



COMMUNITY LIVING  
BRITISH COLUMBIA

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| Responsibility Centre:<br>Board of Directors        | POLICY SECTION | Sub-section:   |
| Subject:<br><b>Conflict of Interest - Employees</b> |                |  |
| Effective:<br>September 25, 2007                    | Scope:<br>CLBC | Approval by:<br><hr/> Hon. Tom Christensen<br>Minister of Children and<br>Family Development |

## 1. Purpose

- 1.1 The purpose of this policy is to establish rules of conduct with respect to conflict of interest and to minimize the possibility of real, perceived or potential conflicts arising between the private interests of Community Living British Columbia ("CLBC") employees and their obligations to the organization.

## 2. Scope

- 2.1 This policy applies to all CLBC employees or persons acting in the capacity of employees.

## 3. Terminology

- 3.1 *A real conflict of interest* exists where an employee has knowledge of a private interest that is sufficient to influence the exercise of his or her public duties and responsibilities. The private interest pertains to the employee or a related person of the employee or both.
- 3.2 *A perceived conflict of interest* exists when there is a reasonable apprehension, which reasonably well-informed persons could properly have, that a conflict of interest exists.
- 3.3 *A potential conflict of interest* exists where a private interest could result in a conflict of interest in the future.
- 3.4 *Related person* means, in relation to any employee, a person who does not deal with such employee at arm's length. Without limiting the generality of the foregoing, the following shall be deemed to be persons who are related persons in relation to a employee:

## Conflict of Interest - Employees

- i) individuals connected by blood relationship, marriage, common-law partnership or adoption, (herewith known as “family members”);
- ii) a company, if the employee, or a family member, is an employee or senior officer of that company or has a direct or indirect beneficial control of that company;
- iii) a trust or estate, if the employee, or a family member, has a substantial beneficial interest therein or serves as a trustee, executor, administrator, professional advisor or in any similar capacity for such trust or estate;
- iv) a partnership, if the employee, or a family member, is a partner of the partnership;
- v) a person or company that has a material business relationship with the employee or a family member such that the employee or a family member would consider that person or company as a material client, customer or supplier.

3.5 *Officers* means persons occupying the organizational positions of the CEO or those reporting direct to the CEO.

## 4. Policy

- 4.1 While CLBC recognises the right of employees to be involved in activities as citizens of the community, conflict between business duties and the employees’ private interests must not influence the discharge of their duties.
- 4.2 While employed by CLBC, employees must:
  - 4.2.1 discharge their employment responsibilities in the best interests of the organization;
  - 4.2.2 avoid any conflict of interest, whether real, perceived or potential, that might impair the employee’s ability to act in the organization’s interest;
  - 4.2.3 avoid any action or conduct that could undermine or compromise:
    - i) the employees’ ability to discharge work responsibilities;
    - ii) the independence, integrity or impartiality of the organization; and
    - iii) the trust that the public places in CLBC.
- 4.3 Employees should ensure that all personal financial interests, assets and holdings are distinct from and independent of any decision, information or other matter that may be heard by or acted upon by the employee in the discharge of his/her employment responsibilities.
- 4.4 Employees should keep activities undertaken as a private citizen separate and distinct from any responsibilities held as an employee and activities undertaken as an employee separate and distinct from any activities undertaken as a private citizen.

## **Conflict of Interest - Employees**

- 4.5 Employees should remain impartial at all times toward individuals who deal with the organization and, as an employee, avoid taking any action that may result in preferential treatment for any individual.
- 4.6 Employees should not use their influence as an employee to secure special privileges, favours or exceptions for themselves or a related person.
- 4.7 Other employments, directorships, voluntary or paid positions or affiliations should remain distinct from work undertaken by employees in the course of performing their duties to the organization.
- 4.8 Employees should not use or communicate information not available to the general public that was gained by the employees in the course of carrying out their duties and that might reasonably result in a financial gain or some other benefit to the employee or to a related person.
- 4.9 Actions taken by employees in the course of performing their duties should neither cause nor suggest the reality or perception that their ability to perform or exercise those duties has been or could be affected by private gain or interest.
- 4.10 Employees should not accept gifts, favours, or other benefits that are directly connected with their position as employees, unless presented as a matter of protocol or other social obligation, in which case such gifts, favours, or other benefits should be disclosed and gifts that exceed \$200 in value should be delivered to the organization.
- 4.11 For a period of 12 months from the date a person ceases to be an employee, that person shall not enter into any contracts with CLBC unless approved by the CEO or, in case of officers, by the board of directors.

### Disclosure

- 4.12 Upon appointment to CLBC, employees must disclose any actual, perceived or potential conflicts of interest. Such conflicts must be resolved in accordance with this policy.
- 4.13 Employees may be, or have a significant connection to, individuals referred to in the definition of “community living support” as set out in the Community Living Authority Act. These employees must disclose their conflict and such conflict must be resolved in accordance with this policy.
- 4.14 If, during the period of employment, an employee has reasonable grounds to believe that an actual, perceived or potential conflict of interest may exist or occur, the employee must disclose the conflict of interest to the Director of Human Resources as soon as the employee becomes aware of the conflict of interest.
- 4.15 Employees who fail to disclose a conflict of interest may be subject to disciplinary action up to and including dismissal.

## **Conflict of Interest - Employees**

- 4.16 An employee, who becomes aware of a conflict of interest faced by another employee, or of the fact that another employee knowingly or unknowingly failed to disclose a conflict of interest, is required to bring the matter before the Director of Human Resources.
- 4.17 Employees who are in any doubt should disclose their circumstances and consult with the Director of Human Resources.

### Review and Consequence of Conflict of Interest

- 4.18 Upon receipt of disclosure, the Director of Human Resources must determine if a conflict exists and the extent of the conflict.
- 4.19 In order to assess the extent of the conflict of interest, the Director of Human Resources may require the compromised employee to disclose the details of any financial gain or other benefit gained by the employee or by a related person of the employee.
- 4.20 Once the existence and extent of the conflict is determined, the Director of Human Resources must determine and recommend appropriate action to the employee's manager/director or, where officers are involved, to the Human Resources Committee of the Board. Such actions may include:
  - i) asking and ensuring that the employee resolves the conflict of interest; and
  - ii) ensuring that the employee abstains from participation in discussions and decisions on the matter in conflict.
- 4.21 Decisions on disposition of conflict of interest matters and appropriate actions will be made by the employees' managers/directors or, where officers are involved, by the Human Resources Committee of the Board.
- 4.22 All conflict of interest matters and their resolution must be recorded in the employees' files maintained by Human Resources.