

# DISCLOSING A CONFLICT OF INTEREST

Employee Guideline & Disclosure Form



Where ideas work

## Introduction and Purpose

Employees in the BC Public Service are required under the [Public Service Oath Regulation](#) and [Standards of Conduct](#) to avoid conflicts of interest. Employees must arrange their private affairs in a manner that will prevent real, perceived or potential conflicts of interest from arising. Employees also have an obligation to proactively disclose information to their manager (or ethics advisor) regarding circumstances that may give rise to a real, perceived or potential conflict of interest so that any such conflict may be assessed and appropriately addressed. Effectively managing conflicts of interest is one of the primary ways that public confidence in the integrity of the public service is fostered and maintained.

The purpose of this guideline is to provide direction to employees seeking to disclose a possible conflict of interest. It includes self-assessment tests to assist an employee in determining if they are in a real, perceived or potential conflict, and a disclosure form to assist in gathering information applicable to the possible conflict. The guideline supports the effective administration of the Standards of Conduct by clarifying an employee's obligations to prevent and resolve conflicts of interest, and by setting out the process to report conflicts that do arise. A process diagram summarizing the conflict of interest process, including the employer's process for reviewing employee disclosures, is found at [Appendix D](#).

Managers, ethics advisors or deputy ministers seeking information on assessing and addressing a conflict disclosed by an employee should refer to the companion document to this guideline, [Assessing & Addressing Conflicts of Interest: Guideline for Managers, Ethics Advisors and Deputy Ministers](#).

## Scope

This guideline has the same scope as the Standards of Conduct, applying to any person appointed under the *Public Service Act*, excluding political staff. Political staff with concerns about real, perceived or potential conflicts of interest should confer with their supervisor or Chief of Staff.

## Defining a Conflict of Interest

The Standards of Conduct define a conflict of interest as a situation where an employee's private affairs or financial interests are in conflict, or could result in the perception of conflict, with the employee's duties or responsibilities in such a way that:

- the employee's ability to act in the public interest could be impaired; or
- the employee's actions or conduct could undermine or compromise:
  - the public's confidence in the employee's ability to discharge work responsibilities; or
  - the trust that the public places in the BC Public Service.

A conflict of interest therefore involves a conflict between the public duty and private interests of an employee, in which the private interests could influence the performance of their job duties, or in which an employee uses their office for personal gain.

Conflicts of interest do not relate exclusively to matters concerning financial transactions or the transfer of economic benefit. A conflict may arise regardless of the employee's intentions and does not necessarily imply an employee is improperly motivated. A conflict may arise wherever a set of circumstances exists that creates the risk of a real, perceived or potential conflict of interest.

### Real, Perceived and Potential Conflicts

The Standards of Conduct require that an employee must disclose any real, perceived or potential conflict of interest. A **real** conflict of interest has the same definition as described above.

A **perceived** conflict of interest can be said to exist where an employee's private interests would appear to a reasonable person to conflict with their job duties *even though there may not be an actual conflict*. For example, an employee has a close relative who has applied for a job in their ministry. The employee will participate on the interview panel to take notes, but will play no role whatsoever in making the hiring decision. This may be viewed as a perceived conflict (the employee is participating on the interview panel involving her relative) even though there is no real conflict (the employee is only taking notes - not participating in any decision-making). Note a perceived conflict can be just as serious as a real or actual conflict.

A **potential** conflict of interest arises where an employee has private interests such that, while no conflict has yet arisen, a conflict would arise were the employee to become involved in discharging workplace responsibilities in the future that could be influenced by the private interest. For example, an employee is a senior manager in the Environmental Assessment Office. The employee has recently advised their executive team that they intend to accept a volunteer role with an environmental advocacy group that operates across Canada, including in British Columbia. In this case, the employee is in a potential conflict related to the possibility that the environmental advocacy group with whom they wish to affiliate may in the future lobby the provincial government to make a change to its current environmental policy.

Please refer to the [Standards of Conduct](#) for additional examples of conflicts of interest.

## Key Responsibilities: Preventing and Disclosing a Conflict of Interest

Key responsibilities of employees in relation to preventing/disclosing a conflict of interest include:

- Regularly reviewing the Standards of Conduct section on conflicts of interest, especially upon any changes to their job duties or position;
- Taking all possible steps to recognize, prevent, report and resolve any real, perceived or potential conflict of interest between their job responsibilities and their private interests;
- Avoiding any action to hide or conceal a conflict of interest;
- Refraining from maintaining private interests that may unduly influence their ability to discharge their job responsibilities;
- Not knowingly taking advantage of, or benefitting from, information that is obtained in the course of their employment that is unavailable to the public;
- Refraining from the direct or indirect use of, or allowing the direct or indirect use of, government property of any kind for anything other government business;
- Not interfering in the government dealings of private entities or persons in order to inappropriately influence the outcome;
- Maintaining impartiality by not engaging in any outside or political activities that could impair, or could be seen to impair, their ability to discharge their work responsibilities in an objective and impartial manner; and
- Ensuring that any real, perceived or potential conflict of interest is resolved in favour of the public interest.

Managers, ethics advisors, deputy ministers and the BC Public Service Agency also play a role in reviewing, assessing and addressing conflict of interest issues brought forward by employees. Key responsibilities of these participants are listed at [Appendix B](#).

## Process for Disclosing a Conflict of Interest

Employees who believe they may be in a conflict of interest must disclose the matter to their manager or ethics advisor. This disclosure should proceed according to the following steps:

- 1. Identification of possible conflict by the employee;**
- 2. Confirmation of possible conflict by the employee's manager;**
- 3. Completion of employee disclosure form; and**
- 4. Review and determination by the employer.**

## Step 1: Identification of Possible Conflict by the Employee

New and current employees who find themselves in a real, perceived or potential conflict of interest are required under the Standards of Conduct to disclose the matter to their manager or ethics advisor, and to follow the employer's direction in resolving the conflict. **Disclosure is required both at the outset of employment and an ongoing basis as circumstances may demand.** This includes employees who have less than full-time employment, or job functions that necessarily contemplate external remunerative work or external affiliation, as such external affiliations may be a common source of a possible conflict.

Many conflict of interest issues can be easily identified as such by the employee following a review of the Standards of Conduct. For example, a conflict exists where:

- An employee is involved in making the decision to hire a family member;
- An employee is involved in awarding a government contract to a friend;
- An employee accepts an expensive gift from a private entity in exchange for preferential treatment;
- An employee has a private consulting business and uses their position in government, or uses confidential government information, to gain an advantage for their private business; or
- An employee uses government property or equipment to pursue a private business.

For circumstances where a conflict of interest cannot be easily identified, three self-assessment tests are provided to assist employees in assessing whether they are in a real, perceived or potential conflict. These tests are found at **Appendix A**.

Note these same three tests are included in the Manager's Guideline to assist managers and ethics advisors in assessing an employee disclosure to determine whether there is a conflict of interest. A manager or ethics advisor may wish to discuss these tests with their employee as part of the process of better understanding whether a conflict does or does not exist.

## Step 2: Confirmation of Possible Conflict by the Employee's Manager

Once an employee has identified a possible conflict of interest concern, or where they are having difficulty identifying whether a conflict exists, the next step is to discuss the concern with their manager (or ethics advisor). The employee should explain the reasons why they believe they may be in a real, perceived or potential conflict and be prepared to answer any questions their manager may have regarding the issue. This step should be completed **within 30 days** of the employee becoming aware of the possible conflict.

The manager (or ethics advisor) will make a preliminary judgement as to whether a possible conflict of interest issue exists based on the facts available. Where the issue is straightforward,

the manager may direct the employee to take steps required to resolve or mitigate the conflict. **In such situations, this concludes the disclosure process and no other action is required.**

Where the issue is complex and/or not easily resolved or mitigated, the manager may require the employee to complete the Conflict of Interest Employee Disclosure Form. The form ensures all applicable information related to the conflict is gathered and disclosed in writing, and establishes the basis for additional review by the employee's manager, ethics advisor or deputy minister.

### Step 3: Completion of Employee Disclosure Form

At the direction of their manager or ethics advisor, the next step is for an employee to complete the Conflict of Interest Employee Disclosure Form found at **Appendix C**.

The Disclosure Form requires the employee to:

- Acknowledge they have read and understood the conflict of interest provisions of the Standards of Conduct;
- Acknowledge they are disclosing what is or may be a conflict of interest;
- Report the facts and other relevant details related to the possible conflict; and
- Acknowledge they will cooperate with requests for additional information made by the employer, and inform the employer of any changes to the facts or other relevant details related to the possible conflict.

Once the Disclosure Form has been completed and signed, it should be submitted to the employee's manager (or ethics advisor).

**The employee has now fulfilled their obligation to disclose a possible conflict of interest.**

### Step 4: Review and Determination by the Employer

The final step requires the employer to review the employee disclosure and decide whether the conflict, its likelihood of influencing the employee and potential for harm require the conflict to be resolved or mitigated. Each determination of this kind must be based on a case-by-case review of the specific circumstances at issue, and therefore relies on the professional judgement of the manager, ethics advisor or deputy minister to gauge the overall magnitude of the conflict and decide how it should be addressed. Such determinations should:

- Assess the private interests of the employee against their workplace duties and the employer's obligation to ensure the public interest is upheld;
- Be consistent with the Standards of Conduct, applicable guidelines and other authorities (e.g., collective agreements, legislative requirements, etc.);
- Be made in consultation with the BC Public Service Agency where the matter is complex or cannot be easily resolved; and

- Be conducted in a timely manner and document any decisions made.

Once a determination is made by the employer, the employee will be notified in writing of the decision and be advised of what steps they must take (if any) to resolve or mitigate the conflict.

For more information on how the employer assesses and addresses conflicts of interest, please refer to the companion document to this guideline, [Assessing and Addressing Conflicts of Interest: Guideline for Managers, Ethics Advisors and Deputy Ministers](#).

A process diagram summarizing the conflict of interest process, including the employer's process for reviewing employee disclosures, is found at [Appendix D](#).

## Reporting Allegations of Wrongdoing

In addition to disclosing conflicts of interest, an employee has a duty to report any situation relevant to the BC Public Service that they believe contravenes the law, misuses public funds or assets, represents a danger to public health and safety or represents a significant danger to the environment. Employees can expect such matters to be treated in confidence, unless disclosure of information is authorized or required by law (for example, the *Freedom of Information and Protection of Privacy Act*). Employees will not be subject to discipline or reprisal for bringing forward to a deputy minister, in good faith, allegations of wrongdoing. Please refer to the [Standards of Conduct](#) for more information.

## Questions?

For assistance with questions or other issues related to specific conflict of interest concerns, employees should consult with their manager or ethics advisor. General questions regarding the process for reporting a conflict of interest concern, or general questions about the Standards of Conduct, can be submitted as an inquiry through [AskMyHR](#).

## References and Resources

- Standards of Conduct
- Oath of Employment
- Ethics page on MyHR
- Assessing & Addressing Conflicts of Interest: Guideline for Managers, Ethics Advisors and Deputy Ministers

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# Conflict of Interest Toolkit

**Appendix A: Tests for Identifying Conflicts of Interest**

**Appendix B: Key Responsibilities of Managers, Ethics Advisors, Deputy Ministers and the BC Public Service Agency**

**Appendix C: Conflict of Interest Employee Disclosure Form**

**Appendix D: Conflict of Interest Process Diagram**

## Appendix A: Tests for Identifying Conflicts of Interest

The following tests provide a simple questionnaire-style framework designed to assist managers, ethics advisors and deputy ministers seeking to determine whether a disclosure made by a public service employee constitutes a real, perceived or potential conflict of interest:<sup>1</sup>

- **Test 1: Real (or Actual) Conflict of Interest**
- **Test 2: Perceived (or Apparent) Conflict of Interest**
- **Test 3: Potential Conflict of Interest**

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<sup>1</sup> Tests in this section have been adapted from generic conflict of interest tests developed for public bodies by the Organization for Economic Co-operation and Development (OECD), *Managing Conflict of Interest in the Public Sector*. The explanatory comments for each test are similarly adapted from the OECD generic tests.

## Test 1: Real (or Actual) Conflict of Interest

- **Question 1: What duties or functions (i.e., public service duties) is Employee X responsible for?**

*[Refer to the employee’s job description, information describing the functions of the employee’s organization, duties flowing from regulation or legislation, the Standards of Conduct, or other descriptions of duties]*

**Answer 1:** Employee X is responsible for functions 1, 2 and 3 in ministry B.

- **Question 2: Does Employee X have private interests of a relevant kind?**

*[Refer to Comments below on “relevant private interests”]*

**Answer 2:** Yes, the applicable facts are clear and Employee X has job-relevant private interests.

- **Conclusion:** Employee X has a conflict of interest.

### EXPLANATORY COMMENTS:

“Private interests of a relevant kind” refers to private/personal interests that could be affected by the performance of Employee X’s job duties or responsibilities. In this context, the private interests:

- Qualitatively, are of such a kind that it would be reasonable to believe the private interests could influence Employee X’s performance of their job duties (for example, close affiliations with people or organizations, or personal assets or investments, etc.); **or**
- Quantitatively, are of such financial value that it would be reasonable to believe that the private interest could influence Employee X’s performance of their job duties (for example, a significant family business interest, opportunity to make a large financial profit or avoid a large loss, etc.).

For example, an employee works in the Ministry of Municipal Affairs & Housing as a senior policy advisor who specializes in provincial grants provided to local governments in BC. The employee has a private consulting business that provides advice to local governments on how to best navigate the application process so that they may improve their chances of obtaining a local government grant. In this case:

- The employee’s relevant job duties might include advising local governments regarding the requirements of the grant process; establishing criteria for evaluating grant applications; and analyzing applications to make recommendations regarding who should be awarded a grant.

- The employee also has other relevant public duties, for example ensuring they do not use information acquired through their employment for personal benefit.
- The employee's private interests are securing additional income and utilizing their expertise in local government grants for purposes other than their government job;
- The employer's interests are a fair grant process where all applications are treated equally and applications are evaluated and approved according to objective criteria.

On this basis, it would be concluded the employee has job-relevant private interests and is therefore in a real conflict of interest. Steps must be taken by the employee at the direction of his ministry to ensure this conflict is addressed or resolved.

## Test 2: Perceived (or Apparent) Conflict of Interest

- **Question 1: What duties or functions (i.e., public service duties) is Employee X responsible for?**

*[Refer to the employee's job description, information describing the functions of the employee's organization, duties flowing from regulation or legislation, the Standards of Conduct, or other descriptions of duties]*

**Answer 1:** Employee X is responsible for functions 1, 2 and 3 in ministry B.

- **Question 2: Does Employee X have private interests of a relevant kind?**

*[Refer to Comments below]*

**Answer 2:** The relevant facts are not certain, but it appears to be the case that Employee X may have job-relevant private interests.

- **Conclusion:** Employee X has a perceived (or apparent) conflict of interest.

### EXPLANATORY COMMENTS:

“Private interests of a relevant kind” means the same thing as in Test 1. Recall that a perceived conflict of interest can be said to exist where an employee's private interests would appear to a reasonable person to conflict with their job duties *even though there may not be an actual conflict*.

A perceived (or apparent) conflict of interest situation can be as seriously damaging to the public's confidence in a public service employee, or the employee's ministry/organization, as a real (or actual) conflict. A perceived conflict of interest should therefore be treated as seriously as a real (or actual) conflict, until such time as a final determination regarding the conflict is made.

For example, an employee has a close relative who has applied for a job in their ministry and the employee will participate on the interview panel to take notes, but will play no role whatsoever in making the hiring decision. This may be viewed as a perceived conflict (the employee is participating on the interview panel involving her relative) even though there is no real conflict (the employee is only taking notes - not participating in any decision-making).

In most instances, the employer must address a perceived conflict in the same way as a real or actual conflict. So in the example above, the ministry would decide to remove the employee from the interview panel to eliminate the perceived conflict and thereby ensure the public interest is upheld.

In rare situations, the ministry may decide that the perceived conflict can be managed or mitigated in a way that makes the conflict permissible. For example, they might inform persons likely to be affected by the interview panel's decision that there is a perceived conflict in relation to the employee being involved with the interview process, but explain that there is no real conflict and therefore the ministry has decided to let the employee participate on the panel to take notes. It is recommended that decisions of this kind should only be made in consultation with the BC Public Service Agency or the employee's deputy minister.

## Test 3: Potential Conflict of Interest

- **Question 1: What duties or functions (i.e., public service duties) is Employee X responsible for?**

*[Refer to the employee's job description, information describing the functions of the employee's organization, duties flowing from regulation or legislation, the Standards of Conduct, or other descriptions of duties]*

**Answer 1:** Employee X is responsible for functions 1, 2 and 3 in ministry B.

- **Question 2: Does Employee X have private interests of a relevant kind?**

*[Refer to Comments below]*

**Answer 2:** No, at the present moment Employee X has private interests which are not job-relevant, but it is reasonably foreseeable that, in the future, Employee X's private interests could become relevant interests.

- **Conclusion:** Employee X has a potential conflict of interest.

### EXPLANATORY COMMENTS:

"Private interests of a relevant kind" means the same thing as in Test 1.

The significant factor in this test is that Employee X has private interests which are currently not private interests of a relevant kind because Employee X's job duties are currently unrelated to their private interests. However, if it is likely or possible that Employee X's duties could change in such a way that their private interests could affect their performance of their job duties, then those interests would become relevant interests.

For example, a close relative works in the same ministry as Employee X, but has no contact with Employee X in any official role; however, it is reasonably foreseeable in the circumstances that because Employee X is a senior auditor with wide-reaching responsibilities, Employee X could be asked to audit the work of their close relative.

As a result, Employee X can be considered as having a potential conflict of interest. This situation could continue indefinitely and must therefore be distinguished carefully from real or perceived conflicts of interest (see Tests 1 and 2).

# Appendix B: Key Responsibilities of Managers, Ethics Advisors, Deputy Ministers & the BC Public Service Agency

Following the reporting of a possible conflict of interest issue by an employee as required by the Standards of Conduct, an assessment by the employer must be made to determine if a real, potential or perceived conflict exists, and decisions made regarding what steps (if any) should be taken to address the conflict. Managers, ministry ethics advisors, deputy ministers and the BC Public Service Agency may all play a role in this process.

## Managers:

- Provide comprehensive orientation to new employees related to the Standards of Conduct at the beginning of employment as well as on a regular basis; this includes providing information to employees about learning opportunities and where to access advice when questions arise;
- Receive disclosures from their employees regarding possible conflict of interest issues (or in rare cases, receive a report of a possible conflict involving their employee from someone other than the employee concerned);
- Make preliminary assessments of whether a conflict of interest concern exists;
- Advise employees on Standards of Conduct issues, including giving advice on resolving straightforward conflict of interest issues;
- Engage their ministry ethics advisor and/or seek out guidance and advice from the BC Public Service Agency on conflict issues that are complex and/or cannot be easily resolved; and
- Document any advice provided and/or decisions made.

## Ethics Advisors:

- Provide advice and guidance to managers and employees regarding conflict of interest issues;
- Seek out guidance and advice from the BC Public Service Agency on conflict issues that are complex and/or cannot be easily resolved;
- Determine whether a conflict issue requires consideration and/or decision by the deputy minister and provide briefings to the deputy minister as necessary;
- Where an employee is unable to disclose to their manager, receive disclosures from employees directly regarding possible conflict of interest issues (or in rare cases, receive a report of a possible conflict involving an employee from someone other than the employee concerned); and
- Document any advice provided and/or decisions made.

### **Deputy Ministers:**

- Make decisions regarding how to resolve conflict of interest issues, taking the appropriate action based upon the facts and circumstances;
- Seek out guidance and advice from the Deputy Minister of the BC Public Service Agency on conflict issues that are complex and/or cannot be easily resolved;
- Designate an ethics advisor for their organization; and
- Advise employees of their obligations under the Standards of Conduct, including in relation to possible conflicts of interest, and the consequences of non-compliance.

### **The BC Public Service Agency:**

- Establish corporate human resource policies, guidelines and tools related to conflict of interest and other ethics issues;
- Provide timely advice to managers, ethics advisors and deputy ministers regarding conflict of interest issues that are complex and/or cannot be easily resolved;
- Coordinate the development, awareness, training and communication of programs in support of the Standards of Conduct, including in relation to conflicts of interest.

# Appendix C: Conflict of Interest Employee Disclosure Form

The Standards of Conduct define a conflict of interest as a situation where an employee’s private affairs or financial interests are in conflict, or could result in the perception of conflict, with the employee’s duties or responsibilities in such a way that:

- the employee’s ability to act in the public interest could be impaired; or
- the employee’s actions or conduct could undermine or compromise:
  - the public’s confidence in the employee’s ability to discharge work responsibilities; or
  - the trust that the public places in the BC Public Service.

A conflict of interest therefore involves a conflict between the public duty and private interests of an employee, in which the private interests could influence the performance of their job duties, or in which an employee uses their office for personal gain.

Employees are required under the Public Service Oath Regulation and Standards of Conduct to arrange their private affairs to avoid conflicts of interest, which include real, perceived or potential conflicts, and to disclose possible conflict situations to their manager (or ethics advisor). Please see the Standards of Conduct for more information about your conflict of interest obligations.

**Employee Acknowledgements**

Acknowledgement	Employee Initials
1. I have read and understood the Standards of Conduct section concerning conflicts of interest.	
2. I am disclosing what is or may be a conflict of interest (see instructions below).	
3. I agree to cooperate with the employer regarding requests for additional information directly related to and necessary to address this possible conflict, and to inform the employer of any changes to the facts or other relevant details directly related to this conflict.	

## **Employee Disclosure Statement**

Please include as part of this form an Employee Disclosure Statement setting out the circumstances you believe may constitute a conflict of interest. You may use the Employee Disclosure Statement page included in this form (see Appendix 2), or attach a separate document. Your statement should include a description of:

- Your **job duties or activities** relevant to the possible conflict.
- Your **private interests** relevant to the possible conflict. **[Note: You must review and complete the Third Party provisions of this form before disclosing the personal information of third parties (e.g. spouse, friend, business partner). See Appendix 1 for more information.]**
- The interests of the employer related to upholding public trust and confidence.

For example, an employee works for a Ministry that approves grants to municipal governments. The employee is considering setting up a private consulting business to advise municipalities on applying for provincial grants. The Employee Disclosure Statement would contain:

- The employee's job duties that may give rise to a conflict of interest, such as monitoring, reviewing, and approving provincial grant applications.
- Any other aspect of work that may be relevant to a conflict of interest, such as the employee's duty to ensure they do not benefit from information acquired solely by reason of their employment.
- A description of the employee's private interests in sufficient detail that the employer can assess what if any measures that may need to put in place to either mitigate or prevent a conflict of interest.
- The employer's interests in maintaining a grant process that is free of a conflict of interest, such as maintaining public confidence in the integrity of the public service.

**WHEN YOU HAVE COMPLETED THIS FORM, PLEASE SUBMIT IT (AND ANY SUPPORTING DOCUMENTS) TO YOUR MANAGER (OR ETHICS ADVISOR).**

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### **Notice of Collection of Personal Information:**

The information required by this form and the Public Service Oath Regulation and Standards of Conduct is collected for the purpose of assessing whether the circumstances disclosed constitutes a real, perceived, or potential conflict of interest. Managing conflict of interest concerns in favour of the public interest is necessary to maintain public trust and confidence in the integrity of the BC Public Service.

This information is collected in accordance with section 26 of the Freedom of Information and Protection of Privacy Act (FOIPPA). Once a conflict of interest matter is resolved, this form will be included on the employee's personnel file held by the BC Public Service Agency. All information collected, used and disclosed for the purposes of assessing a possible conflict of interest will be treated in strict accordance with FOIPPA. Questions about the management of the information can be directed to the Director, Policy and Research Branch, BC Public Service Agency, PO BOX 9404, Victoria, BC, V8W 9V1, (250) 952-6000.

**Employee Declaration:**

I certify that the information I am providing with this form is to the best of my knowledge complete and accurate. I acknowledge that misrepresentations or material omissions may be a breach of the Standards of Conduct and grounds for discipline.

**Name of Employee:** \_\_\_\_\_

**Signature of Employee:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **APPENDIX 1: COLLECTION AND USE OF A THIRD PARTY'S PERSONAL INFORMATION**

Assessment of a conflict of interest by the employer may on occasion require a Third Party's personal information in order to determine whether the circumstances represent a conflict of interest for the employee. The third party might be the employee's spouse, another family member, a friend, or business associate whose interest is related to the conflict being disclosed.

To ensure government may collect and use the personal information of a third party that relates directly to and is necessary for an assessment of a conflict of interest, the *Freedom of Information and Protection of Privacy Act* requires the third party to authorize the collection of their personal information. **If you are making a disclosure that involves the personal information of a third party, you must obtain their signature authorizing the collection and use the information by the employer.**

If you are unable to obtain the signature of the third party for any reason, or if you have any questions, please contact the BC Public Service Agency for advice regarding how to proceed.

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### **NOTICE TO THE THIRD PARTY – Authorization for Collection and Use of Personal Information:**

The information provided in the Employee Disclosure Statement will be collected by the employer of the employee for the purpose of assessing whether the circumstance disclosed in the statement constitutes a conflict of interest. In making their disclosure, the employee has determined that they must disclose your personal information contained in the Employee Disclosure Statement as it is directly related and necessary to assess whether a conflict of interest exists.

Disclosing and managing conflicts of interest is a requirement of public service employment and is a requirement of the Standards of Conduct and the Public Service Oath for the purposes of maintaining public trust. Once a conflict of interest matter is resolved, this form will be included on the employee's personnel file held by the BC Public Service Agency. This information is being collected in accordance with section 27(1)(a)(i) of the Freedom of Information and Protection of Privacy Act and will be subject to the protection provisions of that Act. Questions about the collection of this information can be directed to the Director, Policy and Research Branch, BC Public Service Agency, PO BOX 9404, Victoria, BC, V8W 9V1, (250) 952-6000.

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By authorizing the indirect collection of my personal information contained in the attached Employee Disclosure Statement, I agree that I have reviewed and authorize the collection of this information for the purpose of assessing whether a conflict of interests exists for the employee named below.

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**Name of Employee:** \_\_\_\_\_

**Name of the Third Party:** \_\_\_\_\_

**Signature of the Third Party:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**APPENDIX 2: EMPLOYEE DISCLOSURE STATEMENT**

Name of Employee: \_\_\_\_\_

Position of Employee: \_\_\_\_\_

Ministry or Organization: \_\_\_\_\_

Supervisor/Manager Name: \_\_\_\_\_

Date: \_\_\_\_\_

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Please provide a description of:

- Your **job duties or activities** relevant to the possible conflict.
- Your **private interests** relevant to the possible conflict. **[Note: You must review and complete the Third Party provisions of this form before disclosing the personal information of third parties (e.g. spouse, friend, business partner). See Appendix 1 for more information.]**
- The interests of the employer that are related to upholding public trust and confidence.

**Employee's job duties or activities relevant to the possible conflict:**

**Employee’s private interests relevant to the possible conflict:**

**Interests of the employer related to upholding public trust and confidence:**

# Appendix D: Conflict of Interest Process Diagram

## Disclosure of Conflict of Interest by Employee to the Employer

**Identification of possible conflict by employee:** Employees who believe they are, or may be, in a real, perceived or potential conflict of interest must bring the matter forward to their manager or ethics advisor. This step should be completed by the employee within **30 days** of the employee becoming aware of the possible conflict.



**Confirmation of possible conflict by employee's manager:** Where the issue is straightforward, the manager may direct the employee to take steps required to resolve or mitigate the conflict. Where the issue is complex and/or not easily resolved or mitigated, the manager may require the employee to complete the Conflict of Interest Employee Disclosure Form.



**Completion of employee disclosure form by employee:** The form ensures all applicable information related to the conflict is gathered and disclosed in writing, and establishes the basis for additional review by the employee's manager, ethics advisor or deputy minister



### Assessment and Resolution by the Employer

#### Review of employee disclosure by manager, ethics advisor or deputy minister



**Identify work duties and relevant interests:** Identify the work duties, government interests and private interests of the employee that are relevant to the circumstances.



**Analyze and assess:** Analyze whether the employee's private interests conflict, or could be perceived to conflict, with their ability to discharge their work duties or serve the public interest, and assess the severity of the harm that could result from the conflict. This step may involve consultation with the BC Public Service Agency as deemed necessary in the circumstances.



**Decide and resolve/mitigate:** Decide whether the circumstances give rise to a real, perceived or potential conflict that must be addressed in some way by the employer; consider what steps could be taken to resolve or mitigate the conflict so it does not pose unacceptable risks to government or the public interest; communicate the final decision and direction to the employee in writing.



**Document:** Document on the employee's personnel file, and elsewhere as may be required, the reasons for the conclusion reached and steps taken (if any).



**Communicate:** To the extent reasonable and necessary, communicate transparently within the organization regarding the conflict and how it was addressed.