



# **Tsawwassen First Nation Conflict of Interest Policy**

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The Conflict of Interest policy has been developed from the Tsawwassen First Nation *Conflict of Interest Act*, section 26, enacted by the Legislature on April 3, 2009.

## **1) Definitions**

Public official – means the Chief, any other elected member, an employee or a director.

## **2) Introduction**

The purpose of the Conflict of Interest Policy Manual is to provide staff with detailed information on conflict of information.

Maintenance and updating of the manual is the responsibility of the C.A.O. Any amendments are to be approved by the C.A.O. When users identify any procedure that needs amending, this should be brought to the attention of the C.A.O.

All updated procedures will be placed in the centrally filed Financial Procedure Manual binder and the electronic version of the server will be updated.

The Tsawwassen First Nation (TFN), its members, Executive Council and clients place high expectations on integrity. It is important that a high standard of ethical, moral, and legal conduct be upheld when business is conducted both internally and externally. As part of this standard of behaviour, it is important that there are no conflicts between an employee's private interests and their duties as an employee of TFN.

The purpose of this policy is to outline the standards of ethical behaviour, relating to conflict of interest, expected of all elected members, directors and employees of TFN. The conflict of interest policy and procedures are designed to ensure that TFN council, directors and employees are not involved in real or potential conflict of interest situations.

## **3) Conflict of interest**

A public official has a conflict of interest if he or she exercises an official power or performs an official function knowing that in so doing there is the opportunity to further his or her private interest. A public official must not exercise an official power or duty if he or she is in conflict.

#### **4) Gifts**

A public official is in a conflict of interest if he or she accepts a gift or personal benefit that would reasonably be seen to be given in order to influence him or her in carrying out his or her official duties.

A public official is not in conflict when a gift or benefit is received within:

- a) a normal protocol exchange associated with his or her official duties;
- b) a normal exchange in a business relationship;
- c) a normal exchange common at public cultural events of TFN;
- d) a normal exchange of gifts between friends.

If a public official receives a gift with a value greater than \$500, they will not be in conflict of interest provided they make a written disclosure of the gift to the C.A.O., who may require that the gift be made the property of TFN.

#### **5) Disclosure Statement**

The Chief and elected officials must file an affidavit with the C.A.O. setting out the following:

- (a) the names of all corporations in which they have an interest as shareholder, director or officer;
- (b) the names of each proprietorship, partnership or other business entity in which they have an interest and the names of each of the other persons who have a substantial financial interest in that proprietorship, partnership or other business entity;
- (c) if details of the affidavit change, become outdated or are no longer relevant, a supplemental affidavit is required.
- (d) the affidavit is held by C.A.O.

The prescribed form is **Appendix B** attached to this policy manual.

#### **6) Disclosing Conflict of Interest**

A public official who find themselves in an actual, perceived or potential conflict of interest must disclose the matter to the C.A.O. as soon as they become aware of the situation and abstain from any future discussion on the topic and from voting on the matter.

Employees who fail to disclose their situation may be subject to disciplinary action up to and including dismissal.

## **7) Approved Employment**

Elected members, with the approval of the chief administrative officer, may be employed by Tsawwassen Institutions or Tsawwassen Corporations or may act as consultants or advisors to them, provided that the C.A.O. is satisfied that the hiring is conducted in a fair and open manner, the pay is reasonable and the individual is qualified.

## **8) Contracting**

A public official may not directly or indirectly enter into a contract with Tsawwassen Government while he or she is acting in an official capacity or for 6 months following the date on which that person ceases to act in that capacity, unless;

- (a) the contract is awarded in accordance with the procurement policies of Tsawwassen Government;
- (b) the interest is disclosed, and;
- (c) the work to be performed under the contract is reasonably necessary to Tsawwassen First Nation and the fees payable for performing the work stipulated in the contract are fair and reasonable.

## **9) Affidavits of Directors**

Directors prior to being appointed must make an affidavit disclosing the following;

- (a) if they have been convicted of an indictable offence within the preceding 5 years;
- (b) the names of all corporations in which they have an interest because they or members of their families are shareholders, directors or officers;
- (c) the names of each partnership in which they have an interest because they or members of their families are partners, and the names of each of the partners in the partnership;
- (d) the names of all proprietorships or other business entities in which they have an interest because they or members of their families have a substantial financial interest.

The prescribed form is **Appendix B** attached to this manual.

### **10) Use of Restricted Information**

A public official may not use information that has come to their attention, which is confidential and not generally available to the TFN, if the information could result in a financial benefit to the public official.

### **11) Recovery of Financial Benefit**

Any financial benefit received as a result of use of confidential information may be recovered by the TFN.

### **12) Breach of Terms of Employment**

An employee is responsible to ensure that they are in compliance with the *Conflict of Interest Act*. Any contravention of the provisions of the Act may result in discipline up to and including dismissal.

### **13) Reporting Conflict of Others**

If an employee reasonably believes that the chief, elected member, or a director is in a conflict of interest, he or she must immediately report the matter to the C.A.O.

The C.A.O. must make inquiries which he or she believes are necessary to review the matter. If he or she is of the opinion that conflict exists, the matter will be referred to the Judicial Council.

### **Examples of Potential Conflicts of Interest :**

- a) An employee uses TFN property or the employee's position, office or government affiliation to improve their personal interests or those of their relatives or friends, including, but not limited to their financial interests;
- b) An employee, in the performance of official duties, gives preferential treatment to an individual, corporation or organization, including a non-profit organization, in which the employee, or a relative or friend of the employee, has an interest, financial or otherwise;
- c) An employee allows a contractor to participate in the development of a request for proposals and subsequently submit a proposal to the solicitation;

- d) An employee benefits from, or is reasonably perceived to have benefited from, the use of information acquired solely by reason of the employee's employment;
- e) An employee or their relatives or friends benefit from, or is reasonably perceived to have benefited from, a government transaction over which the employee can influence decisions (e.g., sales, purchases, contracts);
- f) An employee requests a supplier, or accepts an offer from a supplier, to provide government negotiated pricing on a personal purchase;
- g) An employee discusses potential employment with a supplier involved in a solicitation unless a specific framework has been established for this in the solicitation.

**Conflict of Interest Act Form Regulation**  
**Prescribed Form per Section 7:**

The Chief and elected members must complete the affidavit below:

Name \_\_\_\_\_

Address \_\_\_\_\_

(a) Enter the names of all corporations in which you have an interest as a shareholder, director or officer:

Name of Corporation \_\_\_\_\_,

\_\_\_\_\_

(b) Enter the names of each proprietorship, partnership or other business entity in which you have an interest and the names of each of the other persons who have a substantial financial interest in the proprietorship, partnership or other business entity:

Proprietary, Partnership or Business Name \_\_\_\_\_,

\_\_\_\_\_

Name of persons: \_\_\_\_\_

Signed \_\_\_\_\_

Sworn this XXX day of XX, 2009



**Conflict of Interest Act Form Regulation**  
**Prescribed Form per Section 14:**

Prior to being appointed and assuming their duties, all directors must swear or affirm an affidavit below:

Name \_\_\_\_\_

Address \_\_\_\_\_

(a) have you been convicted of an indictable offence within the preceding five years?

Yes \_\_\_\_\_ No \_\_\_\_\_

(b) Enter the names of all corporations in which you or members of your family are shareholders, directors or officers:

Name of Corporation \_\_\_\_\_

(c) Enter the names of each partnership in which you or members of your family are partners, and the names of each of the partners in the partnership:

Partnership Name \_\_\_\_\_

Name of Partners \_\_\_\_\_

(d) Enter the names of all proprietorships or other business entities in which you or members of your family have a substantial financial interest:

Name of Proprietorship or business \_\_\_\_\_

Signed \_\_\_\_\_

Sworn this xx day of XX, 2009.