



The Corporation of the Town of Tecumseh

Policy Manual

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Approval:	Click or tap here to enter text.
Subject:	CAO-PC-2024-08 Conflict of Interest Policy – August 2024.docx

1. Policy Statement

- 1.1 The Corporation of the Town of Tecumseh is committed to ensuring that Town Employees conduct the business of the Town in an equitable, independent, impartial, and responsible manner.

2. Scope

- 2.1 This policy applies to all Town Employees.

3. Definitions

- 3.1 “Conflict of Interest,” is defined as a situation in which an Employee is in a position to capitalize on his or her employment with the Municipality in some way to obtain a direct or indirect personal benefit.
- 3.2 “Employee,” for the purpose of this policy, an Employee includes any unionized, non-unionized, management, full and part-time, permanent, temporary, student, volunteer firefighter, contract, and seasonal staff.
- 3.3 “Municipality,” includes the Town of Tecumseh, local boards, and committees.

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- 3.4 “Perceived Conflict of Interest,” is a situation in which a reasonable member of the public might believe that a Conflict of Interest exists where one does not.
- 3.5 “Supervisor,” for the purpose of this policy, a Supervisor is any person who has charge of a workplace or authority over an Employee.
- 3.6 Below, is a brief list of examples of Conflicts of Interest, which is not intended to be exhaustive or all inclusive:
- a) Where an Employee makes a personal bid on the sale of municipal property or goods, except in circumstances where the property or goods are being disposed of at public auction.
 - b) Employees or family members living within their household sell goods, materials, or services to the Municipality. An exception may be made with the approval of the Chief Administrative Officer (CAO) to secure services from an Employee outside the regular hours of employment on a fee for service basis, provided the opportunity is made available on an equal basis to other persons.
 - c) Where an Employee may influence the decision of the Municipality in dealing with a company or person which conducts business with the Municipality, when the company or person is largely owned or controlled by an Employee or an immediate relative, or in which the Employee may have an interest.
 - d) Where an Employee may influence the decision of the Municipality in respect of a particular company or person which is applying to the Municipality for a loan, grant or other advantage, when the Employee has a significant responsibility in the affairs of the applicant (i.e., the Employee is a trustee of land or other property).
 - e) Ownership by an Employee of land or their property where a property’s value may be influenced by the Employee.
 - f) When an Employee solicits or accepts a gift, present, favour or the materiality of, placing the Employee under obligation to the donor.
 - g) When members of an Employee’s immediate family receive personal benefit because of the position of the Employee.
 - h) When an Employee performs similar duties outside of their position and hours of work at the Municipality. This could be self-employment, working for a second employer, or a side job performed with or without remuneration for friends or family.

4. Procedure

- 4.1 Employees owe a duty of loyalty to the Municipality and to the public whom they serve.
- 4.2 Employees may not use their position of employment to obtain a direct or indirect personal benefit.
- 4.3 Avoiding and preventing situations that could give rise to a Conflict of Interest, or a Perceived Conflict of Interest, is a primary means by which Employees maintain the confidence of the public whom they serve.
- 4.4 Being in a Conflict of Interest is not improper in itself. Depending on the Employee's position and responsibilities, a Conflict of Interest may occur without any wrongdoing on the part of the Employee.
- 4.5 Employees have the obligation to disclose a discovered Conflict of Interest or a Perceived Conflict of Interest immediately to their Supervisor. It is not the responsibility of the Municipality to discover a Conflict of Interest or a Perceived Conflict of Interest.
- 4.6 A Perceived Conflict of Interest should be avoided to maintain the confidence of the public. Therefore, Perceived Conflicts of Interest will not be permitted unless reviewed and approved in accordance with this policy.
- 4.7 Employees shall not undertake outside employment, including self-employment, if such employment:
 - a) Causes a real or Perceived Conflict of Interest;
 - b) Is performed in such a way as to appear to be an official act of or to represent the Town;
 - c) Interferes with regular Town duties in any way; or,
 - d) Involves the use of Town premises, resources or equipment including but not limited to Town e-mail, telephones, cell phones, or supplies.
- 4.8 If an Employee believes that there is potential for real or Perceived Conflict of Interest, then that Employee must make prompt and full disclosure in writing to their Supervisor and obtain approval prior to commencement of activities.
- 4.9 In the case of the CAO, a full disclosure in writing must be submitted to the Personnel Committee for review.

- 4.10 Employees who use their position of employment to obtain a direct or indirect personal benefit will be subject to disciplinary action up to and including termination of employment.
- 4.11 Employees who fail to disclose a Conflict of Interest or a Perceived Conflict of Interest may face disciplinary action up to and including termination of employment.

5. Representing Others

- 5.1 An Employee shall not act or advocate for or represent any person or entity other than the Municipality, in any court proceeding or other adversarial proceeding, in which the Municipality is a party or participant. This prohibition includes an Employee representing the Employee's family members in any such proceeding. This does not preclude any Employee from representing themselves.
- 5.2 This prohibition does not prevent an Employee of the Municipality from commencing or participating in proceedings against the Municipality in accordance with the Employee's duty to comply with or enforce any laws, regulations, or bylaws even if the subject of such enforcement action is the Municipality.

6. Disclosure of Confidential Information

- 6.1 Employees must use utmost care and discretion in the handling of confidential or privileged information and other information coming to them by reason of employment, and such information shall not be used for personal benefit of family, friends, or associates. Employees are not to discuss or pass on information unless the exchange is necessary for a specific business purpose of the Municipality.
- 6.2 An example of disclosing confidential information may be the announcement to a family member or colleague, the sale date of pending lands/equipment and expected purchase price (insider information).

7. Responsibilities

- 7.1 Employee
 - a. Understand and comply with the policy associated with Conflict of Interest.

- b. Be aware of the expected standards in the workplace and make a full and prompt and full disclosure in writing to their Supervisor.

7.2 Supervisors

- a. Provide appropriate direction, focus and resources to Employees with respect to the Conflict of Interest policy.
- b. Consult with People & Culture and/or other resources including the Chief Administrative Officer as needed on the policy.

7.3 People & Culture Department

- a. Provide guidance and advice associated with the procedures for Conflict of Interest
- b. Support Supervisors and Employees by providing advice and guidance on the policy.
- c. Maintain all records of declaration and approval documentation in the Employee's personnel file.

8. Filing

- 8.1 All written disclosures of a Conflict of Interest or Perceived Conflict of Interest are to be forwarded to the People & Culture Department, for filing in the appropriate Employee's personnel file. A copy will be provided to the Employee and the Employee's Supervisor.