

## **SUMMARY OF THE CONFLICT OF INTEREST POLICY APPLICABLE TO MANAGERS**

This document is a summary of the *Conflict of interest policy applicable to senior administrators, senior officers, intermediate officers and officers of the Cree Board of Health and Social Services of James Bay* (the “**policy**”). The policy is intended to support the CBHSSJB’s integrity and to reduce the potential for conflicts of interest within the CBHSSJB’s public service by establishing standards of conduct applicable to senior administrators, senior officers, intermediate officers and officers (the “**managers**”) and by providing tools to address issues that arise when the latter’s personal and employment and/or fiduciary interests conflict.

It is important to understand that this summary is not intended to replace or supersede the policy in any way. Therefore, in the event of a conflict or incompatibility between this summary and the policy, the policy shall take precedence. It is the responsibility of the manager to read the policy and understand all his or her obligations provided for therein.

### **1. DEFINITIONS**

The policy defines a number of terms. The most important definitions the purpose of this summary are the following:

“**conflict of interest**” means, without restricting the general scope of this term, any situation, actual, perceived or potential, that might threaten to compromise the manager’s ability to exercise his or her functions objectively as his or her judgment might be influenced and his or her independence affected by the existence of direct or indirect interests. Conflict of interest situations can involve money, information, influence or power;

“**immediate relative**” means the concerned person’s spouse or child, the spouse’s child, the person’s mother or father, the spouse or child of the person’s mother or father as well as said spouse’s child, the spouse of the person’s child or of the person’s spouse’s child, or the person’s brother or sister and their spouse. In this policy, “child” includes a child through legal or customary adoption;

“**interest**” means the interest of the concerned person, whether direct or indirect, pecuniary or not, real (including material, professional or philanthropic in nature), apparent or potential; and

“**related business entity**” means any business, enterprise or activity carried on personally or through an unincorporated business, a partnership, or a corporation (excluding publicly traded corporations) or a cooperative in which the concerned person or an immediate relative of the concerned person has directly or indirectly an interest no matter what the level of this interest may be.

### **2. GUIDING PRINCIPLES**

The managers’ personal interest must not come into conflict with the interests of the CBHSSJB. All managers must carry out their duties and functions in such a manner that public confidence and trust in the integrity, objectivity and impartiality of the CBHSSJB are conserved and enhanced. In particular, the following guiding principles must be followed:

- The managers must not accept transfers of economic value from third parties other than incidental gifts or customary hospitality, the whole in accordance with the policy;

- The managers must not directly or indirectly use for themselves or allow to be used by any third party any of the funds or other property of the CBHSSJB for anything other than approved use, activities or programs of the CBHSSJB;
- The managers must not participate in any decision, deliberations or process or influence any decision, deliberations or process to gain a benefit from the CBHSSJB for them or for an immediate relative or a related business entity;
- The managers must not take advantage of or benefit for themselves, an immediate relative or a related business entity from information which is obtained in the course of their duties or functions for the CBHSSJB and which is not already publicly available; and
- The managers must not have, under pain of dismissal, any direct or indirect interest in an undertaking causing their personal interest to conflict with that of the CBHSSJB, subject to the exceptions provided for in the policy.

### **3. PREVENTIVE MEASURES RELATING TO CONTRACTS, SERVICES, PAYMENTS AND INTEREST IN AN UNDERTAKING**

Any manager who has, or whose immediate relative or related business entity has, a direct or indirect interest in any (i) proposed or existing contract with the CBHSSJB, (ii) service from the CBHSSJB, (iii) payment from the CBHSSJB or (iv) undertaking causing his or her personal interest to conflict with that of the CBHSSJB must, in accordance with the terms and conditions set forth in the policy:

- A. **Disclose** the situation to the CBHSSJB using the form attached to the policy as Schedule A; and
- B. **Refrain** from participating in any deliberations, decisions or process or influencing any deliberations, decisions or process, including a process for tender, related to such contract, service, payment or interest in an undertaking.

There are some exceptions to these two obligations which are enumerated in the policy.

Exceptionally and in situations where time is of the essence, the manager can, in accordance with the conditions prescribed in the policy, delegate his or her responsibilities to participate in any deliberations, decisions or process to a person who has the necessary authority, qualifications and skills and, in turn, disclose his or her interest as soon as practicable.

In addition to the above mentioned obligation of disclosure, every year by September 30<sup>th</sup> at the latest, the managers must file a declaration of interests using the form attached to the policy as Schedule B.

### **4. INQUIRY PROCEDURE**

Any person who has reasonable grounds to believe that a manager does not comply with the policy may file a complaint with the director of corporate services. In the event the complaint concerns the director of corporate services, it shall be filed with the executive director. A manager who has reasonable grounds to believe that another manager does not comply with the policy has the obligation to make such complaint. The form attached to the policy as Schedule C can be used to file the said complaint.

If a manager receives a complaint relating to the application of the policy, he or she must immediately forward it to the director of corporate services. If the complaint concerns the director of corporate services, it must be forwarded to the executive director.

The complaint will be treated, and any related measures will be taken, as provided for in the policy.

## **5. REMUNERATION, OUTSIDE EMPLOYMENT OR ACTIVITY AND GIFTS, HOSPITALITY, FAVOURS AND OTHER BENEFITS FROM THIRD PARTIES**

### **Remuneration and outside employment or activity**

The managers must not be remunerated by the CBHSSJB over and above the bonuses, salary scales, allowances and premiums set out in the policies, by-laws or resolutions of the CBHSSJB adopted for such purposes and/or in the applicable law and regulation, except if it is approved by the executive director and insofar as the remuneration is reasonable taking into account the circumstances.

Involvement in outside employment or outside business or other outside activities by the managers is not prohibited unless:

- The outside employment, business or other activity is such that it is likely to result in a conflict of interest with the CBHSSJB or it constitutes such a conflict; or
- The outside employment, business or other activity places demands on the managers which are inconsistent with the performance of their normal duties, functions and responsibilities for the CBHSSJB.

In any event, the CBHSSJB can require that the outside employment, business or other activity be curtailed or modified or that it cease.

### **Gifts, hospitality, favours and other benefits from third parties**

A manager must not accept, directly or indirectly, for himself or herself, or through or for an immediate relative or related business entity, any gifts, hospitality, favours or other benefits from third parties:

- Who have or seek a business relationship, a payment or an employment with the CBHSSJB (for themselves or for another person or entity) and which could influence the manager in the judgement and performance of his or her duties, functions or responsibilities for the CBHSSJB; or
- Which could influence the manager in the judgement and performance of his or her duties, functions or responsibilities for the CBHSSJB.

However, the manager can accept these gifts, hospitality, favours or other benefits if they answer all of the following criteria:

- They do not compromise the integrity of the CBHSSJB including the integrity of the manager;
- They are not such as to bring suspicion on the manager's objectivity and impartiality; and

- They are within the bounds of propriety, a normal expression of courtesy, customary or within the normal standards of hospitality (gifts, hospitality, favours or other benefits of \$250.00 or less per year per third party are generally considered as meeting this requirement).

Any gift, hospitality, favour or other benefit from a third party who has or is seeking a business relationship, a payment or an employment with the CBHSSJB and which is conferred or offered to a manager or to an immediate relative or related business entity and whose value exceeds \$250.00 per year per third party or which does not answer the above criteria must be immediately reported to the director of corporate services or in the case of said director, to the executive director, by the concerned manager. The appropriate actions will then be taken in accordance with the policy, which provides some examples.

## **6. DUTIES AND OBLIGATIONS AFTER LEAVING EMPLOYMENT AND/OR OFFICE**

The managers have a duty after they leave office and/or employment to act in such a manner as not to cast doubt on the probity and impartiality of the CBHSSJB or to diminish public confidence in the CBHSSJB. For a period of six months following the departure from the CBHSSJB, the managers must comply with the post-employment/office obligations prescribed by the policy.

## **7. ADMINISTRATION OF POLICY**

The director of corporate services is responsible for the administration of the policy except as otherwise stipulated therein. Any questions or doubts about the interpretation of the policy or its application to a particular situation should be addressed to the director of corporate services.

## **8. BREACH OF POLICY**

Any manager who breaches the policy is subject to disciplinary measures including and up to dismissal.