

**GENERAL ADMINISTRATION MANUAL**

**VOLUME 3: HUMAN RESOURCE POLICIES**

**TITLE: CONFLICT OF INTEREST**

**EFFECTIVE: October 27, 1994 (AMENDED: March 2, 2004)**

***1 SCOPE***

**1.1 Authority**

1.1.1. This policy is issued under authority of Cabinet Minute No. 94-40, dated October 27, 1994 and amended by the Deputy Ministers' Review Committee on March 2, 2004.

**1.2 Application**

1.2.1 This policy applies to all employees employed under the *Public Service Act* and the *Education Act*.

**1.3 Purpose and Principles**

1.3.1 The intent of this policy is to outline in general terms the guidelines to be observed by public servants concerning conflict of interest situations. These guidelines may be cited as the Public Service Conflict of Interest Guidelines and are to be applied in conjunction with Part IX (Political Office) of the Public Service Act and section 7 (Contracts) of OIC 1987/75 Public Service Act.

1.3.2 This policy should be reviewed one (1) year from its date of issue to ascertain its effectiveness and to review its administration.

## **2 ROLES AND RESPONSIBILITIES**

### **2.1 Employees**

- 2.1.1 In order that honesty and impartiality may be beyond doubt, public servants should not place themselves in a position where they are under obligation to any person who might benefit from special consideration or favour on their part or seek in any way to gain special treatment from them. Equally, a public servant should not have a pecuniary interest that could conflict in any manner with the discharge of his/her official duties.
- 2.1.2 No conflict should exist or appear to exist between the private interests of public servants and their official duties. Upon appointment to office, public servants are expected to arrange their private affairs in a manner that will prevent conflicts of interest from arising.
- 2.1.3 Public servants should exercise care in the management of their private affairs so as not to benefit, or appear to benefit, from the use of information acquired during the course of their official duties, when such information is not generally available to the public.
- 2.1.4 Public servants should not place themselves in a position where they could derive any direct or indirect benefit or interest from any government contracts over which they can influence decisions.
- 2.1.5 Public servants should hold no outside office or employment that could place on them demands inconsistent with their official duties or call into question their capacity to perform these duties in an objective manner.
- 2.1.6 Public servants should not accord, in the performance of their official duties, preferential treatment to relatives or friends or to organizations in which they or their relatives or friends have an interest, financial or otherwise.
- 2.1.7 Public servants should not supply government photographs or slides, or use, or allow to be used any Yukon government equipment solely for partisan political purposes, where the use of such equipment is not available to members of the general public. Nor shall they adhere to any instructions to carry out an assignment for any partisan political purpose as part of their employment.

2.1.8 All public servants are expected to disclose to their supervisors, in the manner following, all business, commercial or financial interests where such interests might conceivably be construed as being in actual or potential conflict with their official duties:

- a) whenever a public servant considers that he/she could be involved in a conflict of interest in that he/she might derive personal benefit from a matter which in the course of his/her duties as a Public Servant he/she is in a position to influence, he/she shall disclose in writing the situation to his/her deputy head.
- b) whenever a public servant considers that he/she could be in a position of conflict with the interest of the government arising from any of his/her outside activities, he/she shall disclose in writing the situation to his/her deputy head.
- c) in a) and b) above, the deputy head shall discuss the matter with the employee in an attempt to resolve the matter. However, should the matter not be mutually resolved, the deputy head shall provide the employee with written advice and the employee shall abide by the advice given. A copy of the deputy head's written advice will be forwarded to the Public Service Commission under confidential cover for filing and retention.
- d) the employee may appeal the advice of the deputy head to the Public Service Commissioner. The Public Service Commissioner shall investigate the matter and provide a written decision to the employee and the deputy head.
- e) failure to observe or to knowingly contravene the foregoing public servants Conflict of Interest Policy and/or failure to follow the advice provided subsequent to disclosure, may be considered to be a breach of conduct and may be cause for the suspension or dismissal of the employee. An employee suspended or dismissed has the right to grieve.
- f) all such written disclosures shall be handled in a confidential manner.

## **2.2 Deputy Heads**

2.2.1 It is by no means sufficient for a deputy head in a position of responsibility in the public service to act within the law. There is an obligation not simply to obey the law but to act in a manner so scrupulous that it will bear the closest public scrutiny.

2.2.2 Deputy heads shall adhere to the above responsibilities and the foregoing principle, and shall disclose in writing to their appropriate minister those matters which might conceivably be construed as being in actual or potential conflict with their official duties and responsibilities.

2.2.3 Following disclosure, a deputy head shall abide by the written advice of his/her Executive Council Member. Failure to do so, could result in release from the public service.