CRIMINAL INJURIES COMPENSATION BOARD
CONFLICT OF INTEREST RULES

Definitions

“adjudicator” means the Chair, the Vice-Chairs, and the Members of the Board;

“close associate” means a relative or friend with whom a staff member or adjudicator maintains a close personal relationship;

“confidential information” means information that is not available to the public and that, if disclosed, could result in harm to the Board or the Crown or could give the person to whom it is disclosed an advantage;

“conflict of interest” includes any interest, relationship, association or activity that is incompatible with a staff member’s or adjudicator’s obligations to the Board and to the Crown and includes both pecuniary and non-pecuniary interests;

“designated senior position” means designated senior position as defined in section 14 of O. Reg. 381/07 of Public Service of Ontario Act, 2006, and includes the Chief Administrative Officer of the Board;

“employment” includes appointment by Order-in-Council;

“the Board” means the Criminal Injuries Compensation Board created under the Law Enforcement Compensation Act, 1967, and continued under the Compensation for Victims of Crime Act, 1971;

“gift” includes a benefit of any kind;

“process” means involvement with any substantive part of a tribunal’s decision-making process;

“PSOA” means Public Service of Ontario Act, 2006, S.O. 2006, c.35, Schedule A, as amended from time to time;

“significant professional relationship” includes employment with or by a party or representative, or a solicitor/client relationship or partnership/association in a law firm or paralegal practice;
“spouse” means,

a) a spouse as defined in section 1 of the Family Law Act, or

b) either of two persons who live together in a conjugal relationship outside marriage.

**Interpretation**

The core values of the Criminal Injuries Compensation Board (the “Board”) are the guiding principles and the foundation on which it fulfils its mandate. These Conflict of Interest Rules are to be interpreted in accordance with the Board’s Core Values of accessibility, fairness, transparency, timeliness, professionalism, and independence.

These Conflict of Interest Rules apply to staff members and adjudicators of the Board.

These Rules govern the conduct of staff members and adjudicators from the commencement of their term of employment in the public service. These Rules also set out the continuing responsibilities of staff members and adjudicators after they cease to be public servants.

Under the *Public Service of Ontario Act, 2006* (PSOA) and the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* (the Tribunals Act), the Ethics Executive for staff members is the Chief Administrative Officer, and for adjudicators (other than the Chair) is the Chair. The Ethics Executive for former staff members and adjudicators, and for the Chair of the Board, is the Conflict of Interest Commissioner.

These Rules will be applied by the Chair as Ethics Executive for adjudicators and by the Chief Administrative Officer as Ethics Executive for staff members in setting objectives for staff members and adjudicators, reviewing their performance, providing professional development opportunities, determining whether to recommend the reappointment of an adjudicator and addressing matters where a conflict or potential conflict has been disclosed or has otherwise come to the attention of the Ethics Executive.

These conflict of interest rules are based on those set out in Ontario Regulation 381/07 (O. Reg). If a provision in these Rules establishes a degree of ethical conduct that is lower than those set out in the regulation, the provision in the regulation prevails.
Part I
Prohibited Conduct

Benefiting Self, Spouse, Child, Parent, Sibling, or Close Associate

1. A staff member or adjudicator shall not use or attempt to use his or her employment in the Board to directly or indirectly benefit himself or herself, or his or her spouse, child, parent, sibling, or close associate.

2. A staff member or adjudicator shall not allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Board and to the Crown.

Accepting Gifts

3. A staff member or adjudicator shall not accept a gift resulting from or that could be seen to be connected to his or her position or duties to the Board and to the Crown if a reasonable person might conclude that the gift could influence the staff member or adjudicator when performing his or her duties to the Crown.

Nominal Gift

4. Rule 3 does not operate to prevent a staff member or adjudicator from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances.

Disclosing Gift

5. Where a staff member or adjudicator receives a gift in circumstances described in Rule 3, he or she must inform his or her Ethics Executive.

Disclosing Confidential Information

6. A staff member or adjudicator shall not disclose confidential information obtained while he or she is employed in the Board unless he or she is authorized to do so by law, the Board or the Crown.

Use of confidential information

7. A staff member or adjudicator shall not use confidential information in a business or undertaking outside of his or her work in the Board.
Accepting a Gift in Exchange for Confidential Information

8. A staff member or adjudicator shall not accept a gift directly or indirectly in exchange for disclosing confidential information.

Preferential Treatment

9. When performing his or her duties to the Board and to the Crown, a staff member or an adjudicator shall not give preferential treatment to any person or entity, including a person or entity in which the staff member or adjudicator, or a member of his or her family, or a close associate, has an interest.

10. When performing his or her duties to the Board and to the Crown, a staff member or adjudicator shall endeavour to avoid creating the appearance that preferential treatment is being given to a person or entity that could benefit from it.

Offering Assistance

11. A staff member or adjudicator shall not offer assistance to a person or entity in dealing with the Board or the Crown other than assistance given in the ordinary course of their employment.

Hiring and Contracting with Spouse, Child, Parent or Sibling

12. A staff member or adjudicator shall not, on behalf of the Board, hire or propose the hiring of his or her spouse, child, parent or sibling.

13. A staff member or adjudicator shall not, on behalf of the Board, enter into a contract with his or her spouse, child, parent, sibling, close associate or any person appearing before the Board, or with a person or entity in which any of them has a substantial interest.

Supervising Work of Spouse, Child, Parent or Sibling

14. A staff member or adjudicator who hires a person on behalf of the Board shall ensure that the person does not report to, or supervise the work of the person’s spouse, child, parent or sibling. A staff member or an adjudicator who reports to, or supervises the work of his or her spouse, child, parent or sibling shall notify his or her Ethics Executive.

Engaging in Business, etc.

Criminal Injuries Compensation Board
15. A staff member or adjudicator shall not become employed by or engage in a business or undertaking outside his or her employment or duties in the Board in any of the following circumstances:

a) if the staff member or adjudicator’s private interests in connection with the employment or undertaking could conflict with his or her duties to the Board and to the Crown;

b) if the employment or undertaking would interfere with the staff member or adjudicator’s ability to perform his or her duties to the Board and to the Crown;

c) if the employment is in a professional capacity and is likely to influence or detrimentally affect the staff member or adjudicator’s ability to perform his or her duties to the Board and to the Crown;

d) if the employment would constitute full-time employment for another person. However, this paragraph does not apply with respect to a staff member or adjudicator who is employed part-time in the Board. This paragraph also does not apply to a staff member or adjudicator who is on an authorized leave of absence from his or her position, so long as the employment is not contrary to or inconsistent with the terms of the leave of absence;

e) if, in connection with the employment or undertaking, any person would derive, or may appear to derive, an advantage from the staff member or adjudicator’s employment in the Board; and,

f) if government premises, equipment or supplies are used in the employment or undertaking.

16. A staff member or adjudicator shall disclose at the first available opportunity to his or her Ethics Executive any existing or proposed outside undertaking or employment which could fall within the provisions of Rule 15.

Participating in Processing Matters and Decision Making

17. A staff member or adjudicator shall not participate in decision-making by the Board with respect to a matter where the staff member or adjudicator is able to influence a decision in the course of his or her duties if the staff member or adjudicator could benefit from the decision.
18. Rule 17 does not apply if a staff member or adjudicator obtains the prior approval of his or her Ethics Executive to participate in or process a matter or participate in decision-making about it.

19. A staff member or adjudicator who, in the course of his or her employment in the Board, is a member of a body or group, shall not participate in or attempt to influence decision-making by the body or group with respect to a matter if he or she could benefit from the decision or if, as a result of the decision, the interests of the body or group could conflict with the interests of the Board or the Crown.

20. A staff member or adjudicator described in Rule 19 shall inform the body or group if the circumstances described in that Rule exist.

Financial Declaration

21 (1) Rules 22 and 23 apply to every staff member and adjudicator employed by the Board, who routinely works on one or more matters that might involve the private sector and who has access to confidential information about the matter obtained during the course of his or her employment by the Crown.

21 (2) In this Rules and in Rules 22 and 23, “matter that might involve the private sector” means a matter,

   (a) that relates to services currently provided under a program of the Crown or by a public body, an agency of the Crown or a corporation controlled by the Crown with respect to which it is possible that a private sector entity will provide all or part of the financing for the services or will provide some or all of the services, and

   (b) that has been referred to a ministry, a public body or an agency of the Crown by the Executive Council or a member of the Executive Council for review or implementation.

Duty to declare certain financial interests

22 (1) When a staff member or adjudicator described in Rule 21(1) begins work on a matter that might involve the private sector, he or she shall make a declaration to the Conflict of Interest Commissioner in which the staff member or adjudicator public servant discloses the following matters respecting his or her financial interests:
1. A legal or beneficial interest of the staff member or adjudicator in securities or derivatives of corporations or governments, other than the Government of Ontario.

2. A legal or beneficial interest of the staff member or adjudicator in a business entity or a commercial operation or in the assets of such an entity or operation.

3. A legal or beneficial interest of the staff member or adjudicator in real property.

4. A legal or beneficial interest of the staff member or adjudicator in a mutual fund that is operated as an investment club where,
   i. its shares or units are held by not more than 50 persons and its indebtedness has never been offered to the public,
   ii. it does not pay or give any remuneration for investment advice or in respect of trades in securities, except normal brokerage fees, and
   iii. all of its members are required to make contributions in proportion to the shares or units each holds for the purpose of financing its operations.

22 (2) Despite subsection (1), the staff member or adjudicator is not required to disclose his or her legal or beneficial interest in any of the following:

1. A mutual fund within the meaning of subsection 1 (1) of the Securities Act other than a mutual fund described in paragraph 4 of subsection (1).

2. Fixed-value securities issued or guaranteed by a government or a government agency.

3. A guaranteed investment certificate or similar financial instrument issued by a financial institution entitled by law to issue such instruments.

4. A registered pension plan, an employee benefit plan, an annuity or life insurance policy or a deferred profit sharing plan.

5. Real property that the public servant, or a member of his or her family, uses primarily as a residence or for recreational purposes.

22 (3) The staff member or adjudicator shall disclose the information required by subsection (1), with necessary modifications, in respect of his or her spouse and dependent children, but only to the extent that the legal or beneficial interests of the spouse or a child could create a conflict of interest.
22 (4) For the purpose of subsection (3), the staff member or adjudicator shall make reasonable efforts to obtain information about the financial interests described in subsection (1) of his or her spouse and dependent children.

22 (5) The staff member or adjudicator shall give the Conflict of Interest Commissioner a revised declaration whenever there is a change in any of the information required to be disclosed.

Prohibition on certain purchases

23(1) A staff member or adjudicator described in Rule 21(1) shall not purchase, or cause another person to purchase on his or her behalf, a legal or beneficial interest in an entity that is carrying on, or proposes to carry on, an activity relating to a matter that might involve the private sector.

23(2) Despite Rule 23(1), a staff member of adjudicator may purchase an interest in a mutual fund (within the meaning of subsection 1 (1) of the Securities Act) that includes securities of a person or entity described in subsection (1) but not an interest in a mutual fund described in paragraph 4 of Rule 22(1) of this policy that includes such securities.

23(3) The prohibition described in Rule 23(1) ceases to have effect with respect to the matter,

(a) six months after the date on which the action in respect of the matter is completed; or

(b) six months after the date the Crown ceases to work on the matter.

Part II
Prohibited Conduct for Former Staff Members and Adjudicators

Application

24. The Rules in this section apply with respect to every former staff member or adjudicator who, immediately before he or she ceased to be a public servant, was employed in the Board.

25. A former staff member or adjudicator has an obligation to notify the Ethics Executive of any potential issue with respect to the post service Rules or seek a determination from the Ethics Executive concerning his or her obligations under PSOA.
Preferential Treatment

26. A former staff member or adjudicator shall not seek preferential treatment by, or privileged access to, public servants who work in a minister’s office, a ministry, the Board, or any other public body.

Disclosure of Confidential Information

27. A former staff member or adjudicator shall not disclose confidential information obtained during the course of his or her employment in the Board to a person or entity unless authorized to do so by law, the Board or the Crown.

28. A former staff member or adjudicator shall not use confidential information obtained during the course of his or her employment in the Board in a business or undertaking.

Restriction on lobbying

29. (1) This Rule applies to a former staff member or adjudicator who, immediately before ceasing to be a staff member or adjudicator, was employed in a designated senior position.

29. (2) For 12 months after ceasing to be a staff member or adjudicator, the former staff member or adjudicator shall not lobby any of the following persons on behalf of a public body or another person or entity:

a) a public servant who works in a ministry or public body in which the former staff member or adjudicator worked at any time during the 12 months before he or she ceased to be a staff member or adjudicator,

b) the minister of any ministry in which the former staff member or adjudicator worked at any time during the 12 months before he or she ceased to be a staff member or adjudicator, and

c) a public servant who works in the office of a minister described in paragraph b).

Restriction on employment, etc.

30. (1) This Rule applies to a former staff member or adjudicator who, immediately before ceasing to be a staff member or adjudicator, was employed in a designated senior position and who, at any time during the 12 months before he or she ceased to be employed as a staff member or adjudicator, in the course of his or her employment:
a) had substantial involvement with a public body or another person or entity; and

b) had access to confidential information that, if it were to be disclosed to the public body, person or entity, could result in harm to the Crown or to the Board, or could give the public body, person or entity an unfair advantage in relation to one or more third parties.

(2) For 12 months after ceasing to be a staff member or adjudicator, the former staff member or adjudicator shall not accept employment with the public body, person or entity or serve as a member of the board of directors or other governing body of the public body, person or entity.

31. (1) This Rule applies to a former staff member or adjudicator who, while employed in the Board, advised the Crown about a particular proceeding, negotiation or other transaction;

(2) The former staff member or adjudicator shall not advise or otherwise assist any public body or any other person or entity in connection with the particular proceeding, negotiation or other transaction until the Crown ceases to be involved in it; and

(3) Despite sub-rule (2), the former staff member or adjudicator may continue to advise or otherwise assist the Crown in connection with the particular proceeding, negotiation or other transaction.

**Part III**

**Additional Conflict of Interest Rules for Staff Members, Former Staff Members, Adjudicators and Former Adjudicators**

**Financial Interest**

32. (1) A staff member shall not process, and an adjudicator shall not adjudicate, or participate in processing or discussions of, any matter in relation to a proceeding where the staff member or adjudicator or his or her spouse, child, parent, sibling, or close associate could benefit from the decision or has a significant financial interest in relation to one of the parties to the proceeding.

(2) For the purpose of this Rule, the following would not constitute a significant financial interest:
a) legal or beneficial interest in a mutual fund within the meaning of subsection 1(1) of the Securities Act, even where that mutual fund includes securities of a corporation or entity that is a party to a proceeding before a Tribunal, provided that the mutual fund is not one described in subsection 11(1)4 of O. Reg. 381/07;

b) fixed-value securities issued or guaranteed by a government or a government agency;

c) a guaranteed investment certificate or similar financial instrument issued by a financial institution entitled by law to issue such instruments; and

d) a registered pension plan, an employee benefit plan, an annuity or life insurance policy or deferred profit sharing.

**Personal Relationship**

33. A staff member shall not process, and an adjudicator shall not adjudicate, or participate in processing or discussions of, any proceeding involving a party or representative with whom he or she has a close personal relationship, including his or her spouse, child, parent, or sibling.

**Prior Involvement**

34. A staff member shall not process, and an adjudicator shall not adjudicate, or participate in processing or discussions of, any proceeding in which the staff member or adjudicator, any person with whom he or she is in a significant professional relationship, or his or her spouse, child, parent, sibling, or close associate, has had any prior involvement.

**Professional Relationship**

35. An adjudicator shall not adjudicate, or participate in processing or discussions of, any proceeding involving a party or representative with whom he or she was formerly in a significant professional relationship until a period of 12 months has elapsed from the termination of the relationship, or while there is any indebtedness connected to that relationship.
Effect on Other Proceedings

36. A staff member shall not process, and an adjudicator shall not adjudicate, or participate in processing or discussions of, any proceeding in which the outcome may have an impact on any other legal proceeding in which the staff member or adjudicator, or his or her spouse, child, parent, sibling, or close associate, has a personal or pecuniary interest.

Appearance before a Tribunal: General

37. When a staff member or adjudicator or former staff member or adjudicator has any dealings with or appears before the Board, there is an obligation on them and the Board to ensure that the integrity of the Board is maintained.

Appearance before a Tribunal: Current Staff Members and Adjudicators

38. A staff member or adjudicator shall not appear before the Board as an expert or technical witness or as a representative for a party, and shall not, other than in discharging his or her functions at the Board, provide legal, consulting or technical services to anyone in respect of a matter that is, or may come before, the Board, whether the services are provided for remuneration or otherwise.

39. Rule 35 does not affect the jurisdiction of an adjudicator to raise or determine the issue of whether bias or the appearance of bias arises from the participation of an adjudicator as an expert or technical witness.

40. A staff member or adjudicator may advance or respond to an appeal or other matter before the Board provided that they do so through counsel or a representative, immediately notify the CAO, refrain from any communication of or about the matter except as may be required by law or by the rules of the Board, and refrain from involvement in any case which is directly related to the matter in question.

41. On receipt of such notification, the CAO shall take all reasonable measures to ensure that information which could identify the staff member or adjudicator is removed from the file and to ensure that they are not assigned to files which raise issues which are similar to those in the matter in question.
42. If, in order to protect their own rights or interests in a matter before the Board, a staff member or adjudicator must appear as a witness or otherwise make their identity known to the Board, they shall notify the CAO or the Chair in sufficient time to permit him or her to take appropriate action to protect the integrity of the Board and its processes.

**Appearance before a Tribunal: Former Staff Members and Adjudicators**

43. A former adjudicator shall not appear as a representative or an expert or technical witness before the Board for a period of twelve months from the end of their appointment or, twelve months after the release of their last decision if that is later.

44. A former staff member shall not appear as a representative before the Board for a period of six months from the end of their employment at the Board.