



When in doubt, find out

A companion guide to understanding the
Conflict of Interest Policy

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Introduction

What purpose does the policy serve and why is it important?

As public service employees, we are all accountable to the people of the Yukon and have a duty to conduct ourselves in a manner that upholds public trust and confidence. In a jurisdiction the size of the Yukon, where so many close connections exist between people and organizations, the potential for conflict of interest situations arising is high.

Policy 3.39, Conflict of Interest is found in volume 3 of the General Administration Manual. It's designed to clarify the distinctions that must be made between public service responsibilities and private interests. It outlines expectations for all public servants while respecting the rights of employees to be involved as citizens of the community and to privacy in their personal affairs.

Who is covered?

The policy applies to everyone hired under the *Public Service Act* and the *Education Act*, including casuals. It also applies to contract employees, such as interns hired under the GradCorps program.

Who is not covered?

The policy doesn't apply to fee-for-service contractors; however, departments may want to consider incorporating conflict of interest provisions in situations where an individual or organization is providing services to the Yukon government on a longer term basis.

Conflict of interest rules and examples

What is a conflict of interest?

A conflict of interest is when there is an actual or perceived incompatibility between an employee's public service duties and their personal interests. All public servants are expected to maintain a clear separation between the two and to declare any potential conflict of interest. The policy outlines the rules for employees to follow.

In general, public servants may not:

- receive personal gain (financial or otherwise) by virtue of their public service position;
- use their public service position to give benefits or special favours to others; or
- place themselves in a position where they could be under obligation to anyone who might seek to benefit from their public service position.

Dealing and working with others

It is essential that public servants perform their jobs fairly and without bias. This means avoiding situations where their impartiality may be called into question.

Exercising authority

Many public servants have decision-making powers and authorities that come with their jobs. Employees have an obligation to remove themselves from exercising their authority in situations where the nature of their relationship with another person or organization may be a cause to doubt their impartiality.

Public servants who find themselves in a potential conflict of interest situation should tell their supervisor or deputy minister who will make sure the matter is handled by another employee or in some other acceptable manner.

In the case of an emergency, where it may not be possible to make alternate arrangements, employees are expected to handle the situation impartially and then inform their supervisor or deputy minister.

Examples of exercising authority and conflicts of interest

- Participating on a government committee that awards community project grants when one of the applicants is an organization for which you volunteer.
- A building inspector investigating a safety complaint at a facility owned by a close family friend.

- Making recommendations on a land rezoning application filed by your neighbour.

Working with relatives

Yukon government employees have the right to maintain personal relationships and to be free from discrimination based on family status. Immediate family members may work in the same department or branch as long as there is no opportunity to exercise favouritism.

As outlined in the policy, it would be considered a conflict of interest for an employee to participate in hiring or to directly supervise a member of their immediate family - except where the Public Service Commissioner has approved an exemption; for example, hiring a principal and teacher couple at the same school.

Examples of working with relatives and conflicts of interest

- Sitting on a hiring committee when one of the applicants is your nephew.
- Supervising a GradCorps intern who is your step-daughter.
- Entering into a common-law relationship with your supervisor.

Intimate relationships between employees

Employees may be involved in consensual intimate relationships with other employees. An intimate relationship is an interpersonal relationship that includes physical or emotional intimacy. A consensual sexual relationship requires consent to be ongoing and explicit.

If there is a power imbalance inherent in the positions they each hold, the employees have an obligation to disclose the existence of the relationship to their deputy minister. For example, one supervises the other either directly or indirectly, or holds a position where they could exercise favouritism, power or influence. The deputy minister can

best address any potential conflicts of interest when the employee chooses to disclose early.

Generally, supervisors should not be in intimate relationships with direct or indirect reports and in all cases these relationships must be disclosed.

Senior leaders in particular have greater responsibilities for ensuring workplaces are free of disrespectful conduct and for avoiding or mitigating conflicts of interest. With these greater responsibilities, senior leaders must exercise a higher degree of judgment and diligence in situations where they may be involved in an intimate relationship where they have significantly more power and influence (i.e. with a non-management employee).

An employee in an intimate relationship with another employee may work in the same department or branch as long as there is no opportunity to exercise favouritism or intimidation related to the relationship, whether real or perceived. Employees must disclose all intimate relationships with other employees in the same department or branch to their deputy minister when there is a power imbalance in the positions they each hold. Employees should contact their departmental human resources team for the appropriate form or process to make a disclosure.

In addition to conflict of interest, intimate relationships between supervisors – or persons in positions of authority – and other employees raise serious concerns about sexual harassment, preferential treatment, bias or abuse of authority in the workplace. For more information, see GAM 3.47 – [Respectful Workplace Policy](#).

Disclosure of intimate relationships should occur as early as possible and as soon as the perception of a conflict of interest or bias arises. Early disclosure allows the deputy minister to proactively address any conflict of interest or other concerns. For example, a potential mitigation may include the deputy minister requiring employees to inform some of their colleagues about the relationship to address concerns. When in doubt, employees are encouraged to seek guidance from their supervisor or human resources consultant.

Examples of intimate relationships and conflicts of interest

- Initiating an intimate relationship with another employee after work hours where a power imbalance in positions exists.
- Receiving a promotion and you now supervise an intimate partner who was previously your co-worker.
- Participating in an intimate relationship with someone you either directly or indirectly supervise.

Using government property

The rules outlined in the policy include the expectation that employees will use government equipment, facilities and property for government-related business, not to further their own interests.

As with the Guidelines for Using Computers, some common sense flexibility exists for incidental and occasional personal use. Talk to your supervisor if you are in doubt.

Examples of government property and conflicts of interest

- Downloading a government software program to use on your home computer.
- Using the department projector to make a presentation for a consulting project.

Other employment

Employees may hold additional jobs outside of government, including self-employment, as long as they don't conflict with their public service position. In this context, conflict of interest may arise if the employment:

- interferes with regular duties;
- involves the use of government premises, equipment or supplies;

- gives the employee additional compensation for performing their government duties.

Employees must disclose to their deputy minister any possible conflict of interest arising from other employment activities.

When in doubt, employees are encouraged to seek guidance from their supervisor or human resource advisor.

Examples of other employment and conflicts of interest

- Receiving frequent phone calls and faxes at your government office that relate to your weekend landscaping company.
- Accepting an outside consulting project to conduct a review of a program administered by the department in which you are employed.
- Working late nights as a bartender and regularly arriving late for your government job.
- Accepting an honorarium to speak at a conference while acting in an official Yukon government capacity.

Volunteering

Public servants are encouraged to volunteer in the community. They need to make sure that their volunteer activities don't pose a conflict of interest with their public service duties or appear to give the volunteer organization an advantage. The same rules for other employment listed above also apply to volunteering.

Employees must disclose their involvement in any organization where a conflict of interest may arise and seek advice from their supervisor or human resources advisor if in doubt.

Examples of volunteering and conflicts of interest

- Applying to sit on the board of directors for an organization that receives contribution agreement funding from the department where you are employed in a senior capacity.
- Lobbying the government on behalf of an organization for changes to a law or policy administered by the department where you work.

Government contracts

Public servants may bid on government contracts as long as they are not in a position to influence decisions about the contract and they have obtained prior written approval from their deputy minister.

Example of government contracts and conflicts of interest

- Bidding as a private consultant on a government contract that you had a role in developing.

Investments and private assets

If a public servant's job involves making decisions or taking an action that may affect their own business or financial interest or that of an immediate family member, they must disclose that interest to their deputy minister.

If the deputy minister finds that the situation is a conflict of interest, they will determine the best resolution.

Options include placing assets in a blind trust, asking the employee to divest ownership of the asset or transferring the employee to another position where the conflict would be eliminated.

Examples of investments and private assets and conflicts of interest

- Purchasing shares in a company based on confidential information gained in your employment capacity.
- Buying shares in a company with which your department regularly does business.

Making public statements

Yukon government employees have the right to comment on public issues as private citizens; however, they may not release information that is not available to the public or use their position in government to lend weight to their personal opinions.

Under the policy, employees may not publicly criticize policies programs or decisions with which they are involved. The GAM Communication Policy and Policy on Speaking in Public and Writing for Publication offer further guidance.

Examples of making public statements and conflicts of interest

- Writing a letter to the editor critical of the government's *Children's Act* review process when you are employed as a child protection worker.
- Using confidential information gained in your capacity as a policy analyst to illustrate a case study for a course you teach at the university in your personal time.

Accepting gifts

Employees may not accept gifts or benefits beyond what is considered:

- the normal exchange of gifts between friends;
- tokens exchanged as part of protocol; or
- the normal exchange of hospitality between persons doing business together.

The GAM Gift Policy outlines rules for accepting gifts. Employees should never be obligated to an individual or organization or give the appearance that giving a public servant a gift will result in favourable treatment.

Examples of accepting gifts and conflicts of interest

- Accepting a consultant's invitation to discuss an upcoming public tender over dinner.
- Attending a film industry event on behalf of the Yukon government and accepting a gift of an expensive camera from a corporate delegate.
- Accepting a bottle of wine from an applicant whose land development permit you approved.

Political activity

Public service employees may engage in political activities, as long as they are clearly separated from their public service roles and are in keeping with the rules established in section 9 of the *Yukon Public Service Act*.

Examples of political activity and conflicts of interest

- Campaigning door-to-door while in uniform.
- Wearing a political button on your lapel while at work.
- Providing internal government documents to help in crafting political messages.

Disclosure processes

The Conflict of Interest Policy requires all employees to disclose any situation that has the potential to conflict with their public service duties.

Initiating the disclosure process

Because it is so closely tied to public confidence in government, the best approach to dealing with a potential conflict of interest situation is: **when in doubt, find out.**

Employees should talk to their supervisor or human resource advisor about any situation – be it a relationship, a job, a volunteer assignment or any other affiliation or asset – that could affect or call into question their impartiality.

Supervisors should advise employees of their responsibilities under the policy and instruct them about whether or not a formal disclosure statement is required.

Department human resource staff can also help.

While the onus is primarily on the employee to disclose, if supervisors become aware of a potential conflict of interest involving an employee, they must advise the employee of their duty to disclose under the policy.

Making a formal written disclosure

Where there is a possibility of conflict of interest, employees are required to provide a written disclosure statement to their deputy minister outlining the situation.

The written statement should include all relevant information to enable the deputy minister to make a decision. Employees may be asked to provide additional information as required. Ask your supervisor or human resources advisor for a template.

Issuing a decision

The deputy minister will review the employee's disclosure statement in a timely manner and determine the appropriate course of action.

If the deputy determines there is no conflict of interest, this will be indicated in a written response to the employee with a copy placed on the employee's personnel file.

If the deputy finds that the situation may pose a conflict of interest, the matter will be discussed with the employee in an attempt to reach resolution which will then be confirmed in writing and placed on file.

In the event the deputy and employee are unable to agree on a resolution, the deputy will issue a decision, which becomes binding upon the employee. A copy of the decision will be kept on file.

Employees have the option to appeal a deputy minister's decision to the Public Service Commissioner.

Employees who fail to disclose a conflict of interest or to abide by a decision may be subject to discipline up to and including dismissal.

Confidentiality

While employees have a responsibility to disclose conflicts of interest, they also have a right to expect that information will be kept confidential.

As directed in the Conflict of Interest Policy, information pertaining to an employee's disclosure may only be kept in the department's human resource branch confidential files and in the employee's official personnel file at the Public Service Commission.

No record may be shared with a party other than the immediate supervisor, human resource advisor, deputy minister or authorized Public Service Commission staff without the written permission of the employee or as otherwise required by the Access to Information and Protection of Privacy Act.

Rights and responsibilities

As public servants, we all have a role to play in upholding the conflict of interest policy.

Departments are responsible for educating employees about the policy, for providing guidance and for making decisions about whether or not a conflict of interest situation exists.

All Yukon government employees are responsible for maintaining separation between their public service duties and their private interests and activities.

Departments' rights	Employees' rights
<p>Departments have a right to:</p> <ul style="list-style-type: none"> • enforce and monitor the policy; • issue additional instructions to employees pertaining to department-specific circumstances; • request information from employees to support decision-making; and • issue binding instructions to employees. 	<p>Employees have a right to:</p> <ul style="list-style-type: none"> • participate in the community as private citizens; • engage in outside employment, volunteer and political activities; • privacy and confidentiality of personal information; and • appeal decisions to the Public Service Commissioner.

Departments' responsibilities	Employees' responsibilities
<p>Departments have a responsibility to:</p> <ul style="list-style-type: none"> • make employees aware of their rights and responsibilities; • provide information and advice to employees; • handle disclosure statements and inquiries in a timely fashion; and 	<p>Employees have a responsibility to:</p> <ul style="list-style-type: none"> • conduct their employment duties in an impartial manner and to abide by the terms and conditions of this policy; • avoid situations that could place them in an actual or perceived conflict of interest;

Departments' responsibilities	Employees' responsibilities
<ul style="list-style-type: none"> maintain confidentiality of employee information. 	<ul style="list-style-type: none"> seek advice from their supervisor or human resources advisor when they are in doubt; disclose to their deputy minister any potential conflict of interest; provide information as required to make a decision; and comply with direction provided.

Is it a conflict of interest? Test your knowledge.

Test scenario 1:

Candace sends an email to her department colleagues announcing that she will be selling Avon products in the branch meeting room over lunch hour.

Question: Is Candace in a conflict of interest?

Answer: Yes. Here's why:

While public servants may engage in other employment activities on their own time, Candace has placed herself in a conflict of interest because she's using government equipment (computer and email) and facilities (meeting room) for non-government activities to benefit her personal business interests.

Alternate approach

Candace could avoid conflict of interest by posting an announcement about the event on the community notice bulletin and arranging for an alternate public space such as a library meeting room. She could further reduce the appearance of a conflict by using her personal email account for correspondence related to her home business.

Test Scenario 2:

Henry is on a one-year leave without pay from his job as a government human resources director. During his leave, he accepts a consulting contract with an advocacy organization to develop recommendations for changes to the Yukon's *Human Rights Act*.

Question: Does the conflict of interest policy apply to Henry?

Answer: Yes. Here's why:

Even though he's on a leave of absence, Henry is still a Yukon government employee and is therefore subject to the Conflict of Interest Policy.

Because the consulting contract poses a potential conflict with Henry's role as a human resource director tasked with applying the *Human Rights Act* from an employer perspective, he must seek approval from his deputy minister prior to accepting the contract.

Alternate approach

Henry could avoid a conflict of interest situation by discussing the consulting opportunity with his Deputy Minister prior to accepting the contract. Depending on the scope of the assignment, it may be possible for Henry to arrange the

contract so that he is not involved in formulating any recommendations pertaining to the workplace.

Test scenario 3:

Jack, an employee with the Department of Environment, accepts a volunteer assignment to sit on the board of directors of a local conservation group. It doesn't occur to Jack to disclose the appointment as he's been involved with the NGO for several years in various capacities and it's never been a problem.

Question: Does Jack have a duty to disclose the new board appointment?

Answer: Yes. Here's why:

Employees are encouraged to engage in the community as private citizens as long as these activities don't conflict with their ability to perform their jobs impartially.

The fact that Jack has been involved with the organization in the past does not exempt him from his duty to disclose the board appointment to his deputy minister. In assessing whether the board role would place Jack in a conflict of interest, his deputy minister would consider a number of factors including the nature of Jack's position in the department and what the role of board member would entail.

Alternate approach

Jack should proactively disclose the offer of the board position to his deputy minister for a decision. Depending on the nature of Jack's job and the board requirements, the deputy may determine there is no conflict of interest or that conflict can be avoided if Jack agrees to abide by certain conditions. If the deputy's findings indicate a conflict of interest would arise, Jack will have avoided breaching the policy.

Test scenario 4:

Charlie is a housing officer with the Yukon Housing Corporation. An old friend approaches her for help getting his daughter's application for social housing approved

as she's been on the waiting list for several months. Charlie is familiar with his daughter's situation and knows she meets the program criteria. She agrees to "see what she can do".

Question: Is this an appropriate use of Charlie's authority?

Answer: No. Here's why:

While her friend's daughter may fit the program qualifications, it would still be a conflict of interest for Charlie to intervene on her behalf.

Public servants may not give preferential treatment to anyone. If she were to use her position to move the daughter's application along, Charlie would be exercising preferential treatment.

Public servants must remove themselves from exercising their authority where the nature of a relationship could call their impartiality into question. It's therefore inappropriate for Charlie to issue a decision on this application.

Alternate approach

It would not be a conflict of interest for Charlie to provide her friend with information about the application process or with the name of a person his daughter can contact to discuss her application. It's perfectly acceptable to provide information to friends and family as long as it's information that's available to any member of the public.

Test scenario 5:

Nick is a GradCorps intern on an assignment with Energy, Mines and Resources. Over dinner, Nick mentions to his dad that they should both invest in ABC Mining Company as he's learned they're about to be approved for a big mineral exploration project in the Yukon. Nick figures the information will soon be made public, so there's no harm getting in on the action.

Question: Has Nick violated the Conflict of Interest Policy?

Answer: Yes. Here's why:



The policy applies to all employees including GradCorps interns.

Public servants may not personally benefit or allow others to benefit from their government employment. Nick was proposing to take privileged information gained in the course of his internship to financially benefit himself and his father.

Public servants may not divulge confidential information. It was inappropriate for Nick to disclose the information to his father, even if he believed it would soon be made public.

Alternate approach

Nick should wait until the information has been made public before talking to his dad about the exploration project. If Nick wants to purchase shares himself, he needs to first clear the purchase with his deputy minister.

Test scenario 6:

Rebecca is the director of the branch where Chris works. Rebecca and Chris recently entered into a consensual intimate relationship.

As Rebecca does not supervise Chris directly, they have not disclosed the relationship. Rebecca decided that since her direct report is Chris's actual supervisor, there is no need to disclose the relationship.

Question: Is this a violation of the Conflict of Interest Policy?

Answer: Yes. Here's why:

While Rebecca does not manage Chris directly, she does make decisions regarding his role, progression and work allocation. Rebecca and Chris may be in a position to improperly derive personal benefit or confer preferential benefits on one another as a result of the situation.

Public servants have a duty to disclose any situation they are involved in that may pose a conflict of interest. By disclosing the relationship, appropriate measures can be taken to ensure any actual or perceived conflict of interest is addressed.

Alternate approach

Rebecca should disclose the relationship to her deputy minister. The deputy minister will consider options that could be taken to minimize the risk of potential negative outcomes, such as having Chris's direct supervisor have an alternate leader to consult with regarding anything related to Chris's performance, moving either Rebecca or Chris to an alternative role, or changing reporting relationships.

Related legislation and policies

For more information, refer to the following:

- GAM policies:
 - [Conflict of Interest Policy, GAM 3.39](#)
 - [Directive on Post-Employment Restrictions, GAM 1.14](#)
 - [Communications Policy, GAM 1.3](#)
 - [Policy on Speaking in Public and Writing for Publication, GAM 1.4](#)
 - [Gift Policy, GAM 1.6](#)
 - [Indemnification Policy for Deputies, GAM 3.57](#)
- [Public Service Act](#)
- [Access to Information and Protection of Privacy Act](#)
- [Employee orientation](#)
- [Computer use guidelines](#)
- [Information about disclosing a wrongdoing under the *Public Interest Disclosure of Wrongdoing Act*](#)

Questions?

When it comes to avoiding conflict of interest situations, the best policy is open and honest communication. Remember: **when in doubt, find out!**

Employees who have questions about their rights and responsibilities should talk to their supervisor or human resources advisor.

Supervisors who need advice on interpreting the policy should speak to their departmental human resources advisor.

Deputy ministers and human resources advisors requiring clarification can contact the Labour Relations branch of the Public Service Commission.