



Statement of Policy and Procedure			
Department:	Corporate Services	Policy No.	<b>9.2</b>
Section:	Human Resources	Issued:	Jan 14, 2008
Subject:	<b>Conflict of Interest Policy</b>	Effective:	May 10, 2024
Council Resolution # and Date:	Council Resolution No. 0746 of November 23, 2009		
		Replaces:	Policy No. 9.1
Issued by:	Kiley Bear, Director of Corporate Services	Dated:	Jan 14, 2008
Approved by:	Kiley Bear, Director of Corporate Services	Procedure Amendment	May 10, 2024

## 1 POLICY

- 1.01 Employees of the City of Prince Albert are expected to conduct themselves with personal integrity and ethics and avoid placing themselves in situations where their personal interests actually or potentially conflict with the interests of the City.
- 1.02 No civic employee shall use his position or special knowledge to gain an advantage not otherwise available to members of the public.
- 1.03 No civic employee shall grant any special consideration, treatment or advantage relative to City business to any individual, organization or corporation beyond that which is available to every other individual, organization or corporation.
- 1.04 No civic employee shall engage in any business or other transaction or shall have a financial or personal interest therein, either directly or indirectly, which is incompatible with the proper discharge of his official duties in the public interest. This includes conducting private business on City paid time unless it is during break/lunch periods.
- 1.05 All civic employees shall disclose to their superiors any business, commercial, financial or other interest where such interest could be construed as being in actual or potential conflict with their official duties in the public interest.
- 1.06 No civic employee shall accept any gift or benefit, whether in the form of goods, services, loans or favours, from any individual, organization or corporation which is interested directly or indirectly in dealing with the City, subject to normal exchange of hospitality between persons doing business together.

- (a) The personal acceptance of any such gift or benefit may be construed as an inducement for an employee to perform or fail to perform a duty resulting in the donor receiving treatment or advantage beyond that which is available to other citizens. Such acceptance may constitute a criminal offence and reflects discredibly on the City.
  - (b) An employee may, however, accept a gift which represents the normal exchange of gifts among friends, tokens exchanged as a part of protocol, or normal presentations made to persons participating in public functions. For example, items exchanged in business such as books, calendars, etc. or which are considered to be a normal exchange of hospitality, such as a business lunch, are acceptable.
- 1.07 All civic employees shall not engage in any outside work or business activity that:
  - (a) conflicts with their duties as City employees;
  - (b) forms part of a submission to the City for review and/or approval;
  - (c) uses their knowledge of confidential plans, projects or information about the holdings of the corporation;
  - (d) will, or is likely to, negatively influence or interfere with the performance of their duties as City employees; and
  - (e) involves the use of City property, equipment including vehicles, cell phones, computers, or supplies.
- 1.08 Violation of this policy constitutes grounds for disciplinary action up to and including termination of employment.

## **2 PURPOSE**

- 2.01 To protect employees and the public interest by outlining guidelines for civic employees which ensure that a conflict of interest does not or does not appear to exist.

## **3 SCOPE**

- 3.01 This Conflict of Interest Policy applies to all employees. Members of Council are governed through the Urban Municipality Act.

## **4 RESPONSIBILITY**

- 4.01 All employees are responsible for reading and understanding the Conflict of Interest Policy.

- 4.02 No "presumption of guilt" is created by the mere existence of a relationship with individuals, organizations or corporations. However, all civic employees shall disclose to their superior, knowledge of any business, commercial, financial or other interest where such interest could be construed as being in actual or potential conflict with their official duties in the public interest.

## **5 DEFINITIONS**

- 5.01 A "Conflict of interest" whether it has been declared or otherwise determined to exist, does not necessarily mean a wrongdoing has been committed, unless the actions:
- (a) interfere with the objective exercise of his/her duties in the civic service;
  - (b) give rise to any unfair advantage by virtue of his/her position in the civic service.

## **6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE**

- 6.01 Employment of Relatives Policy
- 6.02 Gifts, Favours, Entertainment Policy
- 6.03 Discipline

## **7 PROCEDURE**

### **A. GENERAL STATEMENT**

The range and complexity of municipal government activities are such that it is not possible to produce a detailed complete list of all conflict of interest situations. The purpose of the guidelines is to clarify those activities which may constitute conflict of interest situations; they are not designed to be exhaustive.

### **B. EMPLOYEE DISCLOSURE REQUIREMENTS**

#### **1. Outside Employment**

Employees must submit the Outside Employment Approval Form to their Department Head for approval. Employees must obtain written approval from their Department Head prior to commencing outside employment or activity as defined by this policy.

The following criteria will be used by Department Heads to assist in determining whether a public employee is involved in an activity (related or unrelated to his/her work in the public service) which constitutes outside employment:

- Self-employment;
- Activities from which there is a monetary reward;
- Activities where a service or advice is provided and an honorarium received.

If one or more of the above criteria are characteristic of the employee's activity, then such an activity is defined as outside employment.

Outside employment will generally be permissible as long as such employment:

- Is not forbidden by legislation;
- Does not interfere with the public employee's performance of his/her regular duties;
- Does not form any part of a submission to the City for review and/or approval;
- Does not use advantages derived from employment in the public services;
- Does not involve the use of City premises, supplies, equipment including cell phones and computers, and or government personnel, etc.;
- Is not performed in a manner as to appear to be an official action or policy.

## **2. Management of Private Affairs and Investments**

The intent of this section of the guidelines is to deal with the financial interest (both investments and private assets) a civic employee has which may put him/her into a conflict of interest with fulfilling the duties of his/her position with the City of Prince Albert.

Private affairs should be interpreted as private assets, such as ownership of property or indirect financial deals, or ownership such as the ownership of stocks or bonds, which might be or appear to be a conflict of interest.

If a civic employee perceives that a conflict of interest exists, or has the potential to develop, as the result of his/her financial dealings or the financial dealings of a relative or close associate, s/he must inform his/her Department Head. If the situation appears to suggest a conflict of interest, the Department Head shall submit the details of the alleged conflict to the City Manager, together with his/her recommendation. The City Manager shall take this recommendation into account when making her/her decision as to whether or not the situation constitutes as a conflict of interest.

Examples of activities which are considered to be conflict of interest are as follows:

- A City employee with substantial land holdings adjacent to Prince Albert holds a position with the department that could be used to influence decision which will cause the value of his/her property to rise substantially;
- A Procurement Officer has interests in an office equipment firm. S/he could use the information gained on the job to ensure this firm submits the lowest tender.

### **3. Exceptions to the General Statement**

Requirements of full disclosure to determine whether a Conflict of Interest exists has its' limitations. Matters of confidentiality and personal privacy need to be protected as the intent of this policy is not to deny employees the right to lead personal lives. If a Department Head becomes aware that a civic employee is involved in financial, commercial or business transactions which might constitute a conflict of interest, s/he may request that the civic employee provide sufficient information to help determine whether a Conflict of Interest exists. If the information that is provided substantiates the Department Head's concerns, then s/he shall submit the details of the information to the City Manager, together with his/her recommendation. The City Manager shall take this recommendation into account when making her/her decision as to whether or not the situation constitutes a conflict of interest.

## **C. THE APPLICATION OF THE POLICY**

### **1. Dealing with Family, Friends, Business Associates, Former Business Associates and Voluntary Associates**

Civic employees who exercise regulatory, inspection and/or discretionary control over others must not give or appear to give preferential or detrimental treatment to family members, friends, business associates and/or former business associates.

Civic employees who exercise regulatory, inspection and/or discretionary control over others must not give or appear to give preferential or detrimental treatment to any private or public body such as municipal council, school board or volunteer organization of which they are a member.

**2. Public Employee's Professional Interaction with Family Members**

Due to the fact that family ties vary from family to family, the City Manager and/or Department Head must use his/her discretion in determining whether or not a conflict of interest situation exists due to the interaction of a civic employee and a family member. (See Employment of Relatives Policy)

**3. Acceptance of Gifts**

A civic employee should never accept any gift or service which could be viewed as a payment for services rendered through his/her employment in the public service. (See Gifts, Favours and Entertainment Policy)

**4. Use of Information**

Civic employees are not prevented from using City information which is available to the public in the management of their private affairs. However, where such information is not available to the public, public employees must manage their private affairs so that neither they nor their relatives, friends, business associates, or former business associates benefit or appear to benefit from the use of such information.

A civic employee must not reveal City information to any unauthorized individual prior to its public release date.

**5. Future Employment**

A civic employee should not let himself/herself be influenced in the carrying out of his/her responsibilities by the prospect of employment elsewhere.

## **6. Examples of Conflict of Interest Situations**

The following is a short list of examples of conflict of interest situations; it is not intended to be all-inclusive:

- Where the civic employee may influence the decision of the City in dealing with a company which conducts business with the City, when the company is largely owned or controlled by a civic employee or which s/he may have an interest;
- Where the civic employee may influence the decisions of Council in respect of a particular company or municipal body which is applying to the City for a loan, grant or other advantages, when the civic employee has a significant responsibility in the affairs of the applicant, i.e. s/he is a trustee of land or other property;
- Ownership by a civic employee of land or other property where a property value may be influenced by the civic employee;
- Where a civic employee accepts favours from an individual, organization or corporation which deals or may deal with the City and where the civic employee is or may be in a position to influence the dealings;
- When members of a civic employee's immediate family receive personal benefits as a result of the position of the civic employee.

## **7. Action to be Taken**

### **(a) Before a Conflict of Interest is Perceived**

Where an individual believes that a real or perceived conflict may exist, the individual should first talk to their Department Head (City Manager for Department Heads). Based on discussions with the Department Head, the employee may be temporarily reassigned, or be asked to excuse themselves from a discussion, project or being involved in making a decision. Depending on the nature, the issue could also be brought forward to Council to make them aware of the situation.

### **(b) After a Conflict of Interest is Perceived**

Upon receipt of any information, the City Manager, will review the policy and determine whether the actions of the employee constitute inappropriate behaviour or whether the actions do not 1) interfere with the exercise of duties or decisions of the City or 2) give rise to any unfair advantages by virtue of the employee's position.

If there is evidence of inappropriate behaviour, the City Manager has the following possible options for action available to him/her:

- Instruct the civic employee to divest himself/herself of those financial investments directly related to the conflict of interest;
- Remove the civic employee from the responsibilities which are causing the conflict of interest;
- Accept the civic employees' resignation;
- Recommend to City Council that the situation be investigated.

## **D. APPEAL PROCESS**

### **1. In-Scope Employees**

If disciplinary action is taken against an in-scope employee for violation of the conflict of interest guidelines, and the employee feels that such action is unfair then s/he should follow the grievance procedure as established in her/her union's collective agreement.

### **2. Out-of-Scope Employees**

If disciplinary action is taken against an out-of-scope employee for violation of the conflict of interest guidelines and the employee feels such action is unfair, then s/he should notify City Council of his/her desire to appeal the decision. City Council shall be informed of this fact, and shall appoint a committee of three members of Council to hear the appeal.