

	Conflict of Interest	Corporate Policy & Procedures Manual
		Policy No. III-15
SLT Sponsor: Chief Executive Officer Policy Lead: Chief Mission & Ethics Officer		Date Approved April 22, 2019
		Date Effective April 30, 2019
		Next Review (3 years from Effective Date) April 2022

Purpose The purpose of this policy is to provide direction for disclosing and managing conflicts of interest, whether actual, potential or perceived.

Policy Statement As a Catholic, faith-based organization, Covenant Health is committed to upholding the highest ethical standards in all clinical and business dealings as model corporate citizens. This requires refraining from any real or perceived behaviour or relationships in the course of one’s work or association with Covenant Health that could be construed as advancing one’s personal, financial or business interests over the interests of the organization. (See Definitions section below regarding the scope of interests that could apply.)

While conflicts of interest may be unavoidable and can arise and evolve unintentionally given the complex array of relationships with others in the organization or the community, these relationships must nevertheless be disclosed, and appropriately managed with sufficient confidence to ensure consistent ethical integrity.

Applicability This policy applies to all Covenant Health facilities, staff, members of the medical staff, volunteers, students, board members, and to any other persons acting on behalf of Covenant Health (“personnel”).

Responsibility It is the responsibility of all Covenant Health personnel to disclose actual, potential or perceived conflicts of interest, and to take appropriate steps so as not to compromise the ethical integrity of the organization. Those who are also bound by professional codes of conduct regarding conflict of interest are expected to uphold their professional obligations in the course of performing their duties for or on behalf of Covenant Health.

Principles Personnel shall act impartially and in the best interests of patients and Covenant Health at all times and will not use their position for personal benefit, financial gain or other external business interests.

As a ministry of service in which therapeutic relationships with patients, residents, family, visitors and staff are celebrated and acknowledged as a foundational element of the healing process, this policy in turn recognizes that relationships generally are good in and of themselves, and are promoted in keeping with the culture of Covenant Health. The issue is when relationships affect, or reasonably appear to affect, a decision taken by Covenant Health and in so doing compromise the reputation and ethical integrity of the organization.

Therefore, personnel shall disclose all interests and relationships which may impact the impartiality of carrying out their duties for Covenant Health or are actually, potentially or perceived to be in conflict with the interests of Covenant Health:

- as part of their employment commencement process; and,
- at any time a potential conflict may arise or which impacts the impartiality of Covenant Health personnel.

Personnel shall not use the organization's resources to engage in activities which are of personal benefit or financial gain. A conflict of interest will be viewed to exist where personnel:

- have an outside interest or personal relationship, that an independent observer might reasonably conclude to be a factor, which impedes or has the potential to impede the proper performance of their Covenant Health work;
- have an actual, potential or perceived conflict of interest that puts into question their objectivity or Covenant Health's integrity when making decisions;
- use Covenant Health property, including, but not limited to equipment, premises, material, name and information technology, for personal benefit or gain;
- accept gifts that compromise or are perceived to compromise professional or clinical judgment (i.e., receiving cash or gift certificates from patients, residents or families), or accept personal loans, bequests or other favours from an individual or organization which are a consequence of their position with Covenant Health. This does not preclude the acceptance of gift as described and in alignment with this policy, noted below.
- are involved in the financial affairs of patient or residents, including matters relating to powers of attorney, wills and estate planning or the witnessing of such documents (with the exception of those whose defined roles require providing appropriate assistance to patients or residents in financial matters, i.e., Social Work and/or designate);
- are involved in the non-financial affairs of patients or residents including matters relating to personal directives decision-making and guardianship or the witnessing of such documents (with the exception of those whose defined roles require providing appropriate assistance to patients or residents in non-financial matters, i.e., Social Work and/or designate);
- provide direct care to a patient, resident or family member where a close familial, romantic or sexual relationship exists;
- disclose information to any individual or organization which would afford an advantage not generally available to others, including those related by family or personal relationships outside of a need to know basis, or such disclosure on a post-employment basis;

- place themselves in a position where they are under obligation to any person who might benefit from special consideration or favour on their part, or who might seek in any way preferential treatment or service.

Personnel shall report actual or suspected breaches of this policy in situations where they reasonably believes that an individual is acting in self-interested manner or is furthering their own private interests by virtue of their position or through the carrying out of their duties at Covenant Health. A report alleging a breach of this nature shall be made to an immediate manager or supervisor as further described in this policy.

Covenant Health personnel shall not accept fees, gifts or other benefits that are connected directly or indirectly with the performance of their office or duties, from any individual or organization other than:

- The normal exchange of gifts between friends;
- The normal exchange of hospitality between persons doing business together;
- Tokens exchange as part of protocol, or;
- The normal presentation of gifts to persons participating in public functions, awards, speeches, lecture, presentations or seminars.

Acceptance of cash or cash equivalents as a gift is strictly prohibited.

The value of a single tangible gift permitted shall not exceed \$100. The cumulative maximum cash value limit for tangible gifts permitted from a single source vendor in a calendar year is \$200.

The value of a single event invitation permitted shall not exceed \$500. The cumulative maximum cash value limit for event invitations permitted from a single source in a calendar year is \$1000.

The following are examples of situations where the above restrictions on gifting will not apply:

- a. Items offered pursuant to value-added provisions of vendor contracts awarded pursuant to Covenant Health's procurement policies. For example, professional development sessions for IT or insurance education by contracted vendors if set out explicitly in the contract.
- b. Scholarships or bursaries for the purposes of continuing education.

Attendance at community partner events

The CEO or Board Chair may approve attendance at a community partner's event valued in excess of the above threshold where such attendance is considered essential to the management of the relationship with the community partner. This provision shall only be utilized with respect to community service partners such as municipalities, police services, educational institutions and other health service partners whom it is essential to establish working service relationships with to achieve service delivery. Industry Support, or other events provided by Industry, shall not be approved pursuant to this section.

Regardless, all gifts received should nevertheless be disclosed and appropriately

managed. For example, pooling all honoraria in a staff education fund, trust or foundation account that benefits the entire team and organization, versus individual personnel, especially when personnel may have already been compensated by the organization for their time preparing for, or actually providing the service (see also P/P #III-20, *Relationships with Industry*);

Other roles/employment

Covenant Health personnel may accept appointment to other offices or hold employment, including self-employment, unless such appoint or employment:

- i) causes an actual or apparent conflict of interest;
- ii) is performed in such a way as to appear to be an official act of Covenant Health, or to represent Covenant Health's opinion or policy;
- iii) materially interferes with regular duties; or
- iv) involve the use of Covenant Health's premises, equipment, supplies, or assets, unless such use is otherwise authorized.

Prior to accepting any supplementary employment or appointment, personnel must notify their immediate manager or supervisor in writing about the nature of supplementary employment or appointment. The immediate manager or supervisor shall review the proposed employment or appointment for real or apparent conflicts of interest. If there is no real or apparent conflict of interest, the manager or supervisor may approve the employment or appointment in writing. If there is a real or apparent conflict of interest, the manager or supervisor shall in writing, deny the employment or appointment and provide reasons to the individual, or allow the employment or appointment and put procedures in place to manage the real or apparent conflict of interest. Should the individual disagree with the manager or supervisor's reasons for denying the employment or appointment, the individual will have the right to appeal the decision to the CEO.

The responsibility to avoid conflicts of interest lies with the individual. Any person who finds themselves in a situation that could constitute a conflict of interest, suspects that undue favouritism is being sought from them, is solicited with gifts or inducements, perceives that a situation has the potential to create a conflict of interest or the perception of a conflict of interest as would reasonably be concluded by an independent observer, must take appropriate steps to either withdraw or lessen the risk of exposure, while at the same time, make a full and frank disclosure of the conflict to their immediate manager or supervisor.

Personnel in breach of this policy will be dealt with in accordance with applicable policies and procedures including, but not limited to termination or withdrawal of privileges.

Procedure

The following procedure applies to receiving and investigating complaints alleging a breach this policy and for responding to a finding that this policy has been breached.

- i) Personnel shall report actual or suspected breaches of this policy. A report alleging a breach of this policy shall be made to an immediate manager or supervisor. In the event the alleged breach concerns the personnel's immediate

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manager or supervisor, the report can be provided to the immediate manager or supervisor of such manager or supervisor.

- ii) Upon receiving a report alleging a breach of this policy, the immediate manager or supervisor will review the situation and consult with their responsible Director, Executive Director, or Senior Operating Officer, who, if required or deemed necessary, will consult with either/or together with the Chief Officers of Finance, Human Resources, and Mission and Ethics to determine whether a breach of this policy has occurred. A party alleged to have breached this policy shall be given notice and provided the full details of the allegations made against them as well as provided an opportunity to respond to the allegations and provide any other relevant information. Relevant considerations are as follows:
- the degree of personal benefit derived by the individual;
 - the frequency and value of the gift, item or favour;
 - whether or not the individual is in a position to effectively influence or make a decision which may result in a personal benefit;
 - the potential for the perception of conflict of interest and potential impact upon the individual and/or Covenant Health; and
 - the confidence and assurance that the person will manage the actual, potential or perceived conflict of interest, as reasonably would be concluded by an independent observer.
- iii) If there is no breach, no further action is required and the person will be advised in writing.
- iv) If reports of a breach escalate to the Senior Leadership level, the lead Chief Officer investigating the matter, either of Human Resources, Finance, or Mission and Ethics will, separately or in consultation with the other two, provide a report and recommendation to the CEO.
- v) The lead Chief Officer will then advise the immediate manager or supervisor and the individual alleged to have breached this policy of the action required to remove the conflict, if any, and will provide a copy of the report and recommendations. Actions required may include: (i) personnel removing themselves from matters in which a conflict exists or is perceived to exist (ii) personnel in conflict giving up a particular private interest causing the conflict (iii) personnel resigning their position with Covenant Health (iv) termination of employment with Covenant Health.
- vi) If the individual alleged to have breached this policy does not accept the action required as outlined in the report and recommendations provided by the lead Chief Officer, the individual will have the right to appeal the decision to the CEO. The CEO may initiate an independent third-party review as part of their review of the appeal.

Note that Alberta has also enacted public interest disclosure legislation which enables employees to disclose concerns about wrongdoing to the designated officer of Covenant Health or to the office of the Public Interest Commissioner (Alberta). Information about disclosures about wrongdoings can be found under the Covenant Health Disclosure of Wrongdoings and Protection of Persons who Disclose Wrongdoings policy found at

<http://www.compassionnet.ca/Policy/iii-70.pdf> and at the Public Interest Commissioner website at www.yourvoiceprotected.ca

Definitions

Conflict of Interest:

A divergence between a person's own and/or their family's personal, financial or business interests and the person's professional obligations to Covenant Health such that an independent observer might reasonably question whether the person's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. This definition extends to actual, potential and perceived conflicts of interest.

Family:

Includes parent, spouse, adult interdependent partner, common-law spouse, child, siblings, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent, grandchild, former guardian, fiancé, or any other relative who is or has been residing in the same household as well as step-relationships of the same degree. In addition, common-law relationships, same gender relationships and related persons.

Gifts:

Any item of value, regardless of amount, provided free of charge and not part of a contracted purchase, including, but not limited to: pens, notepads and other promotional items, stethoscopes, journals, textbooks, drug samples, honorariums, educational sponsorship, meals and hospitality, liquor, tickets to sporting or other events, etc.

Industry:

Any vendor conducting business with Covenant Health personnel including, but not limited to: pharmaceutical, device, or other medically related companies; developers, construction and trade companies, benefit carriers, financial institutions, telecommunication and marketing vendor, etc.

Industry Support:

The provision of support by industry to Covenant Health in the form of funds, goods, or services provided in kind for the purposes of education, training, quality improvement, research and other initiatives sponsored by Covenant Health.

Personal Benefit:

A benefit beyond the normal terms of the relationship with Covenant Health, to the person, their family and/or any business interest of the person, or their family, or the granting of special considerations or advantages by Covenant Health personnel to selected individuals, groups or businesses.

Related Documents

Covenant Health Policies and Procedures:

- III-20, *Relationships with Industry*
- I-30, *Ethical Decision-Making Framework*
- VII-B-5, *Accommodating Special Requests*
- III-70, *Disclosure of Wrongdoing and Protection of Persons who Disclose Wrongdoing*
- III-50, *Intellectual Property*
- X-10, *Confidentiality Agreement and Privacy Training*

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Health Ethics Guide (http://www.chac.ca/ethics/Health%20Ethics%20Guide_2013.pdf)
(Accessed April 8, 2019)

Covenant Health’s Code of Conduct – *Our Commitment to Ethical Integrity*

Compliance and Business Ethics Program, Covenant Health learning program available on CLiC

Summary Resource Document and Position Statement: Covenant Health Compliance under the Conflict of Interest Act (Alberta)

References

“Conflict of Interest Involving Financial or Personal Gain by Physicians,” Health Professions Act, Standards of Practice, *College of Physicians and Surgeons of Alberta*, April 3, 2014. See: <http://www.cpsa.ca/standardspractice/conflict-of-interest>
(Accessed April 8, 2019)

“Alberta Health Services Code of Conduct,” *Alberta Health Services*, (Jan, 2010). See: <http://www.albertahealthservices.ca/assets/about/policies/ahs-pub-code-of-conduct.pdf> (Accessed April 8, 2019).

“Alberta Health Services Conflict of Interest Bylaw,” *Alberta Health Services*, (April 2009). See: <http://www.albertahealthservices.ca/Bylaws/ahs-by1-conflict-of-interest.pdf>
(Accessed April 8, 2019).

Revisions

September 10, 2012
June 1, 2011
April 30, 2019



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Appendix

**Code of Conduct – Our Commitment to Ethical Integrity
Personnel Declaration Form**

1. By signing below I acknowledge that I have read *Our Commitment to Ethical Integrity* and pledge to perform the duties of my position with Covenant Health, as a (an) _____ in a manner that upholds the mission, vision, values and ethical traditions of Covenant Health.
2. I promise to create a culture that will allow staff, physicians and volunteers to flourish, knowing I am making decisions, setting, and/or modeling standards of behaviour that are directed solely to support those we serve.
3. I will conduct myself impartially in carrying out my duties for Covenant Health.
4. I will not act in matter that promotes my own self-interest or furthers a private interest while carrying out my duties for Covenant Health.
5. I will not accept gifts while carrying out my duties for Covenant Health that may impact my impartiality, further a private interest or could create a real, potential or apparent conflict of interest*.
6. I will not accept an appointment to other offices or hold employment which:
 - a. causes an actual or apparent conflict of interest*, or;
 - b. is performed in such a way as to appear to be an official act of Covenant Health or to represent Covenant Health’s opinion or policy, or;
 - c. materially interferes with my regular duties for Covenant Health, or;
 - d. involves the use of Covenant Health’s premises, equipment, supplies or assets unless such use is otherwise authorized.
7. I also disclose below any actual, potential or perceived conflicts of interest,* as reasonably would be concluded by an independent observer which may compromise exercise of my professional duties, or the reputation and integrity of Covenant Health, and hereby commit to disclose additional conflicts in the future as they may arise, and manage such conflicts to the extent possible.

Personnel Name	Employee ID #

Disclosure of Actual, Potential or Perceived Conflicts of Interest

Personnel Signature	Date
Supervisor Signature	Date

To be completed by Supervisor:

If the above signed Personnel acknowledge a conflict of interest, please confirm if the reported conflict is deemed a conflict of interest, what individuals were notified, and any action undertaken or required to be undertaken to manage the conflict.

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