

POLICY: CONFLICT OF INTEREST POLICY

SECTION: II - General Policies – Human Resources

MOTION#/DATE:

Policy Statement

Employees of the Toronto Public Library are expected to conduct themselves with personal integrity, ethics, honesty and diligence in performing their duties for the organization. Employees are required to support and advance the interests of the organization and avoid placing themselves in situations where their personal interests actually or potentially conflict with the interests of the Library.

Application

This policy applies to all Toronto Public Library employees. The standards outlined in this policy are particularly relevant to employees who are in a position to make or influence decisions of the organization.

Definition

A conflict of interest refers to a situation in which private interests or personal considerations may affect an employee's judgement in acting in the best interest of the Toronto Public Library. It includes using an employee's position, confidential information or corporate Library work time, material or facilities for private gain or advancement or the expectation of private gain or advancement. A conflict may occur when an interest benefits any member of the employee's family, friends or business associates.

Conditions

The rules and examples that follow do not exhaust the possibilities for conflict of interest. But they identify obvious situations covered by the policy.

Special Treatment

Employees are not allowed to use their positions to give anyone special treatment that would advance their own interests or that of any member of the employee's family, their friends or business associates.

Receiving Fees for Gifts

Employees may not accept gifts, money, discounts or favours including a benefit to family members, friends or business associates for doing work that the Library pays them to do. The exceptions to this are promotional gifts or those of nominal value e.g., coffee mug or letter opener with company's logo or the occasional lunch.

Outside Work or Business Activities

Employees may not engage in any outside work or business activity:

- (a) that conflict with their duties as Library employees;
- (b) which use their knowledge of confidential plans, projects or information about holdings of the Toronto Public Library; and
- (c) that will, or is likely to, negatively influence or affect them carrying out their duties as Library employees.

Using Library Property

Employees may not use, or permit the use of, items of Library property, facilities, equipment, supplies or other resources for activities not associated with their work. Any exceptions to this must be expressly approved by either the Toronto Public Library Board or the director of the affected department.

Confidential Information

Employees may not disclose confidential or privileged information about the property, or affairs of the organization, or use confidential information to advance personal or others' interests. Employees cannot divulge confidential or privileged information about the Library's employees without those employees' written authorisation.

Note of confidential information: The rule against giving out confidential information does not apply to an employee who alleges wrongdoing on the part of the Library or its Board members, directors, employees, agents or contractors – as long as the disclosure of such information is not frivolous, vexatious or slanderous – and making the disclosure serves the public interest and is made in accordance with the provisions of this policy. This reporting of wrongdoing is known as whistle-blowing.

Financial Interest

Employees who knowingly have financial interests in a Toronto Public Library contract, sale or other business transaction, or have family members, friends or business associates with such interests, must not represent or advise the organization in such transactions.

Guidelines for Management and Professional Staff

Some positions in the organization are more susceptible than others to conflicts of interest. The following two sections are specifically for directors, managers and employees who give professional advice or assistance, or who work on program policies or budgets. These sections also refer to employees in confidential positions working with the above mentioned staff.

Representing Others

Staff described in the paragraph above may not appear before the Library Board or a Library committee on behalf of a private citizen other than himself/herself, his/her spouse, his/her parents, or his/her minor children, where the employee is either paid, or is involved in any way in the issue/policy.

Appointments

Staff who hold positions described above may not seek or accept appointment to a Library committee or board (except in the capacity of a Library employee) and require permission from their superior or designate before accepting appointments to other municipal, provincial or federal boards and committees. Staff who hold positions as board members on community agencies that deal with issues related to their work at the Library should inform their superior or designate of their appointments. When agency issues arise that place them in actual or potential conflict with Library policy or procedures, they should declare a conflict of interest.

Conduct Respecting Lobbyists

Expectations on dealing with lobbyists are described in Appendix 1.

Requirement to Report Conflict of Interest

If employees or their family members, friends or business associates have a personal or financial interest that might present a conflict or bias in connection with their duties as Library employees, they must report this conflict to their superiors or designates in writing.

Reporting a Conflict of Interest

When an employee reports a conflict of interest to his/her superior or designate in writing, a copy is forwarded to the City Librarian. If an employee alleges wrongdoing on the part of the Library or its Board members, employees, agents or contractors he/she should report this in writing directly to the City Librarian.

Failure to Comply With the Policy

Employees who fail to comply with this policy are subject to disciplinary action up to and including dismissal.

Implementation

Managers and supervisors must make the policy available to all employees and must discuss the entire policy with their employees and highlight any of the rules that have particular relevance, given the nature of the employees' work. Managers and supervisors who need assistance interpreting rules and how they apply to specific situations must talk to their departments' directors or senior managers. Serious consequences may result from the contravention of this policy. Employees should check with management if they need assistance in interpreting whether a situation they have experienced or are confronting puts them in conflict of interest situation.

An information sheet will be developed to identify the rules of this policy and provide examples to assist employees in understanding these rules.

Appendix 1

Conduct Respecting Lobbyists

Lobbying is usually defined as direct or indirect efforts to solicit support and influence government decisions on behalf of another party or an organization, often away from public scrutiny. Lobbying activity is to be distinguished from routine advice seeking by members of the public, or contacts by members or employees of government conducting official business. Lobbying is also distinguishable from matters that are the subject of committee deputation, or other processes that are a matter of public record where individuals are named and their interest and organizational affiliation is identified.

The term lobbyist includes the following:

- (a) "consultant lobbyist" means a person who, for payment, lobbies on behalf of a client and includes, but is not limited to, government relations consultants, lawyers, accountants, or other professional advisors who provide lobbying services for their clients;
- (b) "corporate in-house lobbyist" means an employee of a corporation that carries on commercial activities for financial gain and who lobbies as a significant part of their duties;
- (c) "organization in-house lobbyist" means an employee of a non-profit organization, when one or more employees lobby public office holders and where the accumulated lobbying activity of all such employees would constitute a significant part of the duties of one employee; and
- (d) "volunteer lobbyist" means a person who lobbies without payment on behalf of an individual, corporation, or organization.

Employees shall be vigilant in their duty to serve public interests when faced with lobbying activity. Employees can use the following as a guide to assist in identifying whether they are being lobbied:

- (a) During the past year, has the contact person attempted to influence you personally, for example, in any administrative action that would have benefited him or her or his or her employer financially?
- (b) Does the contact person do business or seek to do business with the city?

- (c) Is the contact person seeking to influence outcomes outside a public forum on a matter involving, for example, a license, permit or other entitlement for use currently pending before the city?
- (c) Is the contact person on a provincially or federally registered lobbyist employer or a client of a registered lobbyist? (Refer to the respective web sites.)
- (d) Is the contact person a provincially or federally registered lobbyist or lobbying firm?
- (e) Does the contact person fall within the definitions provided above?