

**Policy Title: Conflict of Interest**

**Policy Number: 01-03-02**

Section: **Human Resources**

Effective Date: **March 27, 2013**

Approved by:

**Council**

Subsection: **Employee Conduct**

Last Review Date: **December, 2021**

Owner Division/Contact:

**Human Resources Representative or Supervisor**

## Policy Statement

City of Mississauga employees must avoid conflict of interest situations and the appearance of a conflict where possible and, if a potential conflict of interest cannot be avoided, it must be declared.

## Purpose

This policy identifies the Corporation’s expectations of employees and establishes guidelines for the appropriate conduct of employees regarding conflict of interest.

## Scope

This policy applies to all union and non-union employees. Elected officials are not subject to this policy, but must comply with the *Municipal Conflict of Interest Act* and the *Council Code of Conduct*.

## What is Conflict of Interest?

Conflict of interest is any situation in which an individual has an interest in a matter that is beyond the interest they have in common with others in the municipality, which may be the result of relationships with individuals or with other organizations. When employees act in any professional or official capacity, they must ensure that all City duties are carried out in an unbiased, professional manner and must conduct themselves in such a way as to avoid any reasonable apprehension that they would use their position to exploit a professional or official capacity in some way for their personal benefit. Even if there is no evidence of improper actions, a conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly.

Following are types of situations in which an employee may have a conflict of interest, whether or not any improper acts occur:

- Being in a position to make a decision or influence a decision that will affect, in either a positive or negative way, the personal, financial or business interests of either the employee or of a friend, relative or associate of the employee, or
- Being in a position to use information or resources, which are available to the employee solely through their employment, for the purpose of financial gain, either to the benefit of the employee or of a friend, relative or associate of the employee, or
- Engaging in employment outside the Corporation, or
- Soliciting or being offered gifts, hospitality or favours of any kind from persons doing business with the City, or seeking to do business with the City, or seeking employment with the City, or
- Engaging in political activity which would bring into question the employee's neutrality with respect to political issues or particular elected municipal officials

A personal interest in common with all or most residents or taxpayers of the City of Mississauga, due to Mississauga residency or a personal interest in common with all or a substantial number of employees, does not constitute a conflict of interest.

### **What are the City's Expectations?**

The public must have confidence in the integrity of City employees and in their dedication to the City's best interests. The Corporation expects employees to be and to be seen by others to be, independent, impartial and responsible to the public in carrying out their duties.

The Corporation's expectations of its employees in common conflict of interest situations are outlined in the guidelines below.

### **Conflict of Interest Guidelines**

The following guidelines represent the maximum level of tolerance with respect to conflicts of interest.

Individual departments or divisions may establish more stringent requirements (i.e. lower tolerance levels) based on operational needs and, if they do so, the department or division head is responsible for ensuring that all affected employees have been advised of their requirements.

The employee is ultimately responsible and accountable for using good judgment in the course of the exercise of corporate duties. If an employee is in doubt about any of the following, or if the particular situation is not covered in this policy, the employee should ask their supervisor for assistance in determining whether a conflict of interest exists and appropriate action to be taken with respect to disclosure.

## **Avoid/Disclose Conflicts of Interest**

Whenever possible, employees must avoid situations where conflicts of interest can arise. However, as it is expected that employees will have interests outside of their employment, the potential for conflicts of interest will sometimes be unavoidable. These must be disclosed to the employee's supervisor and department head, in writing, as soon as the employee is aware of the potential for conflict. The department head will determine appropriate action to mitigate any conflict, which may include re-assignment of the employee.

## **Making or Influencing Decisions**

Employees must not allow their personal interests to influence their decisions, nor may they use their positions as City employees to influence the decisions of others.

Examples include:

- **Financial Interests in Another Organization**  
An employee or friends, relatives or associates of the employee, may have a financial interest in another organization. If the employee is in a position to make a decision or to influence a decision regarding the organization's business dealings with the City (e.g. the award of a license, permit, contract, etc.) there is a conflict of interest. In this case, the employee must not participate in discussions or processes related to the decision and must immediately disclose the conflict of interest to the employee's supervisor and department head. The department head will determine appropriate steps to mitigate the conflict.

If the employee is in no position to make or influence decisions affecting the other organization, there is no conflict and the relationship need not be disclosed. At any time, if the employee is in doubt about how the relationship with the other organization would be viewed by an outside party, the employee should disclose the relationship to the applicable supervisor, director and/or department head.

- **Hiring Decisions**  
The City's recruitment processes must be and must be seen to be, fair and impartial. Employees must not attempt to influence hiring decisions in favour of family members, friends or associates.

For additional information on the City's recruitment processes refer to Corporate Policy and Procedure – Human Resources – Employee Recruitment.

## **Use of City Property or Confidential Information**

City property, including facilities, assets and supplies and confidential information available to City employees by virtue of their employment, must not be used by employees for the purposes of benefiting in any way either themselves or any person or organization associated with them.

## Engaging in Outside Employment

An employee must not engage in any outside employment or business undertaking that interferes with the performance of their duties as a City employee, or from which an economic advantage may be derived solely as a result of information gained from employment with the City.

An employee may be permitted to provide their expertise to another government body on the approval of the applicable director and department head.

### Acceptance of Gifts, Hospitality, Benefits or Favours

Employees must avoid being influenced and they must avoid the appearance of being influenced. An employee must not accept any gifts, hospitality, benefits or favours from any person or organization whose business or financial interests may be impacted in any fashion by the employee in the course of the exercise of the employee's Corporate duties, or where acceptance could be construed as being given in anticipation of future special considerations or recognition of past consideration by the City.

The City will tolerate the acceptance of gifts, hospitality, benefits or favours only when they can be viewed to be within the boundaries of generally accepted business practices. With respect to acceptable practice during an acquisition process, refer to the Purchasing By-law, Section 6 - Conflicts of Interest.

An employee who is in doubt about whether they should accept a gift, benefit or favour should politely decline or pay for their own entertainment.

Acceptable business practices are as follows:

1. Business Meals:

From time to time, it may be necessary to conduct a business meeting over a meal.

Employees may accept occasional business meals from a person doing business with the City or seeking to do business with the City.

2. Social/Charity Events and Functions:

In general, invitations or tickets from those currently doing business with the City (e.g. vendors; developers; contractors), those who may wish to do business with the City in the future, or any corporation or organizations currently in negotiations or discussions with the City or currently part of any regulatory process, investigation or penalty should be declined.

Invitations or tickets to social/charity events and functions may be accepted if they meet one or more of the following criteria:

- a) The employee is one of many employees with similar municipal roles to attend the event. I.e. the invitation is being extended to the broader public sector or a specific professional audience (e.g. Human Resources professionals; Planners)
- b) There is value in attending. I.e. the event/function will offer the opportunity to gather information relevant to the attendee's specific role/responsibility

- c) The purpose of the event/function is information sharing or customer/partner appreciation where there may be an expectation that invited staff will attend as a representative of the City
- d) Staff in attendance are there to represent or promote the City. For example, staff in a leadership role or in divisions such as the Economic Development Office, Planning & Building Department, may accept invitations or tickets from stakeholders and/or strategic partners, (e.g.) local business associations, local non-profit or charitable organizations, other public sector agencies or local community groups and in some cases corporations, where attendance by relevant City staff is deemed to be part of their role and/or business responsibilities in advancing the interests of the City of Mississauga
- e) The source of the invitation or tickets does not pose a real or perceived conflict of interest
- f) The employee will receive no personal gain or benefit in attending in their role as a representative of the City.

Any tickets in categories (a) to (f) above that are of more than a nominal value may require increased scrutiny by the employee to ensure that no real or perceived conflict of interest exists. If in doubt, employees should either decline the invitation or purchase a ticket if attendance is deemed suitable. Legitimate business expenses will be reimbursed in accordance with the City's policies dealing with expense reimbursement.

### 3. Gifts of a Nominal Value

Individual employees may accept an occasional gift that is offered as a common expression of courtesy or is within the normal standards of hospitality, provided the gift has a nominal value of \$50 or less. Gifts of cash may never be accepted.

Gifts that exceed a nominal value or numerous, cumulative gifts of nominal value from the same source, must be refused or returned to the sender. Gift baskets, boxes of chocolates and the like may be accepted on behalf of all employees within a work group, even if the gift exceeds a nominal value, provided that appropriate action is taken to ensure that no individual employee can be seen to have a real or perceived conflict of interest. For example, the gift may be opened and shared with all members of the work group or used in support of a charitable cause. Gift items such as art may also be forwarded to the applicable department for inclusion as a corporate donation, in accordance with the City's donation policies.

Where an employee has accepted an invitation to an event/function, the employee may keep any gifts/prizes won that are of a nominal value.

### 4. Speaking Engagements

Employees may accept a nominal gift or nominal honorarium given in return for a speaking engagement.

## Solicitation of Donations and Sponsorship

Employees may not solicit gifts, hospitality, benefits or favours, except in conjunction with donations or sponsorship. Employees must avoid situations in which they could be viewed as providing preferential treatment in exchange for a gift or favour.

- Donations and Sponsorship of City Programs and Charities:  
Employees may solicit and accept donations or sponsors in support of City facilities, programs or services, through City-sanctioned sponsorship programs and/or in accordance with the City's policies and procedures on donations. Employees may solicit and accept donations for charitable events (e.g. the United Way Campaign, charity golf tournaments, etc.) provided the event has been sanctioned by the department head of the department organizing the event or the City Manager.

## Political Activity

City employees must always be impartial and must always be seen by the public as being impartial. City employees must take steps to ensure that no personal bias interferes, or appears to interfere, with the performance of their official duties.

- Election Campaigns:  
An employee may campaign for an election candidate provided the campaigning does not interfere with the employee's normal duties and the campaigning is done without reference to the fact that the employee is a City employee. Specifically, and in accordance with Corporate Policy and Procedure – Use of City Resources during an Election Campaign, an employee who chooses to work on an election campaign:
  - May work on the campaign outside of City work hours only
  - Must not use City resources, assets or equipment of any kind for any purpose related to a political campaign, and
  - Must not campaign while wearing a City uniform, badge, crest or any other item that would identify the employee as City staff
- Political Issues:  
City employees may not publicly, in a personal capacity, state an opinion which is in opposition to an official City position on an issue, at any time or in any way that would identify the individual as a City employee.

## Disciplinary Action

Any employee who fails to act in accordance with the provisions of this policy will be subject to appropriate disciplinary action including termination of employment.

## Revision History

Reference	Description
GC-0485-2006 – 2006 07 05	<a href="#">Click here to enter text.</a>

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GC-0157-2011 – 2011-03-30	Added reference to new policy -Employment of Relatives
GOV-0020-2013 - 2013 03 27	Full policy review
July 02, 2014	Housekeeping to revise recruitment policy title.
December 12, 2018	Scheduled review – minor housekeeping to reference Use of City Resources during an Election Campaign only.
April 1, 2021	Housekeeping – EDO moved from City Manager’s Department to P&B Department.
January 5, 2022	Scheduled review. Minor housekeeping revisions only.