



Considerations to take into account to solve an apparent conflict of interest in Canada



Public Procurement Principle: **Capacity, Integrity**



Procurement Stage: **All stages**



Audience: **Policy makers, Procuring entity**

Description

The following is an excerpt from Values Alive: A Discussion Guide to the “Values and Ethics Code for the Public Sector that describes for public servants at all levels the values and ethical practices that guide direction, decision making and behaviour within the Government of Canada.

Integrity in action: An example of an ethical dilemma

Situation

Hélène is a public servant in an agency that provides counselling and federal government financial assistance to senior citizens. She has been in her position for many years, and along with having great expertise, Hélène loves her job. She takes pride in providing her clients the best service possible, and she is always careful to be impartial in her dealings. As a result, Hélène has developed a solid professional reputation and excellent relationships with her clients. Hélène was saddened to hear of the death of one of her clients, Mr. Beaulieu, but was very surprised several months later when she was informed that Mr. Beaulieu had left her his retired racehorse in his will. They had often discussed their mutual love of horses, but she had no idea that Mr. Beaulieu was going to do this, and she would have never asked him for anything. Not knowing what else to do, Hélène immediately reported the matter to her agency’s conflict of interest office to seek advice.

Possible steps for resolution

Seeking help from her organisation on this decision was certainly a helpful first step. The analysis to follow could include questions around the nature of the gift and whether it could

be considered “minor”. Also, if H el ene accepted the gift, would it compromise her integrity or the integrity of her agency? Would it appear to do so? Any appropriate solution should take the answers to these questions into consideration.

Things to think about

This is an example of how sometimes, by doing nothing more than being excellent at their jobs, public servants find themselves in a conflict of interest. A conflict of interest does not imply that there was any wrongdoing, but simply that the situation presents competing interests, or in this case, the appearance of competing interests. Under the Public Sector Code, it is as important to avoid apparent conflicts of interest as it is to avoid real or potential conflicts of interest.

In the actual case upon which this scenario is based, the Federal Court of Appeal upheld the department’s instruction to the employee to return the legacy. It was not because the employee had committed misconduct, but rather, the acceptance of the legacy and the appearance of a conflict of interest could erode the public’s confidence and trust that the decisions made by public servants in such sensitive areas are based on the highest standards of impartiality and integrity.

Source: OECD (2018), Public Procurement in Nuevo Le on, Mexico: Promoting Efficiency through Centralisation and Professionalisation, OECD Public Governance Reviews, OECD Publishing, Paris. <https://doi.org/10.1787/9789264288225-en>

