

Guide for Managers

Engaging in Dialogue on the ESDC Code of Conduct

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1. INTRODUCTION

This guide is intended to assist you in making your employees aware of the importance of the *Employment and Social Development Canada (ESDC Code of Conduct)* as both a condition of employment and as a tool to guide their daily behaviour at work. It provides information so that you can assist and advise your employees on public sector values and expected behaviours. It was developed by the [Office of Values and Ethics](#), Human Resources Services Branch, to support the effective implementation of the *ESDC Code of Conduct*.

If you work in a portfolio entity associated with the Department, refer to annex A to determine if your entity is subject, or not, to the *ESDC Code of Conduct*. All portfolio entities are subject to the [Values and Ethics Code for the Public Sector](#) (*Public Sector Code*).

For further information, you may also contact:

[Office of Values and Ethics](#)

Human Resources Services Branch

Email: NC-OVE-AC-BVE@hrsdc-rhdcc.gc.ca

2. WHY A NEW CODE?

The [Public Servants Disclosure Protection Act](#) required Treasury Board of Canada to establish a code of conduct applicable to the entire public sector (including departments, crown corporations and agencies) since the former *Values and Ethics Code for the Public Service* applied to the core public administration only.

In accordance with this legislative requirement, Treasury Board established the [Public Sector Code](#).

The Act also required all public sector organizations to establish a code consistent with the [Public Sector Code](#). In accordance with the Act, the Department established the *ESDC Code of Conduct*.

The *ESDC Code of Conduct* substantially reproduces the [Public Sector Code](#) which is the overarching code for the entire public sector.

3. WHY IS THE CODE USEFUL?

The *ESDC Code of Conduct* is useful because it describes how employees of the portfolio are expected to behave when delivering the services that are specific to the Department's mandate and work environment.¹

It helps answer such questions as the following:

- *May I accept hospitality or gifts from clients or contractors?*
- *How am I expected to protect confidential client or employee information?*
- *Could holding another job with another employer put me in a conflict of interest with my regular job as an ESDC employee?*
- *What should I do if I witness discrimination or harassment?*

It extensively incorporates the [Public Sector Code](#)² which provides definitions for the five public sector values and lists expected behaviours.

It also substantially reproduces the Treasury Board's [Policy on Conflict of Interest and Post-Employment](#), which provides direction and measures to assist organizations and public servants in effectively dealing with real, potential, and apparent conflict of interest situations that may arise during and after employment in the public service.

The *ESDC Code of Conduct* is also useful because it can be used as a basis for disclosure of wrongdoing under the [Public Servants Disclosure Protection Act](#) when there is a serious breach.

¹ The Labour Program and Service Canada have distinct guidelines unique to their mandate and work environment, respectively the Guidelines of Professional Conduct for the Labour Program and the Guidelines of Professional Conduct for Service Canada (both currently being revised). These guidelines complement the *ESDC Code of Conduct*.

² The [Public Sector Code](#) and the *ESDC Code of Conduct* apply to indeterminate and term employees, individuals on leave without pay, students participating in Student Employment Programs, casual, seasonal and part-time workers, individuals on secondment from other government organizations and individuals participating in exchange programs such as Interchange Canada.

You have a responsibility to inform your employees on how they should disclose incidents of wrongdoing and conflict of interest in the Department. You are to ensure employees understand the Department's Internal Procedures of Disclosure of Wrongdoing, as required by the Public Servants Disclosure Protection Act, and the Conflict of Interest Disclosure System.

Given the diversity of subject matter, the *ESDC Code of Conduct* cannot articulate answers to all situations that employees might encounter. However, your role as a manager is to provide advice to your employees and assist them in adopting a proper course of action consistent with the *ESDC Code of Conduct*. Remember that you are your employees' primary point of contact.

4. CONDITION OF EMPLOYMENT

A condition of working at ESDC is that all employees, regardless of level or position must agree to follow the letter and the spirit of both the Public Sector Code and the *ESDC Code of Conduct*. All ESDC employees are expected to conduct themselves in accordance with the values of the public sector and the expected behaviours described below.

A breach of the Codes (Public Sector Code and *ESDC Code of Conduct*) can lead to administrative or disciplinary measures being taken, up to and including termination of employment.

5. KEY PARTNERS

In addition to seeking help and guidance from you, below are some departmental partners with whom you and your employees can consult when dealing with ethical issues or conflict in the workplace:

Office of Values and Ethics: responsible for developing the *ESDC Code of Conduct*, provides values and ethics support and outreach to employees and managers, and supports the Department's Senior Disclosure Officer (ADM of the Integrity Services Branch).

- [Office of Informal Conflict Management](#) offers workshops to help employees deal with conflict in the workplace in a productive manner. Other services offered by the office are: mediation, facilitated conversation, group interventions, individual conflict coaching, group or team conflict coaching, and a conflict coaching program for managers.
- [Employee Assistance Program \(EAP\)](#) has professional counsellors who are available to assist your employees if they have concerns which may affect their personal well-being or productivity at work. The EAP often deals with issues related to grief, stress, familial problems and work-related problems.

For a list of other resources, see the *ESDC Code of Conduct*.

With regard to disclosures of wrongdoing:

- Employees have three venues for making disclosures of wrongdoing when they have information that could show that there is a serious breach of the *ESDC Code of Conduct* (they are free to choose whom they want to contact and are not obliged to exhaust internal departmental venues before resorting to the external venue (i.e. Public Sector Integrity Commissioner). These three venues are:
 - You, their manager (immediate supervisor)
 - The Department's [Senior Disclosure Officer](#) (this is the ADM of the Integrity Services Branch):

Confidential:

 - Email : [NC-MIN-DIVULGATION DISCLOSURE-GD](#)
 - Telephone : 819-956-4761
 - Toll Free: 1-866-369-7731
 - The [Public Sector Integrity Commissioner](#):

Confidential:

 - Tel: 613-941-6400
 - Toll Free: 1-866-941-6400
 - Facsimile: 613-946-2151

- As a manager you are to encourage a culture of right-doing in the workplace so that employees will feel comfortable in coming forward, in confidence and without fear of reprisal, to discuss and disclose possible wrongdoing.

6. WHAT IS REQUIRED OF YOU

In order to effectively assist your employees with public sector values and expected behaviours, you should:

- ❖ **Have knowledge of the Code**
- ❖ **Be a role model**
- ❖ **Ensure that all employees are familiar with the Code**
- ❖ **Engage your employees in dialogue on values and ethics**
- ❖ **Establish an organizational climate of openness**

❖ **Have Knowledge of the ESDC Code of Conduct**

We have often heard the expression *knowledge is power*. Learn all you can about the *ESDC Code of Conduct*. If you do so, you will be better able to deal with ethical dilemmas you encounter and assist your employees with their ethical issues.

- Consult the [Tools and Resources](#) section of the [Office of Values and Ethics](#) web site; it provides a range of information on values and ethics, from legislation and policies to practical guidance, such as a resource published by the Treasury Board of Canada Secretariat called [Advice from the Experts](#). This resource

presents and addresses various questions that have been raised during training and/or discussions on values and ethics in the workplace, especially with regard to situations that could lead to conflicts of interest.

- Look at the nature of your business line and identify which ethical issues are most likely to occur, then focus on bringing attention to the appropriate behaviours with your employees by linking them to specific tasks or situations.
- Talk to other managers about ways in which they promote good ethical-decision making processes, especially with regard to challenging situations for which you do not have a clear-cut answer.
- Speak with the officers of the [Office of Values and Ethics](#) if you need help.

Once you gain a good understanding of the *ESDC Code of Conduct* and its application to your own work realities, try reflecting on your behaviour as a manager to determine whether you embody the values as a manager and employee.

❖ **Be a Role Model**

Since you are in a position of influence and authority, you are expected to be a role model, and lead by example, as employees will emulate your behaviour. This means:

- Behave ethically and responsibly at all times.
- Exercise your authority fairly and wisely.
- Promote respectful working relationships and promptly deal with harassment or other workplace conflict that you may think is taking place.
- Identify the ethical dimensions of issues you are working on and explain them to your staff. Use every opportunity to foster an ongoing discussion of ethics in the workplace.

❖ **Ensure that all Employees are Familiar with the Code**

Encourage your employees to read the *ESDC Code of Conduct*. You have the responsibility to ensure that you allocate time to your employees to read the *ESDC Code of Conduct* so that they can familiarize themselves with it and to follow-up with group discussions on different sections of the Code.

❖ **Engage Your Employees in Dialogue on Values and Ethics**

Engage your employees in dialogue on values and ethics and allow time for meaningful discussion, either individually or via group discussions. By taking time to have discussions with your employees, you're signalling to them that you care about creating a healthy and enabling work environment. Employees will then feel encouraged to bring up issues or questions they may have been keeping to themselves. The following is a proposed model:

- **Discuss your expectations with employees:** let your staff know what is expected of them when they are faced with ethical issues that your work unit encounters or is apt to encounter.

- **Discuss the ethical risks most likely to occur:** ask your employees what are some of the major ethical risks they see. Additionally, communicate the ethical risks as you see them. Ask your employees what can be done to deal with the issues.

- **Engage in open dialogue with employees:** ask your employees what issues they want to talk about. As managers, it is important that you know how your employees feel about their work environment. What are their issues, concerns? Ask your employees to bring forward issues of particular interest to them, e.g. personal use of e-mail and Internet during work hours. Set time aside to meet your employees to discuss the issues and address their concerns.

The Tait Report "[Building on a Strong Foundation – The Dialogue Continues / A Case Study Approach to Values and Ethics in the Public Service](#)" provides the following advice on initiating dialogue with employees:

To give 'honest dialogue' a chance, it is essential for all of us to encourage the creation of work environments where such dialogue can flourish. In these environments, or safe havens, the dialogue should:

- *be open and free from perceptions of possible recrimination,*
- *involve senior management and staff,*
- *continue over time, and*
- *deal with real issues of concern to staff³.*

- **Deliver awareness sessions on values and ethics:** awareness sessions provide the opportunity for employees to explore in greater detail matters that pertain to their work but, due to time constraints, may not be discussed on a daily basis. Consider including these sessions in your workshops, team retreats, staff meetings, etc. Use case studies to highlight how to address issues and resolve them. Consult the [Office of Values and Ethics](#) web site for case studies to help illustrate sessions and discussions on values and ethics. Also, the above-quoted document, "[Building on a Strong Foundation – The Dialogue Continues / A Case Study Approach to Values and Ethics in the Public Service](#)" provides some excellent case studies, as does the Toolkit for Managers prepared by the Office of Values and Ethics. The Service Canada College is currently working with the [Office of Values and Ethics](#) on the elaboration of an online training course for employees.

❖ **Establish an Organizational Climate of Openness**

Establish a climate where employees feel comfortable discussing concerns and disclosing information regarding wrongdoing.

- Have an open-door policy.

³ Canadian Centre for Management Development, p. 3

- Act promptly when approached by an employee with a concern and advise the employee that his/her concerns will be taken seriously.
- Inform staff on the process of disclosing situations of conflict of interest and ensure they understand the Department's Conflict of Interest Disclosure System. A conflict of interest is a situation in which your employee may have private interests that could improperly influence the performance of his/her official duties and responsibilities or in which your employee uses his/her office for personal gain.
- As mentioned above, the *ESDC Code of Conduct* can be used as a basis for disclosure of wrongdoing under the [Public Servants Disclosure Protection Act](#) when there is a serious breach. Inform staff on the process of disclosing incidents of wrongdoing and ensure they understand the Department's Internal Procedures of Disclosure of Wrongdoing.

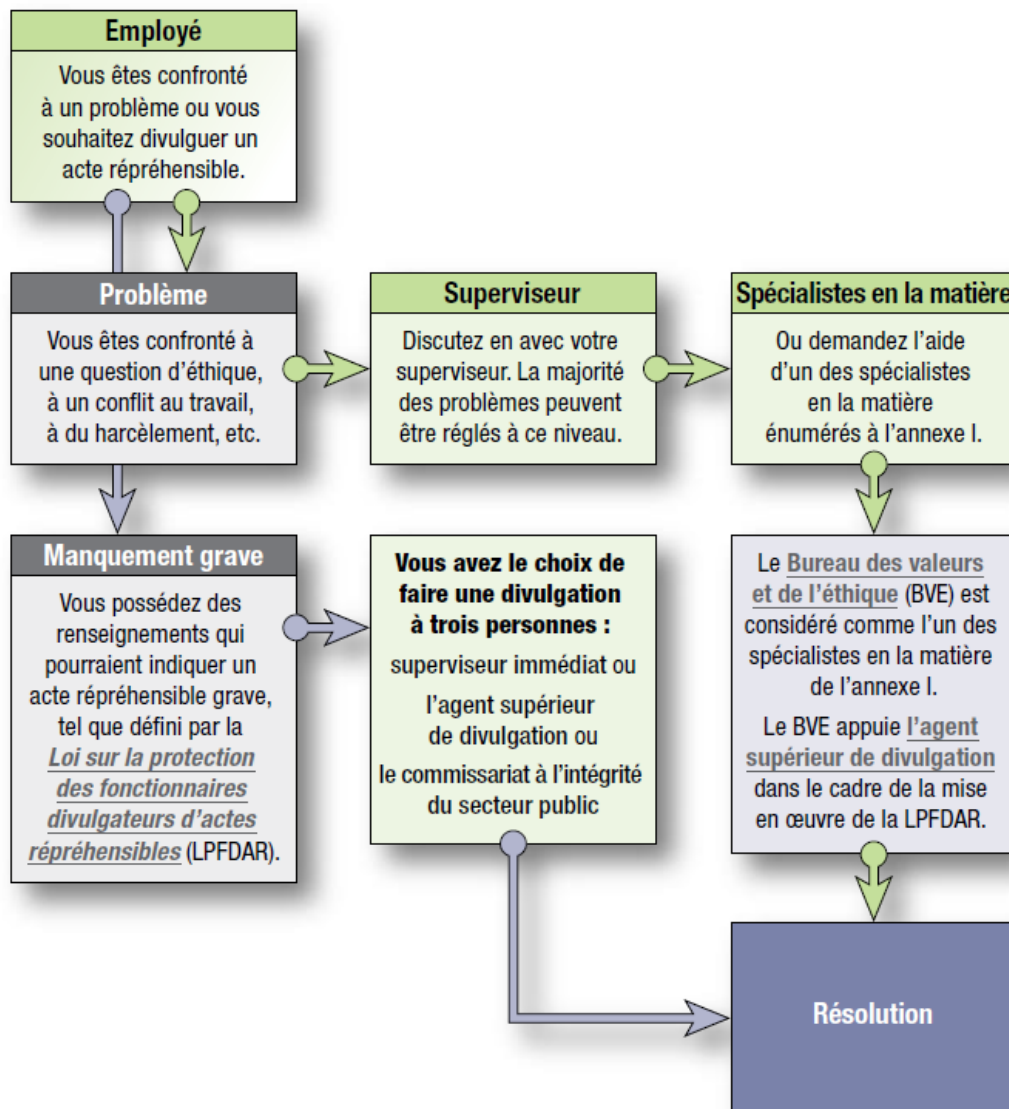
7. TIPS FOR MANAGERS

- ❖ Encourage your employees to take training in values and ethics and, if possible, attend the training with them. One highly recommended course is *Paving the Way* offered by the Canada School of Public Service. The Service Canada College is currently working with the [Office of Values and Ethics](#) on the elaboration of an online training course for employees.
- ❖ Remember that your role does not have to be that of an expert in values and ethics. It is ok to acknowledge that you do not have all the answers. When required, seek advice from the [Office of Values and Ethics](#) and get back to your employees with the answer(s).
- ❖ When people work together, disagreement is inevitable but your role is to prevent it from escalating into conflict.

- ❖ Have employees of your work unit indicated that they will be retiring soon, or, are they going to work for the private sector? Take time to ensure they are aware of the post-employment measures.

8. RESOLUTION PROCESS

The following diagram illustrates the Avenues for Resolution Process as described in the *ESDC Code of Conduct*. It identifies who your employee should contact when support is needed.



ANNEX A

Portfolio Entities associated with Employment and Social Development Canada, the Labour Program and Service Canada

Entities that **are subject** to the ESDC Code of Conduct:

Office of the Commissioner of Review Tribunals Canada Pension Plan / Old Age
Security

Employment Insurance Board of Referees

Merchant Seamen Compensation Board

Occupational Health and Safety Tribunal Canada

The Office of the Umpire

Canada Pension Plan: Pension Appeals Board

National Council of Welfare

National Seniors Council

Canada Employment Insurance Commission

Entities that are **not subject** to the ESDC Code of Conduct (but are subject to
the *Values and Ethics Code for the Public Sector*):

Canada Industrial Relations Board

Canadian Artists and Producers Professional Relations Tribunal

Canadian Centre for Occupational Health and Safety

Canada Employment Insurance Financing Board

Canada Mortgage Housing Corporation