

Conflict of Interest Policy

1. Introduction

Description

Vancouver Coastal Health Authority (“VCH”) 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. Accordingly, Staff must fulfill their responsibilities in a manner that avoids involvement in any real, perceived, or potential conflicts of interest, and must promptly disclose and address any such conflicts as they arise.

This policy is designed to help identify conflicts of interest and to provide a procedure to appropriately manage conflicts in accordance with legal requirements and the goals of accountability and transparency in VCH’s operations.

Scope

This policy applies to all Staff.

This policy is in addition to any legal obligation and professional code(s) of ethics or standards of conduct that may apply to Staff.

2. Policy

2.1. Definition and General Principles

A conflict of interest occurs when a member of Staff’s private or financial interests conflict, or appear to conflict, with their work responsibilities in such a way that the Staff member’s:

- ability to act in the interests of VCH may be impaired;
- conduct may undermine or compromise public confidence in the ability of that Staff member to discharge work responsibilities; or
- conduct may undermine or compromise public trust in VCH.

A conflict of interest can arise in a variety of situations (see the [Conflicts Examples and Guidance Document](#) for a non-exhaustive list of examples).

While VCH recognizes the right of every member of Staff to be involved in activities as citizens of the community, conflicts must not exist between a Staff member’s private interests and the discharge of their duties at VCH.

In practice, to ensure that the personal interests of Staff do not conflict or appear to conflict with VCH decision making, Staff must arrange their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest, from arising.

In particular, a conflict of interest will exist where a member of Staff:

- benefits personally, whether directly or indirectly, from any business transaction which accrues from or is based on their official position or authority;
- benefits personally, whether directly or indirectly, from confidential or non-public information which they gain by reason of their official position or authority;
- accepts “educational grants” (e.g. paid attendance at a conference) from an Individual or Industry, unless the payment is explicitly part of an existing contract for goods or services between VCH and that Individual or Industry;
- accepts travel or other subsidies for presentations, education, or studies unless part of a formal contract negotiated by VCH or its agents; or
- participates in any VCH decision when their objectivity may be compromised for any reason (e.g. an employment selection decision involving a family member).

2.2. Working Relationships

2.2.1. Relationships amongst Staff

Staff members who are Related must not be employed in a situation where:

- a reporting relationship exists between the two Staff members and the ranking Staff member has influence, input, or decision-making power over the other Staff member’s performance evaluations, salary or premiums, special permissions, potential for promotion, working conditions or other similar matters; or
- the relationship affords an opportunity for collusion between the two Staff members which could detrimentally affect VCH.

The above may be waived where it is essential to do so in order to meet operational needs and there are sufficient safeguards are in place to ensure that VCH’s interests are not compromised.

2.2.2. Relationships between Staff members and Clients

Staff members must conduct themselves in a professional manner with Clients and are prohibited from:

- participating in an intimate, personal, or sexual relationship with any Client, whether during or outside work hours; or
- providing medical treatment or rendering other VCH services to Clients with whom they are or were previously Related.

2.3. *Outside Remuneration and Volunteer Work*

Staff may engage in remunerative employment with another employer, carry on a business, receive remuneration from public funds for activities outside their position with VCH or engage in volunteer activities outside of VCH only if such activities do not:

- interfere with the performance of their VCH duties;
- negatively affect VCH's reputation in the community;
- appear to be an official VCH act or appear to represent VCH opinion or policy; or
- involve the unauthorized use of work time or VCH premises, services, equipment or supplies.

2.4. *Gifts*

A member of Staff must not demand, solicit, or accept any gift, favour, or service from any Client, Individual or Industry unless the gift:

- has no more than nominal value (e.g. a box of chocolates) and where it may reasonably be expected that VCH would approve a reciprocal expense for a legitimate business purpose;
- is a normal exchange of hospitality or a customary gesture of courtesy between persons doing business together;
- is a token exchanged as part of established protocol;
- is the normal presentation of a gift to Staff participating in a public function, presentation, workshop, or conference; or
- is a normal exchange of gifts between friends.

A member of Staff must report any fee or honorarium received when participating in a function held or sponsored by an Individual or Industry. VCH may require the Staff member to return such fee or honorarium or to remit the sum to VCH if, in VCH's sole discretion, retention of the fee or honorarium by the Staff member would present a real or perceived conflict of interest.

2.5. *Procurement*

A member of Staff must not participate in the procurement evaluation or decision making relating to potential vendors of goods or services to VCH where the Staff member has an actual or perceived conflict of interest with any of the potential vendors. Actual or perceived conflicts of interest in such circumstances may include:

- business or personal relationships (present or past) that the Staff member has with any potential vendor (or its employees) or any other person related to any potential vendor; and

- any financial or business interest (present or past) that the Staff member has with or related to any potential vendor.

The existence of any such conflict of interest and the involvement of the Staff member in any decision-making relating to the relevant procurement could potentially create a risk that the evaluation of potential vendors and the final decision on the successful vendor is not fair and objective.

Staff asked to participate in the evaluation or decision-making process associated with any procurement must declare to the procurement project lead, any actual or perceived conflict of interest relating to potential vendors involved in the procurement. If the procurement project lead determines that an actual or perceived conflict of interest exists, the relevant Staff member will not be eligible to participate in the evaluation or decision-making process relating to that procurement.

2.6. Responsibilities

2.6.1. Staff

Staff are responsible for complying with this policy and must:

- ensure that their personal interests do not conflict, or appear to conflict, with VCH decision making;
- arrange their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest, from arising;
- disclose any real or potential conflict of interest to their manager. This disclosure must take place at the time the Staff member becomes aware of the conflict or when the Staff member first anticipates that a conflict may arise. The disclosure must be in writing by filling out a Conflict Disclosure Form; and
- follow any directions from a manager, to prevent or manage a conflict, including directions to immediately discontinue, curtail, or modify involvement in non-VCH activities.

2.6.2. Management (including supervisors, executives and Staff in managerial positions)

Management is required to:

- receive Staff disclosure of conflicts of interest and respond appropriately within the scope of their responsibility, which might include:
 - determining that no conflict exists and recording such finding in the [Conflict Disclosure Form](#);
 - determining what action should be taken to mitigate the conflict, and recording a conflict management plan in the [Conflict Disclosure Form](#); or

- requesting advice regarding a conflict of interest from the [Conflicts Advisory Committee](#) (CAC) at conflicts@vch.ca as required.
- send completed Conflict Disclosure Forms to Employee Engagement or, in the case of medical staff, to Physician Relations and Compensation, and keep a copy of each form in a single binder or secure computer file to be kept onsite at the Staff member or Management's place of work for future reference as required; and
- report to the [CAC](#) at conflicts@vch.ca regarding conflicts management upon request.

2.6.3. Conflicts Advisory Committee (CAC)

The [CAC](#) will consist of Internal Audit Services, Client Relations and Risk Management, and Legal Services, and is accountable to the Board Chair and CEO as appropriate.

[CAC](#) will advise supervisors and managers upon request regarding the management of conflicts of interest.

[CAC](#) may issue guidelines or other information from time to time to assist Staff in identifying when an actual or perceived conflict of interest may arise.

[CAC](#) is responsible for updating the [Conflict Disclosure Form](#) and issuing and maintaining other related guidelines and forms as needed.

2.6.4. Employee Engagement

Employee Engagement will participate in the evaluation of conflicts of interest as appropriate and will support management, Staff and the [CAC](#) where necessary.

Completed [Conflict Disclosure Forms](#) will be filed and kept in the employment file of the Staff member who made the disclosure.

2.6.5. Physician Relations and Compensation

Physician Relations and Compensation will file and keep completed [Conflict Disclosure Forms](#) in the file of the medical staff member who made the disclosure.

2.6.6. Board members

The Chair of the Board is responsible for managing any conflicts of interest that concern a Board member or the CEO.

Conflicts of Interest that concern a member of the Board are governed by the Board Manual's Code of Conduct and Conflict of Interest Guidelines for Directors.

2.7. Compliance

Departure from this policy by Staff without prior written approval may lead to disciplinary action up to and including termination of employment, services, or privileges.

2.8. Post-Employment Restrictions

2.8.1. Confidential information restrictions

After the employment of a Senior Staff member at VCH ends, that person must not disclose or otherwise use confidential information obtained through their employment with VCH without the prior written permission of VCH.

2.8.2. Other restrictions

If a Senior Staff member had a substantial involvement in dealings with an outside entity at any time during the year immediately preceding the end of that person's employment with VCH, then for one year after the end of such employment, that person must not:

- accept an offer of employment, an appointment to the board of directors or a contract to provide services to that outside entity;
- lobby or otherwise make representations for or on behalf of that outside entity to VCH; or
- give counsel to or advise that outside entity, for its commercial purposes, concerning the programs or policies of VCH.

VCH may reduce the one year restriction period, upon written application, after considering the following factors:

- the circumstances under which the Senior Staff member's employment with VCH ended;
- the Senior Staff member's general employment prospects;
- the significance to VCH of information in possession of the Senior Staff member by virtue of his/her position with VCH;
- the desirability of a rapid transfer of the Senior Staff member's skills to an employer other than VCH;
- the degree to which a new employer might gain unfair commercial advantage by hiring the Senior Staff member;
- the authority and influence the Senior Staff member possessed while employed by VCH; and
- the disposition of other cases.

2.8.3. Meaning of Senior Staff

In this section 2.8, Senior Staff means Staff of VCH at Vice-President level (or equivalent) and above.

3. References

Tools, Forms and Guidelines

- [Conflicts Examples and Guidance Document](#)
- [Conflict Disclosure Form](#)

Related Policies

- [Fraud and Theft](#)
- [Information Privacy and Confidentiality](#)
- [Standards of Conduct](#)
- [Whistleblower](#)

Keywords

Conflict of Interest, Conflicts, Standards of Conduct, Gifts, Relationships, Relatives, Procurement, Outside Remuneration, private interests, Business Partners, Post-Employment Restrictions, Confidential Information.

Definitions

“**Client**” means all people receiving care or services from VCH and includes patients and residents.

“**Individual or Industry**” means individual persons, sole proprietorships, partnerships, associations, joint ventures, corporations, firms, franchises, holding companies, joint stock companies, receiverships, businesses, trusts and any other organization or entity that carries on trade or business, including but not limited to subsidiaries and parent organizations.

“**Related**” means related to a Staff member by blood, marriage, common-law partnership, or adoption (e.g. spouse, sibling, parent, child, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparent, or grandchild), an individual residing with the Staff member in the same household, or an individual in a close personal relationship with the Staff member.

“**Staff**” means all employees (including management and leadership), medical staff (including physicians, midwives, dentists and nurses), residents, fellows and trainees, health care

professionals, students, volunteers, contractors, researchers and other service providers engaged by VCH.

Questions

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Issued by:			
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Signature of issuing official			

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