



6.24: CODE OF CONDUCT IN THE OPP

6.24.1: INTRODUCTION

This policy sets out the standard of conduct expected of an employee of the OPP. It builds on the values, ethics, standards, responsibilities and processes that ensure the OPP functions in the best interest of the public. In addition to preventing actual contraventions of conflict of interest provisions, this policy aims to prevent actions that may be perceived as contraventions or have the potential to become actual contraventions.

This policy deals with the matters of conflict of interest, and reporting such conflicts, in accordance with guidelines pertaining to political activities, secondary activities and work relationships.

Each OPP employee is accountable to the Ontario Public Service (OPS), Conflict of Interest and Post-Service Directive and the Public Service of Ontario Act, (PSOA). The PSOA also addresses provisions respecting conflict of interest situations resulting from the political activities of employees. A uniform member is additionally governed by the Police Services Act (PSA), section 49—Restrictions on Secondary Activities.

Purpose

The OPP expects the employee to exercise good judgment regarding real/potential conflicts in a manner that is in compliance with standards of The Promise of the OPP and that will withstand close public scrutiny.

This policy is meant to further public confidence in the OPP's integrity by:

- setting clear rules of conduct for conflicts of interest that apply to the employee;
- reducing the possibility of conflicts between the private interests and public service duties of the employee; and
- providing the opportunity to resolve such conflicts in the public interest at the earliest opportunity.

Mutual Resolution

It is the goal of the OPP to attempt to resolve real/potential conflicts of interest at the earliest opportunity while considering the best interests of the public. Consideration shall be given to mutual resolution options at all levels of the reporting process.

Reporting Conflict of Interest

An employee who knows, or ought reasonably to know, that a real/potential personal conflict of interest exists, shall notify his/her immediate supervisor of the situation as soon as practicable, complete the Ministry of Community Safety and Correctional Services (MCSCS) Conflict of Interest Declaration Form and submit it directly to the Deputy Minister with a copy to his/her supervisor. In the case of a direct reporting relationship, where possible, the employee may recommend a proposed solution.

The employee's supervisor shall footnote the copy and continue it through all levels in the chain of command, in accordance with this policy, to the Deputy Minister, MCSCS, for determination.

Each accompanying footnote shall outline any relevant issue deemed necessary to support the decision making process.



- Failure to Comply** An employee who does not comply with the provisions of this policy/decision by the Deputy Minister, MCSCS, may be disciplined on a case-by-case basis as determined/recommended by the official reviewing the conflict of interest. Disciplinary measures may include discharge or termination of employment.
- Documentation** Electronic and hard-copy documentation regarding the application of this policy shall be retained in the employee's personnel file 291-00 with copies of all documents filed in the employee's personnel file 291-00 at each appropriate OPP work location.
- PSB Monitoring** Professional Standards Bureau (PSB) shall monitor all conflict of interest complaints and maintain files relating to them.

6.24.2: RESPONDING TO REAL/POTENTIAL CONFLICT OF INTEREST

Duties of Immediate Supervisor

When notified of a conflict of interest situation, other than secondary employment of a uniform member or when a conflict of interest situation other than secondary employment of a uniform member is observed directly, the immediate supervisor shall:

- ensure all involved employee(s) are aware of their responsibilities and requirement to comply with reporting procedures respecting real/potential conflicts of interest;
- advise the involved employee(s) that consideration will be given to mutually resolving the real/potential conflict of interest at each level of the reporting process; and
- consider and report any other factor deemed necessary in mutually resolving/assisting in the final determination of the conflict of interest, including:
 - whether or not he/she believes there is a real/potential conflict of interest and the basis for his/her belief;
 - the impact on the employee's ability to perform his/her duties;
 - the impact on the actions or the decisions of the employee;
 - the ability (or possibility) of the employee to influence decisions;
 - the employee's access (or possibility of access) to confidential information;
 - the actual/potential threat to security/integrity of the justice process;
 - the public perception of the ability of the employee to exercise authority in a fair and impartial manner;
 - advise his/her immediate supervisor;
 - advise his/her Human Resources advisor/staffing officer; and
 - seek immediate direction from Professional Standards Bureau (PSB).

Secondary Employment

A real/potential conflict of interest relating to secondary employment involving a uniform member shall be resolved in accordance with policy respecting Secondary Activities/Employment.

Immediate Action

The immediate supervisor shall carry out all instructions provided by PSB, which may include:

- providing direction to the employee on how to conduct themselves when there is a real/potential conflict. This may require that the



employee not participate in certain decisions/investigations, nor supervise or have business-related contact with certain individuals;

- generating a comprehensive account of what occurred in the employee's personnel file 291-00;
- temporarily removing the employee from the responsibilities that cause the conflict, e.g. reassignment of duties;
- considering disciplinary action if the employee has directly and wrongfully benefited from his/her exercise of authority or used information acquired during the course of his/her employment; and
- in the case of a work relationship, relative/close personal relationship, considering disciplinary action if the individual with whom the employee has a relationship has inappropriately benefited from the employee's exercise of authority or information obtained by the employee during the course of employment.

Believed not to be Conflict of Interest

If, at any stage of the reporting process, a reviewing supervisor is of the opinion that no conflict of interest exists or the conflict of interest situation has been resolved he/she shall:

- where the MCSCS Conflict of Interest Declaration Form has already been submitted to the Deputy Minister, MCSCS, prepare a follow-up report outlining the details supporting his/her belief and forward the report through the chain of command to the Deputy Minister for confirmation/further direction; or
- if the MCSCS Conflict of Interest Declaration Form has not yet been forwarded, footnote the report accordingly and forward it to the Deputy Minister, MCSCS, for confirmation/further direction.

Decision of the Deputy Minister

The decision of the Deputy Minister respecting a conflict of interest situation is final. If the Deputy Minister finds a conflict to exist, the direction given to address the conflict shall be complied with. Where the Deputy Minister finds there is no conflict of interest the matter is concluded.

Compliance

Where it is determined that a conflict of interest exists and the employee complies with the direction given to resolve the conflict, the employee shall be deemed to be in compliance with the applicable conflict of interest provision.

Direction of Commissioner

If it is determined that the employee has or will be in conflict of interest, a number of actions will be considered by the Commissioner, including:

- transferring the employee to another position or assigning them to other duties;
- temporarily relieving the employee of the duties involved in the actions that resulted in the contravention;
- requiring the employee to notify his/her supervisor of future proposed decisions that could give rise to a contravention and requiring the employee to obtain his/her supervisor's approval for such proposed decisions;
- requiring the employee to take or refrain from taking such steps as the Commissioner may specify in order to comply with the conflict of interest provisions, including advising the employee to divest of an interest in a business or undertaking or to transfer control of it to a neutral third party;



- taking disciplinary measures, imposing penalties, terminating the employment of the employee, accepting the employee's resignation; or
- taking such other corrective action as reasonably necessary.

Notification of Immediate Supervisor

The employee's immediate supervisor shall be notified, via chain of command, of the decision of the Deputy Minister and the direction given by the Commissioner, as necessary, in accordance with this policy.

6.24.3: UNFAIR BENEFITS/PERQUISITES

Perquisites Directive

On June 1, 2011, the Ontario Public Service (OPS) implemented the Perquisites Directives with respect to perquisites (perks). All employees shall adhere to the rules and principles pertaining to perquisites as outlined in the directive.

The term perquisites refers to a privilege provided to an individual or a group of individuals, that is not generally available to others, and is not a business-related requirement. Some examples of perks are club memberships and seasons tickets.

Loyalty Cards/Points

Employees may only benefit from loyalty programs (e.g. Air Miles) for expenses incurred while on travel status, e.g. when staying overnight away from the employee's home location for business purposes. Participation in loyalty programs is permitted with the corporate travel card while on travel status as outlined in the OPS, Travel, Meal and Hospitality Expenses Directive.

Employees are prohibited from benefiting from loyalty programs with any:

- Pcard purchases; and
- fuel/maintenance card purchases.

Unfair Benefits

In addition to the Perquisites Directive, an employee shall comply with the following guidelines on unfair benefits during his/her employment and specifically shall not:

- accept any gift, present or reward, financial or otherwise, directly or indirectly that could influence his/her judgment and performance of official duties, from any person, unless the offer is accepted in accordance with this policy or the express prior authorization of the Commissioner or designee;
- use the services or obtain goods, for personal purposes, offered by vendors under agreement with the OPP or the Government of Ontario, unless the offer specifically includes employees; and
- knowingly obtain or attempt to obtain for themselves or knowingly allow any member of his/her immediate family to obtain or attempt to obtain any surplus provincial or federal government asset, including any property or vehicle that has been:
 - seized as a result of an investigation involving the OPP and/or the Asset Forfeiture Unit (AFU);
 - returned following the completion of a Provincial or Federal corporate lease agreement; or
 - disposed of through normal disposal procedures unless authorized in law.



Prohibition Exception

An employee may accept incidental gifts, hospitality or other benefits associated with his/her official duties and responsibilities if in the employee's professional judgment they:

- are appropriate, a common expression of courtesy or within the normal standards of hospitality;
- do not cause suspicion about the objectivity and impartiality of the employee; or
- would not compromise the integrity of the OPP/government.



Duty to Report

Where an employee is unsure regarding the exception he/she shall report all such incidental gifts, hospitality or other benefits accepted by them to his/her immediate supervisor.

Unauthorized Gifts, Hospitality and Benefits

Unauthorized gifts, hospitality or other benefits, received by an employee which would otherwise have been refused but could not tactfully have been done so, shall immediately be reported to the employee's immediate supervisor who shall ensure a report is made to the Deputy Minister, MCSCS, through the chain of command. The immediate supervisor may require that such a gift be held by the OPP, until such time as the Deputy Minister provides direction, which may include retention of the item by the Ministry or giving it to charity.

Donation/Community Sponsorship

Notwithstanding the previous cautions, the concept of community policing has fostered community and private business involvement in several policing programs. Direction regarding this kind of donation or sponsorship can be found in Police Orders, Chapter 6, Financial—Donation/Community Sponsorship.

6.24.4: SECONDARY ACTIVITIES/EMPLOYMENT

Public Service of Ontario Act

The PSOA governs civilian member secondary activities.

Police Services Act

In addition to adhering to the Conflict of Interest Rules for Public Servants (Ministry) and Former Public Servants (Ministry), a uniform member shall comply with the PSA which deals with restrictions on secondary activities, including conflict of interest.

Onus on Employee

The onus is on the employee to seek permission for any secondary activities that may constitute a real/potential conflict of interest.

Unpaid Secondary Activity

An employee engaging in an unpaid secondary activity, e.g. volunteering or coaching is not required to seek prior approval, unless participation in the activity contravenes or is likely to contravene either the Conflict of Interest Rules for Public Servants (Ministry) and Former Public Servants (Ministry), the PSA, or this policy, e.g. conflict of interest. Additionally, engaging in unpaid secondary activities shall be subject to the following conditions:

- no aspect of the secondary activity will be engaged in during OPP work hours, including advertising, making or accepting phone calls, facsimile transmissions, e-mails or other communications related to the secondary activity;
- no advertising related to the secondary activity shall identify the employee by words or images as being employed with the OPP; and



- no OPP facility, information database, equipment or material shall be used for any purpose directly or indirectly related to the secondary activity, other than as expressly permitted.

Employees on Boards

Police-Related Boards

Where an employee participates on a board that has a direct relationship to policing, there is the potential for a conflict of interest. Examples of police-related boards include, but are not limited to: Crime Stoppers, Victim Crisis Assistance and Referral Services (VCARS), Mothers Against Drunk Driving (MADD), Child Find Ontario etc. Therefore, the employee shall:

- notify his/her detachment commander of his/her participation and role;
- **not** be a voting member (i.e. act only as an advisor);
- advise his/her detachment commander of any changes to his/her role; and
- ensure that the board has adequate insurance coverage to protect him/herself, both as a board member and as an individual for his/her responsibilities on the board.

Note: It is recommended that the employee retain a copy of the insurance coverage for his/her records.

Boards—With No Insurance Coverage

If the board does not have insurance coverage, the employee should remove him/herself from participating.

Note: If the employee does not remove himself/herself from participating, he/she needs to be aware that the OPP will not provide legal indemnification in the event that the board is sued.

Non-Police Related Boards

An employee may participate as a voting member on a board that has no direct relationship to policing, e.g. hospital, school board, hockey etc. The employee should:

- notify the board that he/she is participating as a private citizen and **not** as an employee of the OPP; and
- retain correspondence from the board (e.g. e-mail) that acknowledges that he/she is participating as a private citizen.

Conflict of interest

Should a conflict of interest arise while participating on a police related board or a non-police related board, he/she shall advise his/her detachment commander in accordance with, Police Orders, Chapter 2, Code of Conduct in the OPP, Reporting Conflict of Interest.

Secondary Employment

Civilian Member

A civilian member can engage in secondary employment without permission so long as it does not constitute a conflict of interest. A civilian member seeking permission for secondary employment that may constitute a real/potential conflict of interest shall submit the MCSCS Conflict of Interest Declaration Form to the Deputy Minister, MCSCS, in accordance with Reporting Conflict of Interest, with a copy to his/her supervisor.



Supervisor

The employee's supervisor shall footnote the copy and continue it through all levels in the chain of command, in accordance with this policy, to the Deputy Minister, MCSCS, for determination.

Uniform Member

A uniform member shall not become involved in/continue any secondary employment unless approved in accordance with this policy.

Restriction—Agent in Court Proceedings

A uniform member shall not act as an agent in:

- a criminal court proceeding; or
- any other court proceeding in which the police have been involved or which could result in police involvement, e.g. a family law proceeding where part of the relief sought is for a restraining order that would have to be enforced by the police.

Exception

An exception may be made for a uniform member acting on behalf of an immediate family member. A uniform member who desires an exception shall forward a request in writing through his/her respective bureau/regional/provincial commander to the Commander, PSB. Management/supervisory staff at each reporting level of command shall append a comment either recommending or indicating non-support for the request.

Request by Uniform Member

To obtain permission, a request in writing shall be submitted to the respective bureau/regional/provincial commander, and subsequently forwarded to the Commander, PSB. Management staff at each reporting level of command shall append a comment either recommending or indicating non-support for the request.

Information to be Included

When the uniform member proposes to be the owner, principal, manager, operator, or employee of a business/undertaking, or otherwise control or influence the operations of a business/undertaking a request submitted in accordance with this policy shall outline, in detail:

- the name, address and nature of the business/undertaking;
- the names and addresses of the owners, principals, managers or operators of the business/undertaking (where not the uniform member), stating their relationship to the uniform member;
- the duties/responsibilities the uniform member proposes to assume;
- an estimate of the number of hours per week the uniform member proposes to devote to the business or undertaking, including any foreseen seasonal adjustments; and
- any other matter that the uniform member feels may be relevant.

PSB Review

Upon receipt of the request, the Commander, PSB or designee shall review the application and cause an investigation to be conducted, if appropriate.

Approving

On completion of the review or investigation, the Commander, PSB may approve the request, where no conflict exists.

Conditions

Approval of secondary employment is subject to the following conditions:



- the secondary employment would not contravene legislative requirements/restrictions, e.g. PSA, PSOA;
- no aspect of the secondary employment will be engaged in during OPP work hours, including advertising, making or accepting phone calls, facsimile transmissions, e-mails or other communications related to the secondary employment;
- no advertising related to the secondary employment shall identify the uniform member by words or images as being with the OPP;
- no OPP facility, information database, equipment or material shall be used for any purpose directly or indirectly related to the secondary employment, other than as expressly permitted; and
- a uniform member shall re-apply annually for approval, to review potential changes in his/her secondary employment situation.

Final Decision

The decision of the Commander, PSB shall be final and the uniform member shall comply with the decision.

The final decision of the Commander, PSB shall be forwarded to the uniform member in writing.

Contravention

Where a uniform member engages in a secondary employment in accordance with this policy, and it subsequently appears that such participation may contravene this policy, the uniform member shall disclose the situation to the Commander, PSB and shall abide by any direction subsequently provided.

Changing Circumstance

A uniform member shall immediately disclose in writing, full particulars of a situation where there has been, or is about to be, a material change in the permanent or temporary circumstances related to the approved secondary employment to the respective bureau/regional/provincial commander, which shall subsequently be forwarded to the Commander, PSB.

A material change in circumstances includes, but is not limited to:

- the uniform member being implicated in a lawsuit or other court action related to secondary employment;
- a relevant change in applicable statutory licensing or other regulatory status relating to the secondary employment;
- a change in the ownership structure or corporate status of the secondary employment workplace;
- a significant increase in the number of hours worked by the uniform member or his/her secondary employment work schedule changes;
- a change to the nature of the uniform member's secondary employment responsibilities; or
- the uniform member ceasing to engage in the secondary employment.

Monitoring

Where a uniform member has been given approval for secondary employment the respective bureau commander or detachment commander shall:

- monitor the uniform member's work performance through his/her immediate supervisor; and
- if a problem which can be directly attributed to the secondary employment becomes apparent:
 - take remedial action; and



- report the matter to the Commander, PSB.

Rescinding Approval The Commander, PSB may at any time rescind approval for a uniform member to continue with secondary employment as a result of:

- a breach of this policy;
- the secondary employment failing to remain within the parameters set forth in the uniform member's application;
- the uniform member using his/her position as a police officer and/or as a member of the OPP to influence his/her secondary employment by way of advertising, promotion or in any other manner;
- the secondary employment interfering with the performance of the uniform member's duties;
- the secondary employment constituting full-time employment for another person; or
- a complaint regarding the secondary employment is substantiated.

6.24.5: WORK RELATIONSHIPS

Introduction The intent of this policy is to avoid real/potential conflict of interest (i.e., preferential treatment) arising from a work relationship between an employee and one of his/her immediate family members.

Application This policy also applies to situations involving an employee and:

- an individual in a work experience program such as:
 - a co-operative education program; or
 - job shadowing;
- a volunteer; or
- private-sector temporary-help personnel.

PCC Communications Operator This policy applies to a Provincial Communications Centre (PCC) communications operator who dispatches to his/her spouse or other immediate family member(s). In such a case, a communications operator shall:

- declare a conflict of interest to his/her supervisor; and
- be assigned to another geographic area of responsibility that does not include that of the spouse or other immediate family member(s).

Non-application This policy does not apply to an immediate family member who provides attendant care to an employee with a disability in the workplace.

Mandatory Requirements An employee shall not:

- select, appoint, assign, promote or transfer an immediate family member;
- be assigned to or otherwise occupy a position where he/she reports directly to an immediate family member or where an immediate family member reports directly to them; and
- enter into a contract with his/her immediate family member or with a person/entity in which any of them has substantial interest.



A uniform member shall not be assigned to or otherwise occupy a position within the same platoon or unit where his/her spouse, who is also a uniform member, is posted to the same detachment area and works on the same shift, including paid duty assignments.

Preferential Treatment

An employee shall:

- not grant preferential treatment in relation to any official matter, person, family member, individual with whom he/she shares a close personal relationship or to any organization in which the employee, family member or an individual with whom he/she shares a close personal relationship has an interest;
- avoid being obligated, or being perceived to be obligated, to any person or organization that might profit from special consideration; or
- not offer assistance in dealing with the government to any individual or entity where such assistance is outside the official role of the public servant.

Declaring Conflict of Interest

An employee not in compliance with this policy shall be deemed to be in a position of conflict of interest and is responsible for declaring the conflict, or potential conflict of interest in accordance with Reporting Conflict of Interest.

Other Relationships

Every employee is required to declare any immediate family relationships within the same detachment/detachment area/section/unit that the employee occupies a position.

Where a uniform member's spouse is a police officer with another police service in the uniform member's detachment area, he/she shall advise a supervisor of this relationship and any potential conflicts of interest this may cause.

A close personal relationship or one beyond immediate family can also cause work-related problems, e.g. an employee who participates in the hiring process of a non-immediate family member or an individual with whom he/she shares a close personal relationship.

In every case, an employee shall declare the potential conflict of interest to his/her supervisor.

Confidentiality

Information obtained from an employee pursuant to this topic area shall not be disclosed unless:

- the person to whom the information relates consents to the disclosure; or
- the disclosure is required by law in connection with a legal proceeding relating to this topic area.

Exception

Despite the above, the supervisor, detachment commander or bureau/regional commander may disclose information when he/she:

- is meeting, consulting, discussing or communicating for the purpose of determining whether this policy has been or may be contravened;
- is advising the employee about whether this topic area has been or may be contravened; or



- considers it to be reasonably necessary to disclose information to a person or entity in order to enable the person or entity to perform a duty in relation to the conduct of a public service or activity.

6.24.6: POLITICAL ACTIVITY

Federal, Provincial & Municipal Elections

An employee's political activities shall comply with the PSA and the Political Activity Rights for a Crown Employee with regards to Federal, Provincial and Municipal elections.

Political activity at any level of government (i.e. federal, provincial or municipal) shall be considered secondary activity/employment and shall not be undertaken by an employee except in accordance with policy respecting Secondary Activities/Employment.

