

Department: Human Resources
Section: Employee and Labour Relations

Specifically

The Conflict of Interest for Employees Policy is to ensure that employees avoid conflicts of interest and act in the public interest at all times in the course of the discharge of official duties and functions. This Administrative Procedure outlines the process involved in preventing and resolving conflicts of interest. Note that the Policy and Administrative Procedure are not all-inclusive. Herein, the term “Policy” will be used to refer to both the policy and administrative procedure.

1.0 Definitions

- 1.1 Conflict of interest: is any situation in which an employee, either for themselves or some other person(s), attempts or does anything to promote a private or personal interest which results in the following:
 - 1.1.1 an interference or perceived interference with the objective exercise of the employee’s position/role in the School Board; or
 - 1.1.2 a gain or advantage or an opportunity for a gain or advantage by virtue of the employee’s position/role in the School Board.

2.0 Application

The Policy applies to all employees of the School Board, including probationary, permanent, term, spare, substitute, casual, contract, seconded or loan of service employees, whether to the School Board, from the School Board, or outside the School Board, and employees who are on leave, while they are on leave from the School Board, with or without pay.

3.0 Guiding Principles

The principles set out below should be interpreted reasonably and construed broadly in the context of the definition of “conflict of interest.” The public interest mandates that employees:

- 3.1 perform their duties and functions impartially, responsibly, diligently, efficiently and with integrity;
- 3.2 arrange their private interests in a manner that will prevent a conflict of interest, with any doubt in this respect being resolved in favour of the public interest;
- 3.3 not solicit nor accept directly nor indirectly a fee, gift or benefit, from a person, or an organization, who has dealings with the School Board, when acting as an agent on behalf of the Board;
- 3.4 benefit from School Board, and School Board related programs, services or initiatives, only to the extent that a member of the public benefits therefrom;
- 3.5 benefit from information, which is obtained in course of employment, only to the extent that a member of the public may benefit therefrom;
- 3.6 not benefit from, use or permit the use of, School Board property including leased property, or services, for anything other than in the course of the performance of official duties and functions, and otherwise only to the extent that a member of the public may use or benefit therefrom;

- 3.7 in the course of the performance of official duties and functions involving the public, assist all members of the public fairly and reasonably;
- 3.8 maintain appropriate confidences;
- 3.9 observe all laws and rules;
- 3.10 not use their position, office, School Board affiliation or School Board information or property to pursue personal interests;
- 3.11 act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law;
- 3.12 take care to avoid being placed, or appearing to be placed, under any obligation to any person or organization that might profit from special consideration by an employee, and not accord preferential treatment in relation to any official matter to any person or organization in which the employee, family members or friends have an interest; and
- 3.13 disclose to the Director of Human Resources (or in the case of a Director to the Superintendent, or in the case of the Superintendent to the School Board) that an employee's spouse, partner or dependent children have a contract or agreement with the School Board unless the contract or agreement has been awarded by open public tender.

4.0 Ethical Dimensions

The ethical dimensions of a particular set of circumstances will not always be obvious and in cases of uncertainty must be measured using the criteria of legality, fairness and defensibility/appropriateness. It is essential that an employee's conduct be legal, fair and appropriate in all the circumstances in the event it is challenged.

5.0 Concurrent Employment and/or Outside Activities

- 5.1 Involvement in concurrent employment and other outside activities by employees is not prohibited unless such employment or other activity:
 - 5.1.1 causes or is likely to result in a conflict of interest or the appearance of a conflict of interest; or
 - 5.1.2 is performed in such a way as to appear or is likely to appear to be an official act, or to represent a School Board opinion of policy; or
 - 5.1.3 interferes through telephone calls, internet use or otherwise, with regular duties; or
 - 5.1.4 involves the use of School Board premises, equipment, or supplies unless such use is otherwise authorized.

6.0 Notification

Each new employee will be made aware of and will be required to accept the terms of the Policy via the electronic Employee Orientation process in SuccessFactors.

7.0 Interpretation

Employees who require clarification or direction regarding the interpretation or application of the Policy should consult with their immediate supervisor.

8.0 Employees

- 8.1 Every employee has a duty to avoid conflicts of interest and is accountable for their own conduct.
- 8.2 An employee is responsible to make a confidential report to their immediate supervisor as to the nature of the concurrent employment or outside activity.
- 8.3 Employees must self-assess their situation, using the "Checklist" (attached as Appendix A).

9.0 Immediate Supervisors

- 9.1 The immediate supervisor is responsible for interpretation or application of the Policy to the employees that report to them.
- 9.2 The supervisor to whom the employee reports shall be responsible for reporting disclosed conflict of interest discussions to the Director of Human Resources for a decision.
- 9.3 The supervisor shall be responsible for presenting the information/documentation to the Director of Human Resources for a decision.

10.0 Director of Human Resources

The Director of Human Resources is responsible for establishing procedures to ensure that as part of the offer of employment, prospective employees are informed of the Policy and sign a document electronically confirm certifying that they have read the Policy and that, as a condition of employment, they will observe it. The Director of Human Resources is responsible for ensuring its implementation including, but not limited to:

- 10.1 promoting and ensuring compliance;
- 10.2 determining whether a conflict of interest exists and what actions, if any, are to be taken;
- 10.3 discussing reported conflicts of interest with employees and their immediate supervisors to determine whether or not there is a conflict of interest. If there is a conflict of interest, then the Director of Human Resources shall direct the employee, or cause the employee to be directed, to curtail, modify, or cease the activity or employment; and,
- 10.4 establishing administrative procedures for employees to report a conflict of interest to their respective immediate supervisors.

11.0 Superintendent

The Superintendent is responsible for administering the Policy with respect to the Directors of the School Board.

12.0 The School Board

The School Board is responsible for administering the Policy with respect to the Superintendent.

13.0 Monitoring

13.1 Confidentiality

Information concerning the private interest of an employee which is provided to a supervisor shall be treated in complete confidence, subject to the disclosure requirements established by this Policy and by law.

13.2 Failure to Agree

13.2.1 Where an employee and the employee's supervisor disagree with respect to the appropriate arrangements necessary to achieve compliance with the Policy, the Supervisor shall submit the details of the disagreement to the Director of Human Resources for a decision.

13.2.2 Where the Superintendent and the School Board to which they are responsible disagree, with respect to the appropriate arrangements necessary to achieve compliance with the Policy with respect to them, the disagreement shall be submitted to the Deputy Minister, or the Deputy Minister's designate for advice.

13.3 Failure to Comply

An employee who fails to comply with the Policy shall be subject to appropriate disciplinary action, up to and including discharge.

Monitoring

- The Director of Human Resources is responsible for the implementation, monitoring and revision of this administrative procedure.
- This administrative procedure will be monitored annually.

Superintendent Approved: February 13/04

Ref: BP 305.6

Monitoring Date: Annually

Revised: October 16/14; February 1/17