

Conflict of Interest Province of Manitoba

POLICY STATEMENT

The Province of Manitoba supports the rights of civil servants to be involved in community projects and activities as citizens of the community. This is balanced with the recognition that civil servants participate in Government activities including making decisions affecting significant numbers of Manitobans, and have knowledge of a wide range of confidential information. As a result they are expected to place the public interest first in carrying out their duties. Part of protecting the public interest involves avoiding or effectively resolving conflict of interest situations where private or personal interests influence, or appear to influence, the performance of their duties and responsibilities. Ultimately, these situations must be resolved in favour of the public interest.

Employees must not, directly or indirectly:

- Place themselves in a situation in any official matter where there is a private or personal interest that would raise questions about how objective their actions or decisions are in the matter.
- Undertake outside employment, a business transaction or other private arrangement for personal profit or have any financial or other personal interest that is, or may appear to be in conflict with the performance of their duties.
- Seek or receive personal or private gain by granting preferential treatment to any persons while performing the employee's duties.
- Seek or accept personal or private gain from the use of information acquired during the course of their duties that is based upon confidential or non-public information.
- Use or permit the use of government property to promote or serve their personal or private interests, unless they are authorized to do so.
- Solicit or accept fees, gifts or other benefits that are connected directly or indirectly with the performance of their public service duties, from any individual, organization or corporation, other than:
 - a. the normal exchange of gifts among friends;
 - b. the normal exchange of hospitality between persons doing business together;
 - c. tokens exchanged as part of protocol;
 - d. the normal presentation of gifts to persons participating in public functions.

Employees should be aware that legislation and policies specific to their department or agency may have additional conflict of interest provisions. Therefore, employees and

employers have a shared responsibility to ensure they are familiar with the provisions of the legislation (eg. The Legislative Assembly and Executive Council Conflict of Interest Act) and policies applicable to their department.

A. QUESTIONS AND ANSWERS

Who does this policy apply to?

What is a conflict of interest?

What are the responsibilities of the employee?

How are conflicts of interest to be dealt with?

What is disclosure and how does it work?

What if I don't agree with the decision made about my situation?

What are the consequences of violating this policy?

B. AUTHORITY

Cabinet Minute #16, February 1, 1984, amended

June 26, 1996 Condition of Employment Regulations 17

C. QUESTIONS AND ANSWERS

Who does this policy apply to?

This policy applies to all civil service employees as defined by *The Civil Service Act*.

What is a conflict of interest?

A conflict of interest is any situation in which an employee has a private or personal interest that results in or creates the appearance of improperly influencing the performance of their official duties and responsibilities.

What are the responsibilities of the employee?

Employees have an obligation to review the interaction between their duties and responsibilities and their private and personal interests on a regular basis to ensure that they do not conflict.

Employees must ensure new or changed duties and responsibilities, organizational relationships and/or responsibilities, or private or personal interest situations are dealt with in accordance with this policy.

Responsibility for the disclosure of conflict of interest situations rests with the employee. This ongoing obligation begins, but does not end, when an employee is first employed and required to disclose any conflicts.

How are conflicts of interest to be dealt with?

Should an employee suspect they are or might be in a conflict of interest situation, they should take appropriate measures immediately to initiate the disclosure process.

If there is uncertainty regarding a conflict of interest, employees are encouraged to discuss the situation with their manager or human resources. If the situation cannot be resolved, employees should complete a disclosure statement.

What is disclosure and how does it work?

Disclosure is a confidential procedure to protect both the employee and the employer from unfair or improper allegations of conflict of interest. It requires an employee who suspects he or she is or might be in a conflict of interest to prepare a written statement of relevant facts for his or her deputy minister or designate. In the case of deputy ministers or their equivalent, disclosures are made to the clerk of the executive council.

The employee may be asked to provide any additional information required to determine if a conflict of interest exists. Once a decision is reached an employee is advised if a conflict of interest exists and if so, is given advice on how to avoid the conflict of interest.

What if I don't agree with the decision made about my situation?

An employee who disagrees with the department's (or agency's) decision can appeal that decision to the Civil Service Commission Board as defined under Section 4(1) of *The Civil Service Act*. During this appeal, the employee has the option of having a representative present. The decision of the Civil Service Commission Board is final.

What are the consequences of violating this policy?

Where an employee is found to be in a conflict of interest situation as a result of an inappropriate conduct, disciplinary action may result up to and including dismissal. Failure to address a conflict of interest appropriately may result in disciplinary action up to and including dismissal.

Where an employee believes he or she was unfairly disciplined for breach of the conflict of interest policy, there is recourse in the grievance procedures of their collective agreement or as set out in the Civil Service Act.

D. DEFINITIONS

Private or personal interests – actual/potential financial gain/loss or actual/potential favour or prejudice that can bring benefit to us as individuals or to others including organizations.

Government property - includes but is not limited to information not generally available to the public, government facilities (boardrooms, office space, office address, etc.), vehicles, equipment (computers, photocopy machine, fax machine, boats, motors or other field equipment, etc.), material (paper, supplies, etc.), or intangible government property (such as Government working time).

E. REFERENCES

This policy should be read in the context of the following and any other applicable legislation and policies:

The Civil Service Act, C.C.S.M. c. C110 ([link](#))

Province of Manitoba Values and Ethics ([link](#))

The Legislative Assembly and Executive Council Conflict of Interest Act, C.C.S.M. c. L112 ([link](#))

Oath of Office ([link](#))

Manitoba Political Rights Outlined ([link](#))

Government Employees Master Agreement and any other collective agreement ([links](#))

General Manual of Administration – Work related Activities/Honoraria, Gifts ([link](#))

Manitoba Government Electronic Networks Usage Policy ([link](#))

The Criminal Code, R.S. 1985. c. C-46; section 121 ([link](#))

Further Information

Questions concerning the interpretation, application and administration of the conflict of interest policy should be directed to your Manager, your human resources branch or the Labour Relations Division, Treasury Board Secretariat.