

[July 2023]

To: GCWCC Campaign Champions and Leaders
From: Francis Bilodeau, (he, him)
2023 GCWCC National Chair
Associate Deputy Minister
Innovation, Science and Economic Development Canada

SUBJECT: Gift Solicitation for the Government of Canada Workplace Charitable Campaign (GCWCC)

This year's Government of Canada Workplace Charitable Campaign (GCWCC) will launch in September 2023. Through the campaign, public servants come together, build team spirit, create a sense of belonging and give back to our communities. The GCWCC matters and our charitable efforts make a difference across the country.

There is a great opportunity this year to run a truly innovative and hybrid national campaign, combining the best of remote and in-person activities. We must also continue to ensure that reconciliation, diversity, equity, inclusion, and accessibility are guiding principles when reaching out for gift donations for campaign events.

I would like to provide the following specific guidance on the solicitation of gifts as part of the GCWCC. I would be grateful if you could share this information along to your campaign teams.

1. Values and Ethics Code for the Public Sector

The [Values and Ethics Code for the Public Sector](#) outlines the values and expected behaviours that guide public servants in all activities related to their professional duties. This includes GCWCC activities.

2. Directive on Conflict of Interest

The [Directive on Conflict of Interest](#), subsection 4.2.17 states that persons employed by the government must not solicit gifts, hospitality or transfers of economic value from persons or organizations in the private sector with which the federal government has or may have official dealings, unless they have prior written approval from their Deputy Head. This applies also to charitable activities under the GCWCC.

There are several reasons for this requirement:

- It helps avoid situations where prospective donors, because of their business relationship with the department or agency concerned, feel pressure to make a



donation.

- Donations obtained through these business relationships could inadvertently put all parties in an apparent, potential or even real conflict of interest situation.
- Deputy heads are accountable for ensuring that the *Values and Ethics Code for the Public Sector* and the *Directive on Conflict of Interest* are fully upheld in their organizations. This requirement helps ensure they have the chance to exercise that accountability by determining what types of fundraising activities are appropriate, and with whom, based on the organization's particular operating environment.
- This requirement ensures that the *Directive on Conflict of Interest* is consistent with section 121(1)(c) of the *Criminal Code*.

3. Conflict of Interest Act

The [Conflict of Interest Act](#) applies to “public office holders”, a term that is defined to include Governor in Council appointees including Deputy Heads, with some exceptions outlined at ss. 2(1)(d)(i)-(vii) of the Act. The Act contains provisions that limit public office holders to personally solicit funds, including an outright prohibition if doing so would place the public office holder in a conflict of interest. “Conflict of interest” is defined in the Act, namely section 4 which states, *For the purposes of this Act, a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person’s private interests.*

4. A note on charitable gaming, such as 50-50 draws

The [Directive on Conflict of Interest’s FAQs page](#) provides a note on the general principles surrounding games of chance for charitable fundraising purposes, such as 50-50 draws. While charitable gaming is not considered solicitation for the purposes of the *Directive on Conflict of Interest*, there are values and ethics considerations. Charitable gaming is a provincially regulated activity and is subject to licencing requirements. The *Values and Ethics Code for the Public Sector*, Respect for Democracy, expected behaviour 1.1, requires public servants to respect the rule of law. Therefore, games of chance must be carried out in accordance with local and provincial regulations, if permitted by the Deputy Head.

A reminder that employees may be required to submit leave depending on the nature of the event. For example, all day events such as charitable golf tournaments would require use of annual or compensatory leave. Managers should consult their department’s HR team for questions.

As always, care must be taken to preserve the integrity of the public service by ensuring that any solicitation is aligned with a charitable cause and that there can be no perception that

specific donations result in personal gain for the public servant making the solicitation, or that a donation could lead to favouritism towards the donor. Of particular concern are situations where an ongoing contractual or other relationship exists or is under negotiation between the department and a private sector or non-government organization. This is where extra prudence is required so that donors neither feel under pressure to contribute because of their existing or potential relationship with the government, nor that a donation could secure future favours.

I recognize that there may be some departmental functions that require Deputy Heads to exercise greater prudence in soliciting donations. In fact, there may be some departments that must prohibit donor solicitations and corporate sponsorship due to their roles and responsibilities in order to avoid any potential, apparent or real conflict of interest.

Please take a planned approach to identifying appropriate donation activities and search for alternative activities wherever advisable. I appreciate your attention to this matter and ask that you please share this information with your campaign teams.

If you have any questions about the requirements related to solicitation under the *Values and Ethics Code for the Public Sector* or the *Directive on Conflict of Interest*, I invite you to contact your organization's values and ethics team