



STONEY HEALTH CENTRE POLICY AND PROCEDURES

CONFLICT OF INTEREST POLICY

Effective: July 31, 2018

CODE: PP + TITLE

Next Review: July 31, 2021;

Sheet: 1 of 8

Approval: ED

**Applies
To:**

- ✓ Leadership & Operations
- ✓ Programs & Services

Related Polices & Procedures: SHS Code of Conduct; SHS Ethical Practices Policy; Stoney Nakoda Nations (SNN) Staff Regulations, 2019 (Section 4)

- A. STANDARD:** All Stoney Health services Staff Members and Contracted Service Providers are expected to fulfill their responsibilities impartially, thus avoiding involvement in any potential, perceived, or real conflict of interest situations. This is to ensure that outside activities and/or personnel interests of SHS Staff Members and Contracted Service Providers do not interfere with or influence to exercise objective judgement as they provide care and/or services.
- B. RATIONALE:** SHS is committed to promoting a standard of conduct that preserves and enhances public confidence in the integrity, objectivity, and impartiality of our services. A conflict of interest may occur if an interest or activity influences or appears to influence the ability of SHS Employees and Contracted Service Provider to exercise objectivity. With this in mind, SHS places great importance on addressing any perceived, potential or existing conflicts of interest in a timely manner. All Stoney Health Services Staff Members and Contracted Service Providers have a duty to disclose perceived possible or real conflicts of interest. All are expected to adhere to the SHS Code of Conflict whereby they agree to protect and appropriately use SHS assets, to respect the confidentiality of information obtained through their work in the organisation, to comply with pertinent laws, rules, and regulations and to report to SHS Management any breach of the SHS Code of Conduct, or any illegal or unethical behaviour.
- C. POLICY:** All Stoney Health Staff Member and Contracted Service Provider will adhere to the procedures set forth in Code of Conflict of Interest. Failure to respect this, may result in sanctions up to and including dismissal.
- D. PROCEDURES:**
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Related Polices & Procedures: SHS Code of Conduct; SHS Ethical Practices Policy; Stoney Nakoda Nations (SNN) Staff Regulations, 2019 (Section 4)

1. AVOIDANCE OF CONFLICT OF INTEREST: Conflict of Interest arises whenever personal, professional or business interests of an SHS employee/contracted service provider are actually, perceived to be or potentially at odds with the best interest of SHS. All SHS Staff Members and physicians or other contracted service providers shall act honestly, in good faith, and impartially leaving aside personal interests to advance the public interest, in accordance with the mandate of SHS. It is not possible to define all areas of conflict of interest. However, with this in mind, all SHS Staff Members and Contracted Service Providers must be aware of the possibility that conflicts of interest may arise and shall avoid situations where real or perceived conflicts of interest may occur. This includes, among others, refraining from:

- i. Having personal interests which conflict with interests of the person(s) from whom the Staff Member or Contracted Employee is providing services;
- ii. Using one's position, discretion, power, or authority etc. with SHS to influence / seek to influence a decision made, or to be made, to benefit his / her private interests and/or those of related persons (i.e. seeking preferential treatment).
- iii. Soliciting, obtaining, accepting or retaining any gifts, money and/or personal benefit from a supplier, vendor, or any individual or organization doing /seeking to do business with SHS;
- iv. Exploiting, or reasonably appearing to exploit, work situations to their personal advantage by using or communicating information not available to the general public and gained in the course of acting in the scope of his/ her duties to SHS to benefit his / her private interests and/or those of related persons;
- v. Using work time, equipment, supplies, etc, to benefit his / her private interests and/or those of related persons.

2. PERCEIVED CONFLICTS OF INTEREST:

- i. If a Staff Member or Contracted Service Provider is not certain if he/she is in a conflict of interest position, he/she shall discuss the matter with his/ her Manager to determine whether or not a conflict exists. If required, this query may be also brought to the Executive Director.
- ii. If a Staff Member or Contracted Service Provider is not certain whether a colleague is in a conflict of interest position, he/she first should bring this to the attention of said colleague in a respectful manner.

3. DUTY TO DISCLOSE:

- i. In the event of a potential for real or perceived conflicts of interest, a SHS Staff Member or Contracted Service Providers must declare a conflict of interest in writing to his/her Manager before the issue arises or as soon as possible after it arises. He/she must then collaborate with all subsequent investigative procedures. *NB: If the circumstances cannot be reported the Manager, or if that Manager does not take*



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appropriate action, SHS Staff Members and Contracted Service Providers may report the circumstance to the ED; or, failing that, to the Stoney Tribal Administration.

- ii. If a SHS Staff Member or Contracted Employee believes that another Staff Member or Contracted Service Provider member has an undeclared conflict of interest, he/she shall specify this in writing to the ED within the shortest possible delay.
- iii. Note: Failure to comply with this Duty to Disclose may result in legal and disciplinary action up to, and including, termination of employment, cancellation of contractual relations, and other legal remedies available to SHS.

4. SAFE DISCLOSURE/WHISTLE BLOWER CLAUSE: In no case, shall the reporting of a real or perceived Conflict of Interest under this policy result in retaliation or retribution of any kind against the individual who reports or who cooperates with an investigation or otherwise participates in the procedures set forth in this Policy. *(Adapted from AHS, 2015, Safe Disclosure/Whistle Blower Policy 1101)*

5. INVESTIGATION OF CONFLICT OF INTEREST: A conflict of interest investigation must be carried with neutrality from perspective of an independent third party who might reasonably be of the opinion that there is a possible risk of SHS services being affected as a result of the private interests and/or relationships with related persons of the SHS Staff Member or Contracted Employee in question (regardless of whether or not they are actually affected). The objective of the investigation is to determine objectively whether there is evidence sufficient to reject or support a finding of conflict of interest. This shall include an initial review of the situation cited in the declaration, interviews with the SHS Staff Member or Contracted Employee in question as well as with other colleagues, witnesses or other(s) persons who may supply pertinent information. Also, be mindful that:

- i. All reports of Conflict of Interest situations shall be investigated in a timely manner by the ED; or his/her delegate, as the case may be. The person being the object of the investigation will be notified beforehand. This will and include notification of any precautionary measures deemed necessary during the investigation.
- ii. Any SHS Staff Member or Contracted Service Provider filing a complaint (on his/her own behalf or as concerns another person) or who is requested to provide information, shall cooperate with the investigation process;
- iii. All Conflict of Interest investigations shall be documented, in the SHS Conflict of Interest Register as well as related outcomes and/or sanctions, if required. (See Appendix II).

6. IDENTIFIED CONFLICT OF INTEREST: The presence of a conflict of interest is independent of the occurrence of impropriety. Where a SHS Staff Member or Contracted Service Provider is found to be in conflict of interest, he/she shall:



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- i. Be notified in writing of the outcome of the investigation as soon as possible after it has been concluded. This shall also include notification any sanctions deemed necessary. Note: The ruling of the investigation shall be final. If required, arbitration by an impartial tribunal may be sought at the Stoney Tribal Authority by the Staff Member or Contracted Service Provider found in conflict. The results of the arbitration shall be binding on all parties.
- ii. Not initiate or take part in any organizational discussions/decisions on that topic, unless expressly invited to do so by unanimous agreement by all other members present for said discussions or decisions.
- iii. Not engage in self-dealing or conduction of private business while representing the organization, except as procedurally controlled to assure openness, competitive opportunity, and equal access to otherwise “inside” information.

Note: SHS Staff Members or Contracted Service Providers are not barred from engaging in business dealings with other organisations, provided that these are negotiated at arm’s length by said Staff Member or Contracted Employee.

7. CONFLICT OF INTEREST DISCLOSURE MILESTONES: All new SHS Staff Members or Contracted Service Providers sign the SHS Conflict of Interest Disclosure Form at the time of hiring; and, shall re-sign said form annually at the time of their performance appraisal.

8. CONFLICT OF INTEREST REGISTER: The ED (or delegate) shall keep a record of all disclosures and declarations received from SHS Staff Members and/or Contracted Service Providers in accordance with SHS records management policies and applicable legislation. The record shall be kept confidential and shall not be disclosed except where:

- i. The disclosure is for the purposes of assessing and managing potential, perceived, or real conflicts of interest;
- ii. There is a legitimate reason for disclosure to a new Manager;
- iii. The Executive Director is required to provide conflict of Interest reports to the Stoney Tribal Administration;
- iv. The disclosure is for the purposes of conducting investigative, disciplinary, administrative tribunal, quasi-judicial, or legal proceedings;
- v. There is legal or regulatory authority or obligation to disclose the information; or
- vi. The SHS Staff Member or Contracted Service Provider has given permission to disclose the information.



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E. DEFINITIONS

- **Conflict of Interest :** A conflict of interest arises in the workplace when an Employee or Contracted Service Provider has competing interests or loyalties that either are, or potentially can be, at odds with each other. Conflicts of interest, therefore, can cause an Employee or Contracted Service Provider to act out of interests that are divergent from those of his / her employer, coworkers and/or persons for whom the Employee or Contracted Service Provider is providing care. Conflicts of interest may be potential, perceived, or real. *(Adapted From : The Balance - Human Resources Employment Law (Dec.20,2017) <https://www.thebalance.com/conflict-of-interest-1918090> and Alberta Health Services, (2014) Conflict of Interest Bylaw)*
 - A potential conflict of interest occurs when a SHS Staff Member or Contracted Service Provider has knowledge that the performance of a duty or function or exercise of power may result in a personal gain, including a gain for his or her private interests and/or for related persons, but has not yet performed that duty or function.
 - A perceived conflict of interest exists when there is a perception formed by a reasonably informed Person that a conflict of interest exists.
 - A real conflict of interest occurs when a SHS Staff Member or Contracted Service Provider exercises a power or performs a function or duty with the knowledge that there may be a personal gain, including gain for his or her private interests and/or for the interests of related persons.

Examples of Conflict of Interest: *Adapted from: M. McDonald (2018), Ethics and Conflict of Interest; The W. Maurice Young Centre for Applied Ethics, School of Population and Public Health, University of British Columbia , Faculty of Medicine*

1. Self-Dealing: A person works for an organisation and uses his/her position to secure a contract for a private consulting company of which his/her relative the owner. Another instance is using your position to get a job for your daughter.
2. Accepting Benefits: Bribery; accepting substantial gifts are another..
3. Influence Peddling: Soliciting benefits in exchange for using one's influence to unfairly advance the interests of a particular party.
4. Using Employer's Property For Private Advantage: Stealing office supplies for home use; using software which is licensed to the employer for private consulting work of your own. In the first case, the employer's permission eliminates the conflict; while in the second, it doesn't.
5. Using Confidential Information: While working for an employer, an employee learns confidential 'business' information about plans to ask for bids for new equipment. He/she then gives that information to a friend outside the organisation to give the friend an advantage other bidders.



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6. Outside Employment or Moonlighting: Taking on so many outside clients that one doesn't have the time and energy to devote to one's regular employer.
7. Post-employment. A person who resigns from public or private employment and goes into business in the same area.

F. REFERENCES:

- Alberta Health Services, (2014) Conflict of Interest Bylaw
- Alberta Health Services, 2015, Safe Disclosure/Whistle Blower Policy 1101)
- M. McDonald (2018), Ethics and Conflict of Interest; The W. Maurice Young Centre for Applied Ethics, School of Population and Public Health, University of British Columbia , Faculty of Medicine
- The Balance - Human Resources Employment Law (Dec.20,2017) <https://www.thebalance.com/conflict-of-interest-1918090>
- Stoney Nakoda Nations (SNN) Staff Regulations,2019 (Section 4)

G. RESPONSIBILITIES

- **Executive Director:** responsible for approval and dissemination of this policy.
- **All Managers:** Responsible for review, monitoring and compliance with this policy.
- **All SHS Staff members and Contracted Service Providers are** responsible for complying with this policy.

H. APPROVAL:

A. Khan
Chief Executive Officer
Executive Director

Date



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APPENDIX I: SHS CONFLICT OF INTEREST DECLARATION FORM

Stoney Health Services
Box. 8 Morley, Alberta T0L1N0
Phone: (403) 881-2712
Fax: (403) 881-2174



**CONFLICT OF INTEREST
DECLARATION FORM
(CODE: F + TITLE)**

Name of candidate, employee or contracted service provider		Position hired for / occupied	
Date		Witness	

1. INTRODUCTION: SHS personnel and physicians or other contracted service providers are expected to act impartially in carrying out their responsibilities. As a candidate being considered for employment at SHS or as an SHS employee/contracted service provider, you are required to disclose your interests which conflict, could conflict or could reasonably be perceived to conflict with your responsibilities as a member of our Personnel.

It is, therefore, SHS' policy that all SHS 'personnel and contracted service providers shall act honestly, in good faith, and impartially leaving aside personal interests to advance the public interest, in accordance with the mandate of SHS. This entails avoiding situations where real or perceived conflict of interest may occur, including refraining from:

- i. Having personal interests which conflict with interests of the person(s) from whom the Staff Member or Contracted Employee is providing services;
- ii. Using one's position, discretion, power, or authority etc. with SHS to influence / seek to influence a decision made, or to be made, to benefit his / her private interests and/or those of related persons (i.e. seeking preferential treatment).
- iii. Soliciting, obtaining, accepting or retaining any gifts, money and/or personal benefit from a supplier, vendor, or any individual or organization doing /seeking to do business with SHS;
- iv. Exploiting, or reasonably appearing to exploit, work situations to their personal advantage by using or communicating information not available to the general public and gained in the course of acting in the scope of his/ her duties to SHS to benefit his / her private interests and/or those of related persons;
- v. Using work time, equipment, supplies, etc. to benefit his / her private interests and/or those of related persons.

2. DECLARATION *(Check and complete all items) :*

<input type="checkbox"/> I have no conflicts of interest to declare at this time.
<input type="checkbox"/> I have interests to declare as a member/future member of the Stoney Health Services organization as identified above. <i>(If you are not sure, please explain. Attach additional sheets if you need more space)</i>
<input type="checkbox"/> I, _____, declare that the information provided on this Form is a complete and accurate statement of any actual, potential or reasonably perceived conflict(s) of interest affecting me as a member/future member of the SHS organization of which I am aware at this time.
<input type="checkbox"/> I understand that I have a continuing obligation to promptly and fully disclose, in writing, an actual, potential or reasonably perceived conflict of interest to the SHS organization.

Signature of Declarant: _____

Signature of Witness: _____

