

 Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé	REGIONAL Applicable to all WRHA governed sites and facilities (including hospitals and personal care homes), and all funded hospitals and personal care homes. All other funded entities are excluded unless set out within a particular Service Purchase Agreement.		Level: 1
	Policy Name: Conflict of Interest	Policy Number: 20.10.010	Page: 1 of 4
	Approval Signature: <i>Original Signed by Jane MacKay</i>	Section: HUMAN RESOURCES	
	Date: November 2023	Supersedes: March, 2018	

1.0 **PURPOSE:**

The Winnipeg Regional Health Authority (“WRHA”) is committed to promoting a standard of conduct that preserves and enhances public confidence in the integrity, objectivity, and impartiality of its clinical and business activities. WRHA Representatives are expected to uphold these standards by avoiding potential, perceived or real Conflicts of Interest, and to promptly recognize, disclose, assess and manage any conflicts should they arise. To achieve this standard, the purpose of this policy is:

- 1.1 To provide guidance to WRHA Representatives in their relationships with third parties and the identification of any real, potential or perceived Conflict of Interest situations.
- 1.2 To ensure the proper management of real, potential or perceived Conflicts of Interest in order to protect the integrity of the WRHA and WRHA Representatives.

2.0 **DEFINITIONS:**

- 2.1 **Conflict(s) of Interest:** A situation in which a WRHA Representative has a Private Interest or a relationship with a Related Person or external agency that creates, either in appearance or in reality, a perceived or real opportunity for improper influence in the performance of their duties and responsibilities to the WRHA, or use of WRHA facilities, staff, resources or information. This would include all situations which would cause an independent observer to reasonably question whether the professional actions or decisions of the WRHA Representative are compromised by considerations of personal gain, financial or otherwise. Conflict(s) of Interest reflect the situation, not the character of the person.
- 2.2 **Family:** for the purposes of this policy includes parent, spouse, common-law spouse, child, siblings, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent, grandchild, former guardian, fiancé as well as step-relationships of the same degree. It also includes any other relative who is or has been recently residing in the same household.
- 2.3 **Gift(s):** Items of any value that are given by a business or individual seeking to do or doing business with the WRHA to either the WRHA Representative or Related Person, and for which the recipient neither paid nor provided services. This includes, but is not limited to items such as pens, notepads, textbooks, electronic media, meals, Gift certificates, flowers, tickets, devices, products or services, travel, hotel accommodations, entertainment or payments for attending a meeting.

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- 2.4 Private Interest(s): Any matter, including without limitation, a financial, personal and/or private affiliation, relationship or other involvement, that might influence the actions taken or decisions made by a WRHA Representative on behalf of the WRHA.
- 2.5 Related Person(s): Any person or entity associated with a WRHA Representative including a Family member, personal friend, business associate or partner, or any corporation, joint venture, partnership or business entity owned or operated wholly or in part by the WRHA Representative or any person associated with the WRHA Representative
- 2.6 Senior Management: The President and Chief Executive Officer, Regional Leads, Chief Human Resources Officer, Chief Financial Officer, all hospital Chief Executive Officers or Chief Operating Officers, and Community Area Directors.
- 2.7 WRHA Representative(s): All persons employed by, or seconded to WRHA facilities or WRHA funded facilities as well as members of the WRHA Board of Directors, medical staff, students, researchers, volunteers and others associated through contracts.

3.0 **POLICY:**

- 3.1 WRHA Representatives shall act honestly and in good faith and shall adhere to standards of integrity, impartiality and ethical conduct in their attempt to prevent and avoid potential, perceived or real Conflicts of Interest.
- 3.2 WRHA Representatives shall not:
- Use or exercise their position with the WRHA to influence a decision made, or to be made, on behalf of the WRHA that would have the potential of benefiting their Private Interests and/or Related Persons;
 - Grant or receive preferential treatment in the exercise of any position with the WRHA to benefit their Private Interests and/or Related Persons;
 - Use or communicate knowledge or information not available to the general public and gained in the scope of their duties to the WRHA that would have the potential of benefiting their Private Interests and/or Related Persons;
 - Use equipment, supplies, facilities, staff and other resources of the WRHA to benefit their Private Interests and/or Related Persons;
 - Influence or attempt to influence decisions relating to the recruitment, transfer, promotion, demotion or awarding of a contract to a Related Person;
 - Engage in activities outside of the WRHA, including outside employment, self-employment, consulting, volunteering or serving as a board member to any individual, organization or corporation, where these activities interfere or conflict with the WRHA Representative's duties and responsibilities to the WRHA;
 - Accept Gifts on their own behalf or for their own benefit regardless of the nature or value of the Gift. Tokens of appreciation of nominal value received from patients, clients or residents may be accepted on behalf of the department, ward or unit. Where professional governing bodies provide for by-laws that differ from the provisions of this policy, the most stringent provisions shall prevail.

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- h) Solicit prizes, funds and giveaways from vendors unless it is for the purposes of raising charitable funds and solicitation is performed by individuals who are not directly involved in the development of contracts or the selection of vendors for purchases. Vendors shall be informed that their decision regarding participation will not have any influence on procurement decisions; or
- i) Participate in political activities while holding a position as a member of the WRHA Board or a member of Senior Management. These include the soliciting of funds for a provincial or federal party or candidate, or seeking nomination or holding an executive office in a political party as a candidate without being granted a leave of absence.

- 3.3 WRHA Representatives have an ongoing duty to recognize and make full written disclosure to their supervisor of any potential, perceived or real Conflicts of Interest for determination in advance of taking any action that gives rise to the Conflict of Interest or, if it could not be foreseen, immediately upon becoming aware of the potential Conflict of Interest.
- 3.4. WRHA Representatives also have an ongoing duty to report to their supervisor any circumstance affecting another WRHA Representative that appears to give rise to a Conflict of Interest, and to bring the circumstances to the attention of that other WRHA Representative. If preferred, or if the supervisor does not take appropriate action, a WRHA Representative may report the circumstance to the Director, Human Resources Services.
- 3.5 Persons in breach of this Policy will be dealt with in accordance with applicable policies and procedures and contractual provisions or standards including, but not limited to the WRHA Discipline and Discharge Policy and the Medical Staff Bylaws.
- 3.6 The WRHA Board of Directors and WRHA are responsible for developing, implementing and enforcing processes to ensure awareness and compliance with this Policy.
- 3.7 Communication and distribution of this Policy shall form part of the orientation process for all new WRHA Representatives.
- 3.8 The Conflict of Interest Policy shall be provided to all new WRHA Representatives as part of the onboarding process, including the WRHA Conflict of Interest Declaration Form <https://home.wrha.mb.ca/old/hr/files/forms/ConflictInterest-Declaration.pdf> which shall be returned as a signed electronic document to Human Resources Shared Services and maintained electronically.
- 3.9 The Conflict of Interest Policy shall be provided to all new members of the WRHA Board of Directors.

4.0 **PROCEDURE:**

- 4.1 A WRHA Representative may be directed at any time to complete and submit a Conflict of Interest declaration <https://home.wrha.mb.ca/old/hr/files/forms/ConflictInterest-Declaration.pdf> by their employer or by the WRHA site/facility or WRHA funded site/facility for which they provide services under contract, and if so directed, must comply.
- 4.2 A WRHA Representative shall immediately notify their supervisor of any and all relevant and material changes in the information previously disclosed in their completed declaration by completing and delivering an updated Conflict of Interest declaration.
- 4.3 All vendors or external agencies that have contractual arrangements with the WRHA shall be required to disclose any payments or other transfers of value provided to WRHA Representatives.

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- 4.4 Supervisors shall bring forward any disclosures by WRHA Representatives to the attention of the Director, Human Resources Services or designate for determination of whether or not the matter is a Conflict of Interest. Supervisors shall also provide a copy to the Shared Health Director, Provincial Supply Chain if the circumstances suggest a potential impact on decisions related to acquisition of goods and services. Conflict of Interest declarations completed by medical staff shall be forwarded to the Provincial Medical Administration Office (PMAO). If a WRHA Representative does not agree with the determination made by the Provincial Medical Administration Office, or the Director, Human Resources Services or designate, they may request that their Conflict of Interest declaration be reviewed by the Regional Lead and Chief Human Resources Officer or designate for final determination.
- 4.5 Appointed members of the WRHA Board of Directors, the Chief Executive Officer of the WRHA, Senior Management, contracting and procurement staff, and the Shared Health Director, Provincial Supply Chain are each required to provide a completed Conflict of Interest declaration annually and a new Conflict of Interest declaration should there be any relevant and material changes to the information previously submitted.
- 4.6 The members of the WRHA Board of Directors and the Chief Executive Officer shall submit their respective Conflict of Interest declarations to the Chair of the WRHA Board of Directors, with a copy to the Corporate Secretary of WRHA, for the Chair's review and further handling. Senior Management, contracting and procurement staff, and the Shared Health Director, Provincial Supply Chain shall submit their declarations to the Chief Human Resources Officer of the WRHA for review and further handling. The Chair of the WRHA Board shall submit completed Conflict of Interest declarations to the Minister of Health, with a copy to the Corporate Secretary of WRHA, for the Minister's review.
- 4.7 The Director, Human Resources Services shall keep a confidential record of all disclosures and Conflict of Interest declarations received from WRHA Representatives other than members of the WRHA Board of Directors, medical staff and the WRHA Chief Executive Officer in accordance with WRHA policies and/or any applicable legal or regulatory requirements. The Corporate Secretary of WRHA shall keep a confidential record of all Conflict of Interest declarations received from the WRHA Board of Directors and the Chief Executive Officer. The Provincial Medical Administration Office shall keep a confidential record of all Conflict of Interest declarations completed by medical staff.
- 4.8 All Disclosures received from WRHA Representatives shall be documented on the Conflict of Interest Tracking Form by the appropriate WRHA management contact identified in 4.7, including the outcome regarding the determination as to whether or not the matter is a Conflict of Interest, as well as the resolution or management plan if it is found to be a Conflict of Interest. The Conflict of Interest Tracking Form can be found at <https://home.wrha.mb.ca/old/hr/files/forms/ConflictInterest-Tracking.pdf>.
- 4.9 The appropriate WRHA management contact shall notify the Director of Reporting regarding any confirmed Conflict of Interest affecting a WRHA Representative's non-employment income.
- 4.10 WRHA Representatives who are determined to be in a Conflict of Interest may be required to take certain actions including, but not limited to ceasing activities that place them in a Conflict of Interest, withdrawing from any applicable decision-making or business process or withdrawing from their role within the WRHA.

5.0 **REFERENCES:**

- 5.1 General By-Law NO.1 of Winnipeg Regional Health Authority
- 5.2 Alberta Health Services Conflict of Interest Bylaw
- 5.3 WRHA Policy 20.30.010 Employment of Family Members

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- 5.4 WRHA Policy 20.60.030 Discipline and Discharge
- 5.5 WRHA Policy 10.00.110 Industry Relationships
- 5.6 WRHA Industry Relationships Frequently Asked Questions Document
<https://wrha.mb.ca/files/wrha-policy-10-00-110-faq.pdf>
- 5.7 Conflict of Interest Act (Canada).
- 5.8 The Privacy Act (Manitoba).
- 5.9 WRHA Code of Conduct Policy (in progress).

Policy Contact: *Regional Human Resources Director, Corporate & Labour Relations Services*