



#### **A. DEFINITIONS**

In this document and its Schedules, the following definitions apply:

**"Chair"** means the chairperson of the Laboratory Operational Committee (the "Committee") as per the Committee's Terms of Reference.

**"Committee"** means the body established by the Ministry of Health (the "Ministry") to provide guidance and advice to the Ministry on operational issues related to the laboratory system in British Columbia.

**"conflict of interest"** includes actual, potential, and apparent conflicts of interest.

**"entity"** means any individual, corporation, non-profit, public sector organization, or any form of business or legal body that may have a direct or indirect interest in a matter that is subject to the duties and powers of the Committee.

**"immediate family member"** means the spouse, child, parent or sibling of a Member.

**"Member"** means a person duly appointed as a Member of the Committee.

**"this Policy"** or **"Conflict of Interest Policy"** means this document including the Schedules.

**"Request"** or **"Request for Recommendation"** means a written request for the Committee to consider a matter, provide advice, and/or make a recommendation.

**"Secretariat"** means the staff and resources responsible for providing administrative and logistical support to the Committee as per the Committee's Terms of Reference.

**"spouse"** means a person who is married to a Member or a person who is living with a Member in a marriage-like relationship, but does not include a person who is separated and living apart from a Member.

**"Vice-Chair"** means the Vice-Chair of the Committee.

#### **B. PURPOSE OF THE POLICY**

The primary purpose of this Conflict of Interest Policy is to help protect the integrity of the Committee, its process, and actions, by establishing standards for Members of the Committee to ensure that the private interests of Members do not conflict with their role and duties as Members of the Committee. This Policy identifies certain situations when Committee Members must identify and disclose conflicts of interest.

**C. SCOPE OF CONFLICT OF INTEREST**

1. A conflict of interest may exist whenever a Member or an immediate family member has a direct or indirect interest or relationship, financial or otherwise, with an entity that may affect or reasonably appear to affect the objectivity of the Member or the fairness of the process in which that Member participates.
2. A Member has a conflict of interest when the Member participates in the Committee's process/activities when the Member knows that by doing so there is an opportunity to further his or her private interest.
3. A Member has an apparent conflict of interest if there is a reasonable perception, which a reasonably well-informed person could properly have, that the Member's participation in the Committee process/activities may have been affected by her or his private interest.
4. A Member has a private interest when the Member, or an immediate family member, has a direct or indirect financial relationship with or interest in an entity that is the subject of or impacted by a Request to the Committee.
5. A Member must not attend related parts of any Committee meeting, participate in discussion, or otherwise attempt to influence, any matter in which the Member has a conflict of interest.

**D. DISCLOSURES OF CONFLICTS OF INTEREST**

1. Upon being appointed to the Committee, every Member must complete and submit to the Chair, a completed *Laboratory Operational Committee Conflict of Interest Disclosure Undertaking* set out as **Schedule A** to this Policy (the Disclosure Undertaking).
2. In addition, if a conflict of interest involving a Member arises upon the receipt of Requests or other documentation for review by the Committee, the Member must complete and submit to the Chair the *Laboratory Operational Committee Conflict of Interest Disclosure Form* set out as **Schedule B** to this Policy (the Disclosure Form). In such circumstances, Members are required to disclose whether they or any immediate family member:
  - a) During the three years prior to the Disclosure Undertaking:
    - i. Received payment, in any amount and in any form, from an entity (connected to the Request), including but not limited to salary, honoraria, royalties, or payment for services rendered;
    - ii. Has been employed by or appointed to the board of directors of an entity;
    - iii. Has had any additional interest, affiliation or relationship with an entity; or
  - b) Currently:
    - i. Holds any shares (excluding mutual funds) in the entity;
    - ii. Holds any ownership interest in an entity that is not publicly traded;
    - iii. Has any other financial arrangement with the entity; or
    - iv. Has any additional interest, affiliation or relationship with the entity.
3. All Members must disclose to the Chair, at the first opportunity, any contact with any representative of the entity relating to a Request.

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4. Under no circumstances may Members or their immediate family members offer or receive cash, preferred loans, securities, secret commissions, or other benefit from an entity in exchange for preferential treatment or support for a Request. Any Member experiencing or witnessing such an offer must report the incident to the Chair immediately.
5. The obligation to disclose conflicts of interest is ongoing, and all Members must inform the Chair at the earliest opportunity of any conflict of interest that may arise.
6. If it is discovered that a Member has not disclosed a conflict of interest, the Chair may recommend a course of action to the Ministry which may include the Member being removed from the Committee as per the Laboratory Operational Committee's Terms of Reference.

**E. PROCESS FOR DETERMINING EXISTENCE OF CONFLICT OF INTEREST**

1. Upon receipt of a Disclosure Form from a Member, the Chair will determine if the interest or relationship of a Member amounts to a conflict of interest in relation to the relevant work of the Committee.
2. If the Member has a conflict of interest in relation to a specific Request, the Chair may determine that the Member shall not participate in any Committee deliberations or activities related to that Request.

**F. NOT EXHAUSTIVE**

1. This Policy details some aspects of conflict of interest but is not exhaustive.
2. The ultimate obligation to identify and disclose conflicts of interest to the Chair/Committee is on the Member.
3. If the circumstances or interests of the Member amount to a conflict of interest in relation to a specific Request or Request for Recommendation, the Chair may determine that the Member shall not participate in any Committee deliberations or activities related to that Request.

**G. CONFIDENTIALITY**

1. The content of each completed Disclosure Form and any declaration of conflicts of interest disclosed shall remain confidential, subject to any requirement to disclose, as may be required by law.

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**SCHEDULE A**

**Laboratory Operational Committee's Conflict of Interest Disclosure Undertaking**

**To: Chair, Laboratory Operational Committee**

1. I have read and understood the *Laboratory Operational Committee Conflict of Interest Policy* (the Policy), and I undertake to be bound by the obligations contained therein.
2. I understand that it is my responsibility to report to the Chair the information described in the Policy, and I undertake to do so.
3. I understand that the information I disclose will be held by the Secretariat and that the information may be shared with the Chair and, if appropriate, the Members of the Committee.
4. I agree to inform the Chair of any change in circumstances that may create a conflict of interest (as defined in the Policy), as soon as it is known to me.
5. I agree not to disclose or misuse, in any way, information that I may receive in the course of my duties and activities with the Committee.

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Date

Print Name

Signature

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**SCHEDULE B**

**Conflict of Interest Disclosure Form**

**To: Chair, Laboratory Operational Committee**

The *Laboratory Operational Committee Conflict of Interest Policy* (the Policy) requires information to be disclosed pursuant to sections C, D and F of the Policy. All Members must use this disclosure form at the earliest opportunity after receiving the Committee's meeting agendas, Requests or other documents that may give rise to a conflict of interest involving her- or himself. Members should provide this information in writing to the Chair using this form (add pages as necessary).

<b>Agenda item, Request, or other documentation</b>	<b>Name of Entity</b>	<b>Description of actual, apparent, potential, or perceived conflict of interest (including dollar value where relevant)</b>

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Date

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Print Name

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Signature