

Ontario Public Service

GUIDE TO PUBLIC SERVICE ETHICS AND CONDUCT

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HROntario, Ministry of Government Services

In partnership with:

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1. INTRODUCTION

The people of Ontario are entitled to a public service that conducts itself with integrity and impartiality. They rightfully expect their public servants to uphold the public trust and provide the highest level of service quality.

Being a member of the Ontario Public Service (OPS) is a privilege that comes with important ethical responsibilities. These responsibilities are set out in *Public Service of Ontario Act, 2006* (PSOA) and related regulations, corporate directives, policies and guidelines.

As public servants, ethical conduct is a critical part of who we are and what we do regardless of our assigned roles and responsibilities. Acting with integrity, and complying with all applicable laws, is essential to our reputation and long-term success as we work hard to earn and constantly maintain the trust of the public. The same qualities are also essential for the personal and professional success of each employee.

2. PURPOSE

This **Guide to Public Service Ethics and Conduct** provides an overview of some of the key expectations for employees in OPS ministries in conducting ourselves in an ethical manner. It covers requirements of the ethical framework under the PSOA, other applicable legislation, corporate directives, policies and guidelines.

This **Guide** provides:

- public servants in ministries with an accessible reference tool summarizing acceptable workplace conduct and behaviour. It highlights critical elements that must be observed and practiced by all employees.
- ministries with a corporate OPS-wide overview that may be customized to the needs and core businesses of each ministry (Appendix B – Ministry-specific information).

Disclaimer: This guide provides an overview and highlights of applicable legislation, corporate directives, policies and guidelines. It is not an exhaustive or definitive source of information, interpretation or guidance in every situation. In the event of a conflict or inconsistency between this guide and any applicable legislation, corporate directive, policy or guideline, the latter instruments prevail.

As an OPS employee, you are encouraged to become familiar with the noted references. For more context, you should login to the OPS [directives and policies](#) in MyOPS to review associated guidelines and best practices. To ensure that you are taking the appropriate course of action in a given situation, you may wish to seek the advice of your manager and/or your bargaining agent.

For ease of reference, this **Guide** has nine sections:

- **Introduction** – obligation to integrity that we all share
- **Purpose** - explanation of how this Guide supports and relates to, but does not override, legal or more detailed obligations
- **Mission, values and principles** - OPS mission and organizational values
- **Ethical conduct** – PSOA ethical framework elements (oaths of office and allegiance, conflict of interest rules, political activity rights and restrictions, protected disclosure of wrongdoing)
- **Workplace environment** – workplace health and safety, workplace discrimination and harassment prevention, workplace violence prevention, learning environment
- **Workplace assets** – physical, electronic, data protection
- **Stewardship and transparency of use of public resources** - effective management of public funds for the achievement of value for money in government and public-sector operations (e.g. capital investments, transfer payment, travel, meal and hospitality expenses, etc.)
- **Risk management** - direction and guidance on when you must act or make decisions under conditions of uncertainty
- **Monitoring and compliance** – guidance on how the underlying requirements summarized in the **Guide** are to be monitored and enforced.

This **Guide** is primarily designed as an electronic resource tool to ensure ready access to references posted on the MyOPS intranet and related legislation (e-laws) posted on the Internet. This approach is in keeping with the OPS greening strategy.

3. MISSION, VALUES AND OBLIGATIONS

3.1. OPS mission and organizational values

The OPS mission and organizational values¹ set out, at the highest level, the framework for the conduct of employees.

OPS Mission: Our mission is to serve the public interest and uphold the public's trust:

- *We support the elected government by providing ministers with honest, impartial and objective advice.*
- *We carry out the decisions and policies of the elected government and administer public service to the highest professional standards.*
- *We conduct ourselves with integrity.*
- *We exercise responsible stewardship of public resources and information.*

¹ Framework for Action Report, 2006

- *We fulfill all our duties in accordance with the law, including the Public Service of Ontario Act, 2006 and in compliance with our public service oaths of office and allegiance.*
- *We are accountable for how we fulfill our public service roles.*

Organizational Values:

Trust	<i>We act honourably and honestly in all our relationships with the people we service, work with and who rely on us. We do our best to keep our commitments and fulfill expectations.</i>
Fairness	<i>We deal with others in an open, impartial and non-discriminatory manner. We ensure that the processes we use and the decisions we make are fair and seen to be fair.</i>
Diversity	<i>We celebrate our differences and draw on the strengths and capabilities of all of Ontario's communities. We welcome and respect divergent points of view to inform and enlighten us. We depend on and value each other.</i>
Excellence	<i>We strive for and recognize competence and excellence. We work hard to provide the best policy advice and the highest quality services that respond to the needs of Ontarians.</i>
Creativity	<i>We create new solutions by listening and learning and by being innovative and open to new ideas and approaches.</i>
Collaboration	<i>We work with team members, colleagues and partners to build consensus, solve problems and share responsibility.</i>
Efficiency	<i>We make careful, prudent and effective use of the hard-earned public dollars, assets and resources entrusted to us.</i>
Responsiveness	<i>We engage with clients, stakeholders, bargaining agents, the general public and our staff to find out how we can do better. We monitor and measure to make sure we are meeting our goals.</i>

As public servants, we must uphold the public trust and provide the highest level of service quality. In carrying out our duties and responsibilities, we are accountable for applying the following principles:

- **Ethical behaviour** - Serve with honesty and integrity, in a manner that places public interest above personal interests.
- **Prudent and lawful use of public resources** - Use public resources to achieve authorized purposes in accordance with rules and procedures that govern their use.

- **Value for money** - Use public resources with due regard for economy, efficiency and effectiveness.
- **Quality service** - Deliver affordable, accessible and responsive programs and services to clients and customers.
- **Fairness and equity** - Treat the public and employees in an impartial manner when administering programs and services and responding to problems.
- **Openness and transparency** - Provide full disclosure of publicly accessible information while respecting statutory, regulatory or administrative rules governing confidentiality and the protection of privacy.

References:

- *Public Service of Ontario Act, 2006*
- Accountability Directive
- HR Management Directive
- Framework for Action Report, 2006
- Accessible Customer Service Policy
- Diversity Strategy

3.2. Obligations of public servants

The ethical framework in the *Public Service of Ontario Act, 2006*, binds every public servant. Ethical elements include:

- Oath of allegiance and oath of office
- Conflict of interest
- Political activity rights and restrictions
- Disclosure of wrongdoing

We are required to meet our performance commitments, in context with the ethical framework, according to our job description and related roles and responsibilities. For more detailed information, read Section 5 – Ethical Conduct

3.3. Obligations of managers

In addition to fulfilling the obligations of a public servant, managers have a distinct responsibility to demonstrate leadership and act as mentors. Managers are expected to foster and maintain a productive and supportive working environment, in which employees and clients alike are treated fairly, honestly, and with respect. As a manager, you should:

- actively support employees.
- encourage employee participation and engagement.
- foster professionalism, competence, responsibility and accountability.
- provide guidance and frameworks to protect the rights of every person in an ethical work environment.
- establish clear accountabilities to clarify what the organization expects
- appreciate sound, competent performance; celebrate successes and recognize outstanding achievements.

- provide opportunities to achieve personal growth through training, career development, mentoring and regular feedback regarding job performance.

References:

- Public Service of Ontario Act, 2006
- O. Regulation 381/07 – Conflict of interest rules for public servants (ministry) and former public servants (ministry)
- Accountability Directive
- HR Management Directive
- HR Management Delegation of Authority Directive
- Performance Management Operating Policy
- Workplace Discrimination and Harassment Prevention Policy

3.4. Obligations of ethics executives

Under the PSOA, all ministry employees have an ethics executive (EE)².

- Current employees – Deputy minister
- Former employees – Public Service Commission
- Current deputy minister – Secretary of the Cabinet
- Former deputy minister and former Secretary of the Cabinet – Conflict of Interest Commissioner
- Secretary of the Cabinet – Conflict of Interest Commissioner
- Conflict of Interest Commissioner – Integrity Commissioner

The EE has specific responsibilities in determinations relating to conflict of interest³, political activity rights and restrictions⁴ and disclosure of wrongdoing⁵.

References:

- Public Service of Ontario Act, 2006
- Disclosure of Wrongdoing Directive, PSC
- PSOA Fact Sheet
- Conflict of Interest Commissioner website

3.5. Obligations to persons external to the OPS

The OPS is committed to treating all people in a fair and equitable manner with respect, dignity, courtesy, and sensitivity to individual needs. We are expected to respond courteously with fairness, timeliness and honesty to inquiries and requests for information or assistance from the public and external organizations.

We have to bear in mind that our actions and comments reflect on the public service as a whole. It is particularly important for employees who regularly interact with the public or members of the media to be accurate, current and professional when acting or speaking on behalf of the government.

² PSOA Section 62

³ PSOA Section 65

⁴ PSOA Section 84

⁵ Disclosure of Wrongdoing Directive, PSC

References:

- Public Service of Ontario Act, 2006
- O. Regulation 381/07 – Conflict of interest rules for public servants (ministry) and former public servants (ministry)
- Accountability Directive
- Freedom of Information Guide for Decision Makers
- Procurement Directive on Advertising, Public and Media Relations and Creative Communications Services
- OPS Service Directive

4. ETHICAL CONDUCT**4.1. Oaths of allegiance and office**

Every public servant is required, as soon as possible, after being hired to make the oath of allegiance⁶ and the oath of office⁷. The process for making an oath of allegiance to the Crown (unless exempted by regulation) is outlined in O. Regulation 373/07.

References:

- Public Service of Ontario Act, 2006
- O. Regulation 373/07 – Oaths and Affirmations
- Oaths form and instructions

4.2. Conflict of interest

We are responsible for ensuring that we are aware of our obligation to uphold the public's trust and to disclose to our ethics executive any situation of actual or potential conflict of interest. Public servants can use the Conflict of Interest Form for Ministry Employees for disclosing COI situations to their ethics executive.

O. Regulation 381/07 sets out the requirements that current and former public servants must observe to reduce the potential for conflict of interest (COI) and process to resolve such conflicts should they arise. The regulation provides guidance in the following areas:

- Benefiting self, spouse or children
- Prospect of future employment
- Accepting gifts
- Disclosing or using confidential information
- Giving or appearing to give preferential treatment
- Hiring, supervising, reporting to or contracting with family members
- Engaging in a business or undertaking
- Participating in decision-making

⁶ PSOA Section 5

⁷ PSOA Section 6

References:

- [Public Service of Ontario Act, 2006](#)
- [O. Regulation 381/07 – Conflict of Interest Rules for Public Servants \(Ministry\) and Former Public Servants \(Ministry\)](#)
- [Accountability Directive](#)
- [PSOA fact sheet](#)
- [COI fact sheet](#)
- [COI Form for ministry employees](#)
- [Procurement Directive](#)

4.3. Political activity rights and restrictions

The PSOA sets out specific rules on political activity rights and restrictions for the following groups of public servants:

- [Most public servants](#)
- [Specially restricted public servants](#)
- [Staff in ministers' offices](#)

Although mostly similar, there are differences between the rules that apply to federal and provincial elections and those that apply to municipal elections. Make sure you review the rights and restrictions that apply to your employee status according to the type of election.

References:

- [Public Service of Ontario Act, 2006](#)
- [O. Regulation 377/07 – Political Activity: Specially Restricted Public Servants](#)
- [Political activity rights, restrictions, summary charts](#)
- [Political activity rights fact sheet](#)
- [Political activity roadmap for most public servants](#)
- [Political activity roadmap for specially-restricted public servants](#)

4.4. Disclosure of wrongdoing

In situations where we are aware of wrongdoing, we have the right under the PSOA to disclose the wrongdoing with protection against reprisal. The PSOA sets out the disclosure procedures⁸ for public servants' disclosure of wrongdoing.

The PSOA defines "wrongdoing" by a public servant, minister or parliamentary assistant as:

- contravening an act or regulation.
- creating a grave danger to life, health, safety or the environment by an action or failure to act that is unreasonable in the circumstances.
- gross mismanagement.
- directing or counselling someone to commit one of the above.

⁸ [PSOA Sections 111-115](#)

The process is further detailed in the Disclosure of Wrongdoing Directive (Public Service Commission).

References:

- Public Service of Ontario Act, 2006
- Freedom of Information and Protection of Privacy Act
- Disclosure of Wrongdoing Directive (PSC)
- Disclosure of wrongdoing fact sheet for all public servants
- Disclosure of wrongdoing Q & A

5. WORKPLACE ENVIRONMENT

5.1. A safe, healthy and supportive work environment

The OPS is committed to providing a safe, healthy and hazard-free workplace for all employees. Our Wellness Strategy identifies healthy living, safe and healthy workplace and supportive work culture as key priorities. We have legislation and directives to ensure that any potential workplace hazard is identified, assessed and controlled. Current information related to health, safety and wellness in the OPS is available on the OPS Wellness website.

References:

- Occupational Health and Safety Act
- R.R.O.1990 – Workplace Hazardous Material Information System
- Workplace Safety and Insurance Act
- OPS Wellness Strategy
- Emergency Evacuation Planning Directive
- OPS Wellness, Safe and Healthy Workplace

5.2. Prevention of discrimination, harassment and workplace violence

The OPS is committed to fostering and sustaining an inclusive, diverse, equitable and accessible workplace that is respectful and free from discrimination, harassment and violence.

Our workplaces should be conducive to productivity, self-development and career enhancement. We must not engage in harassing or threatening behaviour, or abuse of authority towards fellow public servants or clients.

References:

- Canadian Charter of Rights and Freedoms
- Ontario Human Rights Code
- Public Service of Ontario Act, 2006
- HR Management Directive
- Workplace Discrimination and Harassment Prevention (WDHP) Policy
- WDHP Information for Managers and Employees
- Workplace Violence Prevention Policy
- WVP Information for Managers and Employees

- OPS Wellness Strategy

5.3. A learning organization

The OPS is committed to being a learning organization - one that recognizes and encourages the potential of every employee. Managers are expected to meet regularly with employees to evaluate performance, discuss matters related to ethical conduct and opportunities for personal and career development.

Learning from successes and failures, both directly experienced and indirectly through others is fundamental to the achievement of individual and organizational goals. The habit of conducting rigorous "lessons learned", candidly sharing information and critically reflecting on how objectives might have been better achieved is expected of us in the OPS. Looking towards the future, acknowledging uncertainties and applying lessons is a prerequisite to continuous individual and organizational learning.

References:

- HR Management Directive
- Performance Management Operating Policy
- Learning and Development Operating Policy
- Lessons Learned Methodology

6. WORKPLACE ASSETS

6.1. Securing public/ministry assets

The OPS has many valuable assets, acquired at public expense, and protecting these assets is vital to the successful conduct of the government's business. Policies and procedures have been developed to ensure that we know how to adequately safeguard these assets and set standards to prevent fraud, theft and abuse.

The security and acceptable use of government assets is the general responsibility of all employees. We are all responsible for reasonably securing any government property with which we are entrusted. We are expected to follow prescribed security procedures at all times, and to remain alert to situations that could lead to the loss, misuse or theft of government property.

Physical assets, computers, facilities and supplies must only be used for conducting government business. We must not, directly or indirectly, use or allow the use of government property for non-government purposes without the authorization of our manager.

References:

- Archives and Recordkeeping Act, 2006
- Freedom of Information and Protection of Privacy Act
- Accountability Directive
- Business Planning and Allocations Directive
- Expenditure Management Directive
- Internal Audit Directive

- Operating Procedures for Use of I&IT Resources
- GO-ITS 25.10 - Security Standard - Mobile Devices
- GO-ITS 25.7 - Security Standard - Remote Access Service (RAS)
- Information and Information Technology (I&IT) Security Directive
- Information and Information Technology (I&IT) Directive
- Managing, Distributing & Pricing Government Information (Intellectual Property)
- OPS Physical Security Directive
- Procurement Directive
- Public Art Policy
- Revenue Management Practice
- Transfer Payment Accountability Directive
- Travel, Meal and Hospitality Expenses Directive
- Visual Identity Directive

6.2. Securing confidential information/government data

We are required to protect government information and ensure its integrity. We are restricted from:

- disclosing confidential, personal or privileged government information to any person or organization not authorized by law or the Crown to have such information.
- benefiting directly or indirectly in return for, or in consideration for, revealing confidential or personal information.
- using confidential or personal information in any private undertaking in which we are involved.

Government information, information systems and related electronic resources must be used only for authorized government business. We must use information and information technology appropriately, while ensuring that the integrity and security of any data under our control, electronic or otherwise, is not compromised.

Expectations about the appropriate use of information technology and electronic media apply to assets like email, Internet, FAX and telephone systems. We are strictly forbidden to use government IT assets or electronic media to gain access to display or for the storage of any software, data, graphic or image that is offensive or conducive to a hostile work environment. For a more comprehensive list of other unacceptable uses, please consult the Operating Procedures for Use of I&IT Resources.

References:

- Public Service of Ontario Act, 2006
- Archives and Recordkeeping Act, 2006
- Freedom of Information and Protection of Privacy Act
- Personal Health Information and Protection Act, 2004
- Freedom of Information & Privacy Directive
- Information and Information Technology (I&IT) Security Directive
- Information and Information Technology (I&IT) Directive

- Management of Recorded Information Directive
- Managing, Distributing & Pricing Government Information (Intellectual Property)

7. STEWARDSHIP AND TRANSPARENCY OF USE OF PUBLIC RESOURCES

7.1. Stewardship of public resources

As public servants, we have a duty to ensure the effective management of public resources for the achievement of value for money in government and public-sector operations. We must utilize public resources only to achieve authorized purposes in accordance with rules and procedures governing their use. Use of public resources must be made with due regard for economy, efficiency and effectiveness.

References:

- Financial Administration Act
- Business Planning & Allocations Directive
- Capital Expenditure Evaluation
- Public Sector Salary Disclosure Act
- Cash Management Directive

7.2. Accountability for the use of public funds

Ministries, public bodies reporting to ministries and all other organizations receiving public funds from ministries are accountable for ensuring that value-for-money is achieved in the use of public funds, and that expenditures can stand up to scrutiny by auditors and members of the public. OPS managers must ensure that accountability mechanisms are in place and operating effectively to ensure accountability at all levels.

References:

- Accountability Directive
- Delegation of Authority Directive (Finance)
- HR Management Delegation of Authority Directive
- Expenditure Management Directive
- Agency Establishment and Accountability Directive
- Transfer Payment Accountability Directive

7.3. Keeping accurate records

The OPS is required to maintain accurate records to meet its legal and fiduciary obligations. All financial transactions and other reports, ministry records, attendance records, personal health information and other administrative documents must be kept accurately, clearly and in a timely manner.

Public servants who are responsible for accounting and record-keeping functions are expected to be duly diligent in maintaining proper practices. In this regard, employee expense claims must be completed in accordance with established procedures.

Revenues, expenses, assets and liabilities must be duly recorded.

References:

- Archives and Recordkeeping Act, 2006
- Public Service of Ontario Act, 2006
- O. Regulation 381/07 – Conflict of interest rules for public servants (ministry) and former public servants (ministry)
- Accountability Directive
- Expenditure Management Directive
- Travel, Meal and Hospitality Expenses Directive
- Delegation of Authority Directive (Finance)
- HR Management Delegation of Authority Directive
- Procurement Directive
- Internal Controls Management Directive

8. RISK MANAGEMENT

In the course of our duties, we may encounter situations where we are expected to act or make difficult decisions under uncertain conditions. At such times, all required facts to make a decision may not be available or cannot be obtained without inordinate expenditure of time or expense. Decisions based on the following principles and practices would likely be the best that can be made under the circumstances.

- Risk management activities should be aligned with organizational objectives at all levels (strategic, operational, management and performance reporting).
- In evaluating options to respond to risk, a cost/benefit analysis should be conducted to ensure the benefits of taking action outweigh the costs of taking action.

All employees are expected to comply with three mandatory requirements:

- 1) In context with the Risk Management Policy⁹, integrate risk management practices into informed decision-making and priority setting at all organizational levels. Such will ensure that risk management becomes part of the day-to-day management of activities.
- 2) Cultivate a corporate philosophy and culture that encourages everyone to manage risks, and communicate openly about risk.
- 3) Support the development of risk management competencies through training and other learning opportunities for staff.

References:

- Risk Management Framework for the Government of Ontario

⁹ Ministry of Finance, Risk Management Practices

9. MONITORING AND COMPLIANCE

9.1. Monitoring and compliance

Employees - have a responsibility to self-monitor their conduct in relation to applicable legislation, corporate directives, policies and guidelines, including those highlighted in this document. Any questions about expectations or requirements in the circumstances should be directed to managers.

Managers - have an additional responsibility to promote and monitor employees' compliance with applicable legislation, corporate directives, policies and guidelines, including those highlighted in this document. Managers should be responsive to questions about expectations or requirements in the circumstances; and they should be prepared to take remedial action where it is warranted.

9.2. Disciplinary action

Any employee found to have violated the *Public Service of Ontario Act, 2006*, other applicable legislation, corporate directives and policies may be subject to disciplinary action up to and including dismissal, and where warranted, legal proceedings.

Appendix A – Terms and definitions

Term	Definition
Directive	Fundamental policies for administrative, financial and human resources management practices, which set out government principles, mandatory requirements and responsibilities.
Discrimination	Any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group based on one or more of the prohibited grounds under the <i>Human Rights Code</i> , except where the conduct is permitted under the Code. Discrimination may arise due to unequal treatment or from the same treatment which has an unequal effect on an individual or group protected from discrimination under the Code.
Enterprise	The Ontario Public Service including ministries, ministers' offices and Commission public bodies.
Guidelines	Tools that promote the understanding of directives and policies and recommend best practices to support implementation of directives and policies.
Harassment	Engaging in a course of vexatious comment or conduct against an employee or other worker in the workplace that is known or ought reasonably to be known to be unwelcome and includes personal harassment and harassment based on the prohibited grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy and gender identity), sexual orientation, age, record of offences, marital status, family status, or disability.
OPS organizational values	<ul style="list-style-type: none"> • Trust - Acting honourably and honestly in all our relationships with the people we serve, work with and who rely on us. We do our best to keep our commitments and fulfill expectations. • Fairness - Dealing with others in an open, impartial and non-discriminatory manner. We ensure that the processes we use and the decisions we make are fair and seen to be fair. • Diversity - Celebrating our differences and draw on the strengths and capabilities of all of Ontario's communities. We welcome and respect divergent points of view to inform and enlighten us. We depend on and value each other. • Excellence - Striving for and recognize competence and

Term	Definition
	<p>excellence. We work hard to provide the best policy advice and the highest quality services that respond to the needs of Ontarians.</p> <ul style="list-style-type: none"> • Creativity - Creating new solutions by listening and learning and by being innovative and open to new ideas and approaches. • Collaboration - Working with team members, colleagues and partners to build consensus, solve problems and share responsibility. • Efficiency - Making careful, prudent and effective use of the hard-earned public dollars, assets and resources entrusted to us. • Responsiveness - Engaging with clients, stakeholders, bargaining agents, the general public and our staff to find out how we can do better. We monitor and measure to make sure we are meeting our goals.
Policy	Set out mandatory procedures, standards or elaborate on specific management functions that must be performed consistently across the Ontario Public Service.
Public Service Commission	Entity established under the <i>Public Service of Ontario Act, 2006</i> with specific powers, duties and functions in respect of public servants as stipulated in the Act.
Risk	The chance of something happening that will impact on the achievement of objectives. Risk can represent an opportunity or a threat to the achievement of objectives.
Risk management	A systematic approach to setting the best course of action under uncertainty by identifying, assessing, understanding, acting on, monitoring, and communicating risk issues.
Secretary of the Cabinet	Clerk of the Executive Council and the head of the public service of Ontario.

Appendix B – Ministry-specific information

(Appendix B is for ministry-specific practices and scenarios. Ministry-related content must be reviewed and approved by the legal and communications branches of the respective ministries.)