

FAQs on the Conflict of Interest Self-Assessment Tool

BACKGROUND

As public servants, we must perform our duties in a manner that upholds the public interest. Therefore, we have, and have always had, an obligation to prevent, identify, disclose, and manage conflicts of interest. As such, the CBSA launched a new conflict of interest affirmation process in October 2024 ; an initiative that is in line with the Clerk of the Privy Council's direction to all federal organizations to implement by spring 2025.

The affirmations will ensure that we are regularly reflecting on our personal circumstances so we can take necessary actions to prevent and resolve conflicts of interest with our employment. The affirmations also serve as a means to protect ourselves and the agency by ensuring transparency, fostering trust and mitigating potential risk. As such, this process is not a disciplinary-seeking process, but rather, a mechanism to prevent possible conflict of interest situations so we may all balance personal interests with the agency's mandate and our shared goal to maintain public trust.

Following the launch of the affirmations, the Office of Values and Ethics (OVE) received numerous questions on the Conflict of Interest Self-Assessment Tool. As such, the OVE has prepared a series of answers to some commonly asked questions, particularly around reportable financial assets and liabilities.

Please note that reportable financial assets and liabilities are standard reportable items across the government. Whether a conflict of interest (COI) exists or not with a financial disclosure, and the risk associated with it depends on the department's mandate and the employee's responsibilities.

The Conflict of Interest Self-Assessment Tool is meant to prompt thoughtful reflection when considering our private affairs in relation to our official duties, rather than a rigid set of rules. It helps support employees in making informed decisions, on whether they should declare a specific situation to ensure they resolve any conflict of interest in favour of the public interest. If, after reviewing the tool, and discussing the situation with our manager, we are still unsure whether any real, apparent, or potential COI could exist, we submit a confidential conflict of interest report to the OVE for review and advice.

REPORTABLE ASSETS & LIABILITIES:

Q1 Why declare reportable assets and liabilities?

A1 A financial conflict of interest may arise when a public servant can benefit financially from non-public information accessed during their official duties. For instance, if a public servant with access to market-sensitive information invests privately in the shares of a company concerned, this constitutes a conflict.

Similarly, a conflict of interest occurs if a public servant exercises authority over decisions that affect the value of their financial investments. For example, a public servant in a regulatory or compliance role who influences decisions impacting a company in which they are privately invested would be in a conflict situation.

Q2 If I own a rental property, am I required to submit a conflict of interest (COI) report?

A2 Yes, a COI report is required. Owning a rental property could be a potential conflict of interest while working for the federal government for various reasons (e.g., if a public servant rents to individuals or business that have dealings with the CBSA potentially giving rise to a risk of preferential treatment and not appearing impartial and objective in carrying out their duties).

Q3 Should I declare a real property resulting from an estate where I'm a beneficiary?

A3 If the real property inherited from an estate is not for the private use of the public servant or their family members (i.e., a rental property), then it would be considered a reportable asset, and a COI report would need to be submitted. If the real property is the family home (for personal use), then no COI disclosure is required.

Q4 Should I declare financial assets resulting from an estate where I'm a beneficiary?

A4 The CBSA's list of reportable assets and liabilities includes "assets placed in trust or resulting from an estate of which the public servant is a beneficiary." If the assets from the estate, to which you are the beneficiary could give rise to an apparent, potential or real COI with your official position, then you are required to submit a conflict of interest (COI) report. However, if for example, the assets are simply household goods, a vehicle, cash and/or deposits (included in the list of "assets that do not need to be declared"), then there is no requirement to submit a COI report.

Q5 If I own any stocks or have a Tax-Free Savings Account (TFSA), First Home Savings Account (FHSA), or other savings account that I manage myself, am I required to submit a conflict of interest (COI) report?

A5 If, in your official position, you influence policy related to your financial interests, or your position otherwise grants you an unfair advantage or appears to grant you an advantage in your financial interests, then you must submit a conflict of interest (COI) report.

Q6 Following question 2.4 of the COI Self-Assessment Tool "Does the CBSA have dealings with the companies or subsidiaries in your investment portfolio?" What level of detail is required in the bsf734 form (e.g. list all the companies, specific types of investments)? Will CBSA provide a complete list of all the companies with which it has relationships?

A6 No. Employees are expected to demonstrate their integrity by self-declaring any conflict of interest situation, with an explanation of why they are making the disclosure. Employees are not expected to know all the details of CBSA's operations, nor all of the agency's partners, vendors or stakeholders. Conflict of interest reports must be honest and submitted with information available to employees that is related to the disclosure.

Q7 I have recently acquired some non-voting common shares in a real-estate holding company. This building is also under independent property management. Should I submit a COI report

A7 Yes. Investments in properties that generate income should be reported to ensure transparency and compliance with the Code.

Q8 If I own publicly traded securities of corporations and foreign governments but they are not self-directed and my bank manages these funds and I have no direct control of investment or trades, are these reportable?

A8 Given that the publicly traded securities of corporations and foreign governments you own are **not** self-directed and you do not have direct control over the investments or trades, they are not considered reportable. The fact that these funds are managed by your bank without your direct intervention means they do not fall under the criteria for a Conflict of Interest (COI) report. If at any point you are directing your bank or financial advisor to make trades on your behalf, they then become self-directed and must be declared.

Q9 Should an employee who owns crypto-currency, NFTs and/or Bitcoin, often considered an asset or commodity, submit a conflict of interest report to the Office of Values and Ethics?

A9 At this time, assets including crypto-currency, non-fungible tokens (NFTs) and/or Bitcoin do not need to be declared.

Q10 Do I need to declare self-administered assets place in exchange-traded funds (ETFs) or mutual funds?

A10 No. Since mutual funds and ETFs are managed funds that pool individual securities that provide more diversification than a single stock or bond, they do not give rise to a conflict of interest with CBSA employees' official duties.

Q11 I have assets considered self-directed accounts, part of my job is determining release of shipments, which include the companies that I have assets with. Should I submit a COI report?

A11 No. Determining the release of shipments would not give you insider knowledge on a company's finances that would unfairly benefit you in your self-directed investments.

PREFERENTIAL TREATMENT & RELATIONSHIPS:

Q12 I live and work in a small community. Do I need to disclose that my family member or friend has a contract with the CBSA, to remove snow at the port of entry I work at, for example?

A12 Yes. In small communities, the CBSA is often a visible and significant part of the community. In such cases, it may be a greater challenge for us to keep our professional and personal lives separate. Maintaining our professional demeanour in public fora and assessing the effect of our personal behaviour on our professional roles becomes especially important in these circumstances. Being transparent and demonstrating your integrity by submitting a conflict of interest report will protect you, and strengthen the trust that the public and our stakeholders have in our agency.

Q13 I work with colleagues who have become friends over the course of the years working at the agency. Do I need to disclose all these relationships?

A13 It depends. Avoiding preferential treatment in the workplace, and the appearance of it, is critical to sustaining a work culture that is fair, unbiased and effective. When our personal relationships affect how we make professional decisions that are in favour of the public interest, this poses ethical issues that can be difficult to measure how far the resulted consequences can span. Generally, colleagues who work together at a similar working-level who become friends organically does not pose an issue in the workplace. However all reporting relationships (direct and indirect) between family members and romantic partners must be avoided as this gives rise to a real conflict of interest. If you feel that any relationship in the workplace prohibits you from performing your duties in a completely objective manner, or could appear as such, you should submit a confidential report to the Office of Values and Ethics for guidance.

Q14 Question 5.3 in the Conflict of Interest Self-Assessment Tool asks: Do you have access to privileged information that could benefit a member of your family, romantic partner or a person with whom you have a relationship outside of work? I think all CBSA employees have access to privileged information, does this mean I have to make a declaration?

A14 No. It's true that we all have access to privileged information in our official positions at the agency, as all public servants do. We make proactive disclosures when members of the public could reasonably think that we have information or access that could directly benefit ourselves or entities outside of our workplace. For example, a BSO whose spouse is an immigration consultant would submit a conflict of interest report, as members of the public could reasonably think the BSO as having information that could grant his spouse with an unfair advantage. All employees are expected to keep privileged information confidential at all times.

SOLICITATION AND FUNDRAISING:

Q15 I am fundraising for my child's soccer team on my personal time, do I need to disclose this via a conflict of interest report?

A15 No. The Solicitation and Fundraising section in the Conflict of Interest Self-Assessment tool is meant to address solicitation and fundraising *within the workplace*. Personal or social fundraising on your personal time does not need to be disclosed.

However, if you volunteer for an outside organization (outside activity), and the activities associated with the volunteer role could conflict with your duties, or the CBSA's mandate, then this must be disclosed.

DEFINITIONS:

Family:

Family is defined as spouse (or common-law partner resident with the employee), children (including foster children, stepchildren or children of the spouse or common-law partner, ward of the employee), grandchild, parents (including stepparents or foster parents), father-in-law, mother-in-law, son-in-law, daughter-in-law, brother, sister, stepbrother, stepsister, grandparents of the employee, any relative permanently residing in the employee's household or with whom the employee permanently resides or any relative for whom the employee has a duty of care, irrespective of whether they reside with the employee, and a person who stands in the place of a relative for the employee whether or not there is any degree of consanguinity between such person and the employee.

As per the CBSA Code of Conduct, the closeness and visibility of the relationship are factors to consider in determining the extent to which the definition of family may be applied. For instance, close personal relationships that may not satisfy the legal definition of family but may contribute to a perception of preferential treatment should also be avoided in reporting relationships.