



## CONFLICTS OF INTEREST: HIRING AND PLACEMENT OF RELATIVES

Legal References:	<i>Education Act</i> <i>Human Rights Code, R.S.O. 1990, c. H. 19 s.24.</i>
Related References:	<i>Administrative Procedure 4360 – Principles of Business Conduct for Board Employees.</i> <i>Administrative Procedure 3760 – Progressive Discipline</i> <i>Ontario College of Teachers Standards of Practice and Ethical Standards</i> <i>Board Policy 5000 – Employment (Fair, Equitable and Inclusive Hiring)</i> <i>WRDSB Recruitment and Selection Conflict of Interest Declaration Form</i>
Effective Date:	December 13, 2010
Revisions:	April 10, 2017, March 21, 2022
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### 1. Preamble

The Waterloo Region District School Board (WRDSB) is committed to a fair and equitable policy of employment and advancement based on the promotion of diversity, qualifications and merit. This Policy is intended to facilitate Employees' ability to maintain the highest business and ethical standards, and to facilitate the protection of the integrity of Employees in the course of their hiring responsibilities to the WRDSB. Under some circumstances, the employment and placement of a person with whom the Employee has, or has had, a Relationship with may create a real or perceived conflict with these stated objectives. This Policy defines and addresses potential, apparent and actual conflicts of interest. It provides guidance to Employees so that conflicts of interest are recognized and either avoided or resolved expeditiously through appropriate disclosure and management. The fundamental principle underlying this Policy is that Employees must not permit relationships with others or external business activities to conflict, or appear to conflict, with the interests of the WRDSB.

### 2. Definitions

- 2.1 Conflict of Interest means a potential, apparent, or actual conflict where an Employee's financial or other personal interest, whether direct or indirect, conflicts or appears to conflict with the Employee's responsibility to the WRDSB, or with the Employee's participation in any recommendation or decision pertaining to hiring within the WRDSB.
- 2.2 Employee refers to all persons who are currently engaged in active employment with the WRDSB regardless of employment status (e.g., full-time, part-time, regular, term, contract) and who are involved in hiring.
- 2.3 Relationship means any relationship of the Employee to persons of their immediate family whether related by blood, adoption, marriage, or common-law relationship, and any

relationship of an intimate and/or financial nature during the preceding five years, any student-supervisor relationship, or any other past or present relationship that may give rise to a reasonable apprehension of bias.

2.4 External Activity means any activity of an Employee outside the scope of their employment with the WRDSB undertaken as part of a commercial or volunteer enterprise.

2.5 Supervisor means the person to whom an Employee reports.

### **3. Specific Conflicts**

3.1 Without restricting the generality of this Policy, the following circumstances may give rise to Conflicts of Interest:

3.1.1 Participating in, or influencing the outcome of the appointment, hiring, promotion, supervision, or evaluation of a person with whom the Employee has, or has had, a Relationship;

3.1.2 Acceptance by an Employee of a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the employee when performing hiring duties with the WRDSB:

- a) a person, group, or entity that has dealings with the WRDSB;
- b) a person, group, or entity to whom the Employee provides services in the course of their duties to the WRDSB;
- c) a person, group, or entity that seeks to do business with the WRDSB.

An Employee who is offered a gift in the circumstances described in 3.1.2 above shall, in writing, notify their Supervisor.

### **4. Policy**

4.1 Employees of the WRDSB occupy positions of great trust and confidence. They are expected to discharge their duties and responsibilities professionally, efficiently, and impartially.

4.2 Employees shall support and advance the interests of the WRDSB and avoid placing themselves in situations where their personal interests actually or potentially conflict with the interests of the WRDSB or may affect their ability to exercise skill and good judgment on behalf of the WRDSB in the performance of their duties.

4.3 In the interest of and appearance of productivity, equitable treatment of employees, and the protection of WRDSB resources, no individual shall be employed in a school or other WRDSB location under the supervision or direction of a close relative. Further, no close relative shall have influence and/or effect regarding an individual's progress, performance, welfare, work environment or workload.

4.4 Employees of the WRDSB are not to initiate nor participate in WRDSB decisions involving a close relative, which includes, but is not limited to initial appointments, reappointments, promotions, evaluations, salary changes or granting leaves of absences. The interview chair/team must declare that no conflict of interest exists with all candidates including the successful candidate in the Interview Summary and Recommendation to Hire paperwork that is submitted to Human Resource Services.

4.5 In the event that an employee of the WRDSB enters into such restricted employment relationship, one of the employees should seek a transfer, or request a change to the reporting relationship structure. These changes will be supported by the appropriate

Superintendent, Principal, Manager/Supervisor, and approved by the Coordinating Superintendent, Human Resources & Equity Services.

- 4.6 Where an employee of the WRDSB is in a restricted employment relationship and fails to seek a transfer, or is unsuccessful in facilitating a transfer or change in the reporting relationship structure, the Coordinating Superintendent, Human Resources & Equity Services, or designate may implement an administrative transfer.
- 4.7 This policy does not preclude the hiring or employment of staff who are members of another employee's immediate or extended family.

## **5. Procedures for Disclosure of Conflicts of Interest**

- 5.1 All Employees have an obligation to disclose to their Supervisor or the Coordinating Superintendent Human Resources & Equity Services or designate any Conflict of Interest. The Employee must disclose in writing as soon as they could reasonably be aware that a Conflict of Interest exists. The existence of a Conflict of Interest does not necessarily preclude involvement in the issue which has given rise to the Conflict ("the Matter"). The Employee must declare, in writing, the nature and extent of the Conflict of Interest no later than any meeting or process in which the Employee participates and at which the Matter is to be considered. The Employee must refrain from taking part in any discussion or decision-making in relation to the Matter, and withdraw from any meeting or process when the Matter is being discussed until a decision has been reached regarding the manner in which the Conflict of Interest will be addressed.
- 5.2 A Conflict of Interest involving an Employee may also be reported to a Supervisor by any other person. A report to a Supervisor about the existence of a potential, apparent or actual conflict of interest shall be made in writing.
- 5.3 The conflict of interest as noted in 5.1 and 5.2 above, shall be disclosed on the WRDSB's Recruitment and Selection Conflict of Interest Declaration form.

## **6. Procedures for Management of Conflicts of Interest**

- 6.1 If the Supervisor or Coordinating Superintendent, Human Resources & Equity Services or designate, to whom the disclosure is made also has a Conflict of Interest, the disclosure should be made in writing to the person at the next highest level of authority.
- 6.2 The Supervisor or Coordinating Superintendent, Human Resources & Equity Services or designate will investigate to determine if a Conflict of Interest exists. Where appropriate, the Supervisor or Director of Education may consult with the Employee and/or others.
- 6.3 If the Supervisor or Coordinating Superintendent, Human Resources & Equity Services or designate determines there is a Conflict of Interest, the Supervisor or Director of Education should resolve the matter as per section 7 below and shall document, in writing, any remedies that have been applied.

## **7. Options for Resolving Conflicts of Interest**

- 7.1 If a Supervisor or Coordinating Superintendent, Human Resources & Equity Services or designate determines that a Conflict of Interest exists, the Supervisor or Coordinating Superintendent, Human Resources & Equity Services or designate will decide a course of action from the following options:

- 7.1.1 If the Matter pertains to section 3.1.1 above, and where the Employee may be knowledgeable and have information central to the discussion, the Employee with a Conflict or appearance of Conflict may be permitted to be involved in the Matter without participating in the final decision described in section 3.1.1 above.
- 7.1.2 If an Employee fails to disclose a Conflict as per section 5 above, a range of remedies can be applied, up to and including the termination of employment.

## **8. Contraventions of this Policy**

- 8.1 Adherence to this Policy, in letter and in spirit, is crucial to the relationships of trust that exist between the WRDSB, its Employees, and the public. Contraventions of this Policy, whether arising from dishonesty or inattention, undermine these relationships and may lead to disciplinary action. For Employees, disciplinary sanctions for breach of this policy may take a range of forms appropriate to the nature of the contravention and could include dismissal from employment.

## **9. Appeal Process**

- 9.1 In limited circumstances, such as specialized educational background and experience, the employment of two employees in a Relationship in a single work location may be desirable, despite one being under the supervision or direction of the other. In such limited circumstances the employee, or both employees, may seek an exemption from the Coordinating Superintendent, Human Resources & Equity Services.