



POLICY SECTION: HUMAN RESOURCES
SUB-SECTION: MISCELLANEOUS
POLICY NAME: CONFLICT OF INTEREST: EMPLOYEES
POLICY NO: H.M. 31

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| Date Approved: November 14, 2002 | Date of Next Review: April 2023 | Dates of Amendments: April 19, 2018 |
| <p>Cross References: Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 Conflict of Interest: Trustees policy (T. 01) Purchasing policy (F.P.01) Acceptance of Hospitality or Gifts policy (H.M.33) Fair Practice in Hiring and Promotion (H.M.40) Education Act, sections 217 and 286</p> | | |
| <p>Appendix</p> | | |

Purpose:

This policy establishes parameters and guidelines for employees regarding possible conflict of interest situations.

~~The Toronto Catholic District School Board gives pre-eminence to the tenets of Roman Catholicism with regard to matters under its jurisdiction, in a manner consistent with Gospel Values and its Mission and Vision Statements. The Board recognizes that all people are created in the image and likeness of God and, as such, deserve to be treated with dignity, respect and fairness.~~

~~The Toronto Catholic District School Board also recognizes that a high standard is expected of a public body where the employment, contractual, and purchasing requirements may vary widely, and are spread throughout many departments and schools. It is essential that staff maintain, and are perceived to maintain, the highest standard of public trust and integrity.~~



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~~Consequently, policy and administrative regulations governing ethics, codes of conduct and conflicts of interest are established demonstrating that all reasonable measures will be taken in the processes related to employment, contracts, and purchases of goods and services in a competitive and equitable manner which avoids any suspicion of irregularity, but with enough flexibility to permit sound educational and business practices. The establishment of a Conflict of Interest Policy is not meant to prevent or exclude individuals or companies from doing business with the Board; but rather to ensure that fairness and openness prevail in all our business dealings.~~

Scope and Responsibility:

This policy applies to all employees of the Toronto Catholic District School Board. The Director is responsible for this policy.

Alignment with MYSP:

Living Our Catholic Values

Strengthening Public Confidence

Inspiring and Motivating Employees

Policy:

Toronto Catholic District School Board expects, consistent with the **Roman Catholic faith** teachings of Jesus Christ, that employees will at all times conduct themselves with personal integrity, ethics, honesty and diligence in the performance of their duties. Employees are expected to support and act in the best interest of the Board. Employees are therefore expected either:

- to avoid, as far as practicable, placing themselves in situations in which their personal **or pecuniary** interests may actually or potentially conflict with the interest of the Board, ~~or~~ **and**



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- at any and all times and places and regardless of whether engaged in or on or about Board business, to take all reasonable steps to avoid the exercise of any influence on Board decisions in which they have a personal interest.

Regulations:

1. In this Policy and Regulations:

1.1 the interest, direct or indirect, of the spouse of an employee, or of a parent, sibling or child of an employee or the spouse of any of them, shall, if known to the employee, be deemed to be also the interest of the employee;

1.2 an employee has an indirect pecuniary interest in any matter in which the Board is concerned, if

(a) the employee or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body, that has a pecuniary interest in the matter; or

(b) the employee is a partner of ~~a person~~ or is ~~in the employment of~~ **employed by** a person or body that has a pecuniary interest in the matter;

1.3 “pecuniary interest” includes any interest in which there exists a possibility for gain of any kind by any person, including a corporate person;

1.4 “senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the



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corporation similar to those normally performed by a person occupying any such office. **Senior officers at the TCDSB also include the Director, Associate Directors and Superintendents.**

2. The provisions of this Policy are, and are to be considered as, supplemental to, not in substitution for, the obligation of employees:

2.1 to truly, faithfully, impartially and to the best of the employee's ability execute the duties of the office to which the employee has been appointed; and

2.2 to declare as required by Board policy and regulations whenever the employee has a pecuniary interest in any matter, and

2.3 to refrain from any attempt to influence a decision of the Board in respect of any matter in which the employee has a pecuniary interest.

3. Whenever an employee on his or her own behalf or while acting for, by, with or through another, has or acquires any personal **or interest**, pecuniary **interest** ~~or otherwise~~, direct or indirect, that does or may conflict with the interest of the Board, such employee shall:

3.1 disclose such interest at the earliest practical time to the Director of Education or designate (or, in the case of the ~~Director or a Deputy~~ Director of Education, to the Chair of the Board); and

3.2 refrain from taking part in or influencing any discussion or decision-making ~~in relation thereto~~, whether before, during or after any meeting or discussion, formal or informal, ~~in relation thereto~~.



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4. In addition to the requirements of paragraph 3 an employee

4.1 whose duties include the authority to make:

- (a) either a decision authorizing the expenditure of Board funds,
- (b) or a recommendation to another employee leading to a decision of the latter authorizing expenditure of Board funds, (including but not limited to principals, vice-principals and other non-union staff)

4.2 and such employee has or has ever had

- (a) a personal relationship, or
- (b) a business relationship outside of the performance of the employee's duties,

with the person, firm or corporation to whom the funds in such expenditure will be paid or payable, the employee shall disclose such relationship at the earliest practical time to the Director of Education or designate.

5. Where employees are family members or business associates and one employee has or may have a supervisory responsibility in respect to the other, each shall report this conflict, in writing, to their superintendent of education or manager who will then consult with Human Resources to determine if any action is required.

6. As per the [Fair Practice in Hiring and Promotion policy \(H.M.40\)](#), any TCDSB employee charged with responsibilities for interviewing, hiring, placement or promotion of applicants must declare a conflict of interest, where applicable, prior to fulfilling their duties and may be excluded from the decision-making process.



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5. ~~7.~~ As often as required by the Director of Education, each employee shall complete, sign and deliver to the Director of Education or designate, "Employee's Acknowledgement and Compliance Statement" in a form determined by the Director of Education from time to time. **The Director of Education will require relevant departments to issue conflict of interest reports concerning matters such as hiring and procurement.**

6. ~~8.~~ Employees are expected to be scrupulous in their compliance with the requirements of law and this policy.

9. Failure of an employee to comply with the requirements of this policy may result in employee discipline up to and including termination of employment.



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Definitions:

Conflict of Interest includes:

1. A situation in which an employee, whether for himself/herself or for some other person(s) attempts to promote a personal interest which results or could appear to result in:
 - (i) an interference with the mission, vision and beliefs of the Board;
or
 - (ii) a gain or an advantage by virtue of his/her position in the Toronto Catholic District School Board
2. Situations in which the personal interests of an employee (or the employee's family or business associates) conflict with the interests of the Board or when there is a reasonable basis for the perception of such conflict.
3. A situation in which access to, or quality of service rendered by, an employee is affected by any form of privilege, favouritism or special arrangement between an employee and another party.

Employee

For the purposes of this policy, an employee is an individual employed by the Board in a casual, temporary or permanent position.

Nominee

Entity named or appointed by another (the nominator) to act on its behalf in a limited capacity or in a specific matter.



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Personal Interest

Personal interests are non-financial interests that may influence or be influenced by personal or family relationships. Personal interests may result in favouritism towards a person or group of people as a result of one's personal connections or relationships.

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

The Director will keep a record of all conflict of interest reports and actions taken in response.