

2.19 Concurrent Employment

2.19.1 Employees serving in Canada. Concurrent employment in either a self-employed or employer capacity is occasionally taken by members of the Department for a variety of reasons. The right to do so is embodied in most collective agreements which point out that employees shall not be restricted in engaging in concurrent employment outside office hours except in those areas where "the Employer" specifies that there could be or appear to be a conflict of interest. In this context, it might also be noted that concurrent employment within the public service is not excluded, but is permissible only with the express authorization of the Deputy Head.

Given the relative freedom to accept a second job there are, nevertheless, a number of areas of concurrent employment which have been identified for all public servants as representing a conflict of interest with their official duties and functions. In essence these areas are as follows:

- (a) where dual employment in the public service could constitute a conflict of interest between the two positions;
- (b) where outside employment might bring the public service into disrepute;
- (c) where the outside employment would entail the use of confidential or non-public information acquired in the course of an employee's official duties; lead to the undesirable or unwarranted exploitation of his colleagues and contacts in his regular employment; or where it would enable the employee improperly to influence legislation or government policy;
- (d) where the outside employment makes use of any of the property or facilities of the Canadian Government without due authorization;

In examining current or prospective outside employment, employees should examine the implications in the light of the possible conflict of interest situations outlined above. Should there be any doubt as to whether a conflict of interest exists or might exist, employees should seek the guidance and concurrence of Headquarters prior to making any commitment.

2.19.2 Employees serving abroad. Article 57(1) of the *Vienna Convention on Consular Relations* and Article 42 of the *Vienna Convention on Diplomatic Relations* prohibit consular officers and diplomatic agents respectively from engaging for personal profit in "any professional or commercial activity".

2.20 Employment of Spouses and Dependants

During assignments in Canada the most frequently encountered consideration is the requirement to avoid possible conflict of interest situations between the responsibilities of the employee and those of the spouse. When a spouse or dependant is contemplating employment, careful attention should be paid to this possibility, and a few illustrations of such situations might be useful. It could, for example, be inappropriate for the spouse of a departmental employee responsible for contracts or purchase agreements to accept employment by which either of them could obtain direct benefits. Further, an employee whose responsibilities encompass awarding grants in the cultural or information fields might encounter a conflict of interest situation if his/her child's position involved seeking such grants.

The employment of dependants or relatives in the Department introduces a further consideration. Although there are no barriers to any family members entering an open competition for departmental employment, it is important to ensure that employees do not utilize their position or seniority to exert any influence on the outcome of such competitions or on the selection of summer students, contract personnel or casual employees.