



Ethics in Business

Conflict of Interest

for Professionals

Participant Handout

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Session Objectives

At the end of this session, you will:

- Be able to define conflict of interest
- Be more aware of conflict of interest issues
- Be able to identify potential conflicts of interest
- Know strategies you can use to manage conflict of interest
- Be able to write a conflict of interest policy

Session Outline

- Case studies
- Ethics in general
- What is “conflict of interest”?
- Identifying conflict of interest
- Managing conflict of interest
- Conflict of interest policies
- Quiz

Ethics

System of accepted beliefs that influence behaviour, especially a system based on values and principles and perceptions of right versus wrong

Conflict of Interest Principle

Decisions should not be made using factors irrelevant to the intrinsic merit of a matter.

Wrongdoing

Conflict of interest is not an act of wrongdoing. It is a situation which can arise through no fault of the person in conflict.

A conflict of interest also does not necessarily presuppose that your actions favoring certain interests will be prejudicial to others. Nor that you will in fact resolve the conflict to your personal advantage rather than your employers.

The issue is that if you are in a position of conflicting interests, you are subject to temptation however you resolve the issue. That temptation breeds suspicion and distrust.

As the Special Joint Committee on Conflict of Interests (Parliament of Canada) stated:

We are persuaded that conflicts of interest will arise; in itself, there is nothing morally wrong or heinous about having a conflict of interest. What is important is not that a member insulates him- or herself to avoid conflicts of interest arising, but that clear rules and procedures be established to ensure that the conflict is resolved in the public interest... The purpose of these rules is not to avoid conflicts arising.

Definitions of Conflict of Interest

Researchers

The state of incompatibility of goals of two or more actors

Utility: Ability of something to produce benefit, advantage, pleasure, good, or happiness, or to prevent mischief, pain, evil, or unhappiness

A conflict of interest arises when someone has the opportunity to influence decisions in ways that could increase their utility

Business

When an employee has a personal interest, direct or indirect, in a supplier, customer or competitor of the Corporation; or when an employee is engaged in outside employment or participates in an outside organization which may interfere with the employee's regular duties or affect the employee's working effectiveness.

Algoma

Academics

Potential or actual conflict of interest exists when legal obligations or widely recognized professional norms are likely to be compromised by a person's other interests, especially if those interests are not disclosed

Association of Academic Health Centers

Situations in which financial or other personal considerations may compromise or have the appearance of compromising an investigator's professional judgment in conducting or reporting research

Association of American Medical Colleges

Government and Quasi-Government

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.

Nova Scotia Government

"Conflicts of interest are defined as, ... any financial or other interest or undertaking that could directly or indirectly compromise the performance of their duties, or the standing of their department in its relationships with the public, clients, or Ministers. This would include any situation where actions taken in an official capacity could be seen to influence or be influenced by an individual's private interests (e.g. company directorships, shareholdings, offers of outside employment)."

Australian Government

A conflict between your duty to someone and your private interests, in which your private interests could improperly influence the performance of your duties and responsibilities

Organization for Economic Cooperation and Development

Conflict of Duty

Where you perform multiple roles whose priorities or needs conflict with other. No private interest is involved or apparent.

Bias vs. Conflict of Interest

Bias: Predisposition in favor of or against one thing, action, person, or group compared with another.

Bias is favouring one group or decision. But your favouring them would not necessarily enhance your personal interests.

- I am biased towards the Toronto Maple Leafs, but I personally gain nothing if they win.

Conflict of interest involves the potential to enhance your personal interests.

Intent

Conflict of interest has an aspect on intent. You could not, for instance, be criticized if an action, activity or commitment giving rise to the appearance of a conflict is taken without your knowledge (i.e. if someone adds your name to a petition without your consent or knowledge).

On the other hand, you could be criticized if you knowingly were responsible for an action which turns out to give rise to an appearance of a conflict of interest, although you did not know at the time you took the action that it would create such an appearance

Types of Conflict of Interest

There are three commonly recognized types of conflict of interest.

Actual or real conflict of interest

- Involves a direct conflict between your current duties and responsibilities and existing private interests





Potential conflict of interest

- Exists at the moment you become aware of a conflicting interest, but before you exercise any duty or responsibility that could affect the interest
- Potential conflicts differ from real or perceived conflicts only by timing

Perceived or apparent conflict of interest

- It could be perceived, or appear, that your private interests could improperly influence the performance of your duties – whether or not this is in fact the case
- A perceived conflict of interest is just as important – or damaging – as a real one
- But perceived conflicts are harder to deal with

Evolution of Conflicts of Interest

<p>You are a town planner in a small regional agency and you, and your supervisor regularly assess development applications.</p>	<p>No conflict</p>	<p>This is part of your assigned official duties, but you have no relevant private interests that may impact on carrying out these duties.</p>
<p style="text-align: center;"></p> <p>You meet and marry a partner of a local architectural firm.</p>	<p>Potential conflict</p>	<p>Your private interests are currently not relevant to your official duties, but they could be in the future if your spouse's firm submits plans as part of a development application.</p>
<p style="text-align: center;"></p> <p>Your spouse's firm submits plans to your agency as part of a development application, but your supervisor assesses the application.</p>	<p>Perceived conflict</p>	<p>Although you do not assess the application yourself, as a town planner in a small unit some may consider your own private interests are relevant to, and may have influenced, the assessment of the development application.</p>
<p style="text-align: center;"></p> <p>Your supervisor allocates the file to you to assess a second development application submitted by your spouse's firm.</p>	<p>Actual conflict</p>	<p>As a town planner your private interests are relevant to your assigned official duties and could improperly influence your assessment, that is, your spouse is a related individual who stands to benefit or lose by the assessment outcome.</p>
<p style="text-align: center;"></p> <p>Your supervisor resigns and is not replaced quickly leaving you as the only town planner available to assess development.</p>	<p>Potential conflict</p>	<p>As a town planner your private interests will be relevant to your assigned official duties any time during this period that your spouse's firm submits plans to the agency.</p>

Types of Interest

Interest: a feeling that accompanies or causes special attention to something or someone

Merriam-Webster Dictionary

In this case, the special attention results – or could be perceived to result – in a benefit or personal gain to you.

Personal gain: You or someone you care about obtains something of value

- Money
- Job
- Perk
 - Travel, car, extra training
- Or avoids something unpleasant
 - Layoff, lack of promotion, unpleasant job

Allowable personal gains

- Something of general public benefit (like a road or a park)
- Something that affects you as one of a broad class of people (like a tax cut)
- Something that concerns your pay, allowances and benefits
- Something that is so remote or insignificant that it cannot reasonably be regarded as likely to influence you (like a cup of coffee)

Past Interests

Your interest may consist of benefits received in the past. In other words, a current decision that could be perceived as a quid pro quo for past favours may be brought within the ambit of conflict of interest.

Related Persons

- Anyone who is part of your immediate family, such as
 - a spouse or common law spouse
 - a wholly or substantially dependent child

- someone who is wholly or substantially dependent on you and whose affairs are closely linked (e.g. an aged parent)
- Often more broadly defined as anyone whose affairs are closely linked to yours, where there may be some type of direct or indirect beneficial relationship
 - Fiancés?
 - In-laws?
 - Adopted children? What about foster children?
 - Cousins?

Should we include close, personal friends, business associates?

Pecuniary vs. Non-Pecuniary

Pecuniary: consisting of or measured in money

Non- Pecuniary: not consisting of money

Pecuniary Interests	Non- Pecuniary Interests
<ul style="list-style-type: none"> • You have shares in a family business which bids for a contract with your agency. • Your spouse owns a company in which you have no direct interest, which bids for a contract with your agency. • You have a second job with a company which bids on a contract with your agency. • You own property adjacent to a block of land which is the subject of an application to your agency for redevelopment. • You have a private business which may lose business to a rival concern which has lodged an application with your agency for permission to set up new premises near your private business. • Your spouse is an applicant for a job with your agency. 	<ul style="list-style-type: none"> • Your child's local sporting group which submits a grant application to your agency. • One of your regular fishing buddies has submitted a tender with your agency and asks you to keep an eye on its progress. • An old enemy is an applicant for a job with your agency. • You are the president of a local amateur operatic society which seeks sponsorship from your agency. • Your children's nearby school will be affected by a new development that has applied for approval from your agency. • You are active in a voluntary organization and in your spare time you draw up plans for an extension to its premises. These plans require approval with your agency.

Indirect Pecuniary Interest

- You, or your nominee, are a shareholder in, or a director or officer of, a corporation that does not offer its securities to the public, when the corporation has a direct pecuniary interest in a matter under consideration
- You, or your nominee, holds a beneficial interest in or more of the issued capital stock, or is a director or officer of a corporation that offers its shares to the public, when the corporation has a direct pecuniary interest in a matter under consideration
- You are a partner in or an employee of a company when that company has a direct pecuniary interest in a matter under consideration
- Someone normally residing in your household has a direct or indirect interest in a matter under consideration

Common Law:

The common law in Canada draws a distinction between two types of interests: those which are pecuniary and those which are merely personal.

If it can be shown that an elected representative has voted on a matter in which they have a pecuniary interest beyond that of an ordinary citizen (no matter how small that interest is) bias is presumed. The elected representative's vote is disallowed and the law or resolution in question can be quashed.

However, a different rule applies where the interest is merely personal. In that case, the court looks at the circumstances to determine whether the interest is "substantial", and whether a reasonable probability exists that the elected representative is likely to be biased.

IARC Guidelines for Addressing Conflict of Interest

Type of Conflicting Interest	Threshold for Concern	Period of Relevance
EMPLOYMENT by an interested party	All	1 year with no collaborations
CONSULTING on matters before a court or government agency	All	3 years
CONSULTING on new products or process changes	2% of professional time or compensation	1 year
SPONSORED TRAVEL or sponsored presentations at scientific meetings	2% of professional time or compensation	1 year

RESEARCH SUPPORT for the expert's own research	All	1 year after last publication
RESEARCH SUPPORT for the expert's research unit	5% of research budget	1 year after last publication
STOCK and other financial instruments	\$10,000	Current interests only
PATENTS and other intellectual property	All	Current interests only

Gifts

Justice Canada Conflict of Interest Manual

Public servants are not to accept any gifts, hospitality or other benefits that may have a real, apparent or potential influence on their objectivity in carrying out their official duties and responsibilities or that may place them under obligation to the donor. This includes activities such as free or discounted admission to sporting and cultural events, travel or conferences.

The acceptance of gifts, hospitality and other benefits is permissible if they are infrequent and of minimal value, within the normal standards of courtesy or protocol, arise out of activities or events related to the official duties of the public servant concerned, and do not compromise or appear to compromise the integrity of the public servant concerned or that of the Department.

Public servants are to seek written direction from the Deputy Minister, via the office responsible for values and ethics, where it is impossible to decline gifts, hospitality or other benefits that do not meet the principles set out above, or where it is believed that there is sufficient benefit to the Department to warrant acceptance of certain types of hospitality.

RCMP Guidelines for Gratuities

Unsolicited, infrequent benefits such as minimal hospitality or very small gift items which are a normal expression of business courtesy or advertising may be accepted providing they will clearly not result in any actual, apparent or potential conflict of interest nor cast suspicion of favoritism or lack of objectivity

Guidelines for Gratuities

- It is not accepted with the intent to influence the recipient within his or her area of responsibility
- It is consistent with generally accepted business practices
- It is not in contravention of any law or regulation
- It is not in the form of cash, bonds or negotiable securities
- It is so limited in value that it is not an attempt to buy the recipient's favour as a bribe, payoff or other improper payment
- Full, public disclosure would not be an embarrassment

Discussion: Psychological Impact of Conflict of Interest

Imagine two things:

- You are the sole decision-maker on a large contract. You cannot withdraw from the assignment or pass it along to someone else
- XYZ Company is thinking of bidding for the contract. You know XYZ and know they would do a good job

But XYZ is in financial trouble and needs a large contract

Your oldest friend, who is the President of XYZ, persistently asks you for some “tips” on what to include in the bid. You know that such tips would be an unfair advantage

What would be going through your mind when these questions arise?

Conflict of Interest Principles

You should be impartial and independent at the time of accepting an assignment and shall remain so until the final decision. This applies if facts or circumstances exist, or arise, which a reasonable third person having knowledge of the relevant facts and circumstances, would conclude that there is a ***likelihood*** that you ***may be*** influenced by factors other than the facts of the issue in reaching your decision.

It is not sufficient for you to act within the law and policy. There is a further obligation to act in a manner that will bear the closest scrutiny.

Any conflict between your private Interests and your duties and responsibilities must be resolved in favour of the interests of those you serve (e.g., your employer, your organization, the public good).

People should observe the following core principles in dealing with conflict-of-interest matters:

- Serving the best, legitimate interests of your employer or organization
- Supporting transparency and scrutiny
- Promoting individual responsibility and personal example
- Engendering an organizational culture which is intolerant of conflicts of interest

Appearance of Conflict of Interest

It is not sufficient for you to be convinced of your own innocence and integrity. Nor is it necessary to prove that you have been disloyal to your employer or organization. Even in the absence of willful wrongdoing, a conflict of interest or the appearance thereof can be easily recognized as contrary to our ethics.

Test for Reasonable Appearances

Could an informed person,

- viewing the matter realistically and practically and
- having thought the matter through,

think it more likely than not that you, whether consciously or unconsciously, will be influenced in the performance of your duties by considerations having to do with your private interests?

We must use several factors to judge the appropriate effort required to become informed:

- Seriousness of the issue
- Implications/outcome if a conflict of interest is declared

- Time available to reach a conclusion.

Does the degree of conflict of interest matter?

When you engage in activities that may be perceived to cast the slightest shadow upon your duties and responsibilities, a conflict of interest may reasonably be concluded to exist.

However, what you do about it may change from case to case.

Responsibility

Whose responsibility is it to detect the conflict of interest, and to take steps to comply?

- Detect
 - The person in conflict
 - They are the only ones likely to have the required information to detect the conflict of interest
- Remediate
 - Person in conflict and the organization have a joint responsibility

The onus to detect and prevent conflicts of interest

- continues
 - after filing a disclosure report
 - even if the supervisor does not seek additional information after the initial disclosure
 - even where the supervisor urged that less information be disclosed
- extends to disclosing items about which there is doubt.

Identifying Conflict of Interest

Situation	Percentage of OECD Countries Noting It for Potential for Conflicts of Interest
Assets	47%
Liabilities, debts	53%

Personal relationships	63%
Family relationship	80%
Business interests	90%
External activities and positions	97%
Gifts, benefits and hospitality	97%

Participation	Percentage of OECD Countries Noting It for Potential for Conflicts of Interest
In voluntary organizations	23%
In positions in NGOs	37%
In elected public entity	37%
In trade unions	40%
In a political party	50%
In secondary employment in the public sector	70%
In an entity with relationship with the government	73%
In positions in the private sector	87%
In secondary employment in the private sector	87%

Risk Registers

Situations That Create a Conflict of Interest Risk - Organizational

- Operate in an isolated or small community?
- Accept or provide sponsorship of any kind?
- Use, maintain or store public resources or assets (e.g. vehicles, tools, office equipment, buildings) that could be used for private gain?
- Collect, retain, access, use or distribute confidential information?
- Regularly interact with the private sector, for example:
 - Contract, tender and procure goods or services from the private sector (competitive tendering processes are particularly high-risk)?
 - Dispose of or sell public assets?

- Provide goods or services to clients, for example:
 - Provide services where demand frequently exceeds supply?
 - Allocate public services or grants of public funds?
 - Provide services or advice in a highly specialist area?
 - Case manage clients on an individual basis?
 - Provide subsidies, financial assistance, concessions or other relief to those in need?
- Perform a regulatory role of any kind, for example:
 - Inspect, test, regulate or monitor standards, businesses, equipment or premises?
 - Issue, or review the issue of, fines or other sanctions?
 - Issue qualifications or licences?
- Exercise discretionary power in any form of decision-making, for example:
 - Make determinations or hand down judgement about individuals or disputes?
 - Have discretion concerning planning and development applications or zoning decisions?
- Regularly interact with other public sector organizations, for example:
 - Engage in consultation?
 - Provide advice?
 - Share information?
 - Engage in joint projects?

Situations That Create a Conflict of Interest Risk - Personal

- Financial and economic interests (e.g. debts or assets)
- Family or private businesses
- Secondary employment
- Affiliations with for-profit and non-profit organizations, sporting bodies, clubs and associations
- Affiliations with political, trade union or professional organizations and other personal-capacity interests
- Obligations to professional, community, ethnic, family or religious groups in a personal or professional capacity or relationships to people living in the same household
- Enmity or competition with another person or group
- Significant family or other relationships with clients, contractors or other staff working in the same (or a related) organization
- Highly specialist skills in an area where demand for the skills frequently exceeds supply

- Future employment prospects or plans (i.e., post-separation employment).

Situations That Create a Conflict of Interest Risk - Contracting out

- Receipt of gifts and other forms of benefit
- Access to confidential information
- Allocation of contracts under the tender threshold
- Any pre-tender, market-sounding activities
- Tender evaluation and the bidding process
- Secondary and post-separation employment
- Contract administration

Checklists

Conflict of Interest Checklist – Australia

- Would I or anyone associated with me benefit from or be detrimentally affected by my proposed decision or action?
- Could there be benefits for me in the future that could cast doubt on my objectivity?
- Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party?
- Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?
- Do I or a relative, friend or associate of theirs stand to gain or lose financially in some covert or unexpected way?
- Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?
- Have I contributed in a private capacity in any way to the matter my agency is dealing with?
- Have I made any promises or commitments in relation to the matter? " "
- Have I received a benefit or hospitality from someone who stands to gain or lose from my proposed decision or action?
- Am I a member of an association, club or professional organization or do I have particular ties and affiliations with organizations or individuals who stand to gain or lose by my proposed decision or action?
- Could this situation have an influence on any future employment opportunities outside my current official duties?

- Could there be any other benefits or factors that could cast doubts on my objectivity?
- Do I still have any doubts about my proposed decision or action?

Conflict of Interest Checklist – CBC

See the CBC Conflicts of Interest Policy in the Pre-Course handout.

Remoteness Test

Your interest is probably **NOT** remote if all of the following are true

- There is some involvement between you or a related person, and the other party in question
- Involvement should be more than a mere passive association
 - You have endorsed or promoted the other party
 - There is some active conduct, pursuant to some legal or similar duty
- Nature and extent of your involvement with the other party contributes measurably to the other party’s operations and prospects or you could benefit from the outcome.

Discussion: Identifying Interests

Thinking about the material we just discussed, what do you personally do to identify when you may be in a conflict of interest position?

Management Strategies – The 6 R’s

Management Strategy	When Most Suitable	When Less Suitable
Register the interests	For very low-risk conflicts	The conflict of interest is

Management Strategy	When Most Suitable	When Less Suitable
Where details of the existence of a possible or potential conflict of interest are formally registered	of interest where the act of transparency through recording the conflict of interest is sufficient.	more significant or of higher risk The potential or perceived effects of a conflict of interest require more proactive management
<p>Recusal/Reassign the conflicted person to a non-conflicting project</p> <p>Where restrictions are placed on the conflicted person's involvement in the matter</p>		<p>The conflict is likely to arise more frequently</p> <p>The conflicted person is constantly unable to perform a number of their regular duties because of conflict of interest issues</p>
<p>Recruit an independent person to oversee the project (and the conflicted person's involvement)</p> <p>Where a disinterested third party is used to oversee part or all of the process that deals with the matter</p>	<p>It is not feasible or desirable for the conflicted person to remove themselves from the decision-making process</p> <p>In small departments or organizations where the particular expertise of the conflicted person is necessary and not easily replaced</p>	<p>The conflict is serious and ongoing rendering ad hoc recruitment of others unworkable</p> <p>Recruitment of a third party is not appropriate for the proper handling of the matter</p> <p>A suitable third party cannot be found</p>
<p>Replace the conflicted person in their position</p> <p>Where a conflicted person chooses to be transfers to another position that does not have a conflict</p>	For ongoing serious conflicts of interest where ad hoc restriction or recruitment of others is not appropriate	<p>The conflict of interest and its effects are of low risk or low significance</p> <p>The conflicted person is prepared to relinquish the relevant interest rather than radically change their work responsibilities or environment</p>
<p>Relinquish whatever issue or situation is causing the conflict</p> <p>Where the public employee relinquishes</p>	The conflicted person's commitment to duty outweighs their attachment to their private interest	The conflicted person is unable or unwilling, for various reasons, to relinquish the relevant private interest

Management Strategy	When Most Suitable	When Less Suitable
the private interest that is creating the conflict		
<p>Resignation</p> <p>Where the conflicted person resigns from their position</p>	<p>No other options are workable</p> <p>The conflicted person cannot or will not relinquish their conflicting private interest and changes to their work responsibilities or environment are not feasible</p> <p>The conflicted person prefers this course as a matter of personal principle</p>	<p>The conflict of interest and its effects are of low risk or low significance</p> <p>Other options exist that are workable for the conflicted person and the organization</p>

Disclosure

Informing all interested parties of the existence of private interests that are or may be seen as a conflict

If facts or circumstances (interests) exist that may, in the eyes of the parties, give rise to doubts as to your impartiality or independence, you should disclose those facts or circumstances

- prior to accepting the assignment
- as soon as you learn of them

Parties to an assignment also have a duty to disclose any relationship with you of which you may not be aware

Any doubt as to whether you should disclose facts or circumstances should be resolved in favour of disclosure

- If you find that you should make a disclosure, but that professional secrecy or other rules of practice or professional conduct prevent such disclosure, you should not accept the assignment

Implications

- A disclosure does not imply that a conflict of interest exists; A failure to disclose does not imply that a conflict of interest exists
- Disclosure allows the parties to judge whether they agree you are impartial/independent or to explore the situation further
- Disclosure itself should not disqualify you, or even create a presumption of a conflict of interest
 - Any challenge should be based on the “reasonable person” test we have discussed

You may generally accept an assignment if the following conditions are met:

- all parties have full knowledge of the conflict of interest; and
- all parties agree that you may carry out the assignment, despite the conflict of interest

Disclosure of Pecuniary Interests

Lists of Reportable Assets (Justice Canada)

Reportable Assets

- Publicly traded securities of corporations and foreign governments, and self-administered RRSPs, RESPs, TFSA, and RDSPs, that are composed of these securities, where these securities are not through mutual funds;
- Interests in companies and family businesses, in particular those that own or control shares of public companies or that do business with the government;
- Interests in labour-sponsored venture capital corporations or similar entities;
- Commercially operated farm businesses;
- Real property that is not for the private use of public servants or their family members;
- Commodities, futures and foreign currencies held or traded for speculative purposes;
- Assets placed in trust or resulting from an estate of which the public servant is a beneficiary;
- Secured or unsecured loans granted to persons other than to members of the public servant's immediate family;
- Any other assets or liabilities that could give rise to a real, apparent or potential conflict of interest

- Direct and contingent liabilities in respect of any of the assets described in this section

Non-Reportable Assets

- Residences, recreational properties and farms used or intended for use by public servants or their families;
- Household goods and personal effects;
- Works of art, antiques and collectibles;
- Automobiles and other personal means of transportation;
- Cash and deposits;
- Canada Saving Bonds and other similar securities of fixed value issued or guaranteed by any level of government in Canada;
- RRSP, RESP that are not self-administered;
- Investments in open-ended mutual funds;
- Guaranteed investment certificates;
- Annuities and life insurance policies;
- Pension rights;
- Money owed by a previous employer, client or partnership;
- Personal loans receivable from members of public servants' immediate families and small personal loans receivable from other persons
- Any liability, such as a car loan, home renovation loan or credit card account, from a financial institution or business entity granted on terms available to the general public

Disclosure of Non-Pecuniary (Personal) Interests

What Non-Pecuniary (Personal) Interests should be disclosed?

- Family relations
 - Immediate family (spouse, children, parents)
 - Must they be dependant children?
 - Adopted child?
 - Long-term foster child?
 - Dependent cousin who lives with you?
- Friends?
 - Only “close” friends

- Define “close”
 - Enemies?
 - Business colleagues?
 - Organizations?
 - Religious affiliations?

Canada Revenue Agency includes “friends, family members, acquaintances, business associates, current/former colleagues, or current/former superiors”, but never defines these terms.

Examples of personal interests from the Australian Independent Commission Against Corruption

- Your child’s local sporting group which submits a grant application to your agency
- One of your regular fishing buddies has submitted a tender with your agency and asks you to keep an eye on its progress
- An old enemy is an applicant for a job with your agency
- You are the president of a local amateur operatic society which seeks sponsorship from your agency
- Your children’s nearby school will be affected by a new development that has applied for approval from your agency
- You are active in a voluntary organization and in your spare time you draw up plans for an extension to its premises. These plans require approval with your agency
- You are eligible for an honour or commendation from an organization

Some say it is not practicable to require the disclosure of personal interests. Such interests cannot be adequately defined since the scope is too broad.

- Beyond a limited list of examples like we just presented, the decision to disclose is one that you must make for yourself

Significance of Personal Interests

Not all personal interests are created equal

- International Bar Association created a “ranking” of conflicts to guide arbitrators (and also us!!)
- 4 lists of examples
 - Red
 - Situations that, depending on the facts of a given case, give rise to justifiable doubts as to your impartiality and independence
 - That is, you are assumed to be in conflict
 - Red (non-waivable)
 - Situations deriving from the overriding principle that no person can be their own judge,
 - Therefore, you cannot accept the assignment even if all parties ask you to,
 - Red (waivable)
 - Situations that are serious but not as significant as the “non-waivable” examples.
 - Conflicts are waivable if all parties, being aware of the conflict of interest, ***expressly*** state their willingness to have you complete the assignment.
 - Orange
 - Situations that, depending on the facts of a given case, may, in the eyes of the parties, give rise to doubts as to your impartiality or independence.
 - You have a duty to disclose such situations.
 - Parties are deemed to have accepted you if, after disclosure, no timely objection is made
 - i.e. a lack of an express objection creates an assumption of agreement.
 - Green
 - Situations where no appearance and no actual conflict of interest exists
 - Thus, you have no duty to disclose situations falling within the Green List.

These are not exhaustive lists! They are only examples.

Red (Non-Waivable) List

- You have a stake in which way the issue is decided or are employed by someone with such a stake
- You are a manager/director, or have a controlling influence on one of the parties that has a direct economic interest in the decision
- You have a significant financial or personal interest in one of the parties, or the outcome of the case
- You currently or regularly advise a party and you or your employer derives significant financial income from the advice

Red (Waivable) List

- You have given advice on the issue to a party
- You had a prior involvement in the issue
- You hold shares in one of the parties and this party is privately held (that is, no financial information is publicly available)
- A close family member of yours has a significant economic interest in the outcome of the issue
- You, or a close family member of yours, has a close relationship with a non-party who may be liable to recourse on the part of the unsuccessful party in a dispute
- You currently or regularly represent or advise one of the parties, but do not derive significant financial income from such representation or advice
- Your employer advises one of the parties
- You are a manager/director or have a controlling influence in an affiliate of one of the parties, if the affiliate is directly involved in the issue
- Your employer currently has a significant commercial relationship with one of the parties
- You have a close family relationship with one of the parties, or with a manager/director or any person having a controlling influence in one of the parties
- A close family member of yours has a significant financial or personal interest in one of the parties

Orange List

- Services for one of the parties or other involvement in the issue
 - You recently served as advisor for one of the parties in an unrelated matter, but you have no ongoing relationship

- You recently served as advisor against one of the parties in an unrelated matter
- You have recently been appointed as arbitrator on two or more occasions by one of the parties
- You currently or recently served as advisor in another matter on a related issue or matter involving one of the parties
- You currently or recently served as an expert for one of the parties in an unrelated matter
- Your employer regularly renders services to one of the parties without creating a significant commercial relationship and without your involvement, and such services do not concern the current dispute.
- An organization that shares significant fees or other revenues with your employer renders services to one of the parties
- Relationship between you and another decision-maker
 - You and another decision-maker work for the same employer
 - You were recently a partner of, or otherwise affiliated with another decision-maker
 - A co-worker is an advisor in another dispute on a related issue or matter involving the same party or parties
 - A close family member is a partner or employee of a company advising one of the parties, but is not assisting with the dispute
 - You have a close personal friendship with an advisor of a party
 - You have a significant dislike of one of the advisors to a party
 - You have recently advised a party, or served as an expert witness, on more than three occasions by the same
 - You and another decision-maker currently act or have recently acted together within the past three years as co-workers on an unrelated issue
 - You and another decision-maker currently serve together as advisors in another issue
- Relationship between you and a party and/or others involved in the issue
 - Your employer is currently acting adversely to one of the parties
 - You have recently been associated with a part in a professional capacity, such as a former employee
 - You have a close personal friendship with a manager/director of a party; an entity that has a direct economic interest in the issue; or any person having a controlling influence, such as a controlling shareholder interest, on one of the

- You have a significant dislike of a manager/director of a party; an entity that has a direct economic interest in the issue; or any person having a controlling influence on one of the
- You hold shares, either directly or indirectly, that by reason of number or denomination constitute a material holding in one of the parties, this party being publicly listed.
- You have publicly advocated a position on the issue
- You are a manager/director or have a controlling influence on an affiliate of one of the parties where the affiliate is not directly involved in the issue

Green List

- You have previously expressed an opinion concerning something relevant to the issue, but this opinion is not focused on the issue
- A firm, in association or in alliance with your employer, but that does not share significant fees or other revenues with your employer, renders services to one of the parties
- You have a relationship with another decision-maker, or with an advisor for one of the parties, through membership in the same professional association, or social or charitable organization, or through a social media network
- You and another decision-maker have previously served together as decision-makers on an unrelated issue
- You serve as an officer of a professional association or social or charitable organization with another decision-maker or advisor for one of the parties
- You were a speaker, moderator, or organizer in one or more conferences, or participated in seminars or working parties of a professional, social, or charitable organization, with decision-maker or advisor to the parties.
- You have had an initial contact with a party prior to accepting the assignment, if this contact is limited to your availability and qualifications to serve, and did not address the issue on any substantive level
- You hold an insignificant number of shares in one of the parties which is publicly listed.
- You and a manager/director, or any person having a controlling influence on one of the parties have worked together in another professional capacity
- You have a relationship with one of the parties through a social media network
- You, when acting as advisor in another matter, learned of facts relevant to the current issue.

Advanced Waivers

Disclosure of interests in advance of assignments.

Such declarations do not discharge your ongoing duty of disclosure of conflicts of interest as they arise.

Issues

- Keeping it current
- People remembering to check it for each assignment

Issues with Disclosure

- What to disclose
- When to disclose it
- Significance of interests
- Privacy, security from unnecessary disclosure
- Create a false impression that any interest is acceptable once it has been disclosed

Conflict of Interest Policies

Purpose of a Conflict of Interest Policy

The goal of a conflict of interest policy is to eliminate conflicts of interest where possible or, alternatively:

- to identify and disclose real, potential or perceived institutional conflicts of interest,
- to make them transparent and open to scrutiny, and
- to provide mechanisms to minimize or otherwise manage them.

Legal Issues

What standards of proof will be required. Must balance

- Policy effectiveness
- Right to privacy
- Due process

In Canada, there is a distinction between working in the public sector and in the private sector. Private sector law says that only an actual conflict of interest supports dismissal for cause. Government needs to ensure that the public service is perceived as impartial and effective in fulfilling its duties. Thus, public sector policies can dismiss staff for apparent conflict of interest as well.

Policy Options

Minimal Rules Solution

- Emphasizes the spirit of disclosure
- Reliance is placed on the honour and integrity of the individual
- Privacy of the individual is revered
- Employees are entrusted with the discretion to judge what interests should be disclosed
- Costs
 - Lack of guidance, clarity and certainty
 - Lack of publicly available information gives grounds for suspicion and allegations of conflict of interest
 - Harder to prove conflicts

Codification Solution

- Introduce greater clarity and certainty
- Public confidence is increased
- Provides standard for employees; performance measurement tool
- Costs
 - Erosion of privacy, spirit of disclosure, flexibility and discretion
 - Erosion of values such as honour, mutual trust and so on
 - Erodes willingness of potential employees to serve
 - Overly specific rules encourage people to find loopholes
 - Implies untrustworthiness

Core Elements of a Conflict of Interest Policy

- Purpose
- Application
- Date effective/date for review
- Responsible officer

- Definitions
- Principles
- Responsibilities
- Disclosures
- Managing conflicts of interest
- Enforcement

Purpose of a Conflict of Interest Policy

- Explain under this heading why the policy has been drafted and what it is intended to achieve
 - Can be used to restate your commitment to working in a fair and unbiased way without being influenced by improper considerations.
- “The goal of a conflict of interest policy is to eliminate conflicts of interest where possible or, alternatively:
 - to identify and disclose real, potential or perceived institutional conflicts of interest,
 - to make them transparent and open to scrutiny, and
 - to provide mechanisms to minimize or otherwise manage them.”
 - Tri-Council Policy Statement 2 (2018) – Chapter 7: Conflicts of Interest

Application of Policies

Policy should be limited to those situations in which people make or significantly impact a significant decision

- Going to Starbucks and deciding which coffee to buy does not count
- Deciding which caterer will work at an international meeting with 5000 delegates does
 - Simply issuing the purchase order to implement that decision does not count (no significant impact on actual decision)

Job Category	Percentage of OECD Countries Including This Job
Ministers	67%
Senior public servants	60%
Customs officers	57%

Prosecutors	53%
Contract managers	53%
Procurement officials	50%
Judges	50%
Tax officials	50%
Ministerial cabinet staff	47%
Auditors	43%

Responsible Officer

Name the position or organizational group which will be responsible for overseeing and maintaining this policy.

Ensure the policy gives them the resources, authority and power they need.

Definitions

- Define conflicts of interest
 - Define occur actual, perceived/apparent, potential conflicts
- Explain the types of interests that can give rise to conflicts including:
 - Pecuniary
 - Non-pecuniary
 - Personal
 - Private
 - Family
 - Business
- Give examples of the situations in which conflicts are likely to arise
- If possible, identify situations and relationships which would not be considered conflicts of interest (the Arbitrators' Green List for example)

Principles

Define general principles that govern the application of the policy

- All conflicts of interest are to be managed transparently

- Effective management of conflicts of interest depends on the joint participation of staff, managers and the organization itself
- Balance of full disclosure and rights to privacy
- Avoid conflicts, if possible, rather than manage them

Responsibilities

Define the responsibilities of all people and organizations involved in managing conflicts of interest

- Responsibilities of staff
 - Being aware of their obligation to avoid, where possible, conflicts of interest and manage those conflicts of interest that cannot be avoided
 - Assessing their private and personal interests and whether they conflict, or have the potential to conflict, with their duties
 - Appropriately disclosing all conflicts of interest
- Responsibilities of Organization
 - Establish and review policy
 - Build a culture of integrity
 - Provide source of advice
 - Investigate complaints
- Responsibilities of Managers
 - Being aware of the risks of conflicts inherent in the work of the staff they manage
 - Making staff aware of the policy and procedures
 - Recording the receipt of disclosures
 - Advising staff about appropriate ways to manage conflicts
 - Assisting staff who disclose conflicts in preparing management strategies
 - Monitoring the work of staff and the risks they are exposed to

Disclosures

The policy should provide:

- Guidelines explaining which interests should be disclosed
- When to disclose an interest
 - Procedures for conflicts of interest to be disclosed as they arise
- To whom to disclose an interest
- Details of how to disclose an interest (is there a specific form?)

- Assurance that the information will be treated confidentially
- Avenue for support or questions

Job Category	Percentage of OECD Countries Using This Method
Manager	87%
Dedicated person within the organization	60%
Dedicated person outside the organization	30%
Telephone help desk	17%

Managing Conflicts of Interest

The policy should set out the precise steps to follow to manage conflicts of interest once they have been disclosed

Managing a conflict of interest using the 6 R's:

- Register the interests
- Reassign the conflicted person
- Recruit an independent person to oversee the project
- Replace the conflicted person in their position
- Relinquish whatever issue or situation is causing the conflict
- Resignation

Record keeping

- Security and privacy
- Retention periods

Enforcement

Define in advance what to do if someone ignores the rules

Workers must be aware of the standard

- Training

Discipline vs. training and support

Fix issue

- “if a conflict exists and there is no failure of good faith on the part of the employee, it will be Pepsico's policy to allow a reasonable amount of time for the employee to correct the situation”

Implementing a Conflict of Interest Policy

- Have managers at all levels expressed their commitment to the policy?
- Has the policy been made available to everyone within the organization?
- Is the policy easily accessible to everyone within the organization?
- Is the policy and its supporting procedures available on the intranet and in hard copy?
- Have all members of the organization been made aware of the policy and its requirements?
- Have all managers and staff received adequate training in how to manage conflicts of interest?
- Do all staff and managers know where to seek advice about the policy?
- Has a responsible officer been designated to maintain the policy and manage its ongoing implementation?
- Have the duties of the responsible officer been determined?
- Is there a provision for a regular review and updating of the policy?
- Is there regular monitoring of new legislation that may impact on the policy?
- Are policy and procedure monitoring and review processes and subsequent updates properly documented?
- Are policy and procedure updates communicated to all staff and managers?
- Is the consideration of conflicts of interest issues incorporated into the organization's recruitment and selection processes?
- Is the consideration of conflicts of interest issues a regular feature in staff meetings?
- Are examples of effectively managed conflicts of interest profiled?
- Are there mechanisms to ensure external awareness of the organization's policy?
- Are the conflicts of interest mechanisms in contracting and tendering processes applied effectively?
- Is there a process to capture staff and managers' feedback?

- Is there a process to capture complaints of unmanaged or inappropriately managed conflicts of interest?
- Are data available from central corruption-fighting bodies that indicate whether or not conflicts of interest within your organization are being managed properly?

Codes of Ethics

The codes of ethics of many organizations address conflict of interest

- BCRSP – Avoid it
- HSPC – Manage it
- Engineers Canada – Avoid or disclose

Obligations of a CRSP

- If you have reasonable grounds to believe that a CRSP has engaged in professional misconduct, you must report them to the Executive Director
- If you know of conflict of interest situations being ignored or improperly addressed by another CRSP, you must report the situation
 - Offending CRSP can be disciplined up to expulsion from organization
 - You also can be disciplined if you fail to report the situation

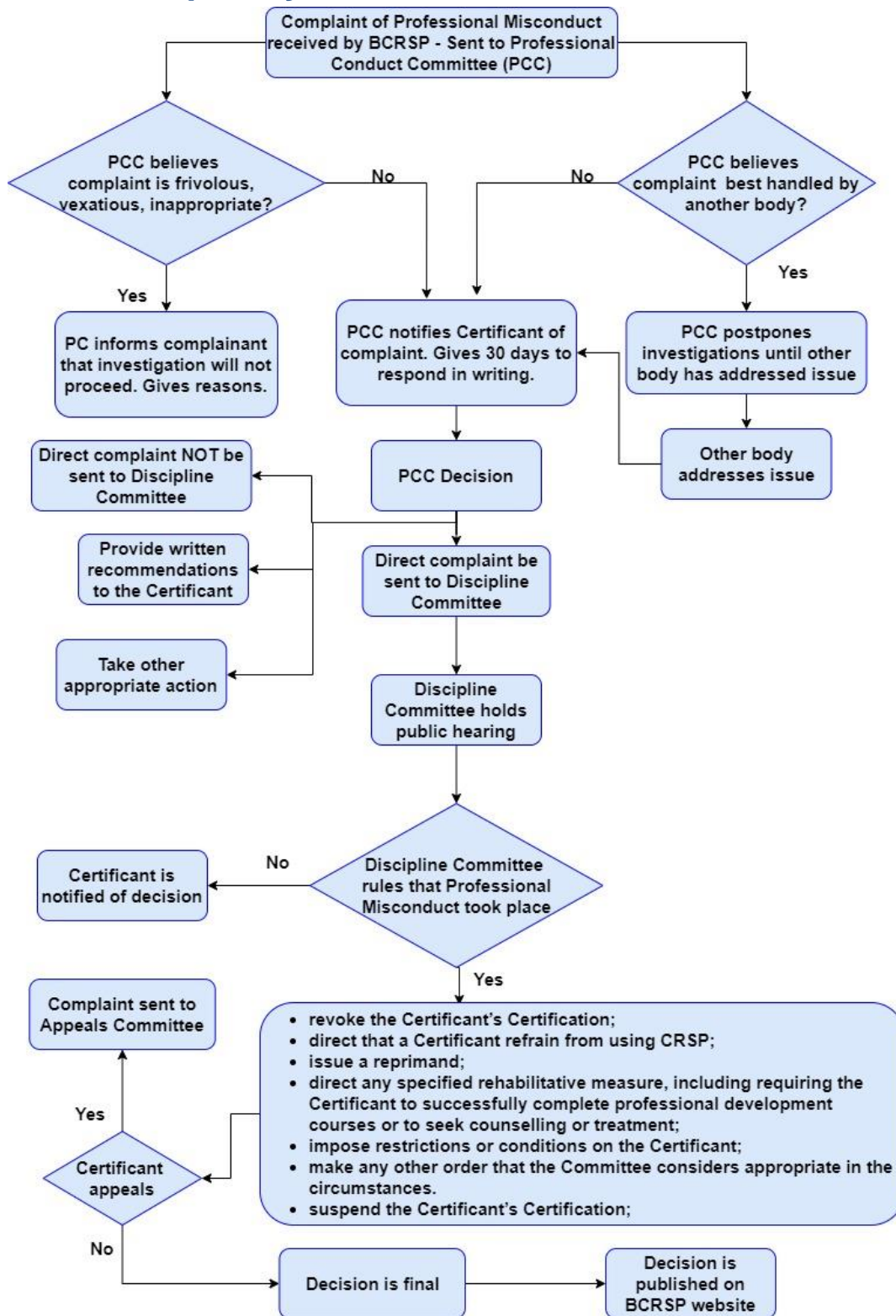
Professional Liability and Indemnity

Nothing in CRSP Code of Conduct explicitly requires insurance for liability or indemnity

Professionals must maintain professional liability and indemnity insurance

- Employers may provide insurance

BCRSP Disciplinary Process



Appendix A

NS Government

8.1 Conflict of Interest Policy

Policy Statement

Recognizing and addressing issues that arise from conflict of interest is an important facet of a professional public service. This policy is intended to reduce the potential for conflict of interest within Nova Scotia's public service by defining conflict of interest and by providing tools to address issues that arise when employee's personal and employment interests conflict.

This policy compliments *Values, Ethics and Conduct: A Code for Nova Scotia's Public Servants* and the *Conflict of Interest Act*, S.N.S. 2010, c. 35, Sections 22-34. The act has prevailing authority over this policy.

Definitions

CONFLICT OF INTEREST

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 interests¹. 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.

DEPUTY HEAD

The deputy of the member of the Executive Council presiding over a department and all others whom the Governor in Council from time to time designates as having the status of deputy head.

DEPARTMENTS

Any department, office, or public service entity established by the Government of Nova Scotia, as identified under Category 1 in Appendix 1-A of the Corporate Administrative Policy Manuals Policy.

¹ 22 (1) ... "private interest" does not include an interest in a matter that (a) is of general public appreciation; (b) affects a public employee as one of a broad class of person; (c) concerns the remuneration, allowances and benefits of a public employee; or (d) is so remote or insignificant in its nature that it cannot reasonably

be regarded as likely to influence a public employee. Conflict of Interest Act, S.N.S. 2010, c. 35.

EMPLOYEE

An employee as defined in the *Civil Service Act*, the *Highway Workers' Collective Bargaining Act*, and any other person directly employed by the Province of Nova Scotia.

Policy Objective

The objective of this policy is to ensure that neither the public's interests nor the private interests of public employees are compromised in the course of government's daily operations by raising awareness of certain conduct and offering tools to assist employees and managers.

Application

This policy applies to all employees whose terms and conditions are set out in accordance with both the *Civil Service Act* and its regulations and other direct employees of the provincial government including all bargaining unit employees.

Policy Principles

Nova Scotia's employees

- recognize that conflict of interest in the public service undermines the confidence of the public and that of elected officials. They also recognize that confidence in the public service is fundamental to the successful management of government overall.
- place the trust and confidence of our citizens and elected officials in the highest regard and work to foster a reputation as being a caring and professional public service.
- must be impartial and accountable and treat all citizens and all matters related to the public interest with respect, integrity and fairness.
- will not unduly benefit through their position within the public service.
- have personal and private interests and the same rights and privileges accorded every Nova Scotian.
- can participate in, have membership in, and serve not-for-profit organizations.

When a conflict of interest exists, the interests of the public supersede those of the employee.

Having a conflict of interest does not necessarily indicate wrongful conduct. Employees will not be disciplined for reporting, discussing, or seeking information about conflict of interest.

Directives / Practices

PREVENTING CONFLICT OF INTEREST

Employees must avoid real, apparent, and perceived conflict of interest, because the mere perception of a conflicting interest and the failure to address real, apparent, or perceived conflicts undermines the public's confidence in the public

service. Employees can help to prevent conflict of interest by using one or both of the following techniques: avoidance and disclosure.

Avoidance

Employees

- will arrange their private interests in a manner that prevents real and/ or apparent and/or perceived conflict when carrying out the duties and responsibilities of their job.
- will not engage in private interests that could be affected by government actions in which they participate.
- will not give preferential treatment or disclose confidential information to private or personal interests, or any person or organization intent on securing dealings with the government.
- will not knowingly take advantage of, nor benefit from, information that is obtained in the course of their official duties and not generally available to the public.
- will not benefit from government programs and services beyond the extent of what is available to all members of the public.
- will disclose to the deputy head of their department, details regarding contracts or agreements between government or a minister or a department and the employee's spouse or dependent children.
- will withdraw from activities or situations in which they believe there could be a conflict of interest and they will report in writing, to their manager, details of their actions and the perceived conflict.
- will not solicit economic consideration nor accept gifts in lieu of payment.
- will not directly nor indirectly use or allow the use of, government property of any kind, including property leased to the government, for any purposes other than those that are approved.
- who participate in outside employment or community based activities (e.g., teaching, volunteering, community outreach) will avoid behaviours that could infer that they are participating in an 'official' capacity, are there as an official on behalf of, or a representative of, the government, or government opinion or policy. Employees will ensure that these activities do not unduly interfere with their job related duties and will not use government premises, equipment, or supplies, unless such use is otherwise authorized.

Disclosure

Employees who have a conflict of interest (real, apparent, or perceived) must provide a confidential report to their supervisor outlining the nature of the conflict.

Employees will refer to the *Conflict of Interest Act*, when they find themselves in a situation in which a conflict of interest (real, apparent or perceived) exists. The act reads:

22 (4) Where a public employee is at a meeting at which consideration of a decision arises in the execution of the office of the public employee and where the public employee knows or ought to know that the

decision could result in the public employee receiving a personal benefit, the public employee shall; (a) inform the meeting that the decision could result in a personal benefit to the public employee and the general nature of that benefit; (b) withdraw from the meeting; and (c) refrain from participating in or influencing the decision.

EDUCATION

Every department can

- prepare information and education materials regarding this policy for their employees
- prepare and implement training of employees regarding conflict of interest and post-service behaviour.

Gifts, Hospitality, and Other Benefits

Employees must carefully consider the implications of accepting gifts, hospitality and other benefits. Citizens and corporations will occasionally express their appreciation for the efforts of a public servant by offering gifts, hospitality or benefits. These gestures are usually modest and offered without expectation or in return for special consideration. On the other hand, a citizen or a corporation might offer a gift, hospitality, or benefit that seems disproportionate or lavish or for which there could appear to be an implicit or explicit expectation of special consideration, (e.g., a service that exceeds what's typically available through a government program). **8-4**

Employees must exercise good judgement and discretion in deciding the intent of such a gesture and whether or not to accept the gift, hospitality, or benefit. The employee must decide if accepting the gift, hospitality or benefit could appear to, or in fact, compromise their integrity and commitment to government.

If an employee is uncertain or concerned about accepting an offer of a gift, hospitality, or benefit, they should decline the offer and report the incident to their immediate supervisor as soon as possible. If an employee is offered a gift, hospitality or other benefit but does not believe that they can refuse the offer for fear of insulting the giver or in fear of their own safety, they must report the incident to their immediate supervisor or deputy head, who will advise the employee on how to proceed with the matter.

Employees will not solicit gifts, hospitality and other benefits from citizens, organizations or companies unless for charitable purposes undertaken by the government and sanctioned by the deputy head. Soliciting gifts, hospitality, and other benefits for personal gain is contrary to this policy and could be reviewed within the context of the Criminal Code of Canada.

Notification

Employees will have access to this policy and *Values, Ethics and Conduct: A Code for Nova Scotia's Public Servants*.

[<http://novascotia.ca/psc/about/overview/publicationsPolicies/codeofconduct/>]

Interpretation

Employees who need clarification or direction regarding the interpretation or application of this policy and or the *Values, Ethics and Conduct: A Code for Nova Scotia's Public Servants*, may consult with their supervisor or the Conflict of Interest Commissioner in accordance with Section 28 of the *Conflict of Interest Act*.

POST SERVICE RESTRICTIONS

Post Service restrictions are governed by the *Conflict of Interest Act* which provides;

- 23 (2) ... a former member or public employee, for six months after ceasing to hold office or employment, shall not knowingly
- (a) accept a contract or benefit that is awarded, approved or granted by a government decision-maker; **8-5**
 - (b) make representations to a government decision-maker on his or her behalf or on behalf of another person with respect to a contract or benefit; or
 - (c) accept a contract or benefit from any person to make representations to a government decision-maker with respect to a contract or benefit that is or is to be awarded, or granted by a government decision maker.

These post-service restrictions do not apply to future contracts of employment with the Province of Nova Scotia. Nor do they apply if the conditions on which the contract or benefit is awarded approved or granted are the same for all persons similarly entitled.

Under Section 24 of the *Conflict of Interest Act*, an employee may apply to the Conflict of Interest Commissioner to seek an exemption from the application of the post-service restrictions and the Commissioner may grant such an exemption as per the act.

Dealing with former employees

Employees who have official dealings (other than those that consist of routine provision of service available to members of the public) with former employees who are or may be governed by the post-service restrictions, must report this activity to their supervisor, who will determine whether the former employee is complying with the prescribed measures. The supervisor may seek a ruling from the Conflict of Interest Commissioner on such matters. Employees will not have official dealings with former employees determined to be acting in violation of the post-service restrictions.

Guidelines

Departments may develop guidelines, as required, to help implement and administer this policy.

The deputy head may augment this policy and *Values, Ethics and Conduct: A Code for Nova Scotia's Public Servants* with procedures and guidance respecting conflict of interest, post-service situations, and conduct issues so as to address responsibilities that are of particular concern to their department. Such

augmentations should reflect special requirements contained in statutes governing the operations of the department. **8-6**

CONTACTING THE CONFLICT OF INTEREST COMMISSIONER

The employer and the employee may, by application, request that the Conflict of Interest Commissioner give an opinion and recommendations, which are confidential, on any matter respecting employees under this policy and the *Conflict of Interest Act*. An employee who acts on the opinion and recommendations given by the Conflict of Interest Commissioner is deemed not to be in contravention of this policy nor the *Conflict of Interest Act* with respect to the matters dealt with in the opinion and recommendation.

CONFIDENTIALITY

Information concerning the private interest of an employee that is provided to a supervisor in a department will be treated in confidence, subject to the disclosure requirements established by law.

FAILURE TO AGREE

Should an employee and their supervisor disagree about what is necessary to achieve compliance with this policy, the disagreement must be submitted to the deputy head for decision and or a recommendation.

In the event that a Deputy Head and the Head of the Public Service disagree about what is necessary to achieve compliance with this policy, the Head of the Public Service shall decide.

FAILURE TO COMPLY

An employee who fails to comply with this policy is subject to appropriate disciplinary action, up to and including discharge.

Accountability

EMPLOYEES

Employees have a duty to avoid a conflict of interest, to account for their conduct, to report a conflict of interest, and take appropriate action to mitigate conflict of interest. During the employee's annual performance review, they will be asked to indicate in writing, their agreement to abide by this policy and by the standards and values expressed in *Values, Ethics and Conduct: A Code for Nova Scotia's Public Servants*.

DEPUTY HEAD

The deputy head oversees the administration and compliance with this policy and the *Values, Ethics and Conduct: A Code for Nova Scotia's Public Servants*. Within their department, the deputy head will issue instructions necessary to implement this policy including, but not limited to, the following: **8-7**

- ensuring employees are informed of the requirements of this policy

ensuring that procedures are in place so that before or upon any appointment, appointees signify that they have read and understand this policy and the *Values, Ethics and Conduct: A Code for Nova Scotia's Public Servants* and acknowledge that abiding by both is a condition of their employment with the Province of Nova Scotia.

- determining whether a conflict of interest exists and what actions, if any, are to be taken
- establishing procedures for employees to report conflict of interest to their supervisor
- discussing post-employment restrictions during exit interviews, if possible
- consulting with the Conflict of Interest Commissioner

HEAD OF THE PUBLIC SERVICE

The Head of the Public Service administers this policy with respect to deputy heads.

CONFLICT OF INTEREST COMMISSIONER

The Conflict of Interest Commissioner provides employees with opinions and recommendations in relation to conflicts of interest, makes inquiries on their own initiative and on behalf of others concerning conflicts of interest.

PUBLIC SERVICE COMMISSION

The Public Service Commission provides advice and assistance to departments on the application of this policy and the *Values, Ethics and Conduct: A Code for Nova Scotia's Public Servants* and conducts periodic reviews of both. The Commission provides:

- tools to departments to support this policy
- leadership with respect to networking and information sharing

Monitoring

The Public Service Commission will be responsible for monitoring the effectiveness and consistent application of this policy.

References

Civil Service Act and Regulations
 Conflict of Interest Act
 Human Rights Act
 Values, Ethics, and Conduct: A Code for Nova Scotia's Public Servants
 7.12 Hospitality Policy (Manual 300 Common Services, Corporate Administrative Policy Manuals)

Enquiries

For further information or questions about this policy or the Values, Ethics, and Conduct: A Code for Nova Scotia's Public Servants, please contact: Policy and Planning Public Service Commission Email: PSC-Policy-Inquiries@novascotia.ca

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