Conflict of Interest Policy

NEW: May 2019

The City of Winnipeg recognizes and supports the personal interests that our employees engage in as members of the community and residents of the public.
The City benefits from the expertise of individuals with a variety of interests.
Sometimes those interests can be perceived to be, and or may actually be, in conflict with the interests of the City. To ensure we maintain public support and public trust as civil servants, conflict of interest situations need to be identified, understood, addressed and resolved.

PURPOSE AND OBJECTIVE

The purpose of the Conflict of Interest Policy is to define what a conflict of interest is, what process needs to be followed, how to avoid a conflict situation, what needs to be done to assess a conflict, and what is required to essentially eliminate the conflict and address the issue fully for the protection of the employee and the City.

This Policy outlines our core values and behavioural expectations, including the personal and professional conduct expected from all City of Winnipeg employees when they could foreseeably be, and or expect to be in a conflict of interest situation. In addition, this policy aligns with Canadian and Provincial legislation, City by-laws, the City Charter, City policies, Human Resource Administrative Standards, and is comparable to other government policy.

A conflict of interest, in itself, is not a problem unless it is not disclosed and is left unaddressed. Ultimately, these situations must be resolved in favour of the City's interest.

SCOPE

This Policy applies to all City employees.

DEFINITIONS

CONFLICT OF INTEREST:
A conflict of Interest is defined as a situation in which a person, such as a public official, an employee, or a professional, has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties.

EMPLOYEES:

All workers, including but not limited to, employees, students, and volunteers performing duties for the City of Winnipeg.

ORIENTATION & EDUCATION

- New employees will be required to read and sign their understanding of the Conflict of Interest Policy upon hire, as part of an orientation.
- Students and volunteers will be oriented to the Policy.
- Sharing and training of information relevant to Conflict of Interest is the responsibility of the City.
- Information must be updated as changes occur. Full disclosure documents can be provided at any time to the employee.
- Employees are required to read and acknowledge their on-going understanding of this Policy by electronic sign off on an annual basis.
- Signage related to the Conflict of Interest is to be posted in visible locations where other Administrative Standards are found and will also be posted online (CityNet).
- Records related to Conflict of Interest will be placed on the employee's file.

ROLES AND RESPONSIBILITIES

EMPLOYEES:
Employees are responsible to read and understand this Policy, not place themselves in a conflict of interest situation, openly report when a conflict of interest arises and work with their supervisor and HR to resolve any conflict of interest situation.

SUPERVISORS:
Supervisors are responsible for orienting and educating employees on Conflict of Interest and will support their employees through the disclosure process. In addition, supervisors are required to provide feedback and monitor the workplace for compliance.

HUMAN RESOURCES:
Human Resource Services (HR) supports the Supervisor and the employee to ensure they have access to the information required and that any complaints/disclosures are dealt with appropriately. HR staff will assist management when conflict of interest issues are suspected or disclosed. HR will work with Directors and the employee to ensure that a fair review is conducted and that all outcomes protect the employer and the employee.

POLICY EXPECTATIONS

As a City, we expect our employees to demonstrate appropriate behaviours while they do their jobs for the City; demonstrating good judgement, maintaining positive interactions with others and using respectful communication. The following five **(5)** core values create the foundation for these behaviours and will help to successfully guide our employees:

- ✓ Integrity
- ✓ Diversity
- ✓ Respect
- ✓ Accountability
- ✓ Quality

Our residents expect and deserve **integrity** which includes transparent disclosure, good conduct, and good **quality** of work from the people working for the City, this includes **respecting** the policies of the organization by disclosing and acting to resolve any conflict of interest in the public interest. **Accountability** is the willingness to take responsibility for one's own actions; establishing expectations of oneself, managing one's own personal conduct which includes considerations, such as, a declaration of a conflict of interest, and accepting consequences for one's actions. These values are core principles that we expect individuals to demonstrate in their professional and business interactions with others. They help us make the right decisions and stay focused on civic, organizational, department, and professional development goals.

What conduct is expected under this Conflict of Interest Policy?

When employees find themselves in an actual or a perceived conflict of interest, they have an obligation to be transparent and to protect themselves and the City by working through the disclosure process. Employees must not, directly or indirectly, participate in the following behaviours:

- Place themselves in a situation in which their private/personal interests conflict with the City.
- Fail to report situations in which they are in a conflict of interest.
- Use their position as a City employee to try to influence a decision to benefit their own interests or to improperly further another person's private interests.
- Accept outside employment that interferes with your position with the City.
- Engage in a business transaction or other private arrangement for personal gain or financial profit if doing so is in conflict with the performance of their duties.
- Strive for or receive personal gain by giving preferential treatment to anyone while performing their duties as a City employee.
- Seek or accept personal or private gain from the use of confidential or non-public information acquired during the course of their employment.
- Use of or permit the use of City property to promote or serve their personal or private interests.

- Solicit or accept fees, gifts, or other benefits that are connected directly or indirectly with the performance of their duties, from any individual, organization or corporation, other than:
    - The normal exchange of gifts among friends or colleagues;
    - The normal exchange of hospitality between persons doing business together;
    - Tokens exchanged as part of protocol or cultural appreciation;
    - The normal presentation of gifts to a person participating in a public or workplace function. Any gift or benefit accepted must be of nominal value and must not create an obligation or perceived obligation between the parties.
- Establish and accept the results of the conflict of interest review.

PROCEDURES

What can an employee do if they suspect a violation under the Conflict of Interest?

- Make a written report of what specifically you have seen or know, and share that information with a supervisor, Union, or HR. Depending on the nature of the conduct you can also make a report to the Fraud Hotline, report under the City of Winnipeg PIDA Act (Whistle Blower) Administrative Standard, or report direct to the Ombudsman under the Public Interest Disclosure Act.

What is the procedure involved for an actual Conflict of Interest disclosure:

A City employee, who believes that they are or may be perceived to be in a conflict of interest, must initiate the following disclosure process with the City:

- All employees are required to complete the Conflict of Interest Declaration form at the time of hire and annually thereafter. At any time during employment, employees must disclose if they become aware of a conflict situation.
- A declared Conflict of Interest must be assessed by the Department Director with support from HR, and the assessment must be approved by the Chief Executive Officer of the division.
- The employee will receive a response and confirmation if a conflict exists and will be instructed on the necessary actions to take to address the conflict. Management is expected work proactively with the employee and provides guidance on how to resolve the conflict. The outcome and action will be kept sealed on the employee file.
- Should an employee disagree with a decision concerning the existence of a conflict of interest or how it is to be addressed, they may appeal the decision (see below).
- Employee must comply with the required outcome. Failure to comply with a decided outcome may result in discipline up to and including termination.
- Failure to disclose or address a conflict as decided through this process may/will result in disciplinary action.

- Where an employee believes they were unfairly disciplined for a breach under Conflict of Interest, they can file grievance under their collective agreement. In the event they are an exempt employee, they may file a complaint with their Human Resource Department.

The appeal process:
In the event the employee does not feel the decision regarding their disclosure (either the existence of a conflict of interest or how it is to be addressed) is appropriate they can appeal. The following process will be applied:

- The situation will be fully reviewed with another Chief Executive Officer and, as necessary, the City's Legal Services team, and the Director of Human Resources Services.
- Another response either confirming, revising, or reversing the decision will be sent to the employee.

The decision at this stage is final.

Sealed until needed:
The information pertaining to the Conflict of Interest declaration must be kept sealed on an employee's file and is only opened in the event a complaint is raised. It is kept sealed to ensure the privacy of the employee as no other employee needs to see this information other than those involved in approving or investigating a conflict of interest concern.

How is non-compliance dealt with?
If after being made aware of the requirements of this Policy an employee contravenes it, progressive discipline steps may be applied up to and including termination of employment.

Who can help provide information on Conflict of Interest?
The City of Winnipeg offers multiple opportunities to learn about and disclose Conflict of Interest issues. You can also ask your Director, Manager, Human Resources, City business contact, or a supervisor for guidance. It information is permanently posted on Citynet.

Conflict of Interest is directly related to Code of Conduct:
A failure to comply with this Policy is a violation of the Code of Conduct Policy. However, although the two policies are directly related, to provide clarity on expectations and the different processes, the City of Winnipeg has a separate Code of Conduct Policy.

The Conflict of Interest and Code of Conduct Policies both require sign off on hire, and electronic acceptance annually thereafter.

REVIEW

As outlined in Section 89(1) of the Winnipeg Charter, Council must establish a Code of Conduct for employees.

The CAO, with assistance from Human Resource Services, is accountable for reviewing the Code of Conduct, minimally every two (2) years, and putting forth changes to Council for approval.

KEY CONTACTS

Senior Management Team, City of Winnipeg
City of Winnipeg Human Resource Service
Legal Services City of Winnipeg
Director, Human Resource Services
Manager, Indigenous Relations Division
City Auditor
Chief Administrative Officer

REFERENCES AND RESOURCE MATERIAL

AS – Whistleblower Legislation
AS-001 Administrative Standards Framework
AS-004 Universal Design Standard
AS-006 Corporate Recordkeeping
AS-008 Building Security Directive
AS-009 Translation Services
AS-010 Citizen/Customer Service Directive
AS-011 Use of Social Media
AS-013 Media Relations (Corporate Communications)
AS-014 Review, Approval and Execution of Agreements
AS-015 Access to Information and Protection of Privacy
AS-016 Excellence, Innovation and Wellness
City of Winnipeg By-law No. 8154/2002
Employee Identification and Access Card Protocol
FM-002 Materials Management Administrative Standard
FM-003 Purchasing Card Program
FM-004 Asset Management Administrative Standard
Code of Conduct Policy
HR-002 Respectful Workplace
HR-003 Employee Education & Development
HR-004 Traffic Regulation Infractions While in the Care and Control of City Vehicle
HR-006 Safety, Health & Organizational Wellness

HR-008 City of Winnipeg Fraud, Theft, Misappropriation or Related Irregularities
HR-010 City of Winnipeg Organizational Safety Governance
HR-011 Alcohol & Drug Free Workplace
HR-012 Employee Performance Management
IT-002 Management of Electronic Email
IT-003 City-Wide Electronic Data SharingIT-004 Individual Responsibility for IT Security
IT-006 Security of Wireless Computing
IT-007 City of Winnipeg Mobile Device Usage
The Civil Service Act
Government of Manitoba – Code of Conduct
Kernaghan, Ken, and Langford, John (2014) - *The Responsible Public Servant 2nd Ed*. Halifax, NS: Institute for Research on Public Policy: Institute of Public Administration of Canada.
City of Winnipeg – City Bylaws Charter
Whistle Blower – Province of Manitoba
Manitoba Hydro - Conflict of Interest
Winnipeg Regional Health Authority – Conflict of Interest
University of British Columbia, Centre for Applied Ethics, Faculty of Medicine

APPENDICES

Appendix A – Conflict of Interest form

Appendix B – Learning Support document

Conflict of Interest
Appendix A

LEARNING SUPPORT DOCUMENT

This learning support document can be used to assist those applying the content of the Conflict of Interest Policy. This is not a complete or exhaustive listing, but it is intended to assist an individual to understand the content and promote compliance.

Message from the Chief Administrative Officer

"The City of Winnipeg is committed to offering sustainable services to our residents, and incorporating our core values of Integrity, Diversity, Respect, Accountability and Quality in every aspect of our business. Ensuring our employees know what is expected of them is the first step to ensuring we are an informed and transparent organization, and one that lives up to our organizational values".

Doug McNeil, P.Eng.
Chief Administrative Officer
City of Winnipeg

Our Vision, Mission & Values guide our work!

Our Vision

To be a vibrant and healthy city which places its highest priority on quality of life for all its citizens.

Our Mission

Working together to achieve affordable, responsive, and innovative public service.

Our Values

- ✓ Integrity
- ✓ Diversity
- ✓ Respect
- ✓ Accountability
- ✓ Quality

Frequent Conflict of Interest Questions/Situations & Answers:

Conflict of Interest questions are rarely easy to answer. Sometimes it is clear when you are or are not in a conflict of interest situation. Often the answer depends on a number of factors. When in doubt remove yourself, always disclose the conflict to protect yourself and the City of Winnipeg. Here are some common scenarios you should be aware of:

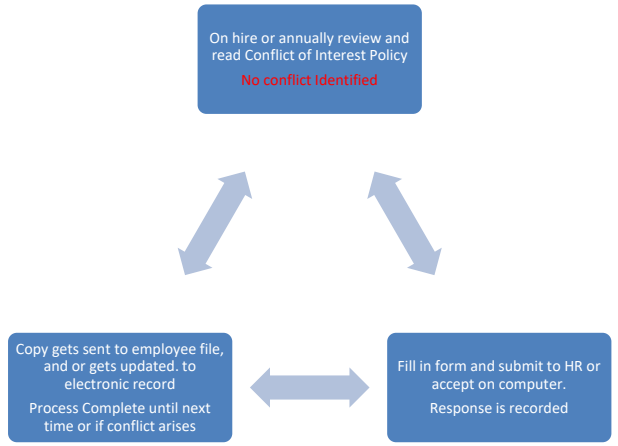
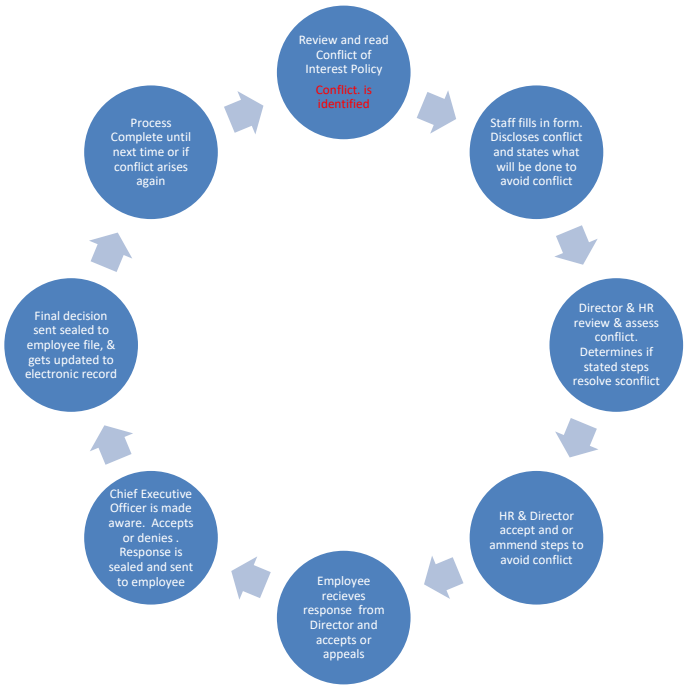
Q. Does having personal interests mean I can't work for the City?

- No, it doesn't necessarily mean that. It means the situation needs to be assessed and reasonable steps must be taken to evaluate the situation and what can be done to mitigate the concern and essentially eliminate the conflict of interest.

Q. Does the disclosure process take a long time?

- It depends. If there is a lot of information to assess it can take longer than if no conflict is identified. It is important we take the time to assess properly so that the full details are understood and people are given the full opportunity to have their situation reviewed. The disclosure process is on-going (annual requirement to disclose) and must be revisited as conflicts arise.

The Disclosure Process:

No Conflict Identified	Conflict Identified
	

Q. Private Consulting Business

You have your own consulting business that doesn't impact your position but you become aware of a need your private company could help with. You know this because of your job, but also because it was in the media. Is that a Conflict of Interest for you have your company assist?

- Yes. Whether in the media or not, if you stand to benefit personally from the City outside of your job you are in conflict and this would be considered a breach. You should ensure you have disclosed your conflict of interest.

Q. Family asks for you to submit their kids resume

Your family (immediate or extended) asks you to hand in an application for their child who is looking for a summer job. Is this a Conflict of Interest?

- No, not in this case. So long as you simply hand in the application, make it clear they cannot expect any kind of preferential treatment, and you are not involved in the process. It is fine.

Q. The great candidate is your friend

You become aware that a close family friend is being considered for a job and you are part of the selection process. They are well qualified and have screened in. Are you in conflict?

- Yes. You need to disclose the relationship and not participate. Let the recruitment team know you cannot be involved and why. We would not remove the candidate because of the relationship as that is detrimental to them. We will work around it. This happens from time to time.

Q. You receive an expensive gift as a "thank you"

You are the purchasing agent for your branch/department and you are sent a case of liquor or merchandise from a major supplier. Is this a conflict?

- Yes it is. You cannot accept a gift for doing your job. This gift goes beyond the normal exchange of hospitality of persons doing business.

Q. How much is too much for a gift?

- Generally speaking anything over $20.00 should be refused but a lesser gift could put you in conflict if there is an expectation of preferred service in accepting it. You should clarify with your supervisor or Director if you are unsure.

Q. Your side small business is starting to grow

You have a side business that is not in direct competition with the City, but it is starting to grow and have so many clients that you do not have the time/energy to devote to your regular job. Is that a conflict?

- Yes, if it is interfering with your job. Employees have time away from work that is intended for you to have a rest and get a break from the workplace. The employer cannot tell you what to do on your paid vacation time and personal time but if it starts to impact your performance, if you have to use your City work day, of if your sick leave increases, or personal absences increase you can expect that will be addressed with you through normal City of Winnipeg HR process. It is important you disclose.

Q. A close friend owns a business and asks for advice with a Request for Proposal (RFP)
You have a family or close friend who owns/runs a company that bids on City work. They ask you for some insight and support on how to fill in RFP. Are you in conflict if you help?

- Possibly. If you are just helping them read and understand a form, you are not in conflict. However, if you are using your knowledge of the City to help provide a more informed answer that will help improve their response, than you are in conflict. You should remove yourself if ever in doubt.

Q. Referring a strong candidate to HR
Through your past employment/business contacts you know of a great candidate for a job. You are not involved in the selection process and you have no personal attachment to the outcome. They ask you to share information on your experience on the City. Is this a conflict?

- No, it appears not. Sharing your experience with people interested in coming to work at the City is a great way to support recruitment. So long you have no impact on the decision, your referral will not influence the process, and you make it clear you have no expectation of preferred treatment. You can make a referral to HR.

Q. What if I am unsure if a violation exists?
If you are unsure if a Conflict of Interest violation exists, you can always ask you supervisor, manager, or department Director for assistance. The Human Resource team is always available to support you and answer any questions you may have.