



NOVA SCOTIA
PUBLIC PROSECUTION SERVICE

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OUTSIDE EMPLOYMENT

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NOTE:
THIS POLICY DOCUMENT IS TO BE READ IN THE CONTEXT PROVIDED BY THE **PREFACE** TO THIS PART OF THE MANUAL. CERTAIN WORDS AND PHRASES HAVE THE MEANINGS ESTABLISHED IN THE **"WORDS & PHRASES"** SECTION OF THIS PART OF THE MANUAL.

Guiding Principles

As a public institution, it is vitally important that the PPS be an organization displaying integrity and one which operates professionally. The nature of the work performed at PPS also requires that justice not only be done, but that it must be *seen* to be done. To that end, when an employee engages in outside employment, it is imperative that such employment neither creates any conflict of interest with their employment with the PPS, nor interferes with their employment duties at PPS in any respect.

It is the intent of this policy to provide guidance to PPS employees on the considerations which determine when outside employment contravenes the principle set out above, and to provide a procedure whereby contemplated or existing outside employment may be vetted for propriety.

For the purposes of this policy, outside employment is employment, whether legal or otherwise, for which remuneration is received. While volunteer or *pro bono* work also has the potential to create a conflict of interest or interfere with PPS employment duties, it is outside the scope of this policy and otherwise covered by civil service employment policies.

What is a Conflict of Interest?

It is not possible to foresee every situation that could give rise to a real, apparent or potential conflict of interest. The best available description of these situations is found in the Province of Nova Scotia's Conflict of Interest Policy, which states:

Conflict of interest exists when the duties and responsibilities of an employee are or potentially could be compromised by his or her personal and private interests. A conflict of interest may be real, apparent or perceived.

"Real" conflict of interest exists when the employee has knowledge of a private interest economic or otherwise that could influence the exercise of his or her public duties and responsibilities.

"Apparent" or "perceived" conflict of interest exists when the employee is in a situation in which a reasonably well-informed person could properly have a reasonable apprehension that a conflict of interest exists, even when there may not be a conflict.¹

Generally speaking, outside employment which would regularly utilize government premises, resources, e-mail, telephone or telecommunications services, or government supplies, or during government hours of work is prohibited. Outside employment approved or permitted under this policy as not creating a conflict of interest must abide by these restrictions unless permission is given by the supervising Chief Crown Attorney.

¹ Conflict of Interest Policy, Province of Nova Scotia, Human Resource Management Manual 500, Chapter 8.1

Specific Types of Outside Employment

Crown Attorneys who have a contractual arrangement with a municipality to act as prosecutor in after-hours (night) summary offence court are not in a conflict of interest.

Crown Attorneys who are part-time faculty members teaching at a college, school or university are not in a conflict of interest.

Crown Attorneys engaged in the private practice of law, when in compliance with the following guidelines are not in a conflict of interest.

- the work does not interfere with the performance of the Crown Attorney's employment duties;
- the work does not bring the Government or the PPS into disrepute;
- the work does not give rise to a conflict of interest or to a situation that would appear to be a conflict of interest to an informed objective observer;
- the work is not performed in such a way as to appear to be an official act or to represent Government opinion or policy;
- the work is not conducted on Government premises, other than public offices, or involve the use of services, equipment, or supplies to which the Crown Attorney has access by virtue of employment in the public service;
- the work is not conducted during normal business hours in any location unless sufficient vacation time is taken either at the beginning or end of business hours and the lawyer ensures that the Crown Attorney's private client and any other lawyer involved is aware that the work is conducted in accordance with this policy; and
- the work does not involve representation of a private party (other than the Crown Attorney or a member of the Crown Attorney's immediate family) to a proceeding before a court or administrative tribunal, except:
 - (a) as part of the Crown Attorney's employment duties, or
 - (b) with the consent of the Crown Attorney's Chief Crown, which consent will not be unreasonably withheld.
- they are and remain indemnified in respect of such work under the mandatory professional liability claims program conducted by the Lawyers' Insurance Association of Nova Scotia.

Reporting Procedure

An employee in a term or permanent position who is considering engaging in or has pre-existing outside employment, should consult with their supervising Chief Crown

Attorney to receive approval from the Director of Public Prosecutions for the outside employment.

A newly appointed term or permanent employee who is engaged in outside employment should inform their supervising Chief Crown Attorney of that employment to receive approval from the Director of Public Prosecutions for the outside employment.

A Crown Attorney engaged in the private practice of law in accordance with this policy shall report to their Chief Crown Attorney in writing if they anticipate expending, or if they actually expend 50 hours in the private practice of law for consideration during a calendar year. The purpose of this is to assist the Chief Crown Attorney and the Crown Attorney to monitor the performance of the official duties of the Crown Attorney who is engaging in private practice.