

POLICY and PROCEDURE			
Chapter:	Administration & Human Resources	SPP No.	HR 2.13.OKIB
Section:	Employment Policies	Drafted:	June 2022
Subject:	Conflict-of-Interest	Approved:	
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2.13 Conflict-of-Interest

1. PURPOSE

- 1.01 The purpose of this policy is to assist in the identification of situations that present potential conflicts and to provide a procedure to manage conflicts in accordance with legal requirements and the goals of accountability and transparency in all aspects of OKIB administration.

2. POLICY

Conflict-of-interest

- 2.01 A Conflict-of-interest arises where an Employee's Personal Interest competes with the Employee's:
- duty to act in the OKIB's best interests, or
 - job related powers, duties, functions, or responsibilities.
- 2.02 A Conflict-of-Interest does not arise where the Employee's Personal Interest is:
- the same as those of a broad class of people or a broad class of OKIB members; or
 - so remote or insignificant that a reasonable person would not believe the Employee's Personal Interests are likely to influence the Employee from acting the OKIB's best interests.
- 2.03 Employees are prohibited from acting in an official capacity in any matter where there is a Conflict-of-Interest or a Perceived conflict of interest.
- 2.04 All new Employees must, upon being hired, complete the Conflict-of-Interest Declaration Form and return it to their Director.
- 2.05 All Employees under a contract of employment in effect on the date that this policy comes into effect must complete the Conflict-of-Interest Declaration Form as soon as practicable and return it to their Director.
- 2.06 Employees shall not use or permit the use of OKIB property or resources for activities not associated with their employment duties unless they have received the prior written consent of their Supervisor.

Avoidance of Conflicts of Interest

- 2.07 All Employees will arrange their personal affairs and conduct themselves in a manner to avoid a Conflict-of-Interest.
- 2.08 Employees must:
- avoid placing themselves in circumstances where their ability to exercise a power or performance of a duty or function of their position could be influenced by the interests of any

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person to whom they owe an obligation or who may expect to receive a benefit or preferential treatment from the Employee; and

- b. not be involved in any transaction, decision or matter where they have, or believe they may have, a Conflict-of-Interest.

Family Members and Related Organization

2.09 It is a Conflict-of-Interest for an Employee:

- a. to participate in the recruitment, selection, promotion, evaluation, scheduling, approving timesheets, or daily supervision of a Family Member; or
- b. be involved with the contracting, evaluation, or authorizing payments to Related Organizations.

2.10 The employment of Family Members or contracting with a Related Organization is permitted provided the following conditions are met:

- a. an unrelated Employee determines that the Family Member or Related Organization is the best candidate;
- b. the Employee is not involved in the recruitment/contracting process; and
- c. a Family Member or Related Organization is not given preferential treatment during the recruitment/contracting process.

2.11 Every effort should be made to ensure that Employees who are Family Members do not report directly or indirectly to one another. If this situation is unavoidable, the Employees must identify their familial relationship to their Director, or - in the case of a Director – to the Executive Director.

2.12 Employees in direct or indirect supervisory relationships with a Family Member shall not approve timesheets, complete performance reviews, makes changes to pay, or make promotion/transfer decisions. In such situations, either the Executive Director or the Manager of Human Resources will select an alternate Director to complete the Family Member's performance reviews, make changes to pay, or make promotion/transfer decisions.

2.13 In circumstances where two approvals are needed and each Employee who can issue an approval is a Family Member of the other, an unrelated Employee, who holds a position that is at least equal to or is more than one level of management above one of the Employees, must participate in the approval process.

2.14 When an Employee, within the scope of their authority, intends to purchase materials or services from a Family Member or Related Organization, the Employee must first disclose their intention to their Director and obtain approval to do so.

3 SCOPE

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3.01 This Statement of Policy and Procedures applies to all employees when exercising a power, duty, or responsibility relating to the OKIB.

4 RESPONSIBILITY

4.01 The Executive Director is responsible for informing the Directors of their obligations under this policy and must take steps to ensure that they comply with these obligations and keeping a record of disclosures.

4.02 Every Director must ensure Employees under their supervision are informed of their obligations under this policy and must take steps to ensure that they comply with their obligations.

4.03 The Human Resources Manager is responsible for maintaining a register of all information disclosed by Employees under this policy.

4.04 Employees are responsible for disclosing a conflict-of-interest and providing an annual update on all disclosures of conflict-of-interest to their Director and Human Resources.

4.05 If an Employee is unsure of their obligations under this Policy, they should seek clarification in a timely manner from their Director.

5 DEFINITIONS

Unless context indicates the contrary, the following definitions apply in this policy:

Conflict-of-Interest means a situation where an Employee's Personal Interest conflict with the Employee's duty to act in the OKIB's best interests;

Employee means a person who holds a position under a contract of employment with the OKIB;

Family Member means an Employee's parents, children, grandparents, grandchildren, aunts, uncles, nieces and nephews, great grandparents and great grand aunts/uncles and includes: spouses; common law spouses; stepchildren; foster children and adopted children; parents-in-law, siblings-in-law; or any relative of the Employee who resides permanently with the Employee or with whom the Employee permanently resides;

Financial Benefit includes; employment opportunity, contract opportunity; educational, medical, or other social benefits; honourariums; payment of any money, or Valuable Consideration; or allotment, lease, or other grant of an interest in reserve lands or OKIB controlled lands;

OKIB means the Okanagan Indian Band.

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Personal interest means a benefit that is economic in nature (e.g. a Financial Benefit for themselves, a Family Member, or a Related Organization) and includes benefits related to: increase in social stature; career advancement; or, courting good will from OKIB management or external parties;

Potential conflict-of-interest means a situation that could become a Conflict-of-interest in the future;

Perceived conflict-of-interest means a situation where a reasonable person, being aware of the Employee's Personal Interest would believe the Personal Interest conflicts with the Employee's duty to act in the OKIB's best interests;

Related Organization means a corporation or other organization in which the Employee has an interest;

Spouse means either of two persons who have entered into a legal marriage or have been living in a conjugal relationship for a period of at least twelve continuous months prior to the date that this policy was approved;

Valuable Consideration means something of economic value, including money, goods and services.

6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

- ✓ HR 2.03.OKIB Recruitment and Selection
- ✓ HR 2.12.OKIB Gifts, Favours and Honorariums
- ✓ *Okanagan Indian Band Financial Administration By-law 2018*

7 PROCEDURE

Disclosure of Conflict-of-interest

- 7.01 When an Employee thinks that they are in or have a lingering doubt whether they may be in a Conflict-of-interest, that person must disclose the nature and extent of the Conflict-of-interest to their Director at the earliest moment possible using the Conflict-of-interest Declaration Form.
- 7.02 Written record of the discussion of the disclosed Conflict-of-interest and the decision made as to whether the Employee has a Conflict-of-interest, Potential conflict-of-interest or a Perceived conflict-of-interest shall be placed in the Employee's personnel file.
- 7.03 If an Employee or any other person has reason to believe that another Employee is or may be in a Conflict-of-interest, the Employee or other person shall notify Human Resources and the Director. The Human Resources Manager or Director may request clarification of the circumstances.
- 7.04 If an Employee is alleged to have a Conflict-of-interest and that Employee does not acknowledge the Conflict-of-interest and take actions required under this policy, the Director must determine whether the Employee has a Conflict-of-interest before the Employee can continue to work on the

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project of file in relation to the alleged Conflict-of-interest. The results of the Director's determination, including reasons, shall be provided to the Employee.

- 7.05 The Human Resources Manager must keep a record of any determination made under paragraph 7.04 and shall be recorded on the Declaration of Interest Form and placed in the Employee's Personnel file.

Resolution Despite Conflict

- 7.06 The Executive Director may approve a transaction, decision or matter that is subject to a Conflict-of-interest where:
- a. The Employee has complied with the procedures set out in this policy; and
 - b. The Executive Director has determined that the transaction, decision or matter is fair and reasonable.

Consequences of Failing to Comply with this Policy

- 7.07 Any Employee who fails to make a complete disclosure of a Conflict-of-interest will pay to the OKIB a sum of money equal to the value of any and all Financial Benefits that the Employee, Family Members or Related Organization received notwithstanding any other disciplinary action the Director, on in the case of a Director, the Executive Director may take.
- 7.08 Failure to comply with this policy may result in the suspension or termination of employment for just cause.
- 7.09 The Executive Director may void any Employee's decision made in contravention of this policy.

8 ATTACHMENTS
Conflict-of-Interest Declaration form

9 REPEALS

The "Conflicts of Interest" (HR Policy 2.13 approved March 24, 2015) is hereby repealed.