

Office of the Integrity Commissioner



# Ethical Government in Ontario

Collingwood Judicial Inquiry ✦ November 28, 2019

# Ontario Legislation

## *Members' Integrity Act, 1994*

- Ethical obligations & financial disclosure for Members of Provincial Parliament

## *Public Service of Ontario Act, 2006*


- Conflict of Interest Rules and Political Activity Restrictions for all public servants, including ministers' staff
- Establishes Ethics Executive concept, with role of Integrity Commissioner as Ethics Executive for ministers' staff, the Secretary of the Cabinet, and the heads of public bodies
- Disclosure of Wrongdoing Framework

## *Lobbyists Registration Act, 1998*

- Lobbyists cannot place public office holders in a real or potential conflict of interest (uses Members' Integrity Act)

## *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002*

## *Public Sector Expenses Review Act, 2009*

- Expenses review of ministers and Opposition leaders, as well as senior employees and appointees of agencies
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# What is a conflict of interest?

## Private Interests vs. Public Duties

- Conflict of interest
- Furthering private interest
- Acceptance of gifts
- Improper influence
- Improper use of inside or confidential information

For public servants, including ministers' staff, the Conflict of Interest Rules also prohibit giving preferential treatment or the appearance of preferential treatment.



# Actual, Potential & Perceived Conflict of Interest

- Potential or perceived conflict of interest is not part of rules for MPPs, but still a consideration in advice-giving.
- Conflict of Interest Rules for public servants includes
  - Potential conflict of interest (PSOA, section 65(5)a)
  - Requirement to “endeavour to avoid creating the appearance of preferential treatment” (O. Regs. 381/07 & 382/07, section 6(2))
- For lobbyists, the restriction covers both a real or potential conflict of interest.



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