

# Human Resources Policy 13 – Post Employment Restrictions for Senior Management in the BC Public Service

Last updated: May 1, 2018

## Definitions

“**confidential information**” means information that is unavailable to the public.

“**lobby**” has the same meaning as defined in the [Lobbyists Transparency Act](#).

“**outside entity**” means a person or entity other than a public sector employer as defined in section I of the [Public Sector Employers Act](#).

“**senior management**” means any person appointed as deputy minister, associate deputy minister, assistant deputy minister, or other equivalent rank under the [Public Service Act](#).

The provisions of this policy are in addition to any requirements contained in the [Lobbyists Transparency Act](#). In the event of a conflict between this policy and the [Lobbyists Transparency Act](#), the provisions of the latter will apply.

## Before Leaving Public Service

1. (1) The following are conditions of your employment with the government:
  - a) you must not allow yourself to be influenced in carrying out your employment responsibilities by prospects for or an offer of
    - i. employment as an employee of an outside entity, or
    - ii. remuneration or other reward from an outside entity for doing anything for it in a capacity other than as an employee of the outside entity;
  - b) you must immediately disclose to the Deputy Minister to the Premier and Head of the BC Public Service Agency
    - i. any offer described in paragraph (a), if the offer does or could place you in a conflict of interest situation; or

- ii. your acceptance of any offer described in paragraph (a).

### **After Leaving Public Service**

- 2. (1) The following are conditions of your employment with the government:
  - a) after your employment ends, you must not disclose confidential information that you obtained through your employment;
  - b) if you had a substantial involvement in dealings with an outside entity at any time during the 12 months immediately preceding the end of your employment then, for a year after the end of your employment, you must not
    - i. accept an offer of employment, an appointment to the board of directors or a contract to provide services to that outside entity; or
    - ii. give counsel to that outside entity, for its commercial purposes, concerning the programs or policies of any organization or ministry of the government in which you were employed at any time during the 12 months immediately preceding the termination of your employment; or
  - c) until one year after your employment ends, you must not act for an outside entity in connection with any ongoing proceedings, transaction, negotiation or case in which the outside entity and the government are involved
    - i. if you, during your former employment with the government, acted for or advised the government concerning the proceedings, transaction, negotiation or case; and
    - ii. acting for the outside entity in that connection would result in the receipt by the outside entity of a private or commercial benefit or of any benefit not for general application.
  - d) must not lobby government except as permitted under the [Lobbyists Transparency Act](#).

### **Reduction of One-Year Limitation**

The Head of the BC Public Service Agency in consultation with the Deputy Minister to the Premier may reduce the one-year restriction, upon your application, after considering the following:

- a) the circumstances under which your employment ended;
- b) your general employment prospects;
- c) the significance to the government of information you possessed by virtue of your position with the government;
- d) the desirability of a rapid transfer of your skills to an employer other than the government;
- e) the degree to which the new employer might gain unfair commercial advantage by hiring you;
- f) the authority and influence you possessed while employed by the government;
- g) the disposition of other cases.