

Policy Name	CONFLICT OF INTEREST
Policy Section	GOVERNANCE
Policy #	GOV-02
Approved by:	Council
Distribution:	Treasurer, Executive Director, Registration & Financial Coordinator
Applies to:	Council, Volunteers, Staff

Purpose:

The College of Occupational Therapists of Manitoba's mandate is to regulate the profession of occupational therapy in the public interest. Fair and impartial decision-making enhances the public's confidence in the COTM's ability to meet its mandate. This policy establishes how conflicts of interest are to be managed to ensure fair and impartial decision-making by COTM.

Principles:

- COTM employees and volunteers have a fiduciary duty to act honestly and in good faith with a view to the best interests of the public and COTM
- Declaring and managing conflicts of interest improves decision-making and maintains the public's confidence in COTM to meet its mandate
- A conflict of interest exists whether it is real or perceived

Policies:

For the purpose of this document, volunteers include all professional and public members of the Council and statutory, standing, or ad hoc committees and working groups. Employees are individuals or organizations that receive a salary or fee from COTM, including consultants.

Definition

1. A conflict of interest is when personal interests may conflict with an employee's or volunteer's responsibility to act in the best interest of COTM. Personal interests include direct interests or those of family, friends, colleagues, or other organizations an employee or volunteer may be involved with. A conflict may be perceived when a reasonably prudent person may conclude that a conflict of interest may exist. A conflict of interest is material when it may have a significant effect on the outcome of a decision or may result in financial gain.

2. Where all members of the Council or a committee declare a conflict of interest, for the purposes of this policy, a conflict of interests does not exist. The meeting minutes shall reflect that all members recognize the conflict of interests and any steps taken to mitigate the situation.

Duty to Report

3. Each volunteer or employee shall disclose, in a timely manner, any real or perceived conflicts of interest they may have to the Council, Committee Chair, or in the case of employees or consultants, to the Executive Director.

4. When the Council, committee chair or Executive Director has determined that a real or perceived conflict of interest exists, the volunteer or employee shall recuse themselves from any deliberation or vote on the issue where the conflict exists.

5. If relevant, the meeting minutes shall reflect any declared conflicts of interest, the person declaring the conflict, and the action taken.

Breach

6. Where an individual or group has reasonable evidence that an employee or volunteer has breached this policy, they shall inform the College Board, who will investigate the matter.

7. Where a breach of this policy has been confirmed by the Council, the Council may pursue disciplinary action, which may include, but not be limited to:

- a. Reprimand the employee or volunteer;
- b. Termination of employment;
- c. Remove the volunteer from the Board, committees, or other activities in which they have been acting on behalf of COTM in accordance with *The Occupational Therapists Act* and regulations;
- d. Pursue legal action against the employee or volunteer.

8. When a breach of this policy has been confirmed by the Council, the Council shall review all decisions made relative to the conflict and ensure those decisions were made in the public interest, consistent with the COTM public protection mandate and /or in support of COTM. Where such decisions are not made in the best interests of COTM, the Council will make every reasonable effort to reverse the decision.

9. When a breach of this policy has been confirmed by the Council, the breach and any action taken will be reported in the COTM's annual report.

Outcome:

1. Real and perceived conflicts of interest are identified and addressed;
2. COTM decisions are made in a fair and impartial manner to preserve the public's confidence in COTM;
3. Breaches of this policy are identified, addressed, and reported to the public.

Accompanying Documents:

COTM Conflict of Interest Pledge

Approved By	Original approval	Reviewed/Revised	Next Review
COTM Council	2006	2020	2023



College of Occupational
Therapists of Manitoba

Quality Occupational Therapy - Accountable to Manitobans

Conflict of Interest Pledge for Council and Committee Members and for Employees

I confirm I have read, considered and understood the COTM Conflict of Interest Policy for Council and Committee Member and Employees and agree to abide by its provisions.

I understand that any breach of the COTM Conflict of Interest Policy may result in remedial action, censure or removal from office.

Full Name (print)

Signature

Position with COTM

Date of Start of Position

Date

Member Number (if applicable)
