



**POLICY:**

**GBCA**

**SUBJECT:**

**STAFF CONFLICT OF INTEREST**

**APPROVAL DATE:**

**September 23, 1986**

**REVISION DATE:**

**February 4, 2002**

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**1. General**

The Winnipeg School Division believes that all employees occupy positions requiring public trust and confidence and are expected to discharge their duties and responsibilities professionally, and impartially.

In discharging their duties, all personnel in the employ of the Division shall exercise the greatest care that neither their influence with their students nor their position on the staff shall be used for personal gain or to promote the commercial or partisan interests of any person, business, or institution.

**2. Definitions**

**2.1 Conflict of Interest** is defined as any direct or indirect interest in, connection with, or benefit from outside activities, especially business activities, involvement in which might adversely affect the Division, or benefit the employee directly or indirectly as a result of the employee's position or connection with the Division, including the use of Division materials, personal contacts, knowledge or time during the workday for personal profit or gain.

A conflict of interest exists when an act to further the personal interest of an employee has a negative effect on the Winnipeg School Division.

**2.2 Employee** refers to all persons who are currently engaged in active employment with the Winnipeg School Division regardless of employment status (eg. full-time, part-time, permanent, term, or contract).

**2.3 Family Member** is as defined under the Income Tax Act and includes a spouse, child, grandchild, parent, parent-in-law, son/daughter-in-law, brother, sister, brother/sister-in-law, or anyone for whom the employee stands in loco parentis.

**2.4 Immediate Relative** shall mean spouse, father, mother, sister, brother, son or daughter.

**3. Conflict of Interest Situations**

The following situations may place an employee in a conflict of interest situation:

**3.1** Involvement in an activity outside the Winnipeg School Division for personal financial gain or employment that uses time paid for by the Division (ie, workday), has an adverse effect on performance of duties for the Division, or uses Division resources for the activity.



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- 3.2** Soliciting or accepting gifts, considerations, prizes or hospitality, other than those of a modest nature, from any person, firm or corporation with whom the Division does business. This does not include teachers receiving small gifts from students or attendance of staff at events in appreciation of their services.
- 3.3** Using association with the Division or the advantage of privileged information for the financial or other gain of a third party.
- 3.4** Seeking to obtain preferential treatment from the Division for a relative, friend, or commercial enterprise in which the employee, a relative, or a friend has a financial interest.
- 3.5** Recruiting, selecting or retaining a relative for employment if in a position of authority. (See also Policy GCC-Recruitment)
- 3.6** Influencing another employee to recruit, select, or retain a relative.

**4. Employee Responsibilities**

The onus is on each employee to anticipate and to avoid conflicts of interest, including situations that could give the appearance of being in conflict with the Division's interest.

- 4.1** No employee shall act as agent for any person in the sale of or in promoting the sale of any book, equipment, furniture, apparatus, stationery or any other item for use in a school.
- 4.2** No employee shall receive any remuneration or other compensation for any such sale or for promoting any such sale as outlined in Section 4.1.
- 4.3** No employee shall have an interest, direct or indirect, in any supplier to the Division which might:
- produce personal gain
  - detract from the time and energy which such employee ought to devote to his or her duties on behalf of the Division
  - cause embarrassment to the Division
  - leave the employee open to pressure that might affect the interests of the Division.
- 4.4** No employee shall accept any gift, reward, benefit, or favour which could reasonably be construed as an incentive to encourage the employee to use his or her influence with students, parents, staff or other persons associated with the Division for the purpose of patronizing any commercial enterprise or obtaining preferential treatment for persons, agents or organizations in their dealings with the Division, including suppliers, consultants and contractors.



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- 4.5** No employee shall conduct non-Division business on Division time, or use Division equipment, resources, including financial, technical or human resources, or facilities, including communications channels, to promote or benefit personal business, political or religious interests, unless prior approval has been obtained, in writing, from the Chief Superintendent or designee.
- 4.6** No employee shall use Division property, including automated resources (eg. computers, industrial arts equipment), for any purpose not explicitly approved by the Division. All software and other material developed by employees of the Division in the course of their employment during the workday or provided by third parties shall be treated as property of the Division, including computer disks in an employee's custody. Any unauthorized copying of proprietary material, including but not restricted to computer disks, video tapes, and software may place the Division in breach of copyright laws, and is strictly prohibited.
- 4.7** No employee shall furnish names, addresses and/or telephone numbers of students, parents/guardians or employees to outside interests, or use this information for their own purpose.
- 4.8** No employee shall use or transmit non-public information or use knowledge gained from Division business for any personal business transaction before that information becomes public, or transmit such knowledge to any persons outside the Division or to other employees of the Division who do not need to know such information in the performance of their work. Employees who are unsure whether a particular piece of information is non-public in nature shall seek direction from their immediate supervisor.
- 4.9** No employee shall accept gifts, favours, fees, stipends, reduced or free goods or services or a benefit of any kind from an individual or company which provides goods or services to the Division, or which is seeking to provide goods or services to the Division, where the employee is in a position to influence such dealings. This provision does not preclude employees from accepting gifts or honoraria of modest value for services rendered in the course of their duties such as for speaking engagements or for accepting passes to accompany students on excursions or field trips which are in direct support of the event. Any such gift, honorarium or pass which exceeds an estimated value as established from time to time by the Chief Superintendent shall be declared with the Chief Superintendent or designee.
- 5. Employment Restrictions**
- 5.1** No person who is an immediate relative of the Chief Superintendent or any member of the Board of Trustees shall first be employed by the Division during the term of office of that official except as provided for in Section 5.5.
- 5.1.1 For purposes of this policy relative shall mean spouse, father, mother, sister, brother, son or daughter.
- 5.1.2 This will not apply to any employee hired by the Division prior to the appointment or election to office of the officials stated above.



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- 5.2** No person shall be first employed or assigned to or remain in the school, department, or section in which an immediate relative is employed as a supervisor, foreman, department head, principal or administrator.
- 5.3** No person shall be employed in a position where, by reason of marital or family status, there would be the possibility of:
- collusion
  - breach of confidentiality
  - conflict of interest.
- 5.4** No person shall be permitted to hire or be responsible for hiring a member of his/her own family, a relative or a person about to become a relative.
- 5.5** Persons who are immediate relatives as set out in Section 1 and who, upon applying for employment in the Division, are successful in having their application accepted, shall not be employed until such employment is approved by the Board of Trustees by way of a resolution duly recorded in the minutes.
- 6. Purchasing Procedures**
- 6.1** All purchase orders, forms, and documents used by the Division to invite tenders or quotations for the supply of goods and/or services shall include the following statement:
- It is the policy of The Winnipeg School Division that no employee of the Division shall act as agent for any person in the sale of, or in promoting the sale of any book, equipment, furniture, apparatus, stationery, or other item for use in a school or Division facility, and that no employee of the Division shall receive any remuneration or other compensation for any such sale or for promoting any such sale.*
- 6.2** In the case of a tender where an employee has acted as agent referred to in Section 6.1 and has received remuneration or other compensation, the tender will be considered null and void and the Division shall retender for the supply of goods and/or services. The Employee shall be subject to Board Policy GCP - Discipline and Discharge.



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## **7. Professional Services**

Employees, including but not limited to teachers, clinicians and consultants, may only provide private services (ie, tutorial, psychological, therapeutic, clerical, technical, financial, mechanical) to students or other employees who are not in the schools or areas in which the employee provides the same services in the course of his/her employment duties with the Division, and then only with the prior consent, in writing, of the Chief Superintendent or designate. Any such request must include a statement that the potential service recipient (or responsible adult) has signed a waiver which acknowledges that the provider of private services:

- is an employee of the Division
- has advised the recipient, where applicable, that subject to eligibility criteria alternative services may be available free of charge through the School Division
- has offered, where applicable, to facilitate the appropriate referral process for services within the Division
- remains the provider of choice.

## **8. Exceptional Circumstances**

- 8.1** Where an employee believes that exceptional circumstances exist or that a conflict of interest could exist or is likely to arise, the employee shall consult with his/her immediate supervisor.
- 8.2** If the supervisor agrees that there are exceptional circumstances or that a conflict exists or could arise, the supervisor shall notify the Chief Superintendent or designee.
- 8.3** The Chief Superintendent or designee shall issue a ruling as to an appropriate course of action to be followed.
- 8.4** In cases where a potential conflict of interest may arise with respect to remuneration to an immediate family member of a trustee, the matter shall be referred to the School Board for consideration.

## **9. Contravention of Policy**

An employee who has acted in contravention of this policy is subject to disciplinary measures in accordance with Board Policy GCP - Discipline and Discharge.