

Conflict of Interest Disclosure

Instructions for supervisors/managers on preparing a response letter

In the conflict of interest process, it is up to supervisors or managers to assess the possible conflict disclosed by employees. The purpose of this assessment is to determine whether the circumstance disclosed by the employee constitutes a real, perceived or potential conflict, and if so, what actions (if any) must be taken by the employee to mitigate or resolve the conflict. This assessment will often involve your ministry ethics advisor and/or advice from the BC Public Service Agency (PSA).

Once an assessment has been made, the next step is to communicate your findings, and any actions the employee must take, to the employee in writing. Because each situation and scenario are different, it is difficult to create a template for everyone to use that captures all of the possible responses. Below is a list of points that you may wish to include when drafting a letter (or email) to the employee communicating your ministry's decision on their possible conflict of interest.

- Summary of the possible conflict of interest scenario brought forward by the employee
 - Include the key points and consider attaching a copy of the employee's disclosure to the decision letter
- Confirmation that the issue was reviewed and by whom
 - If your ministry identifies a position or management level responsible for making decisions on conflict of interest disclosures, it is important to identify them and note they have been consulted on the matter
 - You may wish to also reference other advice received as part of reviewing the employee's disclosure, especially where the matter is complex. This might include advice from a member of your ministry executive, your ethics advisor and/or other government organizations (the PSA, legal counsel, etc.)
- Decision on whether there is a real, perceived, or potential conflict of interest
 - Include a brief summary of the analysis indicating whether or not the employee's private interest conflict, or could be perceived to conflict, with their ability to discharge their work duties or serve the public interest, and the potential harm that could result
- Direction to the employee regarding the steps (if any) they must take to mitigate or resolve the conflict, and confirmation those steps have been completed

- If no conflict of interest was found:
 - The letter will confirm the decision in writing and a copy of the employee's disclosure form as well as the decision letter to the employee will be placed on the employee's personnel file at BCPSA (Records Branch)
- If a conflict of interest was found:
 - The letter will include the decision as well as steps the employee must take, and/or steps your ministry will take, to mitigate or resolve the conflict. Depending on the situation, the employee may be required to sign the letter acknowledging that they will abide by the mitigation requirements
- In some cases, a secondary letter (in addition to the decision letter) may be necessary to confirm that the required steps have been taken by the employee to mitigate or resolve the conflict. This should also be sent to the employee's personnel file at BCPSA records

Mitigating or resolving a conflict of interest

There are many different ways to mitigate or resolve a real, potential or perceived conflict of interest. The employee may have already thought of, or put in place, mitigation strategies and may have included that information in their disclosure. If so, you will need to assess whether these strategies address the conflict concern to the satisfaction of you and your ministry.

If you are unsure of ways to mitigate or resolve the conflict, please review Appendix C in the guideline entitled: [Assessing and Addressing Conflicts of Interest](#). Appendix C outlines options for mitigating or resolving a conflict, including:

- Divestment or liquidation of a financial interest by the employee
- Assignment of a conflicting financial interest into a "blind trust" arrangement
- Return or repayment of a gift or other benefit arising from a conflict
- Recusal of the employee from involvement in affected decision-making processes
- Restriction of access by the employee to particular information
- Rearrangement or reassignment of the employee's duties and responsibilities
- Transfer of the employee to another non-conflicting position
- Resignation of the employee from the conflicting private interest (resigning from a part-time position with another employer that is in conflict with their public service job)
- Resignation/termination of the employee from the public service

For additional advice and guidance, please reach out to your ministry executive or ethics advisor. You may also submit a request to AskMyHR and someone from the BCPSA will contact you for follow up. However, it is important to note that final decisions regarding how best to respond to a conflict of interest disclosure must be made by you and your ministry and cannot be made by the BCPSA or other organization.