

Toronto District School Board

Operational Procedure PR 673 BUS

Title: **EMPLOYEE AND COMMUNITY PARTNERS CONFLICT
OF INTEREST**

Adopted: January 8, 2001

Revised: June 23, 2004, **March 28, 2008**

Authorization:

1.0 OBJECTIVE

To provide guidelines for Board employees concerning conflict of interest regulations in accordance with the *Education Act*, sections 217 and 286

2.0 RESPONSIBILITY

Executive Officer, Business Services
Executive Officer, Employee Services

3.0 DEFINITIONS

Community partners: Members of school councils, parent councils, student councils and volunteers

Immediate family: A spouse (including common-law or same-sex), child, sibling, parent, spouses' parent, niece, nephew, aunt, uncle, grandparent, grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-child, step-sister, step-brother, step-parent, any other person who is related by blood, marriage or adoption or who resides in the same household

4.0 PROCEDURES

- 4.1. An employee who has a connection to or relationship with an external organization or business (including a supplier or promoter of products or services to the Board) must avoid any situation in which that connection or relationship may influence or reasonably be perceived to influence the employee in the performance of his or her duties.
- 4.2. Employees of the Board shall not sell any materials, supplies or service to the Board, nor shall they have direct interest in a company that sells material, supplies or services to the Board.

- 4.3. Employees of the Board shall not purchase or recommend that any materials, supplies or service be purchased on behalf of the Board from a company in which a Board Employee has a direct or indirect interest.
- 4.4. Employees of the Board who are in a position to hire full-time, part-time, occasional, contract or summer staff/students will not hire members of their immediate or extended family to work for them directly.
- 4.5. An employee must ensure there is no participation in the hiring process when the employee and prospective employee are family members or close associates.
- 4.6. Employees will not seek positions where one family member may have a direct supervisory role over another family member or close associate.
- 4.7. Where there is a situation where an employee may have a direct supervisory role over another family member or close associate as a result of circumstances ranging from the implementation of a collective agreement to a change in status within a worksite, each employee shall report this conflict in writing to their Superintendent/Business Manager who will then make contact with Employee Services to determine if any action is required.
- 4.8. Employees of the Board may only accept infrequent and reasonable hospitality, or business gifts of a small intrinsic value. The frequency and nature of gifts or hospitality shall not be allowed to be such that the recipient might be, or might be deemed by others, to have been influenced in making a business decision as a consequence of accepting such gift or hospitality. The absence of actual and perceived influence is of particular importance leading up to and during the tendering and/or proposal process for products and/or services.
- 4.9. Employees of the Board shall not engage in any outside work or undertaking that: interferes with the performance of his/her duties for the Board; occurs during the individual's normal working hours; would otherwise constitute full time employment.
- 4.10. Employees of the Board shall not use or lend Board property of any kind for activities not associated with the discharge of their responsibilities without the prior approval of their superordinate;
- 4.11. Employees of the Board shall not give preferential treatment to relatives, personal friends or to organizations in which they or their relatives or friends have an interest, financial or otherwise.
- 4.12. Employees of the Board shall not release to unauthorized persons information related to personnel matters, matters under negotiation, litigation or potential litigation or any other confidential information to which they have access only by virtue of their employment, where the release of the information may be prejudicial to the Board or potentially infringe on the privacy of others.

- 4.13. Employees of the Board shall not, during or after their employment with the Board, use their positions or knowledge derived therefrom, confidential information, Board time and/or facilities, for their personal or private financial gain or other benefit or for that of their friends, relatives or private associations (special interest groups, etc.) or harm the Board in any way.
- 4.14. Tutoring: It is not considered appropriate for teachers to tutor their own students for pay, but there is no objection to their tutoring students from other schools when requested to do so. Neither principals nor teachers should take the initiative in suggesting that students obtain private tuition. The name of a tutor may be suggested if requested by the parent/guardian of the student(s).
- 4.15. Principals and managers must make the Board's policy P.057 BUS: Employee Conflict of Interest and this operational procedure available to all employees and must discuss the entire policy with their employees. Principals and managers who need assistance in interpreting the policy and procedure may consult the Board's General Counsel.

5.0 APPENDIX

Appendix A: Excerpt From the *Education Act*, sections 217 and 286

6.0 REFERENCE DOCUMENT

Policy P.057, Employee Conflict of Interest

Excerpts From the *Education Act*, R.S.O. 1990, CHAPTER E.2

Section 217. (1) **Promotion or sale of books, etc., by employees of board or Ministry to board, pupil, etc., prohibited.**--No teacher, supervisory officer or other employee of the board or of the Ministry shall, for compensation of any kind other than his or her salary as such employee, promote, offer for sale, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein.

(2) **Exception for authors.**--Subsection 1 does not apply to a teacher, supervisory officer or other employee of the board in respect of a book or other teaching or learning materials of which he or she is an author where the only compensation that he or she receives in respect thereof is a fee or royalty thereon.

(3) **Employment of employee of board or Ministry to promote sale of books, etc, to board, pupil, etc., prohibited.**--No person or organization or agent thereof shall employ a teacher, supervisory officer or other employee of the board or of the Ministry to promote, offer for sale or sell, directly or indirectly any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein, or directly or indirectly give or pay compensation to any such teacher, supervisory officer or employee for such purpose.

(4) **Penalty.**--Every person who contravenes any provision of subsection (1) or (3) is guilty of an offense and on conviction is liable to a fine of not more than \$1,000.

Section 286 (4) **Full-time position.**--Except as otherwise provided by this Act or the regulations, a supervisory officer shall not, without the approval of the Minister, hold any other office, have any other employment or follow any other profession or calling, during his tenure as a supervisory officer.