



HUMAN RESOURCE POLICY

2.0 IPC EXPECTATIONS **2.02 CONFLICT OF INTEREST**

Purpose

To protect the public interest by outlining guidelines for employees which ensure that a conflict of interest does not exist or does not appear to exist.

Application

This policy applies to all employees of the Information and Privacy Commissioner (IPC).

Background

Definition

Conflict of interest is a situation in which an employee, either themselves or some other person(s), attempts to promote a private or personal interest which results or appears to result in:

- An interference with the objective exercise of duties in the IPC.
- A personal, professional or financial gain or advantage by virtue of their position in the IPC.
- An action that compromises or undermines the trust which the citizens and public bodies place in the IPC, and its employees.

Policy

The Commissioner and supervisor will ensure employees review and are aware of the conflict of interest guidelines.

Responsibility

The Commissioner has overall responsibility for this policy and retains the authority to decide whether or not a conflict of interest situation exists. Supervisors will ensure their employees are aware of, review and follow the conflict of interest guidelines.

An employee who is being investigated for contravention of this policy shall be informed in writing of the allegation and investigation.

Any employee who has knowledge of actions or behavior by the Commissioner which would be in contravention of this policy shall report it immediately to their supervisor and the Executive Director of Corporate Services. Any allegation of inappropriate behavior must be made in writing. The supervisor and Executive Director of Corporate Services will share the written allegation with the Speaker of the Legislative Assembly Service who retains the final authority on whether or not the allegation will be addressed. The Commissioner will also be provided with a copy of the allegation.

If the Speaker decides that the allegation will be investigated, the Director of Human Resources at the Legislative Assembly Service will initiate the process to engage an external subject matter expert who, once engaged, will be provided with a copy of the allegation.

The subject matter expert, in consultation with whoever is deemed necessary, and in consideration of whatever documents are necessary, will make the determination if the allegation falls within the purview of the Conflict of Interest Policy and whether or not the Commissioner's behavior or actions represents a breach of the policy.

The external subject matter expert will provide their final report to the Speaker who, in consultation of whomever they deem necessary, will decide on how results of the investigation will be handled or responded to.

If the Speaker decides that the allegation will not be investigated, the person who brought the information forward shall be advised in writing of the rationale for that decision.

Bad Faith Complaints

A bad faith complain is a complaint made frivolously, maliciously, or without factual basis. A bad faith complaint may constitute defamation, may be actionable by the person being accused and may result in disciplinary action, up to and including dismissal. Allegations of inappropriate behavior should be undertaken with great care as they may result in pain and damage to an employee's reputation and disruption in the workplace.

Employee Disclosure Requirements

An employee is required to disclose to their supervisor any situation involving the employee which may be a conflict of interest or an apparent conflict of interest. If a supervisor becomes aware that an employee is involved in activities which might constitute a conflict of interest, they can request that the employee provide the supervisor full disclosure regarding their activities. As a normal course of business, the supervisor and the Commissioner should be apprised of any potential conflict of interest situations.

Activity in social media carries similar obligations to any other kind of activity. If online activity would violate any of the IPC's policies in another forum, it will also violate them in an online forum. For further information pertaining to online activities, please see Policy #2.07 Internal Social Media Guidelines

Confidentiality

All documents prepared and information gathered for the purpose of identifying a conflict of interest shall be treated in a confidential manner.

Note: for more information please see IPC Guidelines Policy 2.02 for Conflict of Interest.

Authority

The Freedom of Information and Protection of Privacy Act, section 43.1

Influencing Sources

The Public Service Act, 1998

Saskatchewan Public Service Human Resource Manual, Section 801

IPC Guidelines for Policy 2.07 Internal Social Media

IPC Guidelines for Policy 2.02 Conflict of Interest