



BOARD OF HEALTH

SECTION:	Governance	APPROVED BY:	Board of Health
NUMBER:	BOH-GOV-010	REVISED:	June 2024
DATE:	May 1, 2018		

Conflict of Interest

PURPOSE:

The purpose of the Conflict of Interest Policy is to:

- assist individual board members in determining when his or her participation in a Board decision/discussion has the potential to be used for personal or private benefit, financial or otherwise; and
- protect the integrity of the Board as a whole and its members by following the Conflict of Interest Policy and Procedures.

DEFINITIONS:

A conflict of interest situation arises:

- where a member either on his/her own behalf or while acting for, by, with or through another, has any direct or indirect non-pecuniary or pecuniary interest in any contract or transaction with the Board or in any contract or transaction that is reasonably likely to be affected by a decision of the Board; and/or
- Where the Board member or their close relative or friend or affiliated entity uses the board member's position with Southwestern Public Health to advance their personal or financial interests;

Actual conflict of interest: a situation where a board member has a private or personal interest that is sufficiently connected to his or her duties and responsibilities as a Board member that it influences the exercise of these duties and responsibilities.

Perceived conflict of interest: a situation where reasonably well-informed persons could have a reasonable belief that a Board member may have an actual conflict even where that is not the case in fact.

POLICY:

- Each member of the Board of Health has the obligation to avoid ethical, legal, financial or other conflicts of interest and to ensure that their activities and interests do not conflict with their obligations to the Board of Health of Southwestern Public Health or its welfare.
- It is the responsibility of the individual to disclose any conflicts of interest to the meeting members when the agenda is circulated.
- All conflicts of interest must be declared in writing using the Board of Health Written Statement of Disclosure form.
- In the event that a board member is absent from a meeting and a matter was discussed where a conflict (whether actual or perceived) exists, it must be declared prior to the start of the next meeting.
- If there is any doubt as to a perception of conflict, the member shall discuss with the Chair of the Board and/or Board of Health for direction.
- If a member has a pecuniary interest in a matter but was not in attendance at the meeting at which it was considered, he/she must make the disclosure and follow the procedures described above at the first meeting he/she does attend after the meeting at which the matter was disclosed.
- A Board member should not use information that is not public knowledge, obtained as a result of his or her appointment, for personal benefit.
- No board member shall divulge confidential information obtained as a result of his or her appointment unless legally required to do so.

PROCEDURE:

- 1) At the beginning of every Board meeting, the Board Chair shall ask and have recorded in the minutes whether any Board member has a conflict to declare in respect to any agenda item or for any members who were absent from the previous meeting if they have any conflicts to declare relating to the previous agenda or minutes.
- 2) The Executive Assistant shall be responsible for updating the Conflict of Interest registry on SWPH's website with the new declarations after each meeting.
- 3) If a board member believes that he or she has an actual conflict of interest in a particular matter, he or she shall:
 - i. prior to any consideration of the matter, declare to the Chair of the Board or the Chair of the relevant Committee that he or she has a conflict of interest that prevents him or her from participating;

- ii. not take part in the discussion of or vote on any question in respect of the matter;
 - iii. leave for the portion of the meeting related to the matter; and
 - iv. not attempt in any way to influence the voting or do anything which might be reasonably perceived as an attempt to influence other Board members or Committee members or the decision relating to that matter.
- 4) Should the Board be in an in-camera session, the Board member shall leave the room until the agenda item has been decided.
- 5) Where a Board member declares a perceived conflict of interest, the Board will:
- i. Determine by majority vote whether the member participates in the discussion and votes on the item.
 - ii. The minutes should reflect the discussion and the Board decision on the matter.
 - iii. NOTE: The Board member may decide on their own accord to not participate in the discussion and to not vote on the agenda item in question.
- 6) Where a conflict of interest is discovered during or after consideration of a matter:
- i. It is to be declared to the Board at the earliest opportunity and recorded in the minutes.
 - ii. If the Board determines that the involvement of the member declaring the conflict influenced the decision on the matter, the Board shall re-examine the matter and may rescind, vary, or confirm its decision. Any action taken by the Board shall be recorded in the minutes.
- 7) Where there has been a failure on the part of a Board member to comply with this policy, unless the failure is the result of a bona fide error in judgement as determined by the Board, the Board shall request that the Chair:
- i. Issue a verbal reprimand; or
 - ii. Issue a written reprimand; or
 - iii. Request that the Board member resign or
 - iv. Seek dismissal of the Board member based on regulations relevant as to how the board member was appointed.

REFERENCES: (including relevant legislation):

Municipal Conflict of Interest Act, RSO1990 Chapter m.50

COMPLIANCE:

Non-compliance with this policy and any associated procedures may result in appropriate disciplinary measures.

REVISION DATES:

June 2019

June 2024