



## Abilities Centre Policies

Manual:	Human Resources	Number:	HR 4.02
Section:	Employee Relations	Effective:	May 31, 2012
Subject:	CONFLICTS OF INTEREST	Pages:	3
Issued to:	All Manual Holders	Replaces:	
Issued by:	Manager, Human Resources	Revision:	

### 1 POLICY

1.01 An employee shall refrain from all Conflicts of Interest. If an employee becomes aware of, or becomes involved in, or is unsure of something constituting a Conflict of Interest, he or she shall immediately disclose such potential Conflict of Interest to President & CEO. An employee must also disclose what could be “perceived” by an outsider as a Conflict of Interest. An employee cannot avoid the disclosure requirements because the employee feels that he or she was not, is not, or will not be influenced by the Conflict of Interest. No “presumption of guilt” is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions such as purchases, contracts, or leases, it is imperative that the employee disclose to the President & CEO as soon as possible the existence of any actual or potential Conflict of Interest so that safeguards can be established to protect all parties.

1.02 An employee who becomes aware of a Conflict of Interest or a potential Conflict of Interest and fails to immediately report that conflict may be subject to discipline. Depending on the severity of the conflict or potential conflict, an employee who fails to report a Conflict of Interest may also be terminated for “cause” without notice or compensation in lieu thereof.

1.03 The President & CEO will determine whether:

- (i) a Conflict of Interest exists;
- (ii) the seriousness of the potential or actual Conflict of Interest;
- (iii) what steps are necessary to protect Abilities Centre against the Conflict of Interest.

In making this determination, President & CEO shall be guided by any other policies which may apply. Additionally, President & CEO may consult legal counsel if the Conflict of Interest involves an issue of legal sensitivity.

1.04 The President & CEO may, depending on the circumstances, institute one or more of the following steps:

- (i) establish internal safeguards to protect the business from any Conflict of Interest;
- (ii) require that the employee cease to be involved in the situation giving rise to the Conflict of Interest;
- (iii) remove the employee from a position of influence over the business with respect to matters which give rise to the Conflict of Interest — e.g. if the conflict involves a relative’s bid to provide services to Abilities Centre, employee may be precluded in participating in the decision-making process with respect to the bid;

- (iv) require that the employee re-pay any benefit he or she has received as a result of the Conflict of Interest;
- (v) discipline the employee, up to and including termination for cause, for being involved in the Conflict of Interest. In determining the nature of such discipline, the President & CEO shall consider:
  - the employee's disclosure of the existence of the Conflict of Interest, if such disclosure was made;
  - whether any such disclosure was made promptly;
  - the severity of the Conflict of Interest;
  - whether the Conflict of Interest involved any kind of dishonesty;
  - whether the Abilities Centre was actually harmed by reason of the Conflict of Interest;
  - the employee's past record for honesty;
  - what harm could have resulted to the Abilities Centre as a result of the Conflict of Interest;
  - whether or not such harm, if any, can be repaired in any way; and
  - whether disciplinary steps, short of termination, are adequate to deal with the infraction.
- (vii) take any other action deemed advisable by President & CEO in the circumstances.

## **2 PURPOSE**

- 2.01 The purpose of this Policy is to communicate Abilities Centre's position on what matters could constitute a Conflict of Interest to employees and to establish a protocol for disclosing and dealing with such Conflicts of Interest.

## **3 SCOPE**

- 3.01 This Policy applies to all employees.

## **4 RESPONSIBILITY**

- 4.01 All employees are responsible for reading and understanding the Conflict of Interest policy and immediately disclosing to President & CEO any Conflicts of Interest which may occur within twenty-four (24) hours of having knowledge of same.
- 4.02 President & CEO is responsible for determining what, if any, further steps or actions should be taken regarding any disclosure received.

## **5 DEFINITIONS**

- 5.01 "**Conflict of interest**" refers to a situation where an employee's personal relationship(s) or financial interest(s) could reasonably be seen as influencing the employee's duty to act in the best interests of Abilities Centre. Such Conflicts of Interest include but are not limited to:
  - (a) holding shares in a corporation which seeks to do business with Abilities Centre, except where the corporation and the employee holds shares which are worth less than [1%] of the issued shares in a publicly-traded corporation;
  - (b) being a relative of an individual who is employed by or involved with a business which seeks to do business with Abilities Centre or does business with Abilities

- Centre;
- (c) being retained by another company or organization, whether on a consultancy or part-time basis, to advise on business similar to that which is being transacted by Abilities Centre;
  - (e) accepting “kickbacks” or “bribes”;
  - (f) failing to advise Abilities Centre of a situation in which the Employment of Relatives policy would apply (see policy HR 1.11).
  - (g) failing to advise Abilities Centre of a situation in which Gifts, Favours and Honorariums would apply (see policy HR 4.09);
  - (h) being indicted or convicted for a criminal activity which may have an impact on the perception of the individual’s business conduct and which, if publicly known, might affect the reputation of Abilities Centre as an organization which maintains high ethical standards.

**6 REFERENCES**

None.

**7 PROCEDURE**

7.01 An employee who is unsure whether something constitutes a Conflict of Interest shall immediately discuss the specific concern with President & CEO in order to determine Abilities Centre position on the issue.

**8 ATTACHMENTS**

None.