

APPRENTICESHIP AND CERTIFICATION BOARD POLICY

Name:	Conflict of Interest Policy
Subject:	Governance
Effective Date:	June 14, 2022

Definition:

Member is an individual who sits on the Apprenticeship and Certification Board (Board), a Sector Committees, or an Industry Working Group.

A **reasonable observer** is a hypothetical individual who has knowledge of the facts which an employee or member knew or ought to have known and applies judgement objectively with integrity and due care.

A **conflict of interest** is any situation in which a member has private interests that could improperly influence the performance of his/her official duties and responsibilities or in which the member uses his/her office for personal gain. A real conflict of interest is one that exists currently; an apparent conflict of interest could be perceived by a reasonable observer to exist, whether it is the case; and a potential conflict of interest could reasonably be foreseen to exist in the future.

Policy Statement:

Purpose

All members have a duty to protect the integrity of the decision-making processes of the Board, Sector Committees and Industry Working Groups by ensuring that they and other members are free from conflict or potential conflict in their decision-making. It is inherent in the work members are involved in that conflicts are avoided. It is important that all members understand their obligations when a conflict of interest or potential conflict of interest arises.

Application

This policy applies to all members of the Apprenticeship and Certification Board, Sector Committees, and Industry Working Groups.

Policy

Members shall avoid situations in which they may be in a position of real, perceived or potential conflict of interest. The Apprenticeship and Certification Board General By-Law contains provisions with respect to conflict of interest that must be strictly adhered to.

Due to the nature of information and decisions reviewed by the Board, Committees and Working Groups, members must not engage in business transactions or other private arrangements based on and of direct relevance to the decisions and discussions made that are not yet public information. Members cannot use their influence and confidential knowledge of policy, regulations, program standards, exams, curriculum review, and any other information gained through their role as a member to create unfair personal advantages, including financial gain, prior to the release of such information to the public. Members must not use their position to pursue or advance their personal interests or those of a friend, family member, current or former business associate and partnership.

Note: A conflict of interest exists if the decision could be or could appear to be influenced. It is not necessary that influence take place.

Should a member suspect they are, may be reasonably perceived to be, or may reasonably foresee being in a conflict of interest situation, they are required to immediately initiate the disclosure process. Disclosure is a confidential procedure to protect both the member and the department and its Board and Committees from unfair or improper allegations of conflict

of interest. It requires a member who suspects they might be reasonably perceived to be, or might reasonably foresee being, in a conflict of interest to complete the Employee Conflict of Interest Declaration form, for the Deputy Minister or designate.

Failure to appropriately disclose real, apparent and potential conflicts of interest to the official or representatives, whom appoint members to the Board, Sector Committees or Industry Working Groups may result in a review of the member's position, as well as disciplinary action up to and including dismissal. The structure of membership reviews in the event of a conflict of interest will be as follows:

- The Minister, who appoints Board members, reserves the authority to review a Board member's position.
- The Board, who appoints Sector Committee members, reserves the authority to review a Sector Committee member's position.
- Sector Committees, who select Industry Working Group members, reserve the authority to review an Industry Working Group member's position.

In the event that a real, apparent or potential conflict of interest is confirmed, an individual's membership status may be revoked and/or result in disciplinary action.

Rationale:

Members of the Apprenticeship Certification Board, Sector Committees, and Industry Working Groups are expected to place the public interest first in carrying out their duties. This involves avoiding or effectively resolving conflict of interest situations where private and personal interests are improperly influence, could reasonably be perceived to improperly influence, or could reasonably be foreseen to improperly influence, the dispense of their duties and responsibilities. These situations must be resolved in favour of the public interest.

Failure to appropriately disclose a conflict or engaging in activities that lead to perceived or real conflict of interest will lead to a review of the member's participation on the Board, Sector Committee, or Industry Working Group and may result in disciplinary action up to and including dismissal.

Board Motion(s)	2022.06.09
X-Referencing	The Public Service Act, Section 41 (a) (b) and the Public Service Act Regulation 11; Oath or Affirmation of Office
Legislation	The Apprenticeship and Certification Act
Comments	