Policy: Employee Conflict of Interest

Reference No: P-HR-08

Purpose

This policy is intended to establish parameters and guidelines for employees regarding potential or actual conflict of interest situations. This Policy is to be read in conjunction with the Employee Conflict of Interest Regulation.

Scope

This Policy and the corresponding Employee Conflict of Interest Regulation applies to all full-time, part-time, contract, term, regular and casual employees of the Greater Essex County District School Board. (the “Board”).

Policy Statement

The employees of the Greater Essex County District School Board occupy positions of great public trust and confidence. They are expected to discharge their duties and responsibilities professionally, efficiently and impartially.

The onus is on each employee to anticipate and to avoid conflicts of interest. It is important to avoid situations of real conflicts of interest but also to avoid being placed in the position that could be perceived by others as being in conflict with the Board’s interests.

Employees must take all reasonable steps to ensure that their private and personal interests do not conflict or appear to conflict with their duties and responsibilities with the Board. Every employee has an obligation to promptly disclose any actual, potential, or perceived conflicts of interest to their principal or manager and to abide by all directions given by the Board to resolve any actual or perceived conflicts of interest.

Greater Essex County District School Board

Regulation: Employee Conflict of Interest

Reference No: R-HR-08

Scope

This Regulation and the corresponding Employee Conflict Interest Policy applies to all full-time, part-time, contract, term, regular and casual employees of the Greater Essex County District School Board (the ”Board”).

Definitions:

Employee refers to all persons who are currently engaged in active employment with the Greater Essex County District School Board, regardless of employment status (e.g. full-time, part-time, regular, casual, term, contract).

Conflict of Interest (Financial) is defined as any direct or indirect interest in, connection with, or benefit from, outside activities, especially business activities in which involvement might adversely affect the Board or benefit the employee directly or indirectly as a result of the employee’s position or connection with the Board. Employees must remain free of any such obligation, interest or distraction that may adversely affect or interfere with the employee’s judgement and/or objectivity in the performance of duty as an employee

Conflict of Interest (Hiring, promotion, and supervision projects) is defined as a situation where there may be the perception of impaired judgement between a person in authority or influence over such practices and another person due to a familial or other relationship.

Conflict of Interest is any situation where an employee’s personal or financial interests (or the employee’s family or close business associates) may be incompatible or in conflict with the interests, priorities, or mission of the Board or where there is a reasonable basis for the perception of such conflict. A conflict of interest also includes a situation in which access to or quality of service rendered by an employee is affected by any form of favoritism or special arrangement between an employee and another party, including a student or the student’s family.

Family member included a spouse (including ‘common law’ spouse, and same-sex partners), parent guardian, and child (including an adopted child and a child for whom the employee has demonstrated a settle intention to treat as a child of their family).

Any Family member shall be defined to include family member as outlined above as well as any relative not mentioned above, including but not limited to a brother, sister, niece/nephew, aunt/uncle, grandparent, or other family member with whom the employee has a direct relationship.

General Principles

1. No Employee or family member shall have a controlling interest, direct or indirect, in any supplier of the Board that might:

    a) Produce personal or pecuniary gain for an employee at the expense of the Board;
    b) Detract from the time and energy which such employee ought to devote to their duties on behalf of the Board;
    c) Negatively impact the reputation of the Board; or,
    d) Leave the employee open to pressure that might affect the interest of the Board.

2. The following legislation or professional standards govern the conduct of the employees of the Board:

    - *The Education Act*, 1998, Section 217: applicable to all Board employees (see Appendix A)
    - Policy of the Ontario Teachers' Federation, Section III, Professional Ethics; applicable to all members of the Teachers' Federation.

3. Employees who fail to comply with the terms of the Conflict of Interest Policy and this Regulation may be subject to disciplinary action up to and including discharge.

Employee Responsibilities

1. Employees must act in the best interests of the public they serve and ensure they do not compromise themselves in the discharge of their duties by soliciting, accepting, or offering to accept, directly or indirectly, any benefit. "Benefit" includes but is not limited to gifts, rewards, coupons, bonuses, incentives, remuneration, compensation, favors (which exceed the bounds of normal social courtesies) for personal or pecuniary gain. In addition, any benefit occurring from or any capacity as agent or otherwise are the exclusive property of the Board and must be used for school purposes.

2. No employee shall use their position, Board resources (including, but not limited to, the Board's equipment, facilities, time, technology, learning platforms and e-mailing system) or Board relationships for personal or pecuniary gain for themselves or any family member. An exception is made for teachers who chaperone field trips and have trip costs paid by others, which is allowed.

3. Employees shall not accept any gift, reward, benefit, or favour that could reasonable be construed as an incentive for employee to use their position to influence pupils, parents, guardians, staff or other persons associated with the Board to patronize a business or to provide preferential treatment for another individual, organization, or business.

   Employees may accept incidental gifts, customary hospitality, or other benefits of nominal value that are considered a common expression of social courtesy and that do not cause suspicion about their objectivity and impartiality.

4. Employees should ensure that they do not place themselves in a position where their working relationships are affected by personal or financial interests or family relationships. Employees shall not, in carrying out their duties with Board, give preferential treatment to any family members, personal friends, or to organizations in which the employee's relatives or friends have an interest, financial or otherwise.

5. Employees shall not, without the written consent of the Board, engage in outside work (whether voluntary or for payment) that interferes with the performance of their duties with the Board or that otherwise gives rise to an actual or perceived conflict of interest. Employees must disclose all outside work with the potential to cause a conflict of interest.

6. Employees are responsible for identifying and disclosing a possible or real conflict of interest to their principals, managers, or supervisors.

Board Responsibilities

1. The Board is responsible for overseeing compliance with this policy, and supporting principals, managers, and supervisors in its implementation.

2. The Board will be judicious in hiring and placing employees in the various locations.

3. The Board will ensure that all employees are aware of this policy and that this policy is made available to all Board employees.

Employment of Family Members

1. It is the expectation that family members should not report directly to another family member. Family members in this instance extends to "any" family member as defined above.

2. Employees are not permitted to manage or supervise family members in situations where a reporting relationship exists and where the superior has influence, input, or decision-making power over the family member.

Appendix A

Section 217, The Education Act

1. **Promotion or sale of books, etc., by employees of board or Ministry to board, pupil, etc., prohibited-** No teacher, supervisory office or other employee of a board or of the Ministry shall, for compensation of any kind other than their salary as such employee, promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein.

2. **Exception for authors** – Subsection (1) does not apply to a teacher, supervisory office or any other employee in respect of a book or other teaching or learning materials of which they are an author where the only compensation that they receive in respect thereof is a fee or royalty thereon.

3. **Employment of employee of board or Ministry to promote sale of books, etc., to board, pupil, etc., prohibited** – No person or organization or agent thereof shall employ a teacher, supervisory office or other employee of a board or of the Ministry to promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein, or shall, directly or indirectly, give or pay compensation to any such teacher, supervisory officer or employee for such purpose.

4. **Penalty-** Every person who contravenes any provision of subsection (1) or (3) is guilty of an offence and on conviction is liable to a fine or not more than $1,000.