

Public Service of Ontario Act, 2006

S.O. 2006, CHAPTER 35 Schedule A

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Amended by: 2006, c. 35, Sched. A, ss. 156, 157.

Note: THIS ACT IS NOT YET IN FORCE. It comes into force on a day to be named by proclamation of the Lieutenant Governor. See: 2006, c. 35, Sched A, s. 158 (2).

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PART I GENERAL

PURPOSE, INTERPRETATION AND APPLICATION

Purposes of this Act

1. The following are the purposes of this Act:
 1. To ensure that the public service of Ontario is effective in serving the public, the government and the Legislature.
 2. To ensure that the public service of Ontario is non-partisan, professional, ethical and competent.
 3. To set out roles and responsibilities in the administration of the public service of Ontario.
 4. To provide a framework in law for the leadership and management of the public service of Ontario.
 5. To set out rights and duties of public servants concerning ethical conduct.
 6. To set out rights and duties of public servants concerning political activity.
 7. To establish procedures for the disclosure and investigation of wrongdoing in the public service of Ontario and to protect public servants who disclose wrongdoing from reprisals. 2006, c. 35, Sched. A, s. 1.

Interpretation

2. (1) In this Act,

“Commission public body” means a public body that is prescribed as a Commission public body under clause 8 (1) (b); (“organisme public rattaché à la Commission”)

“government appointee” means a person who is a public servant by virtue of paragraph 5 of subsection (2); (“personne nommée par le gouvernement”)

“Integrity Commissioner” means the Integrity Commissioner appointed under the *Members’ Integrity Act, 1994*; (“commissaire à l’intégrité”)

“minister” means a member of the Executive Council; (“ministre”)

“minister’s office” includes the office of the parliamentary assistant, if any, assigned to the minister; (“cabinet d’un ministre”)

“prescribed” means prescribed by regulation; (“prescrit”)

“public body” means a body that is prescribed as a public body under clause 8 (1) (a); (“organisme public”)

“public service of Ontario” means,

- (a) ministries, including ministers’ offices, and
- (b) public bodies; (“fonction publique de l’Ontario”)

“regulation” means a regulation under this Act. (“règlement”) 2006, c. 35, Sched. A, s. 2 (1).

Public servant

(2) For the purposes of this Act, the following are public servants:

1. Every person employed under Part III.
2. The Secretary of the Cabinet.
3. Every deputy minister.
4. Every employee of a public body.
5. Every person appointed by the Lieutenant Governor in Council, the Lieutenant Governor or a minister to a public body. 2006, c. 35, Sched. A, s. 2 (2).

Certain appointees not public servants

(3) For the purposes of this Act, judges and officers of the Assembly are not public servants. 2006, c. 35, Sched. A, s. 2 (3).

Application of Act to former public servants

3. Except where otherwise provided, a reference in this Act to a former public servant is a reference to a person who ceased to be a public servant on or after the day on which this section comes into force. 2006, c. 35, Sched. A, s. 3.

Application of Act to Cabinet Office, etc.

4. For the purposes of this Act, the Cabinet Office is a ministry, the Premier is its minister and the Secretary of the Cabinet is its deputy minister. 2006, c. 35, Sched. A, s. 4.

OATHS AND AFFIRMATIONS

Oath or affirmation of allegiance

5. (1) Every public servant shall swear or affirm his or her allegiance to the Crown as prescribed under clause 8 (1) (c). 2006, c. 35, Sched. A, s. 5 (1).

Exception

(2) Subsection (1) does not apply to a public servant in the circumstances prescribed under clause 8 (1) (d). 2006, c. 35, Sched. A, s. 5 (2).

Oath or affirmation of office

6. Every public servant shall swear or affirm an oath of office as prescribed under clause 8 (1) (c). 2006, c. 35, Sched. A, s. 6.

Administering oath, affirmation

7. An oath or affirmation may only be administered under section 5 or 6 by a person prescribed under clause 8 (1) (e). 2006, c. 35, Sched. A, s. 7.

REGULATIONS

Regulations, Part I

8. (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the bodies that are public bodies for the purposes of the definition of “public body” in subsection 2 (1);
- (b) prescribing as Commission public bodies, for the purposes of the definition of “Commission public body” in subsection 2 (1), public bodies,
 - (i) for which the Public Service Commission may, under this or any other Act, appoint public servants under Part III,or

- (ii) in respect of which there is no statutory authority to employ employees;
- (c) respecting the wording of oaths and affirmations required under sections 5 and 6 and the manner of making them;
- (d) prescribing the circumstances in which a public servant is exempt from the requirement to swear or affirm his or her allegiance to the Crown under subsection 5 (1);
- (e) prescribing persons who have the authority to administer an oath or affirmation for the purposes of sections 5 and 6. 2006, c. 35, Sched. A, s. 8 (1).

Same

- (2) Regulations made under this section may be general or particular in their application. 2006, c. 35, Sched. A, s. 8 (2).

**PART II
ROLES AND RESPONSIBILITIES IN THE ADMINISTRATION OF THE PUBLIC SERVICE OF ONTARIO**

PUBLIC SERVICE COMMISSION

Commission continued

9. (1) The Civil Service Commission is continued under the name the Public Service Commission in English and Commission de la fonction publique in French. 2006, c. 35, Sched. A, s. 9 (1).

Composition

(2) The Public Service Commission shall be composed of a chair and at least two other members appointed by the Lieutenant Governor in Council. 2006, c. 35, Sched. A, s. 9 (2).

Remuneration, etc.

(3) The Lieutenant Governor in Council may fix the remuneration and allowance for expenses of members of the Public Service Commission. 2006, c. 35, Sched. A, s. 9 (3).

Powers, duties and functions

10. The Public Service Commission may exercise the powers and shall perform the duties and functions assigned to it under this or any other Act. 2006, c. 35, Sched. A, s. 10.

Employees

11. (1) Such employees as are considered necessary for the proper conduct of the business of the Public Service Commission may be appointed under Part III. 2006, c. 35, Sched. A, s. 11 (1).

Consultants

(2) The Public Service Commission may retain such technical and professional consultants as it considers necessary for the proper conduct of the Commission's business, at the remuneration and on the terms that the Commission approves. 2006, c. 35, Sched. A, s. 11 (2).

Annual report

12. Every year, the Public Service Commission shall give the minister responsible for the administration of this Act a report about its activities during the preceding year, and the minister shall lay the report before the Assembly at the earliest reasonable opportunity. 2006, c. 35, Sched. A, s. 12.

No personal liability

13. (1) No action or other proceeding may be instituted against the Public Service Commission or a member of or an employee in the Commission for any act done or omitted in good faith in the exercise or intended exercise of the Commission's powers or in the execution or intended execution of the Commission's duties or functions. 2006, c. 35, Sched. A, s. 13 (1).

Crown liability

(2) Despite subsections 5 (2) to (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which the Crown would otherwise be subject. 2006, c. 35, Sched. A, s. 13 (2).

CONFLICT OF INTEREST COMMISSIONER

Conflict of Interest Commissioner

14. There shall be a Conflict of Interest Commissioner who shall be appointed by the Lieutenant Governor in Council for a fixed term. 2006, c. 35, Sched. A, s. 14.

Remuneration, etc.

15. The Lieutenant Governor in Council may fix the remuneration and allowance for expenses of the Conflict of Interest Commissioner. 2006, c. 35, Sched. A, s. 15.

Powers, duties and functions

16. The Conflict of Interest Commissioner may exercise the powers and shall perform the duties and functions assigned to him or her under this or any other Act. 2006, c. 35, Sched. A, s. 16.

Employees

17. (1) Such employees as are considered necessary for the proper conduct of the office of the Conflict of Interest Commissioner may be appointed under Part III. 2006, c. 35, Sched. A, s. 17 (1).

Consultants

(2) The Conflict of Interest Commissioner may retain such technical and professional consultants as he or she considers necessary for the proper conduct of the office of the Commissioner, at the remuneration and on the terms that the Commissioner approves. 2006, c. 35, Sched. A, s. 17 (2).

Acting Commissioner

18. (1) The Conflict of Interest Commissioner may designate in writing a person employed in the office of the Commissioner to exercise the powers and perform the duties and functions of the Commissioner in his or her absence. 2006, c. 35, Sched. A, s. 18 (1).

Same

(2) If the Commissioner is absent and has not made a designation under subsection (1), the Lieutenant Governor in Council may designate in writing a person to exercise the powers and perform the duties and functions of the Commissioner in his or her absence. 2006, c. 35, Sched. A, s. 18 (2).

Annual report

19. Every year, the Conflict of Interest Commissioner shall give the minister responsible for the administration of this Act a report about his or her activities during the preceding year, and the minister shall lay the report before the Assembly at the earliest reasonable opportunity. 2006, c. 35, Sched. A, s. 19.

No personal liability

20. (1) No action or other proceeding may be instituted against the Conflict of Interest Commissioner or an employee in the office of the Commissioner for any act done or omitted in good faith in the exercise or intended exercise of the Commissioner's powers or in the execution or intended execution of the Commissioner's duties or functions. 2006, c. 35, Sched. A, s. 20 (1).

Crown liability

(2) Despite subsections 5 (2) to (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which the Crown would otherwise be subject. 2006, c. 35, Sched. A, s. 20 (2).

Testimony

(3) The Conflict of Interest Commissioner or an employee in the office of the Commissioner is not a competent or compellable witness in a civil proceeding respecting any information given or obtained, statements made or received, or records or other things produced or received under this Act. 2006, c. 35, Sched. A, s. 20 (3).

Same

(4) Subsection (3) does not apply to a civil proceeding directly related to any act done or omitted in good faith in the exercise or intended exercise of the Commissioner's powers or in the execution or intended execution of the Commissioner's duties or functions. 2006, c. 35, Sched. A, s. 20 (4).

PUBLIC SERVICE GRIEVANCE BOARD

Public Service Grievance Board continued

21. (1) The board known as the Public Service Grievance Board in English and Commission des griefs de la fonction publique in French is continued. 2006, c. 35, Sched. A, s. 21 (1).

Composition

(2) The Public Service Grievance Board shall be composed of a chair and at least two other members appointed by the Lieutenant Governor in Council for a fixed term. 2006, c. 35, Sched. A, s. 21 (2).

Remuneration, etc.

(3) The Lieutenant Governor in Council may fix the remuneration and allowance for expenses of members of the Public Service Grievance Board. 2006, c. 35, Sched. A, s. 21 (3).

Powers, duties and functions

22. The Public Service Grievance Board may exercise the powers and shall perform the duties and functions assigned to it under this or any other Act. 2006, c. 35, Sched. A, s. 22.

Procedures

23. (1) Proceedings before the Public Service Grievance Board shall be governed in accordance with the following:

1. Subject to paragraph 2, the *Statutory Powers Procedure Act* and any rules made under that Act by the Board apply to proceedings before the Board.
2. On the coming into force of a regulation made under subsection (2) establishing procedural rules for proceedings before the Board, the *Statutory Powers Procedure Act* and any rules made under that Act cease to apply to proceedings before the Board to the extent that the *Statutory Powers Procedure Act* and any rules made under it conflict with the regulation. 2006, c. 35, Sched. A, s. 23 (1).

Same

(2) The Lieutenant Governor in Council may make regulations establishing procedural rules for proceedings before the Public Service Grievance Board. 2006, c. 35, Sched. A, s. 23 (2).

Same

(3) Without limiting the generality of subsection (2), a regulation made under that subsection may provide for transitional provisions respecting the application of procedural rules to proceedings before the Public Service Grievance Board. 2006, c. 35, Sched. A, s. 23 (3).

Same

(4) A regulation made under subsection (2) may be general or particular in its application. 2006, c. 35, Sched. A, s. 23 (4).

Restriction, decision on grievance

24. (1) In making a decision on a grievance, the Public Service Grievance Board shall not provide for the employment of a public servant in a position that involves direct responsibility for or provides an opportunity for contact with a vulnerable person specified in a regulation made under clause 31 (1) (a) if the Board has found that the public servant,

- (a) has applied force to a vulnerable person, except the minimum force necessary for self-defence or the defence of another person or necessary to restrain the vulnerable person for his or her own protection; or
- (b) has sexually molested a vulnerable person. 2006, c. 35, Sched. A, s. 24 (1).

Same

(2) Where subsection (1) applies, the Public Service Grievance Board may provide for the employment of the public servant in another, substantially equivalent, position. 2006, c. 35, Sched. A, s. 24 (2).

Criminal conviction or discharge

25. (1) If a public servant is convicted or discharged of an offence under the *Criminal Code* (Canada) in respect of an act or omission that results in discipline or dismissal and the discipline or dismissal becomes the subject matter of a grievance before the Public Service Grievance Board, proof of the conviction or discharge shall be taken as conclusive evidence that the public servant committed the act or omission after,

- (a) the time for an appeal has expired; or
- (b) if an appeal was taken, the appeal was dismissed and no further appeal is available. 2006, c. 35, Sched. A, s. 25 (1).

Adjournment pending appeal to be granted

(2) If an adjournment of a grievance is requested pending an appeal of a conviction or a discharge mentioned in subsection (1), the Public Service Grievance Board shall grant the adjournment. 2006, c. 35, Sched. A, s. 25 (2).

Decisions final

26. A decision of the Public Service Grievance Board is final. 2006, c. 35, Sched. A, s. 26.

No personal liability

27. (1) No action or other proceeding may be instituted against the Public Service Grievance Board or a member of or an employee in the Board for any act done or omitted in good faith in the exercise or intended exercise of the Board's powers or in the execution or intended execution of the Board's duties and functions. 2006, c. 35, Sched. A, s. 27 (1).

Crown liability

(2) Despite subsections 5 (2) to (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which the Crown would otherwise be subject. 2006, c. 35, Sched. A, s. 27 (2).

OTHER OFFICIALS

Secretary of the Cabinet

28. The Secretary of the Cabinet is the clerk of the Executive Council and the head of the public service of Ontario. 2006, c. 35, Sched. A, s. 28.

Deputy ministers

Responsibility for operation of ministry

29. (1) The deputy minister of a ministry, acting on behalf of the minister, is responsible for the operation of the ministry. 2006, c. 35, Sched. A, s. 29 (1).

Responsibility to inform minister

(2) The deputy minister shall give the minister such information as the minister may require to carry out his or her responsibilities as the minister of the ministry, a member of the Executive Council and a member of the Assembly. 2006, c. 35, Sched. A, s. 29 (2).

Responsibility re public servants

(3) Deputy ministers shall promote effective, non-partisan, professional, ethical and competent public service by public servants. 2006, c. 35, Sched. A, s. 29 (3).

Powers, duties and functions

(4) A deputy minister shall exercise such powers and perform such duties and functions as may be assigned to him or her under this or any other Act or by the Lieutenant Governor in Council or by the minister. 2006, c. 35, Sched. A, s. 29 (4).

Acting deputy ministers

30. (1) The Secretary of the Cabinet may designate in writing a public servant to exercise the powers and perform the duties and functions of the deputy minister in his or her absence. 2006, c. 35, Sched. A, s. 30 (1).

Same

(2) The Secretary of the Cabinet may delegate his or her power to designate under subsection (1) to a deputy minister with respect to his or her ministry. 2006, c. 35, Sched. A, s. 30 (2).

Same

(3) The Secretary of the Cabinet may impose conditions and restrictions that govern the exercise of the delegated power. 2006, c. 35, Sched. A, s. 30 (3).

REGULATIONS

Regulations, Part II

31. (1) The Lieutenant Governor in Council may make regulations,

- (a) specifying who is a vulnerable person for the purposes of section 24;
- (b) prescribing powers, duties and functions of the Public Service Grievance Board, in addition to those provided under this Act;
- (c) prescribing circumstances in addition to those set out in this Act in which a public servant may file a grievance with the Public Service Grievance Board;
- (d) prescribing matters that cannot be the subject of a grievance before the Public Service Grievance Board;
- (e) prescribing classes of public servants who are not eligible to file a grievance with the Public Service Grievance Board;
- (f) prescribing remedy powers of the Public Service Grievance Board in respect of circumstances prescribed under clause (c);
- (g) prescribing powers, duties and functions of the Public Service Commission and the Conflict of Interest Commissioner, in addition to those provided under this Act;
- (h) providing for the delegation and subdelegation of the powers, duties and functions prescribed under clause (g), in the manner and to the persons or bodies specified in the regulations, subject to such restrictions or conditions as may be prescribed. 2006, c. 35, Sched. A, s. 31 (1).

Same

(2) Regulations made under this section may be general or particular in their application. 2006, c. 35, Sched. A, s. 31 (2).

PART III EMPLOYMENT BY THE CROWN

APPOINTMENT BY THE PUBLIC SERVICE COMMISSION

Employment in a ministry

32. (1) The Public Service Commission may appoint persons to employment by the Crown to work in a ministry, other than in a minister's office. 2006, c. 35, Sched. A, s. 32 (1).

Employment in a Commission public body

(2) The Public Service Commission may appoint persons to employment by the Crown to work in a Commission public body. 2006, c. 35, Sched. A, s. 32 (2).

Fixed term or otherwise

(3) An appointment by the Public Service Commission may be for a fixed term or otherwise. 2006, c. 35, Sched. A, s. 32 (3).

Same

(4) A person appointed by the Public Service Commission for a fixed term may be reappointed for one or more further terms. 2006, c. 35, Sched. A, s. 32 (4).

Creation of positions

33. (1) The Management Board of Cabinet may, by directive, create classes of position for public servants appointed by the Public Service Commission and determine the duties of and qualifications for the positions. 2006, c. 35, Sched. A, s. 33 (1).

Salary or wage ranges

(2) The Management Board of Cabinet may, by directive, determine salary ranges or wage ranges for public servants appointed by the Public Service Commission. 2006, c. 35, Sched. A, s. 33 (2).

Other remuneration

(3) The Management Board of Cabinet may, by directive, determine other remuneration, including benefits, for public servants appointed by the Public Service Commission. 2006, c. 35, Sched. A, s. 33 (3).

Other terms, conditions of employment

(4) The Management Board of Cabinet may, by directive, establish other terms and conditions of employment for public servants appointed by the Public Service Commission. 2006, c. 35, Sched. A, s. 33 (4).

General or particular

(5) Directives issued under this section may be general or particular in their application. 2006, c. 35, Sched. A, s. 33 (5).

Non-application

(6) The *Regulations Act* does not apply to a directive issued under this section. 2006, c. 35, Sched. A, s. 33 (6).

Note: On the later of a) the day the Statutes of Ontario, 2006, chapter 35, Schedule A, section 157 comes into force and b) October 19, 2007 or an earlier day to be named by proclamation of the Lieutenant Governor, subsection (6) is amended by the Statutes of Ontario, 2006, chapter 35, Schedule A, section 157 by striking out "The *Regulations Act*" and substituting "Part III (Regulations) of the *Legislation Act, 2006*". See: 2006, c. 35, Sched. A, ss. 157, 158 (2).

Archive

(7) The Management Board of Cabinet shall maintain an archive of all directives issued by it under this section indicating the period during which each directive applies. 2006, c. 35, Sched. A, s. 33 (7).

Disciplinary measures

34. The Public Service Commission may for cause impose disciplinary measures, including suspension or dismissal, on a public servant appointed by it, as the Commission considers appropriate. 2006, c. 35, Sched. A, s. 34.

Suspension, maximum period

35. A suspension under section 34 by the Public Service Commission may continue for a period not exceeding one month and, during the suspension, the public servant is not entitled to receive a salary, wages or any other remuneration, including benefits. 2006, c. 35, Sched. A, s. 35.

Commission may investigate

36. (1) The Public Service Commission may conduct an investigation in order to determine whether there is cause for the purposes of section 34. 2006, c. 35, Sched. A, s. 36 (1).

Suspension pending an investigation

(2) The Public Service Commission may, pending the conclusion of an investigation, suspend the public servant for a period not exceeding the period prescribed under clause 55 (1) (a). 2006, c. 35, Sched. A, s. 36 (2).

Same

(3) The Public Service Commission may withhold the public servant's salary, wages or any other remuneration, including benefits, during the suspension under this section if it considers it appropriate to do so, and may, at the end of the investigation, reimburse amounts that were withheld if it considers it appropriate to do so. 2006, c. 35, Sched. A, s. 36 (3).

Probationary period

37. (1) Where the Public Service Commission appoints a public servant to employment for a term that is not fixed, the Commission may direct that the public servant be on probation for a period of not more than one year. 2006, c. 35, Sched. A, s. 37 (1).

Same

(2) While on probation under subsection (1), the public servant may be dismissed for failure to meet the requirements of his or her position. 2006, c. 35, Sched. A, s. 37 (2).

Dismissal without cause

38. (1) The Public Service Commission may without cause dismiss a public servant appointed by it who is employed in a class of position that is prescribed under clause 55 (1) (b) by giving the public servant reasonable notice or by giving the public servant compensation in lieu of notice. 2006, c. 35, Sched. A, s. 38 (1).

Reinstatement

(2) An order to reinstate a public servant who is dismissed under subsection (1) shall not be made by any court, tribunal or other arbitrator. 2006, c. 35, Sched. A, s. 38 (2).

Dismissal for certain reasons

39. The Public Service Commission may dismiss a public servant appointed by it for the following reasons:

1. A shortage of work.
2. A shortage of funds.
3. The elimination of the public servant's position.
4. A material change in the ministry or Commission public body in which the public servant works. 2006, c. 35, Sched. A, s. 39.

Effect of dismissal

40. When the dismissal of a public servant takes effect, he or she ceases to be employed by the Crown. 2006, c. 35, Sched. A, s. 40.

Resignation

41. (1) A public servant appointed by the Public Service Commission may resign from his or her position by giving at least two weeks notice in writing of the intention to resign to the Commission. 2006, c. 35, Sched. A, s. 41 (1).

Withdrawal

(2) A public servant may, by giving notice in writing to the Public Service Commission, withdraw the notice of intention to resign at any time before its effective date if,

- (a) no person has been appointed or selected for appointment by the Commission to the position held by the public servant; and
- (b) the Commission approves the withdrawal. 2006, c. 35, Sched. A, s. 41 (2).

Effect of resignation

(3) When the resignation of a public servant takes effect, he or she ceases to be employed by the Crown. 2006, c. 35, Sched. A, s. 41 (3).

Abandonment

42. (1) If a public servant appointed by the Public Service Commission is absent from work without approved leave for a period of two weeks or more, the Commission may declare, in writing, that the public servant has abandoned the position and that his or her employment by the Crown is terminated. 2006, c. 35, Sched. A, s. 42 (1).

Effect of termination

(2) When a declaration with respect to a public servant is made under subsection (1), the termination takes effect and the public servant ceases to be employed by the Crown. 2006, c. 35, Sched. A, s. 42 (2).

Directives, human resources

43. (1) The Public Service Commission may issue directives for effective management and administration of human resources in relation to public servants appointed by it. 2006, c. 35, Sched. A, s. 43 (1).

Directives, non-partisan

(2) The Public Service Commission shall ensure by directive that the recruitment and employment of public servants appointed by it are non-partisan. 2006, c. 35, Sched. A, s. 43 (2).

Conflict

(3) In the case of a conflict between a directive issued by the Public Service Commission under subsection (1) and a policy, procedure or directive of the Management Board of Cabinet under the *Management Board of Cabinet Act* or under this Act, the latter prevails. 2006, c. 35, Sched. A, s. 43 (3).

Same

(4) The Management Board of Cabinet shall not set a policy or procedure under the *Management Board of Cabinet Act* or issue a directive under that Act or under this Act that would be inconsistent with the non-partisan nature of the public service of Ontario. 2006, c. 35, Sched. A, s. 43 (4).

General or particular

(5) Directives issued under this section may be general or particular in their application. 2006, c. 35, Sched. A, s. 43 (5).

Non-application

(6) The *Regulations Act* does not apply to a directive issued under this section. 2006, c. 35, Sched. A, s. 43 (6).

Note: On the later of a) the day the Statutes of Ontario, 2006, chapter 35, Schedule A, section 157 comes into force and b) October 19, 2007 or an earlier day to be named by proclamation of the Lieutenant Governor, subsection (6) is amended by the Statutes of Ontario, 2006, chapter 35, Schedule A, section 157 by striking out "The *Regulations Act*" and substituting "Part III (Regulations) of the *Legislation Act, 2006*". See: 2006, c. 35, Sched. A, ss. 157, 158 (2).

Archive

(7) The Public Service Commission shall maintain an archive of all directives issued by it under this section indicating the period during which each directive applies. 2006, c. 35, Sched. A, s. 43 (7).

Delegation by Commission

Delegation, public servants appointed to work in a ministry

44. (1) The Public Service Commission may delegate any of its powers, duties or functions under subsection 32 (1) and sections 34 to 42 in respect of public servants appointed by it to work in a ministry to the deputy minister of the ministry. 2006, c. 35, Sched. A, s. 44 (1).

Subdelegation by deputy minister

(2) A deputy minister may subdelegate any of the powers, duties or functions delegated to him or her under subsection (1) to one or more public servants employed under this Part who work in his or her ministry. 2006, c. 35, Sched. A, s. 44 (2).

Same

(3) With the permission of the Public Service Commission, a deputy minister may subdelegate to one or more persons any of the powers, duties or functions delegated to him or her under subsection (1), other than the power to dismiss a public servant and the power to make a declaration under subsection 42 (1). 2006, c. 35, Sched. A, s. 44 (3).

Delegation, public servants appointed to work in Commission public body

(4) Subject to subsection (5), the Public Service Commission may delegate any of its powers, duties or functions under subsection 32 (2) and sections 34 to 42 in respect of public servants appointed by it to work in a Commission public body to a deputy minister or to,

- (a) an individual who is prescribed under clause 55 (1) (c) for the body; or
- (b) the chair of the body, if no individual is prescribed under clause 55 (1) (c) for the body. 2006, c. 35, Sched. A, s. 44 (4).

Limitation

(5) The power to dismiss a public servant and the power to make a declaration under subsection 42 (1) may only be delegated under subsection (4) by the Public Service Commission to a deputy minister. 2006, c. 35, Sched. A, s. 44 (5).

Subdelegation by deputy minister

(6) A deputy minister may subdelegate any of the powers, duties or functions delegated to him or her under subsection (4) to one or more public servants employed under this Part who work in his or her ministry. 2006, c. 35, Sched. A, s. 44 (6).

Subdelegation by chair or prescribed individual

(7) A person referred to in clause (4) (a) or (b) may subdelegate any of the powers, duties or functions delegated to him or her under subsection (4) to one or more public servants employed under this Part who work in the body. 2006, c. 35, Sched. A, s. 44 (7).

Same

(8) With the permission of the Public Service Commission, a person referred to in clause (4) (a) or (b) may subdelegate any of the powers, duties or functions delegated to him or her under subsection (4) to one or more persons. 2006, c. 35, Sched. A, s. 44 (8).

Conditions and restrictions

(9) A person or body who delegates or subdelegates powers, duties or functions under this section may impose conditions and restrictions that govern the exercise of the delegated powers or the performance of the delegated duties or functions. 2006, c. 35, Sched. A, s. 44 (9).

Same

(10) Despite a permission provided in this section to subdelegate, a delegation under this section may provide that delegated powers, duties and functions may not be subdelegated. 2006, c. 35, Sched. A, s. 44 (10).

Delegation by Management Board of Cabinet

45. (1) The Management Board of Cabinet may delegate its powers, duties or functions under section 33 to the Public Service Commission. 2006, c. 35, Sched. A, s. 45 (1).

Conditions

(2) The Management Board of Cabinet may impose conditions and restrictions that govern the exercise of the delegated powers or the performance of the delegated duties or functions. 2006, c. 35, Sched. A, s. 45 (2).

Secondment to minister's office

46. At the request of a minister, the Public Service Commission may assign persons appointed under subsection 32 (1) to work in the minister's office for a fixed term. 2006, c. 35, Sched. A, s. 46.

APPOINTMENT TO WORK IN A MINISTER'S OFFICE**Employment in a minister's office**

47. An individual designated by the Premier in relation to a minister's office for the purposes of this section or, if no such individual is designated, the minister may appoint persons to employment by the Crown to work in the minister's office for a fixed term. 2006, c. 35, Sched. A, s. 47.

Creation of positions

48. (1) The Management Board of Cabinet may, by directive, create classes of position for public servants appointed under section 47 and determine the duties of and qualifications for the positions. 2006, c. 35, Sched. A, s. 48 (1).

Salary or wage ranges

(2) The Management Board of Cabinet may, by directive, determine salary ranges or wage ranges for public servants appointed under section 47. 2006, c. 35, Sched. A, s. 48 (2).

Other remuneration

(3) The Management Board of Cabinet may, by directive, determine other remuneration, including benefits, for public servants appointed under section 47. 2006, c. 35, Sched. A, s. 48 (3).

Other terms, conditions of employment

(4) The Management Board of Cabinet may, by directive, establish other terms and conditions of employment for public servants appointed under section 47. 2006, c. 35, Sched. A, s. 48 (4).

General or particular

(5) Directives issued under this section may be general or particular in their application. 2006, c. 35, Sched. A, s. 48 (5).

Non-application

(6) The *Regulations Act* does not apply to a directive made under this section. 2006, c. 35, Sched. A, s. 48 (6).

Note: On the later of a) the day the Statutes of Ontario, 2006, chapter 35, Schedule A, section 157 comes into force and b) October 19, 2007 or an earlier day to be named by proclamation of the Lieutenant Governor, subsection (6) is amended by the Statutes of Ontario, 2006, chapter 35, Schedule A, section 157 by striking out “The Regulations Act” and substituting “Part III (Regulations) of the *Legislation Act, 2006*”. See: 2006, c. 35, Sched. A, ss. 157, 158 (2).

Archive

(7) The Management Board of Cabinet shall maintain an archive of all directives issued by it under this section indicating the period during which each directive applies. 2006, c. 35, Sched. A, s. 48 (7).

Disciplinary measures

49. Sections 34 to 36 and sections 39 to 42 apply with necessary modifications in respect of public servants appointed under section 47 and, for the purpose,

- (a) a reference to a public servant appointed by the Public Service Commission shall be read as a reference to a public servant appointed under section 47; and
- (b) a reference to the Public Service Commission shall be read as a reference to an individual designated by the Premier in relation to a minister’s office for the purposes of section 47 or, if no such individual is designated, the minister. 2006, c. 35, Sched. A, s. 49.

Dismissal without cause

50. (1) An individual designated by the Premier in relation to a minister’s office for the purposes of section 47 or, if no such individual is designated, the minister may without cause dismiss a public servant appointed under section 47 by giving the public servant reasonable notice or by giving the public servant compensation in lieu of notice. 2006, c. 35, Sched. A, s. 50 (1).

Reinstatement

(2) An order to reinstate a public servant who is dismissed under subsection (1) shall not be made by any court, tribunal or other arbitrator. 2006, c. 35, Sched. A, s. 50 (2).

Delegation

Delegation by Premier’s designate

51. (1) An individual designated by the Premier in relation to a minister’s office for the purposes of section 47 may delegate any of his or her powers, duties and functions under sections 47 to 50 to the minister or to the minister’s executive assistant. 2006, c. 35, Sched. A, s. 51 (1).

Subdelegation by minister

(2) A minister may subdelegate any of the powers, duties or functions delegated to the minister under subsection (1) to the minister’s executive assistant. 2006, c. 35, Sched. A, s. 51 (2).

Delegation by minister

(3) If no individual is designated by the Premier in relation to a minister’s office for the purposes of section 47, the minister may delegate any of his or her powers, duties and functions under sections 47 to 50 to the minister’s executive assistant. 2006, c. 35, Sched. A, s. 51 (3).

Conditions and restrictions

(4) A person who delegates or subdelegates powers, duties and functions under this section may impose conditions and restrictions that govern the exercise of the delegated powers or the performance of the delegated duties or functions. 2006, c. 35, Sched. A, s. 51 (4).

GENERAL

Status as employee of the Crown

52. (1) A person’s status as an employee of the Crown in a ministry or a Commission public body is established only by appointment in writing under this Part. 2006, c. 35, Sched. A, s. 52 (1).

Same

(2) For greater certainty, a person’s status as an employee of the Crown in a ministry or in a Commission public body cannot be inferred from his or her workplace or workplace activities. 2006, c. 35, Sched. A, s. 52 (2).

Government appointees employed under this Part

53. A public servant employed under this Part who is also a government appointee is subject to the terms and conditions of employment applicable to him or her under this Part. 2006, c. 35, Sched. A, s. 53.

Fixed term

54. A public servant employed under this Part whose employment is for a fixed term ceases to be employed by the Crown when that period expires. 2006, c. 35, Sched. A, s. 54.

REGULATIONS

Regulations, Part III

- 55.** (1) The Lieutenant Governor in Council may make regulations,
- prescribing the maximum period for a suspension pending an investigation for the purposes of subsection 36 (2);
 - prescribing classes of position for the purposes of subsection 38 (1);
 - prescribing an individual for the purposes of clause 44 (4) (a). 2006, c. 35, Sched. A, s. 55 (1).

Same

- (2) Regulations made under this section may be general or particular in their application. 2006, c. 35, Sched. A, s. 55 (2).

PART IV ETHICAL CONDUCT

APPLICATION OF CONFLICT OF INTEREST RULES TO PUBLIC SERVANTS AND FORMER PUBLIC SERVANTS

Application

56. (1) Sections 57 to 65 apply to public servants and former public servants other than public servants who work or, immediately before ceasing to be a public servant, worked in a minister's office. 2006, c. 35, Sched. A, s. 56 (1).

Same, ministers' offices

(2) Sections 66 to 69 apply to public servants and former public servants who work or who, immediately before ceasing to be a public servant, worked in a minister's office. 2006, c. 35, Sched. A, s. 56 (2).

MINISTRIES (OTHER THAN MINISTERS' OFFICES) AND PUBLIC BODIES

Rules for ministries

57. Every public servant and every former public servant who works or, immediately before ceasing to be a public servant, worked in a ministry shall comply with the conflict of interest rules prescribed under clause 71 (1) (a) that apply in respect of the ministry. 2006, c. 35, Sched. A, s. 57.

Rules for public bodies

58. Every public servant and every former public servant who works or, immediately before ceasing to be a public servant, worked in a public body shall comply with the conflict of interest rules that apply to him or her, determined as follows:

- The conflict of interest rules that apply to the public servant or former public servant are the rules, if any, approved and published by the Conflict of Interest Commissioner under section 59 or 60 for the public body.
- During the year beginning on the day on which this section comes into force, if no conflict of interest rules are approved and published by the Conflict of Interest Commissioner under section 59 or 60 for a Commission public body, the conflict of interest rules prescribed under clause 71 (1) (a) apply to the public servant or former public servant, with necessary modifications.
- During the year beginning on the day on which this section comes into force, if no conflict of interest rules are approved and published by the Conflict of Interest Commissioner under section 59 or 60 for a public body that is not a Commission public body, the conflict of interest rules that apply to the public servant or former public servant are the rules that applied to him or her immediately before this section comes into force.
- After the year beginning on the day on which this section comes into force, if no conflict of interest rules are approved and published by the Conflict of Interest Commissioner under section 59 or 60 for a public body, the conflict of interest rules prescribed under clause 71 (1) (a) apply to the public servant or former public servant, with necessary modifications. 2006, c. 35, Sched. A, s. 58.

Rules prepared by public bodies

59. (1) A public body may submit proposed conflict of interest rules with respect to the body to the Conflict of Interest Commissioner. 2006, c. 35, Sched. A, s. 59 (1).

Approval of proposed rules

(2) The Conflict of Interest Commissioner shall approve, in writing, the rules proposed for a public body under subsection (1) if, in the Commissioner's opinion, the proposed rules establish a degree of ethical conduct that is at least equivalent to the degree of ethical conduct established by the conflict of interest rules prescribed under clause 71 (1) (a), having regard to the powers, duties and functions of the public body. 2006, c. 35, Sched. A, s. 59 (2).

Same

(3) Conflict of interest rules approved by the Conflict of Interest Commissioner have no effect unless the rules are published in accordance with subsection (4). 2006, c. 35, Sched. A, s. 59 (3).

Same

(4) The Conflict of Interest Commissioner shall publish approved conflict of interest rules on the Commissioner's website, and shall indicate on the rules the date on which they were so published. 2006, c. 35, Sched. A, s. 59 (4).

Same

(5) Conflict of interest rules published in accordance with subsection (4) take effect on the date of publication indicated under subsection (4) or on such later date as may be specified on the website by the Conflict of Interest Commissioner in respect of the published rules. 2006, c. 35, Sched. A, s. 59 (5).

Non-application

(6) The *Regulations Act* does not apply to rules made by a public body and approved by the Commissioner under subsection (2). 2006, c. 35, Sched. A, s. 59 (6).

Note: On the later of a) the day the Statutes of Ontario, 2006, chapter 35, Schedule A, section 157 comes into force and b) October 19, 2007 or an earlier day to be named by proclamation of the Lieutenant Governor, subsection (6) is amended by the Statutes of Ontario, 2006, chapter 35, Schedule A, section 157 by striking out "The *Regulations Act*" and substituting "Part III (Regulations) of the *Legislation Act, 2006*". See: 2006, c. 35, Sched. A, ss. 157, 158 (2).

Change in rules

60. (1) If the rules prescribed under clause 71 (1) (a) change and, in the Conflict of Interest Commissioner's opinion, rules approved and published under section 59 for a public body no longer meet the test set out in subsection 59 (2), the Commissioner may request that the body amend its rules and submit the amended rules to the Commissioner within a time period specified by him or her. 2006, c. 35, Sched. A, s. 60 (1).

Same

(2) The Conflict of Interest Commissioner may extend the time period within which the amended rules may be submitted, either before or after the expiry of the period. 2006, c. 35, Sched. A, s. 60 (2).

Same

(3) Subsections 59 (2) to (6) apply, with necessary modifications, to rules submitted under subsection (1). 2006, c. 35, Sched. A, s. 60 (3).

Change in rules

61. (1) Subsections (2) and (3) apply if,

- (a) a public body fails to submit amended rules within the time period specified under subsection 60 (1) or (2);
- (b) the Conflict of Interest Commissioner notifies a public body that amended rules submitted by it under subsection 60 (1) do not meet the test set out in subsection 59 (2); or
- (c) the public body rescinds the rules made by it under section 59 or 60 and notifies the Conflict of Interest Commissioner of the rescission in writing. 2006, c. 35, Sched. A, s. 61 (1).

Same

(2) The conflict of interest rules that were in effect for the public body cease to apply to the body and the conflict of interest rules prescribed under clause 71 (1) (a) apply to the body with such modifications as are necessary having regard to the body's powers, duties and functions, on and after the date specified by the Conflict of Interest Commissioner under subsection (3). 2006, c. 35, Sched. A, s. 61 (2).

Same

(3) The Conflict of Interest Commissioner shall publish a notice on the Commissioner's website specifying a date for the purposes of subsection (2). 2006, c. 35, Sched. A, s. 61 (3).

Ethics executive for public servants

62. (1) The ethics executive for a public servant is determined as follows:

- 1. The ethics executive for a public servant employed under Part III who works in a ministry, other than in a minister's office, is the deputy minister.
- 2. The ethics executive for a deputy minister is the Secretary of the Cabinet.
- 3. The ethics executive for a public servant who works in a public body, whether as a government appointee, as an employee under Part III or as an employee of the public body is the individual who is prescribed under clause 71 (1)

(b) for the public servant or, if no individual is prescribed under that clause for the public servant, the chair of the body.

4. The ethics executive for the Secretary of the Cabinet, the chairs of public bodies and any individuals prescribed under clauses 55 (1) (c) and 71 (1) (b) is the Conflict of Interest Commissioner.
5. The ethics executive for the Conflict of Interest Commissioner is the Integrity Commissioner. 2006, c. 35, Sched. A, s. 62 (1).

Delegation, O.P.P.

(2) The deputy minister of the Ministry of Community Safety and Correctional Services may delegate any of his or her powers, duties and functions as ethics executive with respect to members of the Ontario Provincial Police to the Commissioner of the Ontario Provincial Police. 2006, c. 35, Sched. A, s. 62 (2).

Ethics executive for former public servant

63. The ethics executive for a former public servant is determined as follows:

1. The ethics executive for a former public servant who, immediately before ceasing to be a public servant, was a public servant employed under Part III who worked in a ministry, other than in a minister's office, is the Public Service Commission.
2. The ethics executive for a former public servant who, immediately before ceasing to be a public servant, worked in a public body, whether as a government appointee, as an employee under Part III or as an employee of the public body, is the Conflict of Interest Commissioner.
3. The ethics executive for a former deputy minister or a former Secretary of the Cabinet is the Conflict of Interest Commissioner. 2006, c. 35, Sched. A, s. 63.

Promotion of ethical conduct

64. The ethics executive for a public servant who works in a ministry, other than in a minister's office, or who works in a public body shall,

- (a) ensure that public servants who work in the ministry or the public body are familiar with the conflict of interest rules that apply in respect of the ministry or the public body; and
- (b) promote ethical conduct by public servants who work in the ministry or the public body. 2006, c. 35, Sched. A, s. 64.

Role of ethics executive

Questions for ethics executive

65. (1) A public servant or former public servant may request that his or her ethics executive determine a question about the application of conflict of interest rules to the public servant or former public servant. 2006, c. 35, Sched. A, s. 65 (1).

Same

(2) A supervisor of a public servant may request that the public servant's ethics executive determine a question about the application of conflict interest rules to the public servant. 2006, c. 35, Sched. A, s. 65 (2).

Duty to notify

(3) If a public servant or a former public servant has personal or pecuniary interests that could raise an issue under the conflict of interest rules that apply to him or her, the public servant or former public servant shall notify his or her ethics executive. 2006, c. 35, Sched. A, s. 65 (3).

Inquiries

(4) The ethics executive may make such inquiries as he or she considers appropriate in response to a request, a notification or where the ethics executive has concerns that a conflict of interest rule has been or is about to be contravened by a public servant or former public servant. 2006, c. 35, Sched. A, s. 65 (4).

Determinations and directions

(5) An ethics executive shall,

- (a) make a determination with respect to any matter that is brought to the attention of the ethics executive under subsections (1) to (3) or that is the subject of inquiry under subsection (4); and
- (b) in the case of a determination that there is a conflict of interest or potential conflict of interest, give the public servant or former public servant directions, if any, that the ethics executive considers appropriate to address the conflict of interest or potential conflict of interest. 2006, c. 35, Sched. A, s. 65 (5).

Same

(6) If an ethics executive, other than the Conflict of Interest Commissioner or Integrity Commissioner, considers it appropriate to do so, the ethics executive may refer any matter that is brought to the ethics executive's attention under subsections (1) to (3) or that is the subject of inquiry under subsection (4) to the Conflict of Interest Commissioner, to be dealt with by the Commissioner under subsection (5). 2006, c. 35, Sched. A, s. 65 (6).

Same

(7) Where an ethics executive has referred a matter to the Conflict of Interest Commissioner under subsection (6), the Commissioner shall inform the ethics executive of any determination made or direction given by the Commissioner under subsection (5) as a result of the referral. 2006, c. 35, Sched. A, s. 65 (7).

Compliance with direction

(8) A public servant or former public servant shall comply with a direction of the ethics executive or the Conflict of Interest Commissioner. 2006, c. 35, Sched. A, s. 65 (8).

Contravention by government appointee

(9) If an ethics executive or the Conflict of Interest Commissioner makes a determination under subsection (5) that a government appointee has contravened a conflict of interest rule, the ethics executive or the Conflict of Interest Commissioner, as the case may be, shall notify the minister responsible for the body to which the government appointee is appointed of the contravention. 2006, c. 35, Sched. A, s. 65 (9).

Same

(10) If the Conflict of Interest Commissioner makes a determination under subsection (5) that a former public servant who, immediately before ceasing to be a public servant, worked in a public body as a government appointee has contravened a conflict of interest rule, the Commissioner shall notify the minister responsible for the body to which the government appointee was appointed of the contravention. 2006, c. 35, Sched. A, s. 65 (10).

MINISTERS' OFFICES

Rules for ministers' offices

66. Every public servant and every former public servant who works or, immediately before ceasing to be a public servant, worked in a minister's office shall comply with the conflict of interest rules prescribed under clause 71 (1) (c) that apply in respect of the minister's office. 2006, c. 35, Sched. A, s. 66.

Promotion of ethical conduct

67. A minister shall,

- (a) ensure that public servants who work in the minister's office are familiar with the conflict of interest rules that apply in respect of the minister's office; and
- (b) promote ethical conduct by public servants who work in the minister's office. 2006, c. 35, Sched. A, s. 67.

Ethics executive

68. The ethics executive for a public servant or former public servant who works or, immediately before ceasing to be a public servant, worked in a minister's office is the Integrity Commissioner. 2006, c. 35, Sched. A, s. 68.

Role of ethics executive

Questions for ethics executive

69. (1) A public servant or former public servant who works or, immediately before ceasing to be a public servant, worked in a minister's office may request that his or her ethics executive determine a question about the application of conflict of interest rules to the public servant or former public servant. 2006, c. 35, Sched. A, s. 69 (1).

Same

(2) A supervisor of a public servant who works in a minister's office may request that the public servant's ethics executive determine a question about the application of conflict of interest rules to the public servant. 2006, c. 35, Sched. A, s. 69 (2).

Duty to notify

(3) If a public servant or a former public servant who works or, immediately before ceasing to be a public servant, worked in a minister's office has personal or pecuniary interests that could raise an issue under the conflict of interest rules that apply to him or her, the public servant or former public servant shall notify his or her ethics executive. 2006, c. 35, Sched. A, s. 69 (3).

Inquiries

(4) The ethics executive may make such inquiries as he or she considers appropriate in response to a request, a notification or where the ethics executive has concerns that a conflict of interest rule has been or is about to be contravened by a public

servant or a former public servant who works or, immediately before ceasing to be a public servant, worked in a minister's office. 2006, c. 35, Sched. A, s. 69 (4).

Determinations and directions

- (5) The ethics executive shall,
 - (a) make a determination with respect to any matter that is brought to his or her attention under subsections (1) to (3) or that is the subject of inquiry under subsection (4); and
 - (b) in the case of a determination that there is a conflict of interest or potential conflict of interest, give the public servant or former public servant who works or, immediately before ceasing to be a public servant, worked in a minister's office directions, if any, that the ethics executive considers appropriate to address the conflict of interest or potential conflict of interest. 2006, c. 35, Sched. A, s. 69 (5).

Compliance with direction

(6) A public servant or former public servant who works or, immediately before ceasing to be a public servant, worked in a minister's office shall comply with a direction of the ethics executive. 2006, c. 35, Sched. A, s. 69 (6).

Notice to minister

- (7) The ethics executive shall notify the minister if the ethics executive,
 - (a) makes a determination under subsection (5) that a public servant or former public servant who works or, immediately before ceasing to be a public servant, worked in a minister's office has a conflict of interest or potential conflict of interest; or
 - (b) gives a direction under subsection (5) to a public servant or former public servant who works or, immediately before ceasing to be a public servant, worked in a minister's office. 2006, c. 35, Sched. A, s. 69 (7).

PENALTY

Penalty

70. A public servant who contravenes a conflict of interest rule applicable to him or her or who contravenes a direction under section 65 or 69 is subject to disciplinary measures, including suspension and dismissal. 2006, c. 35, Sched. A, s. 70.

REGULATIONS

Regulations, Part IV

- 71.** (1) The Lieutenant Governor in Council may make regulations,
 - (a) establishing conflict of interest rules for public servants and former public servants who work or, immediately before ceasing to be a public servant, worked in a ministry, other than in a minister's office, for the purposes of section 57;
 - (b) prescribing individuals for the purposes of paragraph 3 of subsection 62 (1);
 - (c) establishing conflict of interest rules for public servants and former public servants who work or, immediately before ceasing to be a public servant, worked in a minister's office, for the purposes of section 66;
 - (d) prescribing powers, duties and functions of an ethics executive in relation to conflict of interest matters, in addition to those provided under this Act;
 - (e) respecting procedures to be followed in connection with this Part. 2006, c. 35, Sched. A, s. 71 (1).

Same

- (2) Regulations made under this section may be general or particular in their application. 2006, c. 35, Sched. A, s. 71 (2).

**PART V
POLITICAL ACTIVITY**

INTERPRETATION

Political activity

- 72.** For the purposes of this Part, a public servant engages in political activity when,
 - (a) the public servant does anything in support of or in opposition to a federal or provincial political party;
 - (b) the public servant does anything in support of or in opposition to a candidate in a federal, provincial or municipal election;
 - (c) the public servant is or seeks to become a candidate in a federal, provincial or municipal election; or

- (d) the public servant comments publicly and outside the scope of the duties of his or her position on matters that are directly related to those duties and that are dealt with in the positions or policies of a federal or provincial political party or in the positions or policies publicly expressed by a candidate in a federal, provincial or municipal election. 2006, c. 35, Sched. A, s. 72.

Ethics executive

73. (1) For the purposes of this Part, the ethics executive for a public servant is,

- (a) in the case of a public servant who works in a minister's office, the Integrity Commissioner;
- (b) in the case of any other public servant, his or her ethics executive determined under subsection 62 (1). 2006, c. 35, Sched. A, s. 73 (1).

Same

(2) Subsection 62 (2) applies to the deputy minister of the Ministry of Community Safety and Correctional Services as ethics executive with respect to members of the Ontario Provincial Police. 2006, c. 35, Sched. A, s. 73 (2).

RULES FOR POLITICAL ACTIVITY OF MOST PUBLIC SERVANTS

Application

74. Sections 75 to 84 apply to public servants other than,

- (a) specially restricted public servants within the meaning of subsection 85 (2); or
- (b) public servants who work in a minister's office. 2006, c. 35, Sched. A, s. 74.

Right to engage

75. A public servant is entitled to engage in political activity, subject to the restrictions set out under this Part. 2006, c. 35, Sched. A, s. 75.

Right to decline

76. A public servant is entitled to decline to engage in political activity. 2006, c. 35, Sched. A, s. 76.

Prohibited political activities

77. A public servant shall not,

- (a) engage in political activity in the workplace;
- (b) engage in political activity while wearing a uniform associated with a position in the public service of Ontario;
- (c) use government premises, equipment or supplies when engaging in political activity; or
- (d) associate his or her position with political activity, except if the public servant is or is seeking to become a candidate in a federal, provincial or municipal election, and then only to the extent necessary to identify the public servant's position and work experience. 2006, c. 35, Sched. A, s. 77.

Definition, "election period"

78. In sections 79 to 82,

"election period" means,

- (a) in respect of a political activity that relates to a federal or provincial election, the period starting on the day that a writ is issued for the election and ending on the polling day for the election,
- (b) in respect of a political activity that relates to a municipal election, the period starting 60 days before the polling day for the election and ending on the polling day for the election. 2006, c. 35, Sched. A, s. 78.

Restricted political activities

79. (1) Subject to subsection (2), unless a public servant has been granted an unpaid leave of absence under section 80, he or she shall not,

- (a) be or seek to become a candidate in a federal or provincial election;
- (b) solicit funds on behalf of a federal or provincial party or a federal, provincial or municipal candidate if his or her duties include,
 - (i) supervising other public servants, or
 - (ii) dealing directly with members of the public if those members of the public may perceive him or her as a person able to exercise power over them;

- (c) comment publicly, outside the scope of his or her duties as a public servant, on matters that are directly related to those duties and that are addressed in the policies of a federal or provincial party or in the policies of a candidate in a federal, provincial or municipal election;
- (d) engage in political activity if doing so could interfere with the performance of his or her duties as a public servant; or
- (e) engage in political activity if doing so could conflict with,
 - (i) in the case of a public servant who works in a ministry, the interests of the Crown,
 - (ii) in the case of a public servant who works in a public body, the interests of the public body. 2006, c. 35, Sched. A, s. 79 (1).

Exception

(2) A public servant who is or seeks to become a candidate in a federal or provincial election at any time other than during an election period is not required to be on an unpaid leave of absence to do so, if his or her ethics executive determines under subsection 80 (3) that a leave is not necessary in the circumstances. 2006, c. 35, Sched. A, s. 79 (2).

Application to engage in restricted political activity

80. (1) A public servant who wishes to engage in political activity described in subsection 79 (1) may apply under this section to his or her ethics executive and the application shall specify the political activity. 2006, c. 35, Sched. A, s. 80 (1).

Same

- (2) Subject to subsection (3), on receiving the application, the ethics executive,
 - (a) shall grant the public servant an unpaid leave of absence, in the case of an application to engage in political activity during an election period; and
 - (b) may grant the public servant an unpaid leave of absence, in the case of an application to engage in political activity at a time other than during an election period, if the ethics executive considers it appropriate to do so. 2006, c. 35, Sched. A, s. 80 (2).

Same

(3) In the case of an application to be or seek to become a candidate in a federal or provincial election at a time other than during an election period, the ethics executive shall determine whether an unpaid leave of absence is necessary in the circumstances and, if it is necessary, shall grant the leave. 2006, c. 35, Sched. A, s. 80 (3).

Leave of absence for other political activity

81. (1) A public servant may apply under this section to his or her ethics executive for an unpaid leave of absence for the purposes of engaging in political activity other than political activity that is prohibited under section 77 or restricted under subsection 79 (1). 2006, c. 35, Sched. A, s. 81 (1).

Same

- (2) On receiving the application, the ethics executive,
 - (a) shall grant the public servant an unpaid leave of absence, in the case of an application to engage in political activity during an election period; and
 - (b) may grant the public servant an unpaid leave of absence, in the case of an application to engage in political activity at a time other than during an election period, if the ethics executive considers it appropriate to do so. 2006, c. 35, Sched. A, s. 81 (2).

Length of leave

- 82.** If an unpaid leave of absence is granted under section 80 or 81, the following rules apply to the length of the leave:
1. A leave of absence granted to enable a public servant to engage in political activity during an election period shall not begin earlier than the beginning of the election period and shall not end later than the end of the election period.
 2. A leave of absence granted to enable a public servant to engage in political activity other than during an election period shall begin and end in accordance with the regulations under clause 107 (1) (a) or, if no regulation applies in respect of the leave, on dates determined by the ethics executive to be appropriate in the circumstances. 2006, c. 35, Sched. A, s. 82.

Continuous service

83. The period of an unpaid leave granted under section 80 or 81 shall not be counted in determining the length of the public servant's service, but the service before and after the period of leave is deemed to be continuous for all purposes. 2006, c. 35, Sched. A, s. 83.

Role of ethics executive

Questions for ethics executive

84. (1) A public servant or his or her supervisor may request that the public servant's ethics executive determine a question about the political activity rights that apply in respect of the public servant. 2006, c. 35, Sched. A, s. 84 (1).

Duty to notify

- (2) A public servant shall notify his or her ethics executive if the public servant's political activities could conflict with,
- (a) in the case of a public servant who works in a ministry, the interests of the Crown;
 - (b) in the case of a public servant who works in a public body, the interests of the public body. 2006, c. 35, Sched. A, s. 84 (2).

Inquiries

(3) The ethics executive may make such inquiries as he or she considers appropriate in response to a request, a notification or where the ethics executive has concerns that a public servant has engaged or is about to engage in political activity in contravention of this Part or a direction or regulation under this Part. 2006, c. 35, Sched. A, s. 84 (3).

Determinations and directions

- (4) An ethics executive shall,
- (a) make a determination with respect to any matter that is brought to the attention of the ethics executive under subsection (1) or (2) or that is the subject of inquiry under subsection (3); and
 - (b) in the case of a determination that a public servant has or is about to engage in political activity in contravention of this Part or a direction or regulation under this Part, give the public servant directions, if any, that the ethics executive considers appropriate to address the matter. 2006, c. 35, Sched. A, s. 84 (4).

Same

(5) If an ethics executive, other than the Conflict of Interest Commissioner or Integrity Commissioner, considers it appropriate to do so, the ethics executive may refer any matter that is brought to the ethics executive's attention under subsection (1) or (2) or that is the subject of inquiry under subsection (3) to the Conflict of Interest Commissioner to be dealt with by the Commissioner under subsection (4). 2006, c. 35, Sched. A, s. 84 (5).

Same

(6) Where an ethics executive has referred a matter to the Conflict of Interest Commissioner under subsection (5), the Commissioner shall inform the ethics executive of any determination made or direction given by the Commissioner under subsection (4) as a result of the referral. 2006, c. 35, Sched. A, s. 84 (6).

Compliance with direction

(7) A public servant shall comply with a direction of the ethics executive or the Conflict of Interest Commissioner. 2006, c. 35, Sched. A, s. 84 (7).

Contravention by government appointee

(8) If an ethics executive or the Conflict of Interest Commissioner makes a determination under subsection (4) that a government appointee has engaged in political activity in contravention of this Part or of a direction or regulation under this Part, the ethics executive or the Commissioner, as the case may be, shall notify the minister responsible for the body to which the government appointee is appointed regarding the matter. 2006, c. 35, Sched. A, s. 84 (8).

RULES FOR POLITICAL ACTIVITY OF SPECIALLY RESTRICTED PUBLIC SERVANTS

Application

85. (1) Sections 86 to 93 apply to specially restricted public servants within the meaning of subsection (2). 2006, c. 35, Sched. A, s. 85 (1).

Specially restricted public servants

- (2) The following are specially restricted public servants:
1. The Conflict of Interest Commissioner.
 2. The Secretary of the Cabinet.
 3. Every deputy minister or associate deputy minister in a ministry.
 4. Every assistant deputy minister in a ministry.
 5. Every director in a ministry.
 6. Every deputy director of a legal services branch of a ministry.

7. Every Crown Attorney.
8. Every commissioned officer and detachment commander in the Ontario Provincial Police.
9. Every government appointee who is a member of a tribunal prescribed under clause 107 (1) (b).
10. A public servant in a class prescribed under clause 107 (1) (c). 2006, c. 35, Sched. A, s. 85 (2).

No political activity except as permitted

86. A specially restricted public servant shall not engage in political activity except as permitted under this Part. 2006, c. 35, Sched. A, s. 86.

Right to decline

87. A specially restricted public servant is entitled to decline to engage in political activity. 2006, c. 35, Sched. A, s. 87.

Prohibited political activities

88. In engaging in political activity that is permitted under section 89, 90 or 92, a specially restricted public servant shall not,

- (a) engage in political activity in the workplace;
- (b) engage in political activity while wearing a uniform associated with a position in the public service of Ontario;
- (c) use government premises, equipment or supplies when engaging in political activity;
- (d) associate his or her position with political activity, except if the public servant is or is seeking to become a candidate in a federal, provincial or municipal election, and then only to the extent necessary to identify the public servant's position and work experience; or
- (e) engage in political activity if doing so could interfere with the performance of his or her duties as a public servant. 2006, c. 35, Sched. A, s. 88.

Permitted political activities

- 89.** (1) A specially restricted public servant may,
- (a) vote in a federal, provincial or municipal election;
 - (b) contribute money to a federal or provincial party or to a federal, provincial or municipal candidate;
 - (c) be a member of a federal or provincial party; and
 - (d) attend an all-candidates meeting. 2006, c. 35, Sched. A, s. 89 (1).

Limitation

(2) Clauses (1) (b) and (c) do not apply to the Secretary of the Cabinet, the Conflict of Interest Commissioner or a deputy minister. 2006, c. 35, Sched. A, s. 89 (2).

Permitted political activities if authorized

- 90.** (1) A specially restricted public servant, if authorized under subsection (4), may,
- (a) be or seek to become a candidate in a municipal election;
 - (b) campaign on behalf of a candidate in a municipal election. 2006, c. 35, Sched. A, s. 90 (1).

Authorization

(2) A specially restricted public servant who wishes to engage in political activity described in subsection (1) may apply under this section for authorization. 2006, c. 35, Sched. A, s. 90 (2).

Same

(3) The application shall specify the political activity for which authorization is sought and shall be made to the ethics executive for the specially restricted public servant. 2006, c. 35, Sched. A, s. 90 (3).

Same

(4) On receiving the application, the ethics executive shall make such inquiries as he or she considers appropriate and shall authorize the specially restricted public servant to engage in all or some of the political activity specified in the application if, in the opinion of the ethics executive, the activities would not interfere with the performance of the public servant's duties and,

- (a) in the case of a public servant who works in a ministry, would not conflict with the interests of the Crown;

(b) in the case of a public servant who works in a public body, would not conflict with the interests of the body. 2006, c. 35, Sched. A, s. 90 (4).

Same

(5) In granting an authorization, an ethics executive may impose any conditions and restrictions that he or she considers appropriate in the circumstances, including requiring the specially restricted public servant to be on an unpaid leave of absence. 2006, c. 35, Sched. A, s. 90 (5).

Same

(6) If, in granting an authorization, an ethics executive requires that a specially restricted public servant be on an unpaid leave of absence, the leave of absence shall begin and end in accordance with the regulations under clause 107 (1) (a) or, if no regulation applies in respect of the leave, on dates determined by the ethics executive to be appropriate in the circumstances. 2006, c. 35, Sched. A, s. 90 (6).

Continuous service

91. The period of an unpaid leave granted under section 90 shall not be counted in determining the length of the public servant's service, but the service before and after the period of leave is deemed to be continuous for all purposes. 2006, c. 35, Sched. A, s. 91.

Part-time government appointees

92. (1) This section applies to specially restricted public servants who are part-time government appointees. 2006, c. 35, Sched. A, s. 92 (1).

Authorization

(2) A public servant described in subsection (1) may apply under this section for authorization to engage in any political activity that is not permitted to him or her under section 89, other than,

- (a) political activity that is prohibited under section 88; or
- (b) political activity for which he or she may seek authorization under section 90. 2006, c. 35, Sched. A, s. 92 (2).

Same

(3) The application shall specify the political activity and shall be made to the Conflict of Interest Commissioner. 2006, c. 35, Sched. A, s. 92 (3).

Same

(4) On receiving the application, the Conflict of Interest Commissioner shall make such inquiries as he or she considers appropriate and shall authorize the public servant to engage in all or some of the political activity specified in the application if in the opinion of the Commissioner the activities would not,

- (a) interfere with the performance of the public servant's duties; or
- (b) conflict with the interests of the public body to which the public servant is appointed. 2006, c. 35, Sched. A, s. 92 (4).

Same

(5) In forming an opinion under subsection (4), the Conflict of Interest Commissioner shall consider the following:

1. The nature of the political activity specified in the application.
2. The scope of the discretion exercised by the public servant in his or her work, if the exercise of the discretion could reasonably be perceived to be affected by political considerations.
3. The visibility of the public servant's position.
4. Such other factors as the Commissioner considers appropriate. 2006, c. 35, Sched. A, s. 92 (5).

Same

(6) In granting an authorization, the Conflict of Interest Commissioner may impose any conditions and restrictions that he or she considers appropriate in the circumstances, including requiring the public servant to be on an unpaid leave of absence. 2006, c. 35, Sched. A, s. 92 (6).

Same

(7) If in granting an authorization the Conflict of Interest Commissioner requires that a public servant be on an unpaid leave of absence, the leave shall begin and end,

- (a) in accordance with the regulations under clause 107 (1) (a); or
- (b) if no regulation applies in respect of the leave, on dates determined by the Conflict of Interest Commissioner to be appropriate in the circumstances. 2006, c. 35, Sched. A, s. 92 (7).

Role of ethics executive

Questions for ethics executive

93. (1) A specially restricted public servant or his or her supervisor may request that the public servant's ethics executive determine a question about the political activity rights that apply in respect of the public servant. 2006, c. 35, Sched. A, s. 93 (1).

Duty to notify

(2) A specially restricted public servant shall notify his or her ethics executive if the public servant's political activities could conflict with,

- (a) in the case of a public servant who works in a ministry, the interests of the Crown;
- (b) in the case of a public servant who works in a public body, the interests of the public body. 2006, c. 35, Sched. A, s. 93 (2).

Inquiries

(3) The ethics executive may make such inquiries as he or she considers appropriate in response to a request, a notification or where the ethics executive has concerns that a specially restricted public servant has engaged or is about to engage in political activity in contravention of this Part or a direction or regulation under this Part. 2006, c. 35, Sched. A, s. 93 (3).

Determinations and directions

- (4) An ethics executive shall,
- (a) make a determination with respect to any matter that is brought to the attention of the ethics executive under subsection (1) or (2) or that is the subject of inquiry under subsection (3); and
 - (b) in the case of a determination that a public servant has or is about to engage in political activity in contravention of this Part or a direction or regulation under this Part, give the public servant directions, if any, that the ethics executive considers appropriate to address the matter. 2006, c. 35, Sched. A, s. 93 (4).

Same

(5) If an ethics executive, other than the Conflict of Interest Commissioner or Integrity Commissioner, considers it appropriate to do so, the ethics executive may refer any matter that is brought to the ethics executive's attention under subsection (1) or (2) or that is the subject of inquiry under subsection (3) to the Conflict of Interest Commissioner to be dealt with by the Commissioner under subsection (4). 2006, c. 35, Sched. A, s. 93 (5).

Same

(6) Where an ethics executive has referred a matter to the Conflict of Interest Commissioner under subsection (5), the Commissioner shall inform the ethics executive of any determination made or direction given by the Commissioner under subsection (4) as a result of the referral. 2006, c. 35, Sched. A, s. 93 (6).

Compliance with direction

(7) A specially restricted public servant shall comply with a direction of the ethics executive or the Conflict of Interest Commissioner. 2006, c. 35, Sched. A, s. 93 (7).

Contravention by government appointee

(8) If an ethics executive or the Conflict of Interest Commissioner makes a determination under subsection (4) that a government appointee has engaged in a political activity in contravention of this Part or a direction or regulation under this Part, the ethics executive or the Conflict of Interest Commissioner, as the case may be, shall notify the minister responsible for the body to which the government appointee is appointed regarding the matter. 2006, c. 35, Sched. A, s. 93 (8).

RULES FOR POLITICAL ACTIVITY OF PUBLIC SERVANTS IN MINISTERS' OFFICES

Application

94. Sections 95 to 98 apply to public servants who work in a minister's office. 2006, c. 35, Sched. A, s. 94.

Right to engage

95. A public servant who works in a minister's office is entitled to engage in political activity, subject to the restrictions set out under this Part. 2006, c. 35, Sched. A, s. 95.

Right to decline

96. A public servant who works in a minister's office is entitled to decline to engage in political activity, unless the political activity is related to the performance of a ministerial power, duty or function. 2006, c. 35, Sched. A, s. 96.

Prohibited political activities

97. A public servant who works in a minister's office shall not,

- (a) engage in a political activity in the workplace that is unrelated to the performance of a ministerial power, duty or function;
- (b) use government premises, equipment or supplies when engaging in political activity that is unrelated to the performance of a ministerial power, duty or function; or
- (c) engage in political activity that could conflict with the interests of the Crown. 2006, c. 35, Sched. A, s. 97.

Role of ethics executive

Questions for ethics executive

98. (1) A public servant who works in a minister's office or his or her supervisor may request that the public servant's ethics executive determine a question about the political activity rights that apply in respect of the public servant. 2006, c. 35, Sched. A, s. 98 (1).

Duty to notify

(2) A public servant who works in a minister's office shall notify his or her ethics executive if the public servant's political activities could conflict with the interests of the Crown. 2006, c. 35, Sched. A, s. 98 (2).

Inquiries

(3) The ethics executive may make such inquiries as he or she considers appropriate in response to a request, a notification or where the ethics executive has concerns that a public servant who works in a minister's office has engaged or is about to engage in political activity in contravention of this Part or a direction or regulation under this Part. 2006, c. 35, Sched. A, s. 98 (3).

Determinations and directions

- (4) The ethics executive shall,
 - (a) make a determination with respect to any matter that is brought to his or her attention under subsection (1) or (2) or that is the subject of inquiry under subsection (3); and
 - (b) in the case of a determination that a public servant who works in a minister's office has or is about to engage in political activity in contravention of this Part or a direction or regulation under this Part, give the public servant directions, if any, that the ethics executive considers appropriate to address the matter. 2006, c. 35, Sched. A, s. 98 (4).

Compliance with direction

(5) A public servant who works in a minister's office shall comply with a direction of the ethics executive. 2006, c. 35, Sched. A, s. 98 (5).

Notice to minister

(6) If the ethics executive makes a determination under subsection (4) that a public servant who works in a minister's office has or is about to engage in political activity in contravention of this Part or a direction or regulation under this Part, or gives a direction to a public servant who works in a minister's office under subsection (4), the ethics executive shall notify the minister. 2006, c. 35, Sched. A, s. 98 (6).

PENALTY

Penalty

99. A public servant who engages in political activity in contravention of this Part or a direction or regulation under this Part is subject to disciplinary measures, including suspension and dismissal. 2006, c. 35, Sched. A, s. 99.

EFFECT OF ELECTION TO OFFICE

Effect of election, provincial or federal

100. If a public servant is elected to the Parliament of Canada or to a provincial Assembly, his or her employment by the Crown or by a public body, or his or her appointment to a public body, is terminated. 2006, c. 35, Sched. A, s. 100.

Effect of election, municipal

101. (1) If a public servant is elected to a municipal office, his or her employment by the Crown or by a public body, or his or her appointment to a public body, is terminated if it is determined under subsection (3) that termination is warranted. 2006, c. 35, Sched. A, s. 101 (1).

Same

(2) A public servant who is considering seeking election to a municipal office may ask his or her ethics executive to make the determination under subsection (3) before the election. 2006, c. 35, Sched. A, s. 101 (2).

Determination by ethics executive

(3) The ethics executive shall determine that termination is warranted if, in the opinion of the ethics executive, the public servant's responsibilities in the municipal office,

(a) would interfere with the performance of his or her duties as a public servant; or

(b) would,

(i) in the case of a public servant who works in a ministry, conflict with the interests of the Crown, or

(ii) in the case of a public servant who works in a public body, conflict with the interests of the body. 2006, c. 35, Sched. A, s. 101 (3).

Referral by ethics executive

(4) If an ethics executive, other than the Conflict of Interest Commissioner or Integrity Commissioner, considers it appropriate to do so, the ethics executive may refer the making of the determination under subsection (3) to the Conflict of Interest Commissioner. 2006, c. 35, Sched. A, s. 101 (4).

Same

(5) Where an ethics executive has referred the making of the determination under subsection (3) to the Conflict of Interest Commissioner, the Commissioner shall inform the ethics executive of his or her determination. 2006, c. 35, Sched. A, s. 101 (5).

Notice to minister

(6) Where a determination under subsection (3) relates to a government appointee to a public body, the ethics executive or the Conflict of Interest Commissioner, as the case may be, shall inform the minister responsible for the public body of the determination. 2006, c. 35, Sched. A, s. 101 (6).

Reinstatement

102. (1) This section does not apply to the following:

1. A former public servant whose employment was terminated under section 100 or 101 and whose employment immediately before the termination was for a fixed term.
2. A former government appointee whose appointment was terminated under section 100 or 101. 2006, c. 35, Sched. A, s. 102 (1).

Same

(2) If a former public servant ceases to be a member of the Parliament of Canada within five years after his or her employment is terminated by section 100, the former public servant may apply to be reinstated. 2006, c. 35, Sched. A, s. 102 (2).

Same

(3) If a former public servant ceases to be a member of a provincial Assembly within five years after his or her employment is terminated by section 100, the former public servant may apply to be reinstated. 2006, c. 35, Sched. A, s. 102 (3).

Same

(4) If a former public servant ceases to hold a municipal office within four years after his or her employment is terminated by section 101, the former public servant may apply to be reinstated. 2006, c. 35, Sched. A, s. 102 (4).

Same

(5) An application for reinstatement must be made within 12 months after the applicant ceases to be a member of the Parliament of Canada, a member of a provincial Assembly or the holder of a municipal office, as the case may be. 2006, c. 35, Sched. A, s. 102 (5).

Same

(6) A former public servant appointed by the Public Service Commission whose employment was terminated under section 100 or 101 may apply to the Commission for reinstatement. 2006, c. 35, Sched. A, s. 102 (6).

Same

(7) A former public servant whose employment by a public body was terminated under section 100 or 101 may apply for reinstatement to the public body. 2006, c. 35, Sched. A, s. 102 (7).

Same

(8) An application under subsection (6) or (7) shall be granted if a position for which the applicant is qualified is vacant. 2006, c. 35, Sched. A, s. 102 (8).

Same

(9) Another person's right to be appointed or assigned to the vacant position by virtue of a collective agreement or under a directive issued under section 43 prevails over the right conferred by subsection (8). 2006, c. 35, Sched. A, s. 102 (9).

Continuous service

(10) The period during which the applicant's employment is terminated shall not be counted in determining the length of the public servant's service, but the service before and after the termination is deemed to be continuous for all purposes. 2006, c. 35, Sched. A, s. 102 (10).

PROTECTION FROM REPRISALS

No reprisals

103. (1) No person shall take a reprisal against a public servant because he or she has,

- (a) engaged in political activity in accordance with this Part or the regulations; or
- (b) exercised his or her right under this Part to decline to engage in political activity. 2006, c. 35, Sched. A, s. 103 (1).

Same

(2) For the purposes of subsection (1), a reprisal is any measure taken against a public servant that adversely affects his or her employment or appointment and includes but is not limited to,

- (a) ending or threatening to end a public servant's employment or appointment;
- (b) disciplining or suspending or threatening to discipline or suspend a public servant;
- (c) imposing or threatening to impose a penalty related to the employment or appointment of a public servant;
- (d) intimidating or coercing a public servant in relation to his or her employment or appointment. 2006, c. 35, Sched. A, s. 103 (1).

Complaint about reprisal, discipline

104. (1) A public servant described in subsection (2), (3) or (4) may complain under this section that he or she,

- (a) has suffered a reprisal prohibited by section 103; or
- (b) is disciplined for a contravention of this Part or a direction or regulation under this Part. 2006, c. 35, Sched. A, s. 104 (1).

Same

(2) A public servant who has a right under a collective agreement to have the complaint dealt with by final and binding settlement by arbitration under the agreement may have the complaint dealt with in accordance with the agreement. 2006, c. 35, Sched. A, s. 104 (2).

Same

(3) A public servant employed under Part III who does not have a right to have the complaint dealt with by final and binding settlement by arbitration under a collective agreement may file the complaint with the Public Service Grievance Board. 2006, c. 35, Sched. A, s. 104 (3).

Same

(4) A public servant employed by a public body who does not have a right to have the complaint dealt with by final and binding settlement by arbitration under a collective agreement may file the complaint with the Ontario Labour Relations Board. 2006, c. 35, Sched. A, s. 104 (4).

Inquiry by Board

(5) The Ontario Labour Relations Board may inquire into a complaint filed under subsection (4) and section 96 of the *Labour Relations Act, 1995*, except subsection (5), applies with necessary modifications as if such section, except subsection (5), is enacted in and forms part of this Act. 2006, c. 35, Sched. A, s. 104 (5).

Same

(6) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection (4), sections 110, 111, 114 and 116 of the *Labour Relations Act, 1995* apply with necessary modifications. 2006, c. 35, Sched. A, s. 104 (6).

Exception

(7) Despite anything in this section, a person who is subject to a rule or code of discipline under the *Police Services Act* shall have his or her complaint dealt with under that Act. 2006, c. 35, Sched. A, s. 104 (7).

Order

(8) If the Public Service Grievance Board, the Ontario Labour Relations Board or the Grievance Settlement Board determines, on the completion of an inquiry into a complaint made under subsection (2), (3) or (4), that a reprisal has been taken in contravention of subsection 103 (1), or that the employee should not be disciplined or that a lesser penalty would be more appropriate, the Board may make an order that it considers just and reasonable in the circumstances, directing the relevant ministry or public body or a person acting on behalf of the ministry or public body to do or refrain from doing anything in relation to the contravention. 2006, c. 35, Sched. A, s. 104 (8).

Same

(9) Without limiting the generality of subsection (8), an order under that subsection may direct the ministry or public body, or person acting on behalf of the ministry or public body, to do one or more of the following:

1. Cease doing an action that is the subject of a complaint under subsection (1).
2. Take steps to rectify harm related to a complaint under subsection (1).
3. Reinstatement of the employment of a public servant whose employment was terminated.
4. Compensate the public servant for loss of any remuneration, including benefits. 2006, c. 35, Sched. A, s. 104 (9).

Same

(10) A board may not make an order under subsection (8) for punitive damages or for costs. 2006, c. 35, Sched. A, s. 104 (10).

Settlements may be filed with board

105. (1) A written and signed settlement of a complaint made under subsection 104 (1) may, if a party to the settlement believes that the settlement has been breached, be filed,

- (a) in the case of a settlement of a complaint by a public servant described in subsection 104 (2), if the collective agreement is governed by the *Crown Employees Collective Bargaining Act, 1993*, with the Grievance Settlement Board;
- (b) in the case of a settlement of a complaint by a public servant described in subsection 104 (3), with the Public Service Grievance Board;
- (c) in the case of a settlement of a complaint by a public servant described in subsection 104 (4), with the Ontario Labour Relations Board. 2006, c. 35, Sched. A, s. 105 (1).

Same

(2) Where a settlement of a complaint is filed with a board under this section, the board shall inquire into the matter and, if the board concludes that the settlement has been breached, the board may,

- (a) make an order requiring compliance with the settlement; or
- (b) make an order respecting the complaint that could have been made in respect of that complaint under subsection 104 (8). 2006, c. 35, Sched. A, s. 105 (2).

Same

(3) Subsections 104 (5) and (6) apply with necessary modifications to the Ontario Labour Relations Board acting under subsection (2). 2006, c. 35, Sched. A, s. 105 (3).

Order may be filed in court

106. (1) An order of the Grievance Settlement Board, the Public Service Grievance Board or the Ontario Labour Relations Board under subsection 104 (8) or 105 (2) may be filed in the Superior Court of Justice. 2006, c. 35, Sched. A, s. 106 (1).

Same

(2) An order that is filed under subsection (1) is enforceable as if it were an order of the Superior Court of Justice. 2006, c. 35, Sched. A, s. 106 (2).

Same

(3) Section 129 of the *Courts of Justice Act* applies in respect of an order filed with the Superior Court of Justice under subsection (1) and, for the purpose, the date on which the order is filed is deemed to be the date of the order. 2006, c. 35, Sched. A, s. 106 (3).

REGULATIONS

Regulations, Part V

107. (1) The Lieutenant Governor in Council may make regulations,

- (a) respecting the length of unpaid leaves of absence granted under section 82, subsection 90 (6) or clause 92 (7) (a), including specifying dates on which a leave may begin and end and establishing maximum periods for a leave;
- (b) prescribing tribunals for the purposes of paragraph 9 of subsection 85 (2);
- (c) on the recommendation of the Public Service Commission, prescribing classes of public servants for the purposes of paragraph 10 of subsection 85 (2);
- (d) governing political activities of public servants who work in a minister's office;
- (e) prescribing powers, duties and functions of an ethics executive in relation to political activity matters, in addition to those provided under this Act;
- (f) respecting procedures to be followed in connection with this Part. 2006, c. 35, Sched. A, s. 107 (1).

Same

(2) The Public Service Commission may delegate any of its advisory responsibilities associated with clause (1) (c) to the Conflict of Interest Commissioner. 2006, c. 35, Sched. A, s. 107 (2).

Same

- (3) In prescribing classes under clause (1) (c), the Lieutenant Governor in Council shall consider,
 - (a) the extent to which public servants in a prescribed class are likely to be involved in providing policy advice directly to a minister;
 - (b) the scope of discretion likely to be exercised by public servants in a prescribed class, where the exercise of the discretion could reasonably be perceived to be affected by political considerations;
 - (c) the visibility of public servants in a prescribed class; and
 - (d) any other matter that the Lieutenant Governor in Council considers appropriate. 2006, c. 35, Sched. A, s. 107 (3).

Same

(4) Regulations made under this section may be general or particular in their application. 2006, c. 35, Sched. A, s. 107 (4).

**PART VI
DISCLOSING AND INVESTIGATING WRONGDOING**

INTERPRETATION AND APPLICATION

Interpretation

108. (1) In this Part,

“wrongdoing” means,

- (a) a contravention by a public servant, a minister or parliamentary assistant of an Act of the Assembly or of the Parliament of Canada, or of a regulation made under such an Act,
- (b) an act or omission of a public servant, a minister or parliamentary assistant that creates a grave danger to the life, health or safety of persons or to the environment, where the danger is unreasonable having regard to his or her duties, powers and functions and any other relevant circumstance,
- (c) gross mismanagement by a public servant, a minister or parliamentary assistant in the work of the public service of Ontario,
- (d) directing or counselling wrongdoing within the meaning of clauses (a) to (c) by a public servant, a minister or parliamentary assistant. 2006, c. 35, Sched. A, s. 108 (1).

Same

- (2) A reference in clauses (a) to (d) of the definition of “wrongdoing” in subsection (1),
 - (a) to an act or omission of a public servant includes an act or omission of a former public servant if the act or omission occurred while the individual was a public servant;
 - (b) to an act or omission of a minister or parliamentary assistant includes an act or omission of a former minister or a former parliamentary assistant if the act or omission occurred while the individual was a minister or a parliamentary assistant. 2006, c. 35, Sched. A, s. 108 (2).

Interpretation, former public servants

109. In this Part, despite section 3, a reference to a former public servant includes a person who ceased, before the day on which this section comes into force, to be,

- (a) a public servant within the meaning of the *Public Service Act*;
- (b) an employee of a public body within the meaning of this Act;
- (c) a government appointee within the meaning of this Act. 2006, c. 35, Sched. A, s. 109.

Application of Part

110. This Part applies to wrongdoing associated with the public service of Ontario and its work. 2006, c. 35, Sched. A, s. 110.

DISCLOSURE PROCEDURES

Public servants to be informed

111. (1) A deputy minister of a ministry shall ensure that public servants who work in the ministry are familiar with the procedures for disclosure of wrongdoing under this Part and the protections from reprisals for disclosing wrongdoing under this Part. 2006, c. 35, Sched. A, s. 111 (1).

Same

(2) The chair of a public body shall ensure that public servants who work in the body are familiar with the procedures for disclosure of wrongdoing under this Part and the protections from reprisals for disclosing wrongdoing under this Part. 2006, c. 35, Sched. A, s. 111 (2).

Fair and expeditious

112. The Integrity Commissioner and every person or body to whom a matter is referred under subsection 118 (2), 122 (2) or 123 (1) shall carry out their functions under this Part in a manner that,

- (a) is fair and is as informal and expeditious as possible; and
- (b) protects the identities of persons involved in disclosures of wrongdoing, including persons who make disclosures, witnesses and persons alleged to be responsible for wrongdoing except where the interests of fairness require that a person's identity be disclosed to one or more persons. 2006, c. 35, Sched. A, s. 112.

Disclosure despite conflict with other Acts

113. (1) Subject to subsection (2), a right under this Part to make a disclosure prevails over anything provided under any other Act or otherwise at law that prohibits the disclosure. 2006, c. 35, Sched. A, s. 113 (1).

Restrictions on disclosure

(2) Nothing in this Part authorizes a public servant or former public servant to make a disclosure to the Integrity Commissioner of anything,

- (a) that would reveal the substance of deliberations of the Executive Council or any of its Committees without authority to do so;
- (b) that is subject to solicitor-client privilege; or
- (c) that is prepared by or for counsel for a Ministry or a public body for use in giving legal advice or in contemplation of or for use in litigation. 2006, c. 35, Sched. A, s. 113 (2).

Same

(3) Nothing in this Part shall be interpreted to limit any right that any public servant may have under any other Act or otherwise at law to disclose information about wrongdoing in the public service of Ontario. 2006, c. 35, Sched. A, s. 113 (3).

Disclosure, procedures

114. Where a public servant or former public servant has reason to believe that there has been wrongdoing, he or she may disclose the wrongdoing in accordance with the procedures established under section 115. 2006, c. 35, Sched. A, s. 114.

Directives

Directives, Public Service Commission

115. (1) The Public Service Commission may by directive establish procedures to deal with disclosures of wrongdoing by,

- (a) a public servant who works in a ministry; and
- (b) a former public servant who worked in a ministry immediately before ceasing to be a public servant. 2006, c. 35, Sched. A, s. 115 (1).

Directives, Management Board of Cabinet

(2) The Management Board of Cabinet may by directive establish procedures to deal with disclosures of wrongdoing by,

- (a) public servants who work in a public body; and
- (b) former public servants who worked in a public body immediately before ceasing to be a public servant. 2006, c. 35, Sched. A, s. 115 (2).

Same

- (3) Without limiting the generality of subsections (1) and (2), directives issued under those subsections may,
 - (a) establish procedures by which a public servant or former public servant may make disclosures of wrongdoing, including directions as to the persons to whom disclosures may be made;
 - (b) establish procedures to protect the identities of persons involved in the disclosure process, including persons who make disclosures, witnesses and persons alleged to be responsible for wrongdoing; and
 - (c) provide for exceptions to be made to procedures described in clause (b) where the interests of fairness require that a person's identity be disclosed to one or more persons. 2006, c. 35, Sched. A, s. 115 (3).

Same

- (4) Directives issued under this section may be general or particular in their application. 2006, c. 35, Sched. A, s. 115 (4).

Same

- (5) The *Regulations Act* does not apply to a directive issued under this section. 2006, c. 35, Sched. A, s. 115 (5).

Note: On the later of a) the day the Statutes of Ontario, 2006, chapter 35, Schedule A, section 157 comes into force and b) October 19, 2007 or an earlier day to be named by proclamation of the Lieutenant Governor, subsection (5) is amended by the Statutes of Ontario, 2006, chapter 35, Schedule A, section 157 by striking out "The *Regulations Act*" and substituting "Part III (Regulations) of the *Legislation Act, 2006*". See: 2006, c. 35, Sched. A, ss. 157, 158 (2).

Archive

- (6) The Public Service Commission shall maintain an archive of all directives issued under subsection (1) indicating the period during which each directive applies. 2006, c. 35, Sched. A, s. 115 (6).

Same

- (7) The Management Board of Cabinet shall maintain an archive of all directives issued under subsection (2) indicating the period during which each directive applies. 2006, c. 35, Sched. A, s. 115 (7).

DISCLOSURE TO THE INTEGRITY COMMISSIONER

Disclosure to Integrity Commissioner

- 116.** A public servant or former public servant may disclose wrongdoing to the Integrity Commissioner if,
- (a) the public servant or former public servant has reason to believe that it would not be appropriate to disclose the wrongdoing in accordance with the directives issued under section 115;
 - (b) the public servant or former public servant has already disclosed the wrongdoing in accordance with the directives issued under section 115 and has concerns that the matter is not being dealt with appropriately; or
 - (c) directives applying to the public servant or former public servant have not been issued under section 115. 2006, c. 35, Sched. A, s. 116.

Initial assessment by Integrity Commissioner

117. Where the Integrity Commissioner receives a disclosure of wrongdoing under section 116, the Commissioner shall refuse to deal with the disclosure if one or more of the following circumstances apply:

1. The subject matter of the disclosure is being dealt with by another person or body as a matter of law enforcement or in accordance with a procedure established under this or any other Act.
2. The subject matter of the disclosure is an employment or labour relations matter that could be dealt with through a dispute resolution mechanism, including a grievance procedure, established under this or any other Act, under a collective agreement or under an agreement of another kind.
3. The subject matter of the disclosure is a matter that could be dealt with under Part V of the *Police Services Act*.
4. The subject matter of the disclosure is the subject of,
 - i. a decision made in the exercise of an adjudicative function by a court or other tribunal under this or any other Act, or
 - ii. deliberations that have led or may lead to a decision made in the exercise of an adjudicative function by a court or other tribunal under this or any other Act.

5. The subject matter of the disclosure is related to the exercise of discretion by a prosecutor in relation to the prosecution of an offence.
6. The subject matter of the disclosure is not sufficiently important or the disclosure is frivolous, vexatious or made in bad faith.
7. There has been a substantial delay between the disclosure and the incidents that are the subject matter of the disclosure and because of the delay the proceeding would serve no useful purpose.
8. The subject matter of the disclosure relates solely to a public policy decision.
9. There is a valid reason, other than a circumstance described in paragraphs 1 to 8, for not proceeding with the disclosure. 2006, c. 35, Sched. A, s. 117.

Referral by Integrity Commissioner

118. (1) This section applies where the Integrity Commissioner receives a disclosure of wrongdoing under section 116 and does not refuse to deal with the disclosure under section 117. 2006, c. 35, Sched. A, s. 118 (1).

Same

(2) The Integrity Commissioner shall determine, from among the persons mentioned in subsection (3), the person who, in the opinion of the Commissioner, is in the best position to investigate the disclosure and shall,

- (a) provide the person with a written summary of the disclosure and any other information that the Commissioner has received in relation to the matter that the Commissioner considers may assist the person in dealing with the matter;
- (b) direct the person to cause an investigation to be conducted into the subject matter of the disclosure; and
- (c) direct the person to report the results of the investigation to the Commissioner. 2006, c. 35, Sched. A, s. 118 (2).

Same

(3) The persons to whom the Integrity Commissioner may refer a matter under subsection (2) are:

1. A deputy minister.
2. Any individual prescribed under clause 71 (1) (b).
3. The chair of a public body.
4. The Secretary of the Cabinet.
5. An individual designated by the Premier for the purposes of this section. 2006, c. 35, Sched. A, s. 118 (3).

Same

(4) Where a matter respecting the Ontario Provincial Police is referred to the deputy minister of the Ministry of Community Safety and Correctional Services under subsection (2), the deputy minister may delegate any of his or her powers, duties and functions associated with the referral to the Commissioner of the Ontario Provincial Police. 2006, c. 35, Sched. A, s. 118 (4).

Same

(5) Subject to subsections (6) and (7), a person who receives a referral under subsection (2) shall deliver the report mentioned in clause (2) (c) to the Integrity Commissioner within 30 days of receiving the direction under clause (2) (b). 2006, c. 35, Sched. A, s. 118 (5).

Same

(6) On request from the person who receives a referral under subsection (2), the Integrity Commissioner may extend the time period within which the report must be delivered, either before or after the expiry of the period. 2006, c. 35, Sched. A, s. 118 (6).

Same

(7) The Integrity Commissioner may reduce the time period within which the report must be delivered if in his or her opinion circumstances make it appropriate to do so. 2006, c. 35, Sched. A, s. 118 (7).

Referral not appropriate

119. A person who has received a referral under subsection 118 (2) shall refer the disclosure of wrongdoing back to the Integrity Commissioner if, in the opinion of that person, it is not appropriate for him or her to investigate the disclosure because of lack of appropriate resources, actual or apparent conflict of interest or other reason. 2006, c. 35, Sched. A, s. 119.

Report after referral

120. (1) A report from a person who has received a referral under subsection 118 (2) shall be in writing and shall include:

1. A summary of the subject matter of the disclosure.
2. A description of the steps taken in the investigation conducted by the person to whom the referral is made.
3. A summary of the evidence obtained during the investigation.
4. A statement of the findings resulting from the investigation of the disclosure, including a statement about any wrongdoing that was discovered.
5. A description of any corrective action that has been taken or that is proposed to be taken as a result of the investigation. 2006, c. 35, Sched. A, s. 120 (1).

Same

(2) The Integrity Commissioner may waive or abridge a requirement of this section in order to expedite the report if in his or her opinion circumstances make it appropriate to do so. 2006, c. 35, Sched. A, s. 120 (2).

Receipt of report by Integrity Commissioner

121. (1) On receiving a report from a person who has received a referral under subsection 118 (2), the Integrity Commissioner may,

- (a) require the person to provide a written report to the Commissioner containing such further information as the Commissioner specifies;
- (b) make recommendations to the person;
- (c) require the person to provide a written report to the Commissioner respecting the implementation of any recommendations made under clause (b) and, to the extent that a recommendation has not been implemented, explain why that is the case. 2006, c. 35, Sched. A, s. 121 (1).

Time periods

(2) The Integrity Commissioner shall specify time periods for meeting the requirements of subsection (1). 2006, c. 35, Sched. A, s. 121 (2).

Same

(3) On request, the Integrity Commissioner may extend the time periods within which requirements under subsection (1) must be met, either before or after the expiry of the period. 2006, c. 35, Sched. A, s. 121 (3).

Same

(4) The Integrity Commissioner may reduce the time periods within which requirements under subsection (1) must be met if in his or her opinion circumstances make it appropriate to do so. 2006, c. 35, Sched. A, s. 121 (4).

INVESTIGATION BY INTEGRITY COMMISSIONER

Investigation by Integrity Commissioner

- 122.** (1) The Integrity Commissioner may initiate an investigation of a disclosure of wrongdoing only if,
- (a) the Commissioner is not satisfied with a report about the disclosure received under section 118 or 121;
 - (b) a person who has received a referral under subsection 118 (2) has referred the disclosure back to the Commissioner under section 119; or
 - (c) a person who has received a referral under subsection 118 (2) has not delivered a report about the disclosure within the time period required under section 118 or 121. 2006, c. 35, Sched. A, s. 122 (1).

Referral instead of investigation

(2) Instead of initiating an investigation under subsection (1), the Integrity Commissioner may refer the matter to another person or body so that it may be dealt with as a matter of law enforcement or in accordance with a procedure established under this or any other Act if, in the opinion of the Commissioner, this would be more appropriate than initiating an investigation under subsection (1). 2006, c. 35, Sched. A, s. 122 (2).

Same

(3) When referring a matter to another person or body under subsection (2), the Integrity Commissioner shall provide the person or body with a written summary of the disclosure and any other information that the Commissioner has received in relation to the matter that the Commissioner considers may assist the person or body in dealing with the matter. 2006, c. 35, Sched. A, s. 122 (3).

Same

(4) Where the Integrity Commissioner has referred a matter to a person or body under subsection (2), the Commissioner shall not initiate an investigation unless the person or body has informed the Commissioner,

- (a) that it will not proceed with an investigation of the matter;
- (b) that it has concluded its investigation of the matter; or
- (c) that it will not provide information referred to in subsection (6). 2006, c. 35, Sched. A, s. 122 (4).

Exception

(5) Despite subsection (4), the Integrity Commissioner may initiate an investigation under subsection (1) if, in the opinion of the Commissioner, doing so is in the public interest and would not interfere with or impede the other person or body in dealing with the matter. 2006, c. 35, Sched. A, s. 122 (5).

Same

(6) A person or body to which a matter is referred under subsection (2) shall promptly inform the Integrity Commissioner if it decides not to proceed with an investigation or when it concludes an investigation. 2006, c. 35, Sched. A, s. 122 (6).

Same

(7) Where the person or body decides that informing the Integrity Commissioner in accordance with subsection (6) would be contrary to the public interest, it shall instead promptly inform the Commissioner that it will not provide information referred to in that subsection. 2006, c. 35, Sched. A, s. 122 (7).

Referral in course of investigation

123. (1) At any time during the course of an investigation by the Integrity Commissioner under this Part, he or she may refer the matter to another person or body so that it may be dealt with as a matter of law enforcement or in accordance with a procedure established under this or any other Act if, in the opinion of the Commissioner, this would be more appropriate than continuing the investigation. 2006, c. 35, Sched. A, s. 123 (1).

Same

(2) When referring a matter to another person or body under subsection (1), the Integrity Commissioner shall provide the person or body with a written summary of the disclosure and any other information that the Commissioner has received in relation to the matter that the Commissioner considers may assist the person or body in dealing with the matter. 2006, c. 35, Sched. A, s. 123 (2).

Same

(3) Where the Integrity Commissioner has referred a matter to a person or body under subsection (1), the Commissioner shall suspend the investigation and may continue it only if the person or body has informed the Commissioner,

- (a) that it will not proceed with an investigation of the matter;
- (b) that it has concluded its investigation of the matter; or
- (c) that it will not provide information referred to in subsection (5). 2006, c. 35, Sched. A, s. 123 (3).

Same

(4) Despite subsection (3), the Integrity Commissioner may continue an investigation under subsection (1) if, in the opinion of the Commissioner, doing so is in the public interest and would not interfere with or impede the other person or body in dealing with the matter. 2006, c. 35, Sched. A, s. 123 (4).

Same

(5) A person or body to which a matter is referred under subsection (1) shall promptly inform the Integrity Commissioner if it decides not to proceed with an investigation or when it concludes an investigation. 2006, c. 35, Sched. A, s. 123 (5).

Same

(6) Where the person or body decides that informing the Integrity Commissioner in accordance with subsection (5) would be contrary to the public interest, it shall instead promptly inform the Commissioner that it will not provide information referred to in that subsection. 2006, c. 35, Sched. A, s. 123 (6).

Investigation to cease in certain circumstances

124. The Integrity Commissioner shall cease his or her investigation under this Part of a disclosure if, in his or her opinion, one or more of the circumstances described in paragraphs 2 to 9 of section 117 apply. 2006, c. 35, Sched. A, s. 124.

Right to answer allegation

125. (1) If, at any time during the course of an investigation by the Integrity Commissioner under this Part, it appears to the Integrity Commissioner that there may be grounds to make a report under section 129 that might adversely affect a person or body, the Commissioner shall take reasonable measures to provide that person or body with an opportunity to be heard on the relevant matters. 2006, c. 35, Sched. A, s. 125 (1).

Same

(2) The person or body may be represented by counsel or an agent. 2006, c. 35, Sched. A, s. 125 (2).

Note: On the later of the day section 125 comes into force and May 1, 2007, subsection (2) is repealed by the Statutes of Ontario, 2006, chapter 35, Schedule A, section 156 and the following substituted:

Same

(2) The person or body may be represented by a person authorized to practise law or provide legal services under the *Law Society Act*. 2006, c. 35, Sched. A, s. 156.

See: 2006, c. 35, Sched. A, ss. 156, 158 (2).

Same

(3) Except as provided in this section, the Commissioner need not hold a hearing and no person or body has a right to be heard by the Commissioner. 2006, c. 35, Sched. A, s. 125 (3).

Powers on investigation

126. (1) The Integrity Commissioner may require any public servant or former public servant to,

- (a) provide any information that he or she may have if, in the opinion of the Commissioner, the information may be relevant to the investigation;
- (b) produce any relevant document or thing that may be in his or her possession or under his or her control if, in the opinion of the Commissioner, the document or thing may be relevant to the investigation. 2006, c. 35, Sched. A, s. 126 (1).

Oral evidence

(2) The Integrity Commissioner may summon any public servant or former public servant who, in the Commissioner's opinion, is able to give evidence about any matter that may be relevant to the investigation and may examine him or her, on oath or affirmation. 2006, c. 35, Sched. A, s. 126 (2).

Inspection of premises

(3) The Integrity Commissioner may enter and inspect any premises of the public service of Ontario, at any reasonable time, for the purposes of the investigation. 2006, c. 35, Sched. A, s. 126 (3).

Same

(4) Before entering premises under subsection (3), the Integrity Commissioner shall notify the head of the organization occupying the premises of his or her intention to do so. 2006, c. 35, Sched. A, s. 126 (4).

Restriction on powers

127. (1) The Integrity Commissioner may not require the provision of information, the production of a document or thing or the giving of an answer if the Deputy Attorney General certifies that the provision, production or answer,

- (a) might interfere with or impede the detection, investigation or prosecution of an offence; or
- (b) might reveal the substance of deliberations of the Executive Council or any of its Committees without authority to do so. 2006, c. 35, Sched. A, s. 127 (1).

Same

(2) The Integrity Commissioner may not require the provision of information, the production of a document or thing or the giving of an answer if the Commissioner of the Ontario Provincial Police certifies that the provision, production or answer might interfere with or impede the detection or investigation of an offence. 2006, c. 35, Sched. A, s. 127 (2).

Same

(3) The Integrity Commissioner may not require the provision of information, the production of a document or thing or the giving of an answer if the provision, production or answer might disclose,

- (a) information that is subject to solicitor-client privilege; or
- (b) information prepared by or for counsel for a Ministry or a public body for use in giving legal advice or in contemplation of or for use in litigation. 2006, c. 35, Sched. A, s. 127 (3).

Same

(4) Unless the disclosure is required by law or permitted under this Act, the Integrity Commissioner and every person acting on behalf of or under the direction of the Commissioner shall not disclose any information that comes to their attention in the performance of their duties, powers or functions under this Part. 2006, c. 35, Sched. A, s. 127 (4).

Privilege

128. (1) A person who is required to provide information, produce a document or thing or give an answer in the course of an investigation by the Integrity Commissioner has the same privileges in relation to the provision of information, the production of documents or things and the answering of questions as witnesses have in any court proceeding. 2006, c. 35, Sched. A, s. 128 (1).

Protection

(2) Except on the trial of a person for perjury, no statement made or answer given by that or any other person in the course of an investigation by the Integrity Commissioner is admissible in evidence against any person in a court or at an inquiry or in any other proceeding, and no evidence in respect of the investigation by the Integrity Commissioner shall be given against any person. 2006, c. 35, Sched. A, s. 128 (2).

Right to object to answer

(3) A person giving a statement or answer in the course of an investigation by the Integrity Commissioner under this Part shall be informed by the person presiding over the investigation or proceeding of the right to object to answer a question under section 5 of the *Canada Evidence Act*. 2006, c. 35, Sched. A, s. 128 (3).

Prosecution

(4) No person is liable for prosecution for an offence under any Act by reason of his or her compliance with a requirement under this Part. 2006, c. 35, Sched. A, s. 128 (4).

REPORT ON CONCLUSION OF INVESTIGATION BY INTEGRITY COMMISSIONER

Report on conclusion of investigation

129. (1) On concluding an investigation of a disclosure under this Part, the Integrity Commissioner shall make a report to the person to whom the Commissioner made the referral under subsection 118 (2). 2006, c. 35, Sched. A, s. 129 (1).

Same

(2) If the person to whom the Integrity Commissioner made the referral under subsection 118 (2) referred the matter back to the Commissioner under section 119 and the Integrity Commissioner considers that it would be inappropriate to make the report required by subsection (1) to that person, the Commissioner shall make the report to such other public servant as the Commissioner considers appropriate in the circumstances. 2006, c. 35, Sched. A, s. 129 (2).

Same

(3) Subsections (1) and (2) apply whether or not the Integrity Commissioner has made a finding of wrongdoing. 2006, c. 35, Sched. A, s. 129 (3).

Same

- (4) A report required by subsection (1) shall be in writing and shall include,
- (a) findings of wrongdoing, if any;
 - (b) reasons to support any findings;
 - (c) any recommendations that the Commissioner considers appropriate. 2006, c. 35, Sched. A, s. 129 (4).

Copy to Minister

- (5) The Integrity Commissioner shall provide a copy of the report to a minister where the disclosure alleged wrongdoing,
- (a) in the ministry of the minister; or
 - (b) in a public body for which the minister has responsibility. 2006, c. 35, Sched. A, s. 129 (5).

Further report

(6) If the report includes recommendations under clause (4) (c), the Integrity Commissioner may require the person to whom the Commissioner made the report under subsection (1) or (2), as the case may be, to provide a further report to the Commissioner, in writing and within a time period specified by the Commissioner,

- (a) describing any action taken or proposed to be taken in response to the recommendations; and
- (b) explaining why a recommended action was not taken or is not proposed to be taken. 2006, c. 35, Sched. A, s. 129 (6).

Same

(7) On request from the person to whom the Integrity Commissioner made the referral under subsection 118 (2), the Commissioner may extend the time period within which the further report must be provided, either before or after the expiry of the period. 2006, c. 35, Sched. A, s. 129 (7).

Copy to Minister

(8) The Integrity Commissioner shall provide a copy of the further report under subsection (6) to the minister entitled to receive a copy of the report under subsection (5). 2006, c. 35, Sched. A, s. 129 (8).

PUBLIC REPORTS BY INTEGRITY COMMISSIONER

Public report

130. (1) This section applies where the Integrity Commissioner has made a report respecting a disclosure of wrongdoing under section 129 and is of the opinion that it is in the public interest that a public report be made. 2006, c. 35, Sched. A, s. 130 (1).

Same

(2) In the circumstances described in subsection (1), the Integrity Commissioner shall make a public report respecting the disclosure. 2006, c. 35, Sched. A, s. 130 (2).

Same

(3) If the Integrity Commissioner has required a further report under subsection 129 (6), the Commissioner shall not make a public report until,

- (a) the further report has been delivered to the Commissioner; or
- (b) the time period specified under subsection 129 (6) has expired or, if the Commissioner has extended the time period under subsection 129 (7), the extended period has expired and no further report has been delivered to the Commissioner. 2006, c. 35, Sched. A, s. 130 (3).

Same

(4) The Integrity Commissioner shall ensure that the public report is readily accessible to the public by ensuring that the public report is published on one or more Internet sites and by such other means as the Commissioner considers appropriate. 2006, c. 35, Sched. A, s. 130 (4).

Same

(5) Where the Integrity Commissioner makes a public report, he or she shall also deliver the report to the Speaker of the Assembly, who shall lay the report before the Assembly at the earliest reasonable opportunity. 2006, c. 35, Sched. A, s. 130 (5).

Contents of public report

131. (1) Subject to subsections (2) and (3), the Integrity Commissioner shall not include, in a public report under section 130,

- (a) information that would be subject to an exemption under sections 12 to 21.1 of the *Freedom of Information and Protection of Privacy Act*;
- (b) information that would be excluded under section 65 of the *Freedom of Information and Protection of Privacy Act*; or
- (c) information to which subsection 67 (2) of the *Freedom of Information and Protection of Privacy Act* would apply. 2006, c. 35, Sched. A, s. 131 (1).

Same

(2) With the consent of the person who received the Integrity Commissioner's report under subsection 129 (1) or (2), the Commissioner may disclose, in a public report under section 130,

- (a) information that would be subject to an exemption under sections 13, 14, 18, 19, 20 or 21.1 of the *Freedom of Information and Protection of Privacy Act*; or
- (b) information that would be excluded under subsection 65 (6) of the *Freedom of Information and Protection of Privacy Act*. 2006, c. 35, Sched. A, s. 131 (2).

Same

(3) The Commissioner may disclose, in a public report under section 130, information that would be subject to an exemption under section 13, 17, 18, 20, 21 or 21.1 of the *Freedom of Information and Protection of Privacy Act* or that would be excluded under subsection 65 (6) of that Act if, in his or her opinion,

- (a) disclosure of the information is necessary to establish the grounds for the Commissioner's findings of wrongdoing or recommendations; and
- (b) there is a compelling public interest in the disclosure that outweighs the harm that the disclosure may cause. 2006, c. 35, Sched. A, s. 131 (3).

Same

(4) The Integrity Commissioner, rather than the head, shall determine whether information would be subject to an exemption or an exclusion under a provision of the *Freedom of Information and Protection of Privacy Act*. 2006, c. 35, Sched. A, s. 131 (4).

Same

(5) Before making the determination under subsection (4), the Integrity Commissioner shall make reasonable efforts to obtain advice on the matter from the head. 2006, c. 35, Sched. A, s. 131 (5).

Before making public report

132. (1) Before making the determination under subsection 131 (4), the Integrity Commissioner,

(a) shall ask the person to whom the report was made under subsection 129 (1) or (2) for submissions as to the making of the determination under subsection 131 (4); and

(b) shall, if the Commissioner considers it appropriate to do so in the interests of fairness, provide any information contained in the report to a person to whom the information relates and ask the person for submissions as to the making of the determination under subsection 131 (4). 2006, c. 35, Sched. A, s. 132 (1).

Same

(2) The Integrity Commissioner shall specify time periods within which submissions may be made under subsection (1). 2006, c. 35, Sched. A, s. 132 (2).

Same

(3) On request from a person referred to in clause (1) (a) or (b), the Integrity Commissioner may extend the time periods within which the submissions must be made, either before or after the expiry of the period. 2006, c. 35, Sched. A, s. 132 (3).

Same

(4) The Integrity Commissioner shall not make a public report or deliver it to the Speaker of the Assembly until the time periods specified for submissions under subsection (2) or (3) has expired. 2006, c. 35, Sched. A, s. 132 (4).

Annual report, activities under this Part

133. (1) The annual report of the Integrity Commissioner required by section 24 of the *Members' Integrity Act, 1994* shall include,

(a) the number of disclosures received by the Commissioner under section 116 during the year;

(b) the number of refusals made by the Commissioner under section 117 during the year;

(c) the number of referrals made by the Commissioner under subsection 118 (2) during the year;

(d) the number of reports in which the Commissioner makes recommendations under section 121 during the year;

(e) a summary of what the Commissioner knows respecting responses to recommendations under section 121 during the year;

(f) the number of investigations initiated by the Commissioner under section 122 during the year;

(g) a summary of what the Commissioner knows respecting the outcomes during the year of findings of reprisals under this Part;

(h) anything else that the Commissioner considers relevant in respect of his or her activities under this Part during the year. 2006, c. 35, Sched. A, s. 133 (1).

Same

(2) Sections 131 and 132 apply, with necessary modifications, to the contents of the annual report that are required by subsection (1). 2006, c. 35, Sched. A, s. 133 (2).

INTEGRITY COMMISSIONER'S DUTY TO INFORM PERSON WHO MADE DISCLOSURE

Duty to inform discloser, refusal to deal

134. (1) Where the Integrity Commissioner refuses to deal with a disclosure under section 117, he or she shall so inform the person who made the disclosure under section 116. 2006, c. 35, Sched. A, s. 134 (1).

Same

(2) Subject to section 137, the Integrity Commissioner may inform the person of his or her reasons for refusing to deal with the disclosure under section 117. 2006, c. 35, Sched. A, s. 134 (2).

Duty to inform discloser, no investigation

135. (1) Where the Integrity Commissioner receives a report under section 118 or 121 and does not initiate an investigation under section 122, the Commissioner shall so inform the person who made the disclosure under section 116. 2006, c. 35, Sched. A, s. 135 (1).

Same

(2) Subject to section 137, the Integrity Commissioner may give the person who made the disclosure such information respecting the investigation and findings as the Commissioner considers appropriate in the circumstances. 2006, c. 35, Sched. A, s. 135 (2).

Duty to inform discloser, no public report

136. (1) Where the Integrity Commissioner has a duty to report under section 129 but does not have a duty to make a public report under section 130, the Commissioner shall inform the person who made the disclosure under section 116 that he or she has concluded the investigation. 2006, c. 35, Sched. A, s. 136 (1).

Same

(2) Subject to section 137, the Integrity Commissioner may give the person who made the disclosure such information respecting the investigation and findings as the Commissioner considers appropriate in the circumstances. 2006, c. 35, Sched. A, s. 136 (2).

Limitation on duty to inform

137. (1) The Integrity Commissioner shall not give the person who made the disclosure,

- (a) information that would be subject to an exemption under sections 12 to 21.1 of the *Freedom of Information and Protection of Privacy Act*;
- (b) information that would be excluded under section 65 of the *Freedom of Information and Protection of Privacy Act*; or
- (c) information to which subsection 67 (2) of the *Freedom of Information and Protection of Privacy Act* applies. 2006, c. 35, Sched. A, s. 137 (1).

Same

(2) In determining whether information would be subject to an exemption or an exclusion under a provision of the *Freedom of Information and Protection of Privacy Act*, the Integrity Commissioner shall exercise the discretion that the head has under the provision. 2006, c. 35, Sched. A, s. 137 (2).

Same

(3) Before exercising discretion under subsection (2), the Integrity Commissioner shall make reasonable efforts to obtain advice on the matter from the head. 2006, c. 35, Sched. A, s. 137 (3).

Duty to inform discloser, public report

138. Where the Integrity Commissioner has a duty to make a public report under section 130, he or she shall provide the report to the person who made the disclosure under section 116. 2006, c. 35, Sched. A, s. 138.

PROTECTION FROM REPRISALS

No reprisals

139. (1) No person shall take a reprisal against a public servant because he or she has,

- (a) sought advice about making a disclosure about wrongdoing in accordance with this Part;
- (b) made a disclosure about wrongdoing in accordance with this Part;
- (c) co-operated in an investigation or other process related to a disclosure of wrongdoing made in accordance with this Part;
- (d) acted in compliance with this Part; or
- (e) sought enforcement of this Part. 2006, c. 35, Sched. A, s. 139 (1).

Same

(2) For the purposes of subsection (1), a reprisal is any measure taken against a public servant that adversely affects his or her employment or appointment and includes but is not limited to,

- (a) ending or threatening to end a public servant's employment or appointment;
- (b) disciplining or suspending or threatening to discipline or suspend a public servant;
- (c) imposing or threatening to impose a penalty related to the employment or appointment of a public servant;

(d) intimidating or coercing a public servant in relation to his or her employment or appointment. 2006, c. 35, Sched. A, s. 139 (2).

Complaint about reprisal

140. (1) A public servant described in subsection (2), (3) or (4) may complain under this section that he or she has suffered a reprisal prohibited by section 139. 2006, c. 35, Sched. A, s. 140 (1).

Same

(2) A public servant who has a right under a collective agreement to have the complaint dealt with by final and binding settlement by arbitration under the agreement may have the complaint dealt with in accordance with the agreement or file a complaint with the Ontario Labour Relations Board. 2006, c. 35, Sched. A, s. 140 (2).

Same

(3) A public servant employed under Part III who does not have a right to have the complaint dealt with by final and binding settlement by arbitration under a collective agreement may file the complaint with the Public Service Grievance Board. 2006, c. 35, Sched. A, s. 140 (3).

Same

(4) A public servant employed by a public body who does not have a right to have the complaint dealt with by final and binding settlement by arbitration under a collective agreement may file the complaint with the Ontario Labour Relations Board. 2006, c. 35, Sched. A, s. 140 (4).

Inquiry by Board

(5) The Ontario Labour Relations Board may inquire into a complaint filed under subsection (2) or (4) and section 96 of the *Labour Relations Act, 1995*, except subsection (5), applies with necessary modifications as if such section, except subsection (5), is enacted in and forms part of this Act. 2006, c. 35, Sched. A, s. 140 (5).

Same

(6) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection (2) or (4), sections 110, 111, 114 and 116 of the *Labour Relations Act, 1995* apply with necessary modifications. 2006, c. 35, Sched. A, s. 140 (6).

Exception

(7) Despite anything in this section, a person who is subject to a rule or code of discipline under the *Police Services Act* shall have his or her complaint dealt with under that Act. 2006, c. 35, Sched. A, s. 140 (7).

Order

(8) If the Public Service Grievance Board, the Ontario Labour Relations Board or the Grievance Settlement Board determines, on the completion of an inquiry into a complaint filed under subsection (2), (3) or (4), that a reprisal has been taken in contravention of subsection 139 (1), the Board may make an order that it considers just and reasonable in the circumstances, directing the relevant ministry or public body or a person acting on behalf of the ministry or public body to do or refrain from doing anything in relation to the contravention. 2006, c. 35, Sched. A, s. 140 (8).

Same

(9) Without limiting the generality of subsection (8), an order under that subsection may direct that the ministry or public body, or a person acting on behalf of the ministry or public body, do one or more of the following:

1. Cease doing an act or acts complained of under subsection (1).
2. Take steps to rectify harm related to a complaint under subsection (1).
3. Reinstatement of the employment of a public servant whose employment was terminated.
4. Compensate the public servant for loss of any remuneration, including benefits. 2006, c. 35, Sched. A, s. 140 (9).

Same

(10) Without limiting the generality of subsection (8), where the board is of the view that continuation of the employment relationship is inappropriate, the board may direct the ministry or public body, or person acting on behalf of the ministry or public body to terminate the public servant's employment and provide compensation in lieu of reasonable notice of the termination. 2006, c. 35, Sched. A, s. 140 (10).

Same

(11) A board may not make an order under subsection (8) for punitive damages or for costs. 2006, c. 35, Sched. A, s. 140 (11).

Same

(12) Where a board has made a finding under subsection (8) that a reprisal has been taken, the board shall inform the Integrity Commissioner of the finding. 2006, c. 35, Sched. A, s. 140 (12).

Onus of proof

(13) On an inquiry into a complaint filed with the Public Service Grievance Board, the Ontario Labour Relations Board or the Grievance Settlement Board under this section, the burden of proof that an employer or a person acting on behalf of an employer did not act contrary to subsection 139 (1) lies on the employer or the person acting on behalf of the employer. 2006, c. 35, Sched. A, s. 140 (13).

Settlements may be filed with Board

141. (1) A written and signed settlement of a complaint made under subsection 140 (1) may, if a party to the settlement believes that the settlement has been breached, be filed,

- (a) in the case of a settlement of a complaint by a public servant described in subsection 140 (2) where the complaint is filed with the Ontario Labour Relations Board under that subsection, with the Ontario Labour Relations Board;
- (b) in the case of a complaint by a public servant described in subsection 140 (2) that is not filed with the Ontario Labour Relations Board under that subsection and that was settled by the parties to a collective agreement governed by the *Crown Employees Collective Bargaining Act, 1993*, with the Grievance Settlement Board;
- (c) in the case of a settlement of a complaint by a public servant described in subsection 140 (3), with the Public Service Grievance Board;
- (d) in the case of a settlement of a complaint by a public servant described in subsection 140 (4), with the Ontario Labour Relations Board. 2006, c. 35, Sched. A, s. 141 (1).

Same

(2) Where a settlement is filed with a board under this section, the board shall inquire into the matter and, if the board concludes that the settlement has been breached, the Board may,

- (a) make an order requiring compliance with the settlement; or
- (b) make an order respecting the complaint that could have been made in respect of that complaint under subsection 140 (8). 2006, c. 35, Sched. A, s. 141 (2).

Same

(3) Subsections 140 (5) and (6) apply with necessary modifications to the Ontario Labour Relations Board acting under subsection (2). 2006, c. 35, Sched. A, s. 141 (3).

Order may be filed in court

142. (1) An order of the Grievance Settlement Board, the Public Service Grievance Board or the Ontario Labour Relations Board under subsection 140 (8) or 141 (2) may be filed in the Superior Court of Justice. 2006, c. 35, Sched. A, s. 142 (1).

Same

(2) An order that is filed under subsection (1) is enforceable as if it were an order of the Superior Court of Justice. 2006, c. 35, Sched. A, s. 142 (2).

Same

(3) Section 129 of the *Courts of Justice Act* applies in respect of an order filed with the Superior Court of Justice under subsection (1) and, for the purpose, the date on which the order is filed is deemed to be the date of the order. 2006, c. 35, Sched. A, s. 142 (3).

PENALTIES, PROHIBITIONS AND OFFENCES

Penalties

143. A public servant who contravenes subsection 139 (1) or any of subsections 144 (1) to (4) is subject to disciplinary measures, including suspension or dismissal. 2006, c. 35, Sched. A, s. 143.

Prohibitions

144. (1) No person shall wilfully obstruct the Integrity Commissioner in the exercise of his or her powers or the performance of his or her duties or functions under this Part. 2006, c. 35, Sched. A, s. 144 (1).

Same

(2) No person shall, in disclosing a wrongdoing under this Part, or in the course of an investigation or other proceeding under this Part, knowingly make a false or misleading statement. 2006, c. 35, Sched. A, s. 144 (2).

Same

(3) No person shall, knowing that a document or other thing is likely to be relevant to an investigation or other proceeding under this Part,

- (a) destroy or alter the document or other thing;
- (b) falsify the document or other thing or make a false document or other thing;
- (c) conceal the document or other thing. 2006, c. 35, Sched. A, s. 144 (3).

Same

(4) No person shall direct, counsel or cause in any manner any person to do anything described in this section. 2006, c. 35, Sched. A, s. 144 (4).

Offence

145. (1) A person who contravenes any of subsections 144 (1) to (4) is guilty of an offence. 2006, c. 35, Sched. A, s. 145 (1).

Same

(2) A person who contravenes subsection 139 (1) is guilty of an offence. 2006, c. 35, Sched. A, s. 145 (2).

Same

(3) A prosecution for an offence under subsection (2) shall not be commenced unless there has been a finding by a board under subsection 140 (8) that a reprisal was taken in contravention of subsection 139 (1). 2006, c. 35, Sched. A, s. 145 (3).

MISCELLANEOUS

Assistance to the Commissioner

146. The Integrity Commissioner may engage, on a temporary basis, the services of a person with technical or specialized knowledge to advise or assist the Commissioner in the exercise of his or her powers or the performance of his or her duties or functions. 2006, c. 35, Sched. A, s. 146.

Provision of legal services

147. Subject to regulations under subsection 150 (1), the Integrity Commissioner may arrange and pay for the provision of legal services to a public servant or other person involved in any investigation or other proceeding under this Part. 2006, c. 35, Sched. A, s. 147.

Disclosure does not waive privilege

148. A disclosure under this Part does not constitute waiver of any privilege that may exist with respect to the information or other thing disclosed. 2006, c. 35, Sched. A, s. 148.

FIVE-YEAR REVIEW

Five-year review

149. (1) Five years after this section comes into force, the minister responsible for the administration of this Act shall ensure that a review is conducted of the administration and operation of this Part and that a report setting out the findings from the review is prepared. 2006, c. 35, Sched. A, s. 149 (1).

Same

(2) The minister shall deliver the report to the Speaker of the Assembly, who shall lay the report before the Assembly at the earliest reasonable opportunity. 2006, c. 35, Sched. A, s. 149 (2).

REGULATIONS

Regulations, Part VI

150. (1) The Lieutenant Governor in Council may make regulations respecting the provision of legal services under section 147. 2006, c. 35, Sched. A, s. 150 (1).

Same

(2) Regulations made under this section may be general or particular in their application. 2006, c. 35, Sched. A, s. 150 (2).

PART VII MISCELLANEOUS

Statutory Powers Procedure Act

151. The *Statutory Powers Procedure Act* does not apply to proceedings and decisions under this Act, except as provided under section 23. 2006, c. 35, Sched. A, s. 151.

Agreement in conflict with regulation, directive

152. Where a provision in a collective agreement conflicts with a provision of a regulation or a directive made under this Act, the provision in the collective agreement prevails over the provision of the regulation or directive. 2006, c. 35, Sched. A, s. 152.

Implementation of collective agreements, etc.

153. Subject to section 10 of the *Ontario Provincial Police Collective Bargaining Act, 2006*, the minister responsible for the administration of this Act shall by order implement collective agreements made in accordance with the collective bargaining procedures applicable to public servants employed under Part III of the this Act. 2006, c. 35, Sched. A, s. 153.

REGULATIONS

Regulations, general

154. (1) The Lieutenant Governor in Council may make regulations,

- (a) providing for the collection, use and disclosure of personal information about public servants and former public servants,
 - (i) for the purposes of this Act, and
 - (ii) for the purposes of managing and administering human resources in the public service of Ontario, including but not limited to providing integrated human resources programs for the public service of Ontario;
- (b) providing for any transitional matter that the Lieutenant Governor in Council considers necessary or advisable for the effective implementation of this Act or the regulations or directives under it;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 2006, c. 35, Sched. A, s. 154 (1).

Same

(2) Regulations made under this section may be general or particular in their application. 2006, c. 35, Sched. A, s. 154 (2).

TRANSITIONAL MATTERS

Status of employees

155. (1) A person who was, immediately before this section comes into force, a public servant within the meaning of the *Public Service Act*, as that Act read immediately before its repeal by section 1 of Schedule C to the *Public Service of Ontario Statute Law Amendment Act, 2006*, and who at that time worked in a ministry, other than in a minister's office, is, on the day this section comes into force, a public servant appointed under Part III of this Act to employment in a ministry. 2006, c. 35, Sched. A, s. 155 (1).

Same

(2) A person who was, immediately before this section comes into force, a public servant within the meaning of the *Public Service Act*, as that Act read immediately before its repeal by section 1 of Schedule C to the *Public Service of Ontario Statute Law Amendment Act, 2006*, and who at that time worked in a minister's office, is, on the day this section comes into force, a public servant appointed under Part III of this Act to employment in a minister's office. 2006, c. 35, Sched. A, s. 155 (2).

Same

(3) A person who was, immediately before this section comes into force, appointed under the *Public Service Act*, as that Act read immediately before its repeal by section 1 of Schedule C to the *Public Service of Ontario Statute Law Amendment Act, 2006*, to work in a Commission public body is, on the day this section comes into force, a public servant appointed by the Public Service Commission under Part III of this Act to employment in a Commission public body. 2006, c. 35, Sched. A, s. 155 (3).

156., 157. OMITTED (PROVIDES FOR AMENDMENTS TO THIS ACT). 2006, c. 35, Sched. A, ss. 156, 157.

158. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2006, c. 35, Sched. A, s. 158.

159. OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2006, c. 35, Sched. A, s. 159.