

*National Gallery of Canada*

*Values, Ethics and Code of Conduct*

*Approved by the NGC Board of Trustees on September 15, 2009*

**National Gallery of Canada – Values, Ethics and Code of Conduct**

**The role of the National Gallery of Canada:**

As National Gallery of Canada (NGC) employees, students and members of the Board of Trustees, their Advisors, and Volunteers we serve the public interest through our mandate of art for all Canadians. With such a privilege, all our professional activities must be beyond reproach and guided by a set of values and ethical commitments which should be clearly demonstrated in our behaviours.

**Objectives of the Values, Ethics and Code of Conduct:**

The National Gallery of Canada as a Crown Corporation is subject to the Public Service Disclosure Protection Act (PSDPA) and, as stipulated in the Act, an organizational Code outlining the values and ethical commitments expected to guide our work must be adhered to by all employees, volunteers, students and members of the Board of Trustees. Similarly, all those who abide by this Code can also expect to be treated in accordance with the principles outlined in the Code.

This Code aims to maintain and increase public confidence in the integrity of the National Gallery. It also aims to strengthen respect for, and appreciation of, the role of ‘public servants’ generally within Canadian democracy. For the purposes of the PSDPA and this Code, we as a national institution under the Museums Act are considered to be ‘public servants’.

Public Servants shall be guided in their work and their professional conduct by a balanced framework of public service values: democratic, professional, ethical/Integrity and people.

The core values being represented by this Code are as follows:

**1. Democratic:**

Assisting the Director and the Board of Trustees, the primary authority of the National Gallery, under the law, to serve the public interest.

Public Servants shall provide their managers with all the information they need to make decisions, and must provide honest and frank advice that is free from political or personal bias.

Public Servants shall loyally carry out the lawful decisions of their managers.

Public Servants shall support both individual and collective Gallery accountability and provide Parliament and Canadians with information on the results of their work.

## **2. Professionalism**

Serving with competence, excellence, efficiency, objectivity and impartiality.

Public Servants must work within the laws of Canada and maintain the tradition of political neutrality.

Public Servants must ensure the responsible, effective and efficient use of public money.

At the Gallery, how ends are achieved should be as important as the achievements themselves.

Public Servants should constantly renew their commitment to serve Canadians by continually improving the quality of service, by adapting to changing needs through innovation, and by improving the efficiency and effectiveness of Gallery programs and services offered in both official languages.

Public servants should also strive to ensure that the value of transparency at the Gallery is upheld while respecting their duties of confidentiality under the law.

## **3. Ethical/Integrity**

Acting at all times in such a way as to uphold the public trust

Public Servants shall perform their duties and arrange their private affairs so that the public confidence and trust in the integrity, objectivity and impartiality of the Gallery are conserved and enhanced.

Public Servants shall act at all times in a manner that will bear the closest public scrutiny.

The actions and decisions of public servants must be, and appear to be, free from favouritism, bias or self-interest; an obligation that is not fully satisfied by simply acting within the law.

Public servants shall ensure that the money and resources entrusted to them are used in the public interest.

If a conflict should arise between the private interest and the official duties of a public servant, the conflict shall be resolved in favour of the public interest.

When entering into partnerships for the implementation of NGC objectives, public servants shall seek to partner with organizations and individuals that show integrity and transparency in their business practices; public servants do not enter into contracts or agreements that compromise the public interest or the values contained in this Code.

#### **4. People – Respect for People**

Respecting human dignity and the value of every person.

Public servants shall treat every person with respect, fairness and courtesy.

Within the framework of these shared values, public servants shall appreciate their differences, recognizing that combining their strengths builds quality and contributes to their success.

Public Service organizations such as the Gallery should be led through participation, openness and communication and with respect for diversity and for the official languages of Canada.

Public servants shall apply the values and commitments contained in this Code to all aspects of staffing and ensure that appointment decisions at the Gallery shall be based on merit.

Public servants shall contribute to the creation and maintenance of safe and healthy workplaces that are free from harassment and discrimination.

#### **Application**

This Code applies to all NGC employees, volunteers, students and members of the Board of Trustees irrespective of their rank or position. The Code “Values and Ethics Code for the Public Service” is a policy of the Government of Canada. The NGC is a public service institution therefore must respect the spirit and the provisions of the said Code.

This Code is a condition of your employment and/or your relationship as a volunteer, student, member of the Board of Trustees or Advisor at the NGC. You must always abide by it, and demonstrate the values herein in your actions and behaviour. If you do not demonstrate these values and commitments in your behaviours and decisions, you, as an employee, may be subject to administrative or disciplinary actions up to and including termination of employment. As a volunteer, student or member of the Board of Trustees or Advisor, you may be subject to ‘action’, which may include the termination of your relationship within the NGC.

This Code came into force on September 15, 2009. It will be subject to a review five years after it came into effect.

## **Responsibilities, Authorities and Accountabilities**

All NGC activities should be consistent with the Values and Ethics Code for the Public Service. In addition to the stipulations outlined in this Code, NGC employees, volunteers and members of the Board of Directors are also required to observe any specific conduct requirements contained in the statutes governing the Gallery or organizations and their profession where applicable, including:

- *Canadian Charter of Rights and Freedoms*
- *Canadian Human Rights Act*
- *Criminal Code of Canada*
- *Canada Labour Code*
- *Financial Administration Act*
- *Access to Information*
- *Employment Equity Act*
- *Policy on the Duty to Accommodate Persons with Disabilities*
- *Official Languages Act and Regulations*
- *Privacy Act*
- *HR Corporate Policy*
- *(Applicable) Collective Agreements*

## **Methods of Compliance**

### **Public Servants**

- a. Before or within 60 days of their first appointment, public servants must sign a document certifying that they have read and understood this Code and as a condition of employment or association with the Gallery, they will observe this Code. Individuals must disclose all possible conflict of interest situations. Individuals may seek independent counsel to help them understand any aspect of this Code.
- b. Every time a major change occurs in the personal affairs or official duties of the public servant, he/she must review their obligations under this Code. If a real, apparent or potential conflict of interest exists, they must file a new Confidential Report with the Director of Human Resources. Upon receipt of a declaration of a real or potential conflict of interest, the Director of Human Resources may request a meeting to discuss the declaration in greater detail. The Director may also seek the advice of a third party, such as, a subject matter expert from Treasury Board, to assist in the analysis of the declaration.
- c. When negotiating financial arrangements with outside parties, public servants must assure compliance with the Conflict of Interest and Post-Employment Measures in accordance with directives on this matter issued by Treasury Board.

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When in doubt, public servants must immediately report the situation to their supervisors in order to seek advice or direction on how to proceed.

When faced with an ethical dilemma, employees, volunteers and members of the Board of Directors are encouraged to use the opportunities and mechanisms established by the NGC to raise, discuss and resolve issues of concern related to this Code.

All individuals are required to provide ongoing information concerning any possible conflict of interest so that a thorough discussion and analysis can be performed before advice can be given and a written decision can be made. Decisions of actual “conflict of interest” will be submitted to the employee in writing and will include the rationale for the decision.

In Board deliberations (applicable to members of the Board of Trustees and Advisors of committees of the Board only) individuals shall exclude themselves from any discussion or votes when they are or may appear to be in a conflict of interest position with the Gallery. The responsibility lies with the Trustee or Advisor to bring any such actual or potential conflict of interest situation to the attention of the Board or Committee for its consideration.

Employees’ confidential statements relating to conflict or potential conflict will be sent to the Director of Human Resources. The Director, members of the Board of Trustees and Advisors will send their confidential statements to the Chairperson of the Board of Trustees.

### **Directors**

Senior Managers have a particular responsibility to exemplify, in their actions and behaviours, the values of public service. They have a duty to infuse these values into all aspects of the work of their departments. It is expected that they will take special care to ensure that they comply at all times with both the spirit and the specific requirements of this Code.

In particular they have the following obligations:

- a. To ensure that employees and volunteers are provided with a copy of the Code on any appointment. They must ensure that employees are informed of the requirements of this Code on an annual basis.
- b. To encourage and maintain an ongoing dialogue on public service values and ethics within their departments, in a manner that is relevant to the specific issues and challenges encountered by their department.
- c. To ensure that mechanisms and assistance are in place to help employees and volunteers raise, discuss, and resolve issues of concern related to this Code.

- d. To ensure that the personal information in confidential reports is secured in a secure repository and treated with complete confidence in accordance with the Privacy Act.

## **Confidentiality**

It is the responsibility of every employee to maintain the confidentiality of Gallery information.

Information concerning the private interest of employees will be placed in a special confidential file (distinct from the regular human resources files). These files will be maintained by the Director of Human Resources and may not be disclosed to any party unless directed by a judicial, administrative, or dispute resolution process.

The Director of Human Resources is the “Senior Officer for Disclosure”. In this role the Director promotes a positive environment for disclosure of potential and real conflict of interests and of disclosing wrongdoings. The Director recommends to the CEO measures to correct or prevent conflict of interests or wrongdoings.

## **Measures to Prevent Conflict of Interest**

Avoiding and preventing situations that could give rise to a conflict of interest, or the appearance of a conflict of interest is one primary means by which a public servant maintains public confidence in the impartiality and objectivity of the Public Service.

These conflict of interest measures are adopted both to protect public servants from conflict of interest allegations and to help them avoid situations of risk. Conflict of interest does not relate exclusively to matters concerning financial transaction and the transfer of economic benefit. While financial activity is important, it is not the sole source of potential conflict of interest situations.

It is impossible to prescribe a remedy for every situation that could give rise to real, apparent or potential conflict. When in doubt, public servants should seek guidance from their manager or from human resources.

### **Preventative measures include:**

Not soliciting or accepting transfers of economic benefit.

Not step out of their official roles to assist private entities or persons in their dealings with the government where this would result in preferential treatment to the entities or persons.

Not knowingly take advantage of, or benefit from, information that is obtained in the course of their official duties and that is not generally available to the public.

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Not directly or indirectly use, or allow the use of, government property of any kind, including property leased to the government, for anything other than officially approved activities.

### **Assets**

The type of assets and interests that should be included in a confidential report, those that need not be declared, as well as procedures for divesting assets are all set out in [Appendix A](#).

It is to be noted that a public servant may not sell or transfer assets to family members or others for purposes of circumventing the compliance of the Public Service.

### **Outside Employment or Activities**

Public Servants may engage in employment outside the Public Service and take part in outside activities unless the employment or activities are likely to give rise to a conflict of interest or in any way undermine the neutrality of the Public Service.

Where outside employment or activities might subject public servants to demands incompatible with their official duties, or cast doubt on their ability to perform their duties in a completely objective manner, they shall submit a Confidential Report to their Director. The Director may require that the outside activities be curtailed, modified or terminated if it is determined that real, apparent or potential conflict of interest exists. A written decision will be submitted to the employee, explaining the rationale for the decision.

### **Gifts, Hospitality and Other Benefits**

Public servants are called upon to use their best judgement to avoid situations of real or perceived conflict. In doing so, public servants should consider the following criteria on gifts, hospitality and other benefits, keeping in mind the full context of this Code.

Public servants shall not accept or solicit any gifts, hospitality or other benefits that may have a real or apparent influence on their objectivity in carrying out their financial duties or that may place them under obligation to the donor. This includes free or discounted admission to sporting events arising out of an actual or potential business relationship directly related to the public servant's official duties.

The acceptance of gifts, hospitality and other benefits is permissible if they:

- a. Are infrequent and of minimal value (low cost promotional objects, simple meals, souvenirs with no cash value)
- b. Arise out of activities or events related to the official duties of the public servant concerned.



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- c. Are within the normal standards of courtesy, hospitality or protocol; and
- d. Do not compromise or appear to compromise in any way the integrity of the public servant concerned or his or her department.

Where it is impossible to decline gifts, hospitality and other benefits that do not meet the principles set out above, or where it is believed that there is sufficient benefit to the Gallery to warrant acceptance of certain types of hospitality, a public servant shall seek written direction from his Director. The Director will then notify the public servant in writing whether the gifts, hospitality and other benefits are to be declined or retained by the department, donated to charity, disposed of, or retained by the public servant concerned.

### **Solicitation**

At no time should public servants solicit gifts, hospitality, other benefits or transfer of economic value from a person, group or organization in the private sector who has dealings with the government.

### **Legal Framework**

The above provisions are designed to ensure the Values and Ethics Code for the Public Service is consistent with paragraph 121(1) (C) of the Criminal Code, which states the following:

“... every one commits an offence who, being an official or employee of the government, demands, accepts, or offers or agrees to accept, from a person who has dealings with the government, a commission, reward, advantage or benefit of any kind directly or indirectly, by himself or through a member of his family or through any one for his benefit, unless he has the consent in writing of the head of the branch of government that employs him or of which he is an official, the proof of which lies on him.”

### **Avoidance of Preferential Treatment**

When participating in any decision making related to a staffing process, public servants shall ensure that they do not grant preferential treatment or assistance to family or friends.

When making decisions that will result in a financial award to an external party, public servants shall not grant preferential treatment or assistance to family or friends.

Public servants should not offer any assistance to entities or persons that have dealings with the government, where this assistance is not part of their official duties, without obtaining prior authorization from their designated superior and complying with conditions for that authorization.

Providing information that is easily accessible to the public to relatives or friends or to entities in which public servants or their family members or friends have interests is not considered preferential.

### **Avenues of Resolution**

This Code will not be able to anticipate every possible ethical question that might arise in the course of your duties at the NGC. When these types of questions arise, you are encouraged to discuss and resolve these matters with your supervisor or the Director of HR who is the official responsible for values and ethics in your organization.

If you know of a breach of either this Code or feel that you are being asked to act in a way that violates the values and commitments contained herein, you can bring it to the attention of your immediate supervisor, the Director of Human Resources. Should you have information that you believe could show that there may be a serious breach of this Code, you may make a disclosure in good faith to any of these individuals and be protected from reprisal.

| <http://www.tbs-sct.gc.ca/tbsf-fsct/610-30-eng.pdf>