



## **5.0 Human Resources**

### **5.5 Workplace Conduct**

#### **5.5.1 P Conflict of Interest Policy**

##### **1.0 Introduction**

Island Health recognizes the right of its Employees to be involved in activities as citizens of the community, Employees must keep their role as private citizens separate and distinct from their employment responsibilities and must avoid situations in which they, inadvertently or otherwise, place themselves in a conflict of interest.

Potential and actual conflicts of interest need careful monitoring and pro-active management to ensure they do not undermine or appear to undermine:

- The performance of an Employee's duties and responsibilities, or
- The confidence and trust of the public in Island Health as a government-funded organization in British Columbia.

This document outlines how Employees can avoid or mitigate both the appearance of ("apparent") and actual conflicts of interest arising from their employment position and is comprised of:

- Section 2.0 - [Scope](#)
- Section 3.0 - [Policy](#)
- Section 4.0 - [Definitions](#)
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## 2.0 Scope

This policy applies equally to Island Health Employees including:

- Individuals employed directly by Island Health including the CEO, executive, management, supervisory employees and line staff;
- Employed medical staff, residents, clinical trainees, and students; and
- Post secondary faculty and support staff who work at Island Health facilities.

## 3.0 Policy

### Workplace Standard of Conduct

Island Health expects its Employees to act honestly, in good faith and in the best interest of the Health Authority. Employees are expected to be sensitive to and to avoid or mitigate any situations involving conflict of interest between their personal interests or private affiliations and their job. This includes acting with integrity and honesty in all contact with patients, public, and representatives of any corporation, sponsor or organization with which Island Health has had or may have business dealings of any kind.

## 4.0 Definitions

**Conflict of Interest** - any situation where the Employee's personal interests do or could prevent the Employee from acting or appearing to act in Island Health's best interests.

"Conflict of Interest" includes an actual or potential conflict of interest or the appearance of a conflict of interest ("apparent" conflict of interest).

**Personal Interest** - includes the interests of the Employee, a close friend or an Employee's family member, business associate, or an association, corporation, partnership in which the Employee has an interest, or a person to whom the employee owes an obligation or debt.

**Gift** – something voluntarily transferred by one person to another without any or sufficient compensation and includes a bequest under a will.

**Loan** – something, especially sum of money, lent to an employee and/or a person, firm or corporation, defined under Personal Interests, which is to be returned with or without interest.

**Patient** – Includes a patient, resident, client, or tenant.

## 5.0 Prohibited Activities

Subject only to Section 7.0, an Employee shall not conduct him or herself in a manner which creates or could create an actual or apparent conflict of interest.

Such situations include, but are not limited to the following:

### 5.1 Knowledge or Influence

Employees are prohibited from:

- Using or appearing to use their positions or knowledge gained through their positions with Island Health for Personal Interest.
- This Personal Interest includes benefits obtained from any transactions over which the employee influences or is perceived to influence decisions in the course of his/her employment (For example; purchases, contracts, or appointments).
- Placing themselves in a situation where they are under obligation to any person who might benefit from or seek to gain special consideration or favour (For example; relationships with Island Health suppliers).

## 5.2 Outside Relationships or Associations

Employees are prohibited from, unless specifically approved:

- Giving or appearing to give preferential treatment to relatives, friends or organizations in situations where they have a Personal Interest.
- Placing themselves in a position in which a potential conflict of interest exists between their personal or volunteer interests and their employment duties to Island Health, (For example, service on any type of Board which would represent a potential conflict of interest).
- Providing directive, managerial or consultative services to any person, firm or corporation that does business with, seeks to do business with, is funded by or competes with the services of Island Health, without providing full disclosure in accordance with this policy, including obtaining prior managerial approval.
- Providing input into the development of proposals to Island Health on behalf of any person, firm or corporation that is affiliated with, or seeking to be associated with or contracted to Island Health, unless instructed to as part of their job.
- Holding a position or having a material financial interest in an organization that competes directly or indirectly with Island Health in the purchase or sale of property, property rights, interests, services, or provides goods or services to Island Health.

## 5.3 Working Relationships

Employees involved in a personal relationship outside work which compromises objectivity, or the perception of objectivity, should avoid being placed in a direct, or indirect reporting relationship to one another.

Employees who are direct relatives or who permanently reside together may not be employed in situations where:

- A reporting relationship exists where one employee has influence, input, or decision-making power over the other employee's performance evaluation, salary, premiums, special permissions, conditions of work, and similar matters; or
- The working relationship affords an opportunity for collusion between the two employees that would have a detrimental effect on the employer's interest.

If employees who are in a personal relationship find themselves in a direct or indirect reporting relationship, the employees must disclose that relationship to their superior who will report it to their superior who will advise the Executive Director. The restriction on working

relationships may be waived provided the Executive Director is satisfied that sufficient safeguards are in place to ensure the Employer's interests are not compromised. If the Executive Director is not satisfied that enough safeguards are in place, steps will be taken to accommodate one of the employees in another position. If the relationship involves an Executive Director or a member of the Executive, the matter will be referred to the President and CEO. If the relationship involves the President and CEO, the matter will be referred to the Island Health Board of Directors.

#### **5.4 Tangible Gifts/Benefits**

Any employee who receives a bequest, money, loan or gift from a patient is required to decline it.\*

\*Note: If a patient or his/her family insists, the gift is given as a goodwill gesture, is of a nominal nature (e.g. a box of chocolates, flowers, baked goods, etc.), the monetary value of which does not exceed \$25.00, and acceptance is not in conflict with any applicable Code of Ethics or policy that professionally governs an Employee, it may be accepted with prior permission and approval of the employee's supervisor.

Under no circumstances may money be accepted in lieu of the nominal gift or the nominal gift converted to cash.

Employees are prohibited from:

- Receiving any tangible benefits for their employment duties, other than official compensation attributable to their position. Employees are not to receive any additional "gain" as a result of their position.
- Persuading, requesting or inducing a patient to make a bequest, loan or gift for the Employees' personal benefit.
- Accepting any bequest, loan or gift from a patient, whether or not solicited or induced.
- Soliciting or accepting, directly or indirectly, a gift, favor or service from any person, firm or corporation with whom the employee is doing business on behalf of Island Health or in the course of his/her employment with Island Health, other than:
  - The normal exchange of hospitality between persons doing business together (e.g. business meals), or
  - The gift is a normal presentation of gifts to persons participating in a public function, presentation, workshop or conference.

On occasion a person, firm or corporation that has dealings with or seeks to do business with Island Health, may extend an offer to an Employee to participate in courses or seminars and underwrite the costs associated with same (registration fees, travel, accommodation and meal expenses). Subject to the context in which the offer is made, the nature of the offer, and the perceived value or return to the organization, permission may be granted to an employee to accept the offer by a member of the Executive. In the case of a member of the Executive, permission may be given by the President and CEO; and in the case of the President and CEO, the Board Chair.

All outside queries, inquiries or contacts regarding monetary or in-kind donations to Island Health should be immediately referred to the appropriate Island Health Foundation. Island Health-related Foundations are charitable organizations and will facilitate the donation process.

The Foundations have the final discretion regarding whether the terms and conditions of a donation qualify it as a gift, as defined by Canada Revenue Agency Corporate vendors. For profit sponsors or suppliers will also be asked by the Foundations or Island Health to complete a Full Disclosure of Financial Contribution Form (Appendix II), as appropriate, in order to avoid the appearance of future benefit or consideration in exchange for their donation.

## **5.5 Private Interests**

Island Health employees may have personal business interests outside the workplace, participate in political activities and comment on public issues.

However, employees are prohibited from engaging in business interests, participating in political activities and making comments that could jeopardize the perception of impartially performing their duties.

### **5.5.1 Business Interests**

Employees are prohibited from:

- Using their status as an employee or Island Health's property to pursue personal interests or private practice. This includes but is not limited to the sale of goods or services to clients.
- Providing service to Island Health as a contractor while also an employee of Island Health, except where approved according to procedures outlined in this section.

- Providing concurrent services to Island Health patients as an independent contractor unless:
  - The Island Health service is actually complete; or
  - The service is not provided through Island Health or is substantively different than that service provided through Island Health; or
  - Island Health cannot reasonably provide the service.

It is the responsibility of an employee to inform patients of any free, publicly available services within Island Health or in the community.

Employees may only receive referrals of Island Health patients to their private practices, after disclosing the potential conflict to their patients and manager, in accordance with this Policy.

Concurrent service to public and private patients may only be approved by the manager in accordance with the limitations outlined above.

- Devoting paid time during normal working hours to an outside interest or activity that deprives Island Health of the employee's full services without an offsetting benefit to Island Health, unless prior managerial approval has been given and alternate arrangements have been made.

### **5.5.2 External Communications and Public Comments**

Island Health employees may comment on public issues but are prohibited from:

- Engaging in any activity or speaking publicly where this could be perceived as an official act or representation (unless authorized to do so).
- Jeopardizing the perception of impartiality in the performance of duties by making public comments or entering into public debate regarding Island Health policies.
- Using their positions in Island Health to lend weight to the public expression of their personal opinions.

### **5.5.3 Political Activity**

Island Health employees may participate in political activities including membership in a political party, supporting a candidate for elected office, or seeking elected office. Employees' political activities, however, must be clearly separated from activities related to their employment.

If engaging in political activities, employees must:

- Remain impartial and retain the perception of impartiality in relation to their duties and responsibilities.
- Not engage in political activities during working hours or use Island Health facilities, equipment, or resources in support of these activities.

Partisan politics are not to be introduced into the workplace; however, informal private discussions among co-workers are acceptable.

## **6.0 Island Health Staff Appointed to Boards or Loaned to Other Agencies**

If an Employee's appointment to an outside Board is requested and potentially desirable for the purposes of Island Health, the relevant member of the Executive (the President and CEO for the Executive) will assess whether such representation is appropriate within Island Health's stated policies and priorities. If it is appropriate, Island Health will appoint appropriate representatives.

Island Health rules of conduct regarding the Employee's avoidance of conflict of interest and maintenance of confidentiality continue to apply. Expectations for staff participation on the Boards of funded agencies should be in accordance with Island Health policy and communicated in advance to requesting agencies.

Notwithstanding the approval, this policy applies to an Employee whose time is being loaned to outside agencies. These situations should be linked to program priorities and approved by the appropriate Corporate Director or Executive Director. If long-term arrangements are being contemplated (greater than six months), there should be a written secondment agreement.

## **7.0 Outside Remuneration, Employment and Honoraria**

An Employee may engage in remunerative employment with another employer, carry on a business or receive remuneration from public funds or activities outside his/her position provided that:

- It does not interfere with the performance of his/her duties as an Employee of Island Health.
- It does not represent a conflict of interest as defined by this Policy.
- It does not bring Island Health into disrepute.
- It is not performed in a manner that appears to represent or be an official action of Island Health.
- It does not involve the use of Island Health's premises, services, equipment or supplies, unless otherwise contracted.
- It does not involve the referral of Island Health clients to the employee's private practice.



- It does not involve concurrent service to the client, unless the nature of the service is disclosed and deemed to be of a completely different nature than that offered or provided by Island Health, or otherwise formally permitted by Island Health.

Honoraria or fees paid to the Employee for presentations, symposia, lectures, panel discussions, etc. related to the subject matter of programs, services, clinics or systems used at Island Health will be directed to Island Health.

## **8.0 Post-Employment Restrictions**

Employees must not create a real or perceived conflict of interest by receiving an improper benefit as a result of the employee's former position at Island Health.

For senior Leaders, there is a one-year post-employment restriction from accepting an offer to work with an outside enterprise or business interest where the employee had a direct business relationship with that entity during the course of their employment with Island Health. This includes vendors, suppliers of any non-public sector entities that had a contract or other service relationship with Island Health whereby the vendor, supplier or non-public sector entity benefited from its involvement with Island Health. Senior leaders must disclose any employment obtained during the one-year post-employment restriction period to Island Health.

## **9.0 Mitigation of Conflict of Interest**

An Employee may be able to mitigate a conflict of interest situation by:

- Disclosing the conflict in accordance with this policy and any associated departmental processes.
- Declaring a conflict and excusing him/herself from activities that result in the conflict (For example, discussions or involvement with an outside enterprise in which he/she has a personal interest or involvement).
- Declining an opportunity to work with the outside enterprise or business interest in which the employee has a personal interest or involvement.
- Taking steps to resolve the actual conflict or, if there is no conflict, to remove the perception that it exists.
- Clarifying that there is no conflict and why.

The procedures for disclosure are outlined in [5.5.1 PR Conflict of Interest Disclosure Procedure](#)

## 10.0 Consequences of Violation

A conflict of interest that is improperly managed, unrectified or undisclosed is a significant breach of employment obligations and will not be tolerated by Island Health. An employee who is found to have engaged in such conduct will be subject to disciplinary action up to and including termination of employment or withdrawal of privileges.

## 11.0 Related Policies and Procedures

- [Fair Business Practices Policy 6.1.1](#)
- [Whistle Blowing Policy 5.5.12](#)
- [Whistle Blowing Procedures 5.5.12 PR](#)
- [Community Care and Assisted Living Act](#)
- [Hospital Act](#)