

10

EXHIBITION PLACE

February 12, 2001

To: The Board of Governors of Exhibition Place

From: Dianne Young
General Manager & CEO

Subject: **Conflict of Interest Policy**

Recommendation:

It is recommended that the Board receive this report for information.

Background:

At its meeting of August, 2000, City Council adopted a Conflict of Interest policy relating to City employees and requested that all City Agencies, Boards and Commissions develop a similar policy for its employees.

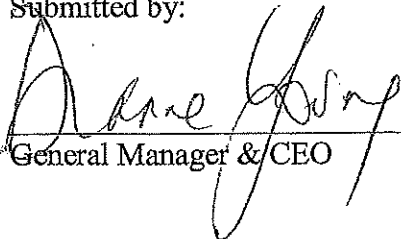
Discussion:

Attached for the information of the Board as Appendix "A" is a copy of the policy entitled "Conflict of Interest" which is basically the same as the policy adopted by City Council and will be implemented for employees of Exhibition Place effective March 1, 2001.

Conclusion:

This report updates the Board on Exhibition Place's policy entitled "Conflict of Interest".

Submitted by:


General Manager & CEO



Employees of The Board of Governors of Exhibition Place (the Board) are expected to conduct themselves with personal integrity, ethics, honesty and diligence in performing their duties for the organization. Employees are required to support and advance the interests of the organization and avoid placing themselves in situations where their personal interests actually or potentially conflict with the interests of the Board.

Policy Application

This policy applies to all Board employees. The standards outlined in this policy are particularly relevant to employees who are in a position to make or influence decisions of the organization.

Definition

A conflict of interest refers to a situation in which private interests or personal considerations may affect an employee's judgement in acting in the best interest of the Board. It includes using an employee's position, confidential information or corporate time, material or facilities for private gain or advancement or the expectation of private gain or advancement. A conflict may occur when an interest benefits any member of the employee's family, friends or business associates.

Conditions

The rules and examples that follow do not exhaust the possibilities for conflict of interest, but they identify obvious situations covered by the policy.

Special Treatment

Employees are not allowed to use their positions to give anyone special treatment that would advance their own interests or that of any member of the employee's family, their friends or business associates.

Receiving Fees or Gifts

Employees may not accept gifts, money, discounts or favours including a benefit to family members, friends or business associates for doing work that the Board pays them to do. The exceptions to this are promotional gifts or those of nominal value e.g., coffee mug or letter opener with the company's logo or the occasional lunch.

Outside Work or Business Activities

Employees may not engage in any outside work or business activity:

- (a) that conflict with their duties as Board employees;
- (b) which use their knowledge of confidential plans, projects or information about holdings of the Board; and
- (c) that will, or is likely to, negatively influence or affect them in carrying out their duties as Board employees.

Using Board Property

Employees may not use, or permit the use of, items of Board property, facilities, equipment, supplies or other resources for activities not associated with their work. Any exceptions to this must be expressly approved by the Board or the General Manager & Chief Executive Officer.

Confidential Information

Employees may not disclose confidential or privileged information about the property, or affairs of the organization, or use confidential information to advance personal or others' interests. Employees cannot divulge confidential or privileged information about the Board's employees without those employees' written authorisation.

Note on confidential information: The rule against giving out confidential information does not apply to an employee who alleges wrongdoing on the part of the Board or its members, officers, employees, agents or contractors - as long as the disclosure of such information is not frivolous, vexatious or slanderous - and making the disclosure serves the public interest and is made in accordance with the provisions of this policy. This reporting of wrongdoing is known as whistle-blowing.

Financial Interest

Employees who knowingly have financial interests in a Board contract, sale or other business transaction, or have family members, friends or business associates with such interests, must not represent or advise the organization in such transactions.

Guidelines for Management and Professional Staff

Some positions in the organization are more susceptible than others to conflicts of interest. The following two sections are specifically for executives, managers and employees who give professional advice or assistance, or who work on program policies or budgets. These sections also refer to employees in confidential positions working with the above mentioned staff.

Representing Others

Staff described in the paragraph above may not appear before the Board or a Board committee on behalf of a private citizen other than himself/herself, his/her spouse, his/her parents, or his/her minor children, where the employee is either paid, or is involved in any way in the issue/policy.

Appointments

Staff who hold positions described above may not seek or accept appointment to the Board or its committees (except in the capacity of a Board employee) and require permission from the General Manager and Chief Executive Officer or designate before accepting appointments to other municipal, provincial or federal commissions boards and committees. Staff who hold positions as board members on community agencies that deal with issues related to their work with the Board should inform their General Manager/Director or designate of their appointments. When agency issues arise that place them in actual or potential conflict with Board policy or procedures, they should declare a conflict of interest.

Conduct Respecting Lobbyists

Expectations on dealing with lobbyists are described in Appendix 2.

Requirement to Report Conflict of Interest

If employees or their family members, friends or business associates have a personal or financial interest that might present a conflict or bias in connection with their duties as Board employees, they must report this conflict to their General Manager/Director or designate in writing.

Reporting a Conflict of Interest

When an employee reports a conflict of interest to his/her General Manager/Director or designate in writing, a copy is forwarded to the General Manager & Chief Executive Officer. If an employee alleges wrongdoing on the part of the Board or its Board members, officers, employees, agents or contractors he/she should report this in writing directly to the General Manager and Chief Executive Officer.

Failure to Comply With the Policy

Employees who fail to comply with this policy are subject to disciplinary action up to and including dismissal.

Implementation

Managers and supervisors must make the policy available to all employees and must discuss the entire policy with their employees and highlight any of the rules that have particular relevance, given the nature of the employees' work. Managers and supervisors who need assistance interpreting rules and how they apply to specific situations must talk to their General Manager/Director or designate. Serious consequences may result from the contravention of this policy. Employees should check with management if they need assistance in interpreting whether a situation they have experienced or are confronting puts them in a conflict of interest situation. Sample questions and answers can be found in Appendix 1.

Date Issued

March 1, 2001

Approved By

General Manager and Chief Executive Officer, The Board of Governors of Exhibition Place.



Sample Questions and Answers

The specific rules and examples that follow do not exhaust the possibilities for conflict of interest, but they do identify obvious situations covered by the policy. The accompanying questions and answers are merely illustrations to help explain the rules.

Special Treatment

Employees are not allowed to use their positions to give anyone special treatment that would advance their own interests or that of any member of the employee's family their friends or business associates.

Sample question: "A close friend asked me to issue them a parking permit. I could issue a parking permit because I have access to them but won't do that. Everyone has to follow the standard procedure for permit applications. Am I right?"

Answer: Yes you are right. Bending the rules to favour a family member or friend would be a conflict of interest.

Receiving Fees or Gifts

Employees may not accept gifts, money, discounts or favours including a benefit to family members, friends or business associates for doing work that the Board pays them to do. The exceptions to this are promotional gifts or those of nominal value e.g., coffee mug or letter opener with the company's logo or the occasional lunch.

Question: "What should I do if a client gives me a gift or some money to thank me for doing a good job?"

Answer: Politely refuse the gift or money. You could explain that while you appreciate the offer, accepting it would not be proper according to the Board's conflict of interest policy. Someone might interpret the gift as a bribe to get special treatment.

Outside Work or Business Activities

Employees may not engage in any outside work or business activity:

- (d) that conflict with their duties as Board employees;
- (e) which use their knowledge of confidential plans, projects or information about holdings of the corporation; and
- (f) that will, or is likely to, negatively influence or affect them in carrying out their duties as Board employees.

Question: "I am a journeyman electrician and I have been asked by an accredited institution to teach a course on residential wiring. I will be paid a fee for this course. Am I permitted to teach the course?"

Answer: Yes, as long as you are not teaching individuals that you would normally be teaching as part of your job and do not wear a Board uniform when teaching the course.

Using Board Property

Employees may not use, or permit the use of, items of Board property, facilities, equipment, supplies or other resources for activities not associated with their work. Any exceptions to this must be expressly approved by the Board or General Manager and Chief Executive Officer.

Question: "Sometimes I'm allowed to take one of my department's pick-up trucks home overnight so I can go directly to my work site in the morning. Would it be all right for me to use the truck to help a friend move to a new apartment?"

Answer: No, it would not be acceptable to use a Board vehicle for that kind of thing.

Question: "I do a lot of charity and volunteer work. Can I use my position and access to Board property to assist those charities in their fund raising or other activities?"

Answer: No. Your volunteer work is important to the community and while the Board supports volunteerism, use of Board property is not appropriate.

Confidential Information

Employees may not disclose confidential or privileged information about the property, or affairs of the organization, or use confidential information to advance personal or others' interests. Employees cannot divulge confidential or privileged information about the Board's employees without those employees' written authorisation.

Question: A supplier calls and states that he intends to submit a bid to supply lamps to your department. He asks if you could tell him who your current supplier is and how much you pay for the lamps. Can I disclose this information?

Answer: Yes, you may disclose who the current supplier is and what you currently pay as the prices are made public when the bids are opened.

Note on confidential information: The rule against giving out confidential information does not apply to an employee who alleges wrongdoing on the part of the Board or its Council members, officers, employees, agents or contractors - as long as the disclosure of such information is not frivolous, vexatious or slanderous - and making the disclosure serves the public interest and is made in accordance with the provisions of this policy. This reporting of wrongdoing is known as whistle-blowing.

Financial Interest

Employees who knowingly have financial interests in a Board contract, sale or other business transaction, or have family members, friends or business associates with such interests, must not represent or advise the organization in such transactions.

Question: "I have financial interest in a company that is proposing a contractual arrangement with the Board. Would that prevent me, a Board employee, from serving as an advisor to the Board on the evaluation of the contract?"

Answer: Yes, that's right. You should declare your conflict of interest and the Board would probably assign somebody else to replace you on that particular project.

Requirement to Report Conflict of Interest

If employees or their family members, friends or business associates have a personal or financial interest that might present a conflict or bias in connection with their duties as city employees, they must report this conflict to their General Manager/Director or designate in writing.

Question: "My dad owns the ABC Drywall Company. I work for the Board and sometimes issue outside drywall contracts to bidders that include the ABC Drywall company. Does that mean I should inform my General Manager/Director or designate about the situation?"

Answer: Yes, you should inform your General Manager/Director or designate in writing about your potential conflict in cases where the ABC Drywall company is bidding.

Date Issued

March 1, 2001

Approved By

General Manager and Chief Executive Officer, The Board of Governors of Exhibition Place.



Conduct Respecting Lobbyists

Lobbying is usually defined as direct or indirect efforts to solicit support and influence government decisions on behalf of another party or an organization, often away from public scrutiny. Lobbying activity is to be distinguished from routine advice seeking by members of the public, or contacts by members or employees of government conducting official business. Lobbying is also distinguishable from matters that are the subject of committee deputation, or other processes that are a matter of public record where individuals are named and their interest and organizational affiliation identified.

The term lobbyist includes the following:

- (a) "consultant lobbyist" means a person who, for payment, lobbies on behalf of a client and includes, but is not limited to, government relations consultants, lawyers, accountants, or other professional advisors who provide lobbying services for their clients;
- (b) "corporate in-house lobbyist" means an employee of a corporation that carries on commercial activities for financial gain and who lobbies as a significant part of their duties;
- (c) "organization in-house lobbyist" means an employee of a non-profit organization, when one or more employees lobby public office holders and where the accumulated lobbying activity of all such employees would constitute a significant part of the duties of one employee; and
- (d) "volunteer lobbyist" means a person who lobbies without payment on behalf of an individual, corporation, or organization.

Employees shall be vigilant in their duty to serve public interests when faced with lobbying activity. Employees can use the following as a guide to assist in identifying whether they are being lobbied:

- (a) During the past year, has the contact person attempted to influence you personally, for example, in any administrative action that would have benefited him or her or his or her employer financially?
- (b) Does the contact person do business or seek to do business with the Board?
- (c) Is the contact person seeking to influence outcomes on a matter currently pending before the Board?

(d) Is the contact person a provincially or federally registered lobbyist employer or a client of a registered lobbyist?

(e) Is the contact person a provincially or federally registered lobbyist or lobbying firm?

(f) Does the contact person fall within the definitions provided above?

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