

# **Human Resources Manual**

Directive 205: Post-Employment

Restrictions

## POST-EMPLOYMENT RESTRICTIONS

#### **PURPOSE**

1. To establish standards respecting post-employment activities of certain senior public servants.

## **APPLICATION**

2. This directive applies to all senior managers of the Government of Nunavut (GN) and any additional positions designated by the Senior Personnel Secretariat (SPS).

## **DEFINITION**

3. **Senior manager**, in this directive, means a GN employee who occupies a position that involves management of significant financial resources, programs and personnel.

#### **PROVISIONS**

- 4. Former senior managers shall not, within a period of one year after leaving office:
  - a. Lobby for or on behalf of an individual or organization with which they personally, or through their subordinates, had significant official dealings during the period of one year immediately prior to the termination of their service.
  - b. Contract with GN to perform any contract where:
    - i. the senior manager has had, either personally, or through their subordinates, direct involvement in the subject matter of the contract while working for the GN;
    - ii. the senior manager has, in the course of their employment with the GN, had access to confidential information regarding the subject matter of the contract, where such information has not subsequently become available to the general public; or
    - iii. In light of all of the circumstances, the general public could reasonably perceive that the senior manager would enjoy an unfair advantage in the contracting process because of their prior employment with the GN.;
  - c. Advise any individual or organization on any actions against the GN where the GN would be at a disadvantage and/or incur damages and where the advice provided relates to matters with which the employee has had



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- significant official involvement during the period of one year immediately prior to the termination of their service;
- d. Accept employment or appointment with a board of directors with which the senior manager has had dealings within six months before ceasing employment.
- If these provisions are to apply to public servants other than senior managers, the SPS must notify those individuals in writing prior to the end of their employment.
- 8. Deputy heads are responsible for reminding senior managers of these postemployment restrictions prior to their leaving the employment in the GN.
- 9. Before leaving office and during this one year limitation period, these senior managers are to report to their deputy head all firm offers of employment or proposed activity outside the public service that could place them in a real, apparent or potential conflict of interest with their public service employment. They are also to discuss immediately the acceptance of any such offer.
- 10. A deputy head, in consultation with the Deputy Minister responsible for the *Public Service Act*, may grant in writing an exemption to these provisions.
- 11. Exemptions will only be granted when it is in the best interests of the public and not contrary to the public interest. An example would be to allow a former senior manager, in his or her first year post-employment with the GN, to use skills for a community or organization where there was a shortage of available similarly skilled employees.
- 12. Failure of a former GN employee to comply with these provisions could result in legal action in the event of loss or damages to the GN.

#### **AUTHORITIES**

- 13. Public Service Regulations, s.48
- 14. Code of Values and Ethics

### **CONTACTS**

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