

Conflict of Interest

Questions and Answers

April 2022

Key Messages

- The Government of Saskatchewan is updating the Conflict of Interest policy effective April 11, 2022.
- The purpose of the update to the Conflict of Interest policy is to protect the public's trust, set clear expectations, promote individual responsibility, and establish a transparent approach to managing conflicts of interest effectively.
- The updated policy includes a new definition of conflict of interest and specific conflict of interest situations such as outside employment, outside activities, political activity, gifts, and vendor sponsored travel.
- The Conflict of Interest mandatory training has been revised to reflect the changes in the policy. As a result, all employees will need to complete the updated training by April 30, 2023.
- Employees may have already taken the mandatory training, but are required to complete it again to ensure they understand the changes to the policy.
- The updated policy and supporting tools are available on Taskroom.

Questions and Answers

Conflict of Interest General Questions

Who must complete a disclosure form (Appendix A)?

Employees seeking outside employment are required to seek approval as well as those seeking to participate in outside activities where a reasonable possibility of conflict exists. Employees who wish to seek to be nominated for, to be elected to, or to hold a public office must disclose this by completing Part I of the disclosure form, and discuss with the manager the steps to be taken to mitigate any potential conflicts of interest. In other circumstances, the ministry may request employees to complete the form.

When should managers and employees review the Conflict of Interest policy?

All employees (including managers) of the government of Saskatchewan have a responsibility to read, understand and comply with the Conflict of Interest policy as well as complete the mandatory conflict of interest training. Managers are encouraged to review the Conflict of Interest policy and its tools with their staff when on-boarding new staff, with individual staff when a possible conflict of interest situation arises, or when job duties or assignments demand that the employee be aware of the provisions of the policy. Employees should also take time to review this policy when considering participating in any outside employment, outside activity or seeking or holding public office.

Does every private interest mean there is a conflict of interest?

Most employees' private interests do not raise situations of conflict of interest. However, these interests must always be assessed for potential, actual or perceived conflict of interest. Employees must speak with their manager about their private interests when there is an overlap between their private interest and their work-related duties that result in the possibility of that private interest being favoured over the employee's duties.

How do I know whether or not my situation may lead to an actual, perceived or potential conflict of interest?

Please review the Conflict of Interest policy for better understanding. The policy on page 2 discusses both definitions and examples of conflicts of interest. Employees are also encouraged to use the Conflict of Interest Self-Assessment Tool (Appendix C) to help understand their situation. If employee is still unsure, the employee needs to have a dialogue with their supervisor or manager.

I am an employee. I know I am in a conflict of interest situation, but am confident I can manage things in a way that won't be a problem for the employer. Is there any harm to just keeping things to myself?

Yes. It is the employee's responsibility to ensure any private interest that may overlap with their work-related duties is disclosed. It is the responsibility of the employee and their manager to assess the situation and identify the risks posed to the employer and how they can be addressed.

When making a disclosure to my manager about my private interest, how much should I disclose?

Employees should disclose as much information as needed for management to make a proper assessment of the situation.

Do I need to disclose a significant business interest if I am sure there is no conflict of interest?

If the significant business interest is related to your job responsibilities, you should discuss it with your manager to assess any risks for real, perceived or potential conflict of interest and discuss any options for addressing them, if necessary.

What is the review process after I submit my disclosure Form (Appendix A)?

After you submit your disclosure form, your manager will review it. Managers and employees should discuss options/conditions/restrictions respecting any conflicts arising from the employee's private interests before the manager makes a recommendation to the divisional head who will also review, make a recommendation and forward to the permanent head. Once the decision has been made by the permanent head or their designate, you will be notified of the decision by email.

Can I appeal the decision if my application for outside employment/activities has been denied? To whom do I apply and what is the process?

Yes, the policy provides for appeals to the Chair of the Public Service Commission if an employee is not satisfied with the decision of the permanent head or their designate. Refer to Appendix B of the conflict of interest policy for the process.

Can management review and rescind the approval for outside employment based on operational or business need?

All outside employment or outside activity is approved on the basis that the employee's participation does not impact negatively on the business or operational needs of the organization. Where the employer's business and/or operational needs change or the employee's private interests misalign with the needs of

the organization, managers should have conversations with the employee to discuss options which may include rescinding the initial approval.

If an employee submitted a disclosure form previously and the manager changed or the employee's position changed, do they need to submit a new form (Appendix A)?

If an employee's position changed, they will need to submit a new approval form for consideration as their new responsibilities would need to be assessed against their private interest for potential, actual or perceived conflict of interest. However, if a manager changed but the employee's work duties remain the same, the employee would not need to resubmit the disclosure form.

If a ministry employee has a relative or friend working in the political offices, do they have to declare interest and how can they communicate with them to avoid creating a conflict of interest situation?

Ministry employees having a family member or close friend working in the political offices (e. g. Minister's office) does not always translate into a conflict of interest situation. While the circumstance may not require a declaration by the employee, a conversation with their manager is recommended. Ministry employees are to follow the established channels when communicating work related issues to the political office and not use their personal connections to circumvent the procedures.

What should I do if I am aware another employee is, or may potentially be, in a conflict of interest?

Since conflicts of interest can affect the public's confidence in the public service, you are advised to take some action, such as providing the information to the employee's manager or the permanent head for consideration. *The Public Interest Disclosure Act* also outlines a disclosure process if you have information that a wrongdoing has been committed or is about to be committed.

I am a hiring manager and my relative/friend or someone I know and relate with closely has applied for the advertised position. Should I be involved in the recruitment process?

In the staff recruitment process, selection panel members shall disqualify themselves from competitions where applicants include relatives or other individuals where the continued participation of the panel member could raise a question as to their impartiality. Managers are encouraged to refer to the Conflict of Interest policy, Policy 802-Employment of Relatives and Intimate Relations, and to consult their Human Resources Business Partner Team (HRBPT).

Conflict of Interest Situational Questions

Outside Employment

If I had approval for outside employment in my previous job/ministry, do I have to have it approved again for my current job/ministry?

An employee will need to seek approval by completing and submitting a new disclosure form if and when their job duties change in order for management to assess and ensure that a situation of conflict of interest does not exist between the employee's current job duties and their private interests.

If an employee's spouse/family member runs their own business and the employee helps with the business on a voluntary basis, is a disclosure form (Appendix A) needed?

The employee needs to have a conversation with their manager and provide details of their spouse's business and the extent of their involvement in the business for a proper assessment to be completed. Based on the assessment, they may need to complete the disclosure form (Appendix A).

Can Public Service employees take up teaching positions at institutions and teach during the designated work hours?

Employees may, with prior written approval of their permanent head or designate, teach courses at institutions for a fee during normal working hours provided that (a) acceptable arrangements can be made for the employee to perform all regular duties, and (b) course preparation and marking is done on the employee's own time, and (c) no other conflict arises. If a situation arises where an infringement upon the employee's normal duties is unavoidable, the permanent head (or designate) may require that part or all of the fee received be paid to the Minister of Finance.

Do the employees with teaching positions at institutions get paid their government wages for the time they are teaching, away from their official duties?

It is a conflict of interest if an employee gets paid their hourly wage from government for time that they spent undertaking their private teaching job. An employee interested in a teaching position has to seek approval for outside employment and should not be paid by the government for the hours they spend teaching.

Can an employee use knowledge/information/contacts gained through their work duties to advance a personal business/interest?

Employees are not prevented from using government information that is available to the public in the management of their private affairs. However, where such information is not available to the public, employees must manage their private affairs so that neither they, nor their relatives, friends, business associates or former business associates benefit or appear to benefit from the use of such information.

Outside Activities

An employee completed a disclosure form (Appendix A) for volunteering for a specific position/duties. The following year, they are volunteering for a different position/duties with the same organization. Is a new approval needed?

The employee will need to assess and make sure that their new volunteer responsibilities do not result in the possibility of a conflict of interest situation with their job duties. A conversation with their manager would be helpful in making a reasonable assessment.

If an employee is volunteering their time with another organization in a similar field as their position within the Government of Saskatchewan, is a disclosure form (Appendix A) needed?

Outside activities have the potential to result in conflicts of interest. However, since the majority of those activities will not result in conflicts, permission to engage is only necessary where there is a reasonable possibility of a conflict existing. Employees are encouraged to discuss with their managers to make a reasonable assessment of the risk of conflict and each situation needs to be assessed on a case-by-case basis.

If an employee is volunteering their time as part of a hobby (e.g., volunteer actor with community players), is a disclosure form (Appendix A) needed? What if the organization the employee is volunteering for receives funding from government?

Written permission is not always needed for outside activities but employees are encouraged to have conversations with their managers to assess any possible risks of conflict with their job duties. However, once the employee becomes aware of interest within that organization to receive funding from the government, the employee needs to have a conversation with their manager to assess any possibility of a conflict of interest situation. This may result in the employee completing a disclosure form.

If an employee is a member of a board, is a disclosure form (Appendix A) needed for them to continue their board duties?

Employees are free to participate in organizations as board members. However, employees will be required to seek permission where their participation could result in a conflict of interest. Employees are encouraged to speak with their manager to make a reasonable assessment.

If you are a board member and your organization applies or receives funding from the government, is there a conflict of interest?

Depending on the actual circumstances, there could be an actual, potential or perceived conflict of interest. The employee needs to disclose and follow the resolution process.

If an employee receives monetary compensation from a board position, do they need to complete a disclosure form (Appendix A)?

Yes. The employee will need to obtain approval if they expect monetary compensation from their activities with any particular organization.

Political Activity

Does an employee seeking to be nominated, elected to or hold public office need to obtain approval to do so?

As all public servants have a duty to preserve both the reality and the perception of an impartial, effective public service, public servants are not to participate in political activities in a manner that impairs their usefulness in the position in which they are employed. *The Public Service Act, 1998*, and *The Saskatchewan Employment Act* both spell out provisions for the participation of public servants in political activities.

Employees who wish to seek to be nominated for, to be elected to, or to hold a public office are free to do so, but must disclose this by completing Part I of the disclosure form (Appendix A). The manager will discuss with the employee the steps to be taken to mitigate any potential conflicts of interest. Those steps may include anything from a leave of absence to one or more of the measures set out in Part D. 3 of the policy.

What if an employee wants to participate in Municipal, School Board, Conseil Scolaire Fransaskois or Band Council office elections?

Employees who wish to take a definite leave of absence without pay to run as candidates in an election to the above offices are free to do so as provided for in *The Saskatchewan Employment Act*. An employee will also be granted a reasonable leave of absence without pay earlier than when the election is called if the employee believes their political activity is impairing their usefulness. Similarly, the employer may require the employee to take a definite leave of absence without pay if the employer is of the belief that an employee's political activity is impairing their usefulness as contemplated by 33(2)(c) of *The Public Service Act, 1998*. Employees wishing to seek and hold any of the offices above while still serving in their public service positions will be subject to the conflict of interest approval process, on a case-by-case basis depending on the particular situation.

If a government employee has been elected to a part-time public office, can they continue to hold their current job in the provincial government and the part-time elected position?

The Saskatchewan Employment Act provides for a leave of absence for employees of the public service seeking or holding public office. However, if an employee holding a part-time public office wishes to continue to hold their job in the provincial government, they shall seek approval to do so by completing and submitting the disclosure form (Appendix A).

If an employee submitted a disclosure form (Appendix A) for running for an elected position (public office), are they required to complete a new form if they get elected?

An employee holding political office may need to submit a disclosure form if and when responsibilities have been assigned to them in that office which may result in a situation of conflict of interest. For example, if someone elected to the school board becomes the chair of the board, their new responsibilities would need to be reassessed against their job duties. This however only applies to those holding public office while still working for executive government. If an individual, upon being elected to public office takes an extended leave of absence from their official duties, as provided for in *The Saskatchewan Employment Act*, they would not need to complete the disclosure form.

Vendor Sponsored Travel

What is Vendor Sponsored Travel?

Vendor Sponsored Travel is defined as any travel expenses, including flights, hotels, registration fees, per diems, reimbursed or paid directly for a Government of Saskatchewan employee by a person or company (third-party vendor) that sells goods or services to the Government.

As an employee, what do I do when being offered travel sponsorship by a vendor?

An employee who has received an offer to cover travel expenses for flights, hotels, registration fees, and per diems must disclose and seek approval for this offer through the normal travel request process.

Under what circumstances can Vendor Sponsored Travel be approved/allowed?

According to the Conflict of Interest policy, where there is no conflict or where the risk can be managed, vendor-sponsored travel can and should be approved in situations for activities relating to inspection, testing, training, contractual obligations, conference presentations, emergency assistance, panels, committees, regulatory standards, roundtables, task forces or membership meetings.

There are situations where an organization that has a contract with a government ministry offers to pay for travel for ministry staff to attend a workshop they are hosting or a conference that the organization considers beneficial for the ministry. Would this be permissible under this policy?

If there is no conflict from taking such an offer or any risks of conflict can be managed, such vendor sponsored travel can and should be approved.

Gifts

What do I do if I'm presented with a small gift in appreciation for giving a presentation?

Employees may accept such gifts if given to represent the normal exchange of gifts between friends, the normal exchange of hospitality between persons doing business together, or tokens of nominal value exchanged as part of protocol, absent of any conflict or appearance of it. However, gifts that make employees feel indebted or obligated to anyone who provides the gift must not be accepted.

At a conference, I was offered a gift by a business representative who said their company is applying for a tender under my ministry. Should I accept it?

Any offer of a gift must be assessed through the conflict of interest lens to ensure that there is no conflict or any appearance of it in accepting the gift. Public service employees should not accept any gift that may create an actual or perceived conflict of interest by making the employee feel indebted or obligated to the provider of the gift.

What is the acceptable amount to receive as a monetary gift?

While the government sets a \$200 minimum threshold for reporting monetary gifts, the most important principle under the Conflict of Interest policy is that gifts of any amount that can be viewed as creating an indebtedness or obligation when accepted should be rejected.

What should a ministry employee do when being offered non-monetary gifts (gifts that exceed the \$200 value) such as art work, from a work related partner?

Employees should take care to consider and assess the spirit behind the offer of the gift. If an existing or new partner offers a gift as a symbol of the working relationship, such gifts must be assessed on their merit. Absent of conflict and any appearance of it, the employee, acting on behalf of the ministry may receive the gift and disclose it to their permanent head for assessment and a decision on how to deal with the gift. However, there are some partners who offer gifts to create an indebtedness (a favour in return). Those gifts must never be accepted.

Is there an opportunity for a gift like that to be received by an individual and then turned over to the ministry for display in the office?

Yes, but this will be the decision of the permanent head after the employee’s disclosure of the gift.

Conflict of Interest Mandatory Training

Where can I access the mandatory training?

You can access the mandatory training in the My Learning App in PSC Client.

Who is required to take the mandatory training?

All government employees are required to take the mandatory training.

I already took the mandatory training, why do I need to take it again?

The Conflict of Interest mandatory training has been revised to reflect the changes in the policy. As a result, all employees will need to complete the updated training in PSC Client. Employees may have already taken the mandatory training, but are required to complete it again to ensure they understand the changes to the policy.

When do I need to complete the mandatory training by?

All employees will need to complete the mandatory training by April 30, 2023.