

Conflict of Interest Rules for the Workplace Safety and Insurance Board

Approved by the Conflict of Interest Commissioner and effective on the date published on the Commissioner's website

WORKPLACE SAFETY AND INSURANCE BOARD

CONFLICT OF INTEREST POLICY FOR CURRENT AND FORMER WSIB EMPLOYEES AND MEMBERS OF THE BOARD OF DIRECTORS

The Workplace Safety and Insurance Board ("WSIB") is accountable to the workers and employers of Ontario. To maintain the highest level of public confidence and trust, it is critical that the conduct of the employees of the WSIB and the members of the WSIB Board of Directors reflects the highest ethical, moral and legal standards.

As public servants under the *Public Service of Ontario Act*, WSIB employees and members of the Board of Directors are bound to comply with conflict of interest rules designed to ensure that their private interests are not in conflict with their duties and responsibilities in relation to the WSIB or the Crown.

This Conflict of Interest Policy ("Policy") helps WSIB employees and members of the Board of Directors to identify types of situations in which actual, apparent or potential conflicts of interest may arise and sets out guidelines against which possible conflicts may be scrutinized.

It is the duty of every WSIB employee and member of the Board of Directors to whom this Policy applies to inform himself or herself of the contents of this Policy and to assess its impact on him or her on a continuing basis. When changes occur in their personal or WSIB-related circumstances, WSIB employees and members of the Board of Directors are expected to consider whether there are any implications under this Policy

Definitions

"Child" means a natural or adopted child of an Employee or Director or of the Spouse of an Employee or Director and includes the Spouse of any such child.

"Confidential Information" means information that is not available to the public and, that if disclosed, could result in harm to the WSIB or the Crown or give the person to whom it is disclosed an advantage, and for greater certainty, includes confidential information relating to employers.

"Director" means a member of the WSIB Board of Directors appointed pursuant to s.162 (1) of the *Workplace Safety and Insurance Act* and, for greater certainty, includes the President and the Chair.

"Employee" means a permanent, probationary or temporary full-time or part-time employee of the WSIB, and includes a person on early leave prior to retirement.

"Ethics Executive" means:

(a) For Employees: the WSIB President

(b) For Directors, other than the WSIB Chair and the WSIB President: the WSIB Chair

- (c) For the WSIB Chair and the WSIB President: the Conflict of Interest Commissioner
- (d) For Former WSIB Public Servants: the Conflict of Interest Commissioner

“Former Director” means a person who ceased to be a Director on or after August 20, 2007.

“Former Employee” means a person who ceased to be an Employee on or after August 20, 2007.

“Former WSIB Public Servant” means a person who ceased to be an Employee or a Director on or after August 20, 2007.

“Personal Information” means “personal information” within the meaning of the *Freedom of Information and Protection of Privacy Act* (Ont.).

“Spouse ” means:

- (a) a person to whom an Employee or Director is married,
- (b) a person with whom an Employee or Director is living in a conjugal relationship outside marriage, or
- (c) any other person who is a “spouse” as defined in section 1 of the *Family Law Act*.

“WSIB Public Servant” means a WSIB Employee or a WSIB Director.

PART I

RULES FOR CURRENT WSIB EMPLOYEES AND DIRECTORS

This Part applies to every current Employee and Director.

A WSIB Public Servant should avoid knowingly placing himself or herself in a position of actual or potential conflict of interest or that may be perceived as a conflict of interest.

1. Benefiting Self or Family Member

A WSIB Public Servant shall not use, or attempt to use, his or her position with the WSIB to directly or indirectly benefit himself or herself or his or her Spouse or Child.

A WSIB Public Servant shall not allow the prospect of possible future employment or appointment with a person or entity to influence the performance of his or her duties to the WSIB.

2. Gifts and Hospitality

In this section, “gifts and hospitality” means a benefit of any kind, including the provision of food, beverages, accommodation and transportation.

A WSIB Public Servant shall not accept a gift or hospitality from any of the following persons or entities if a reasonable person might conclude that the gift or hospitality could influence the WSIB Public Servant when performing his or her duties to the WSIB:

- (a) a person, group or entity that has dealings with the WSIB or the Crown.
- (b) a person, group or entity to whom the WSIB Public Servant provides services in the course of performing his or her duties to the WSIB or the Crown.
- (c) a person, group or entity that seeks to do business with the WSIB or the Crown.

A WSIB Public Servant may accept a gift of nominal value given as an expression of courtesy or hospitality if it is reasonable to do so in the circumstances. It is generally reasonable to accept incidental gifts such as mugs, pens or other promotional items of small value and token gifts received as appreciation for speaking to meetings or delegations or for assisting at meetings.

A WSIB Public Servant may accept an award or prize of nominal value that is received as a result of any activity related to his or her employment or appointment at the WSIB.

WSIB Public Servants may accept meals of nominal value in circumstances where it is necessary to facilitate business relationships and where such meals would constitute the normal exchange of hospitality between persons doing business together.

It is prohibited for WSIB Public Servants to accept the following gifts under any circumstances: cash or cash equivalents, tickets to major sporting or entertainment events, bottles of wine or other alcoholic beverages, cigarettes or related products.

A WSIB Public Servant who is unable to refuse a gift or hospitality not authorized under this provision shall notify his or her Ethics Executive as soon as possible.

3. Solicitation for Fundraising Purposes

In the case of fundraising for charitable causes that have been endorsed by the WSIB President, WSIB Public Servants must receive prior authorization from their Ethics Executive before soliciting donations, prizes or contributions in kind from external organizations and individuals.

A WSIB Public Servant may not solicit from a person or entity that is an “employer” under the *Workplace Safety and Insurance Act* (the “Act”) if the WSIB Public Servant is in a position where he or she could, or might be perceived to be able to, influence any matter relating to the employer’s rights, obligations or position under the Act. Under no circumstances may a WSIB Public Servant solicit from a supplier or vendor in the private sector that is a supplier of goods or services to the WSIB.

4. Confidentiality

A WSIB Public Servant shall not disclose Confidential Information obtained during the performance of his or her duties to the WSIB to any person or entity unless he or she is authorized to do so by law or by the WSIB or the Crown.

A WSIB Public Servant shall not use Confidential Information in a business or undertaking outside the performance of his or her duties to the WSIB or in any way that creates an advantage for the WSIB Public Servant or a member of his or her family.

A WSIB Public Servant shall not accept a gift or hospitality directly or indirectly in exchange for disclosing Confidential Information.

In the course of the performance of their duties to the WSIB, WSIB Public Servants have access to considerable Personal Information relating to workers, employers and other WSIB Public Servants. WSIB Public Servants must access Personal Information only when this is necessary to perform their duties to the WSIB and shall use and disclose such Personal Information only as permitted under the *Freedom of Information and Protection of Privacy Act* (Ont.).

5. Giving Preferential Treatment

When performing his or her duties to the WSIB, a WSIB Public Servant shall not give preferential treatment to any person or entity, including a person or entity in which the WSIB Public Servant or a member of his or her family or a friend has an interest.

When performing his or her duties to the WSIB, a WSIB Public Servant shall use his or her best efforts to avoid creating the appearance that preferential treatment is being given to any person or entity that could benefit from it.

A WSIB Public Servant shall not offer assistance to a person or entity in dealing with the WSIB other than assistance given in the ordinary course of the WSIB Public Servant's duties to the WSIB.

6. Hiring Family Members

A WSIB Public Servant shall not, on behalf of the WSIB, hire his or her Spouse, Child, parent or sibling. The hiring of all summer students shall be conducted through the WSIB's Summer Student Recruitment Program.

A WSIB Public Servant shall not, on behalf of the WSIB, enter into a contract with his or her Spouse, Child, parent or sibling or with a person or entity in which any of them has a substantial interest.

A WSIB Public Servant who hires a person on behalf of the WSIB shall ensure that the person hired does not report to, or supervise the work of, that person's Spouse, Child, parent or sibling.

A WSIB Public Servant who reports to, or supervises the work of, his or her Spouse, Child, parent or sibling shall immediately notify his or her Ethics Executive.

7. Outside Activities

WSIB Public Servants may engage in employment outside the WSIB and take part in any outside activity unless the employment or activity could give rise to a conflict of interest. A conflict of interest may arise if:

- The outside employment or activity conflicts with, interferes with or results in demands that are incompatible with the WSIB Public Servant's performance of his or her duties to the WSIB or the Crown.

- The outside employment or activity is in a professional capacity and is likely to influence or detrimentally affect the WSIB Public Servant's ability to perform his or her duties to the WSIB or the Crown.
- The outside employment or activity casts doubt on the WSIB Public Servant's ability to perform his or her duties to the WSIB or the Crown in an impartial and objective manner.
- In connection with the outside employment or activity, any person would derive an advantage from the WSIB Public Servant's position with the WSIB or the Crown.
- The WSIB's or the government's premises, equipment or supplies are used in the outside employment or activity.
- The person is a full-time Employee or Director of the WSIB and the outside employment would constitute full-time employment for another person. If the person is a part-time Employee or Director, this situation is less likely to result in a conflict of interest.
- The WSIB Public Servant is on an authorized leave of absence and engages in employment or activities that are inconsistent with the terms of the leave of absence or with his or her duties to the WSIB or the conflict of interest policy.

8. Participating in Decision-making

A WSIB Public Servant shall not participate in the making of a decision at the WSIB or with the Crown with respect to a matter that he or she is able to influence in the course of his or her duties if the WSIB Public Servant could benefit from the decision.

This does not apply if the WSIB Public Servant has made any necessary prior disclosure to his or her Ethics Executive and has obtained the Ethics Executive's approval to participate in the decision-making.

A WSIB Public Servant who, in the course of his or her duties to the WSIB, 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 the WSIB Public Servant 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 WSIB or the Crown. The WSIB Public Servant shall inform the body or group if such circumstances exist.

9. Matters that might involve the Private Sector

When a WSIB Public Servant begins work on a matter that might involve the private sector as defined by section 10 of Ontario Regulation 381/07, he or she must make a financial declaration to the Conflict of Interest Commissioner, in accordance with Section 11 of Ontario Regulation 381/07. He or she is also subject to the restrictions on certain purchases as set out in Section 12 of Ontario Regulation 381/07.

PART II RULES FOR FORMER WSIB EMPLOYEES AND DIRECTORS

This Part applies to every person who ceased to be an Employee or a Director on or after August 20, 2007.

1. Seeking Preferential Treatment

A Former WSIB Public Servant shall not seek preferential treatment by, or privileged access to, public servants who work in a minister's office, a ministry or any public body, including the WSIB.

2. Confidentiality

A Former WSIB Public Servant shall not disclose Confidential Information or Personal Information obtained during the performance of his or her duties for the WSIB to a person or entity unless the former WSIB Public Servant is authorized to do so by law or by the WSIB or the Crown.

A Former WSIB Public Servant shall not use Confidential Information or Personal Information obtained during the performance of his or her duties to the WSIB in a business or activity.

3. Representation of Employers, Workers and Survivors

A Former WSIB Employee shall not provide advice, guidance or representation to an employer, worker or survivor in any claim in which the Former Employee was involved or made a decision while still an Employee at the WSIB.

4. Restrictions on Certain Transactions

This provision applies to a Former WSIB Public Servant who, while he or she held a position at the WSIB, advised the WSIB about a particular proceeding, negotiation or other transaction.

The Former WSIB Public Servant shall not advise or otherwise assist any person or entity, including another public body, in connection with that proceeding, negotiation or other transaction until the WSIB or the Crown ceases to be involved in it. Nothing in this provision prevents a former WSIB Public Servant from continuing to advise or otherwise assist the WSIB in connection with the particular proceeding, negotiation or other transaction

5. Special Restrictions

"Senior Management Position" means any of the following positions:

- Executive Director
- Vice-President
- Cluster Chief
- President

(a) lobbying

This provision applies to Former Employees who, immediately before they ceased to be an Employee, were employed in a Senior Management Position and to Former Directors.

For 12 months after ceasing to be a Director or an Employee, the individual shall not lobby any of the following persons on behalf of another person or entity, including another public body:

- A WSIB Employee or Director,
- A public servant who works in a ministry or public body in which the Former Employee or Former Director worked during the twelve months before he or she ceased to be a WSIB Public Servant,
- The Minister of Labour or the minister of any ministry in which the Former Employee or Former Director worked during the twelve months before he or she ceased to be a WSIB Public Servant or a public servant who works in the office of such a minister.

(b) employment

This provision applies to Former Employees who, immediately before they ceased to be an Employee, were employed in a Senior Management Position and to Former Directors

AND

who, at any time during the 12 months before ceasing to be a Director or an Employee, in the course of his or her appointment or employment with the WSIB, as the case may be :

- had substantial involvement with another public body or another person or entity; and
- had access to Confidential Information in the course of his or her appointment or employment with the WSIB that, if disclosed to that entity, person or public body could result in a loss or damage to the WSIB or to the Crown or could give the entity, person or public body an unfair advantage.

For 12 months after ceasing to be a Director or an Employee, he or she 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..

**PART III
PARAMOUNTCY**

These conflict of interest rules are based on those set out in Ontario Regulation 381/07 (the "Regulation"). If a provision in these rules establishes a degree of ethical conduct that is lower than that set out in the Regulation, the provision in the Regulation prevails.