaking outside his or her appointment to the Agency.
- (3) A member shall not accept a gift directly or indirectly in exchange for disclosing confidential information.

### **Giving preferential treatment**

6. (1) When performing his or her duties to the Agency or the Crown, a member shall not give preferential treatment to any person or entity, including a person or entity in which the member, or a member of his or her family or a friend, has an interest.
- (2) When performing his or her duties to the Agency or the Crown, a member shall endeavour to avoid creating the appearance that preferential treatment is being given to a person or entity that could benefit from it.
- (3) A member shall not offer assistance to a person or entity in dealing with the Agency or the Crown other than assistance given in the ordinary course of the member's appointment.

### **Family members**

7. (1) A member shall not, on behalf of the Agency, hire his or her spouse, child, parent or sibling.
- (2) A member shall not, on behalf of the Agency, enter into a contract with his or her spouse, child, parent or sibling or with a person or entity in which any of them has a substantial interest.
- (3) A member shall ensure that his or her spouse, child, parent or sibling does not report to the member at the Agency, or that he or she does not supervise his or her spouse, child, parent or sibling at the Agency.

### **Engaging in business, etc.**

8. A member shall not become employed by or engage in a business or undertaking outside his or her appointment to the Agency in any of the following circumstances:
  1. If the member's private interests in connection with the employment or undertaking could conflict with his or her duties to the Agency or the Crown.
  2. If the employment or undertaking would interfere with the member's ability to perform his or her duties to the Agency or the Crown.
  3. If the employment is in a professional capacity and is likely to influence or detrimentally affect the member's ability to perform his or her duties to the Agency or the Crown.

4. If the employment would constitute full-time employment for another person. However, this paragraph does not apply with respect to a member who is appointed to a part-time position in the Agency.
5. If, in connection with the employment or undertaking, any person would derive an advantage from the member's appointment to the Agency.
6. If government premises, equipment or supplies are used in the employment or undertaking.

### **Participating in decision-making**

- 9.** (1) A member shall not participate in decision-making by the Agency with respect to a matter that the member is able to influence in the course of his or her duties if the member could benefit from the decision.
- (2) Subsection (1) does not apply if the member obtains the prior approval of his or her ethics executive to participate in decision-making by the Agency with respect to the matter.
- (3) A member who, in the course of his or her appointment to the Agency, is a member of a body or group shall not participate in, or attempt to influence, decision-making by the body or group with respect to a matter if the member could benefit from the decision or if, as a result of the decision, the interests of the body or group could conflict with the interests of the Crown or the Agency.
- (4) A member described in subsection (3) shall inform the body or group if the circumstances described in that subsection exist.

## **MATTERS THAT MIGHT INVOLVE THE PRIVATE SECTOR**

### **Duty to declare certain financial interests; restrictions on certain purchases**

- 10.** When a member begins work on a matter that might involve the private sector as defined in section 10 of Ontario Regulation 381/07 made under the *Public Service of Ontario Act, 2006*, the member must make a financial declaration to the Conflict of Interest Commissioner in accordance with section 11 of Ontario Regulation 381/07 made under the *Public Service of Ontario Act, 2006*. The member is also subject to the restrictions on certain purchases as set out in section 12 of Ontario Regulation 381/07 made under the *Public Service of Ontario Act, 2006*.

## **PART II RULES FOR FORMER MEMBERS OF THE AGENCY**

### **INTERPRETATION**

#### **Application**

- 11.** This Part applies with respect to every former member who, immediately before he or she ceased to be a member, was appointed to the Agency.

## **PROHIBITED CONDUCT**

### **Seeking preferential treatment, etc.**

**12.** A former member shall not seek preferential treatment by, or privileged access to, public servants who work in the minister's office, the ministry, the Agency or another public body.

### **Disclosing confidential information**

**13.** (1) A former member shall not disclose confidential information obtained during the course of his or her appointment to the Agency to a person or entity unless the former member is authorized to do so by law or by the Crown or the Agency.

(2) A former member shall not use confidential information in a business or undertaking.

### **Restriction on lobbying**

**14.** (1) This section applies to a former member.

(2) For 12 months after ceasing to be a member, the former member shall not lobby any of the following persons on behalf of the Agency, another public body or another person or entity:

1. A public servant who works in a ministry or the Agency.
2. The minister of the ministry to whom the Agency reported.
3. A public servant who works in the office of a minister described in paragraph 2.

### **Restriction on employment, etc.**

**15.** (1) This section applies to a former member who at any time during the 12 months before he or she ceased to be a member, in the course of his or her appointment as a member,

- a) had substantial involvement with a public body or another person or entity; and
- b) had access to confidential information that, if it were to be disclosed to the public body, person or entity, could result in harm to the Crown or could give the public body, person or entity an unfair advantage in relation to one or more third parties.

(2) For 12 months after ceasing to be a public servant, the former member shall not accept employment with the public body, person or entity or serve as a member of the board of directors or other governing body of the public body, person or entity.

### **Restriction re certain transactions**

**16.** (1) This section applies to a former member who, when he or she was a member, advised the Crown or the Agency about, or was involved in or assisted with, a particular proceeding, negotiation or other transaction.

(2) The former member shall not advise, be involved in or otherwise assist any other person or entity in connection with the particular proceeding, negotiation or other transaction until the Crown or the Agency ceases to be involved in it.

(3) Despite subsection (2), the former member may continue to advise or otherwise assist the Crown or the Agency in connection with the particular proceeding, negotiation or other transaction.

**Requirement to Comply with the Regulation**

17. These conflict of interest rules are based on those set out in Ontario Regulation 381/07 made under the *Public Service of Ontario Act, 2006*. If a provision in these rules establishes a degree of ethical conduct that is lower than that set out in the regulation, the provision in the regulation prevails.

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