



Cree Regional Authority

Policy to prevent conflict of interest for members and employees of the Cree Human Resources Development Department

Adopted on: December 12, 2002

As per resolution #: GCC(EI)/CRA 2002-62

1) Reference

- 1.1 [Agreement](#) Article 90 of the Agreement respecting Cree Human Resources Development requires that the Cree Regional Authority (CRA) develops and implements a policy to prevent conflict of interest on the part of members and employees of the Cree Human Resources Development Department (CHRD) in the delivery of the programs provided under the Agreement.

2) Preamble

- 2.1 [Purpose](#) The purpose of this policy is to ensure that:
- a) members and employees perform their official responsibilities in a manner that preserves and enhances public confidence and trust in CHRD and prevents conflict of interest from arising;
- and
- b) members and employees do not take advantage of their official positions or of information obtained in the course of their official duties that is not generally available to the public in order to obtain a personal benefit or provide such information to another person in order for that person to obtain a personal benefit.

- 2.2 CRA appoints a person responsible The Cree Regional Authority shall appoint a Designated Officer who will be responsible for the application and enforcement of the present policy¹.

3) Definition

3.1 Definitions In this policy the following expressions mean:

- a) **business**: any activity or enterprise entered into for profit or non-profit, not necessarily formally constituted or incorporated, including a company, entrepreneurship, corporation and partnership;
- b) **CLMB**: the Cree Local Management Board;
- c) **decision making**: activity in which a person is in a position to influence a decision or the outcome or result of a process leading to a decision;
- d) **Designated Officer**: the person appointed by the CRA to be responsible for the application of this policy;
- e) **employee**: a person employed by CHRD;
- f) **member**: an appointed member of the Cree Local Management Board or any other committee created by the CRA or CHRD for Human Resources Development purposes;
- g) **organization**: a body that has a membership acting or united for a common purpose such as a Band, a group, an association or a committee;
- h) **relatives**: the father, mother, step-father, step-mother, foster parent, brother, sister, spouse, child, step-child, ward, father-in-law, mother-in-law, or relative permanently residing with the member or employee;
- i) **spouse**: a person married to another person and, for the purpose of this policy, includes persons who, not being married to each other, live together as spouses and have done so for at least one year.

¹ The Executive Director and the Director General of the CRA have been appointed as “Designated Officers” by Resolution GCC(EI)/CRA 2002-64, adopted on December 12, 2002

4) Conditions

- 4.1 [Two conditions](#) The conditions for which the member or employee may have to step aside and refrain from taking part in a file are:
- a) when a particular situation does not preserve and enhance public confidence and trust in CHRDR as explained in section 5 below,
- and
- b) when a member or employee holds a position where he may take part in decisions affecting the treatment or outcome of a particular file or request.

5) Situations of conflict of interest

- 5.1 [General description](#) Conflict of interest is a situation where a member or employee of the CHRDR in the exercise of his functions is exposed to being influenced in taking advantage or in advancing his own personal interest or that of other person with whom he has or has had a valued relationship. Such benefit is not necessarily a monetary benefit.

Since situations of conflict of interest are almost limitless and cannot all be covered in this policy, members and employees are expected to conduct themselves at all times with the highest ethical standards in a manner which will bear the closest scrutiny.

As a guideline, here are some examples of conflict of interest situations. These are intended as examples and are not all-inclusive. Conflict of interest situations must be judged individually depending on the context and facts.

- 5.2 [Personal relationships](#) Conflict of interest may arise, or may be perceived to arise, when a member or employee is involved in making a decision affecting a person with whom he has or has had a valued relationship.
- 5.3 [Material or financial interests](#) Conflict of interest may arise, or may be perceived to arise, when a member or employee has a material or financial interest in a business or an organization with which the CHRDR enters into transactions (funding, contract, etc.). The member or employee should also excuse himself from taking part in any decision pertaining to transactions with a business or organization in which a person with whom he has or has had a valued relationship has a financial or material interest.

- 5.4** [External activities](#) A member or employee involved in another activity and who may enter into conflict with the CHRD orientation should not take part in the decision-making when an issue to be discussed involves such activity.
- 5.5** [Nepotism in employment](#) CHRD takes every precaution to guard against favoritism of any kind in hiring staff members and must be scrupulously fair and honest in ensuring that positions are well advertised and that appointments are offered always to the best-qualified available candidates.
- When a member or employee is in a position to influence personnel decisions, such as recruitment, performance evaluation, promotion or termination of employment with respect to another person with whom he has or has had a valued relationship which might reasonably be seen as a conflict or potential conflict of interest, then the member or employee has a duty to disclose the situation to the Designated Officer.
- 5.6** [Gifts, hospitality and other benefits](#) Gifts, hospitality and other benefits that could influence a member or employee's judgment in the performance of his duties, functions or responsibilities for CHRD must be declined. Therefore, a member or employee must not accept, directly or indirectly, for himself or somebody else, any gift, hospitality or other benefit that are offered by persons, businesses or organizations having dealings with CHRD unless such gift, hospitality or other benefit answer all of the following criteria:
- a) is within the bounds of properties, a normal expression of courtesy or within the normal standards of hospitality;
 - b) is not such as to bring suspicion on the member or employee's objectivity and impartiality;
 - c) do not compromise the integrity of CHRD.
- 5.7** [Impossibility to decline](#) Where it is impossible to decline unauthorized gifts, hospitality or other benefits received, members and employees must immediately report the matter to the Designated Officer who may require that a gift of this nature be returned to the sender, be retained by CHRD or be disposed of for charitable purposes.
- 5.8** [Responsibility](#) Members and employees are responsible for seeking guidance from the appropriate source before embarking on activities, which might be questionable.

6) Prohibitions

Member or employee's voluntary exclusion

6.1 Member's exclusion Where a member is at a meeting at which consideration of a decision arises and where the member knows or ought to know that the decision may contravene to one of the provisions of Section 5, the member or employee shall:

- a) inform the meeting that the decision could result in a situation of conflict of interest and explain the general nature of that benefit;
- b) withdraw from the meeting;
- c) refrain from participating in or influencing the decision.

Such event shall be recorded in the minutes of the meeting.

6.2 Employee's exclusion Where an employee is involved in a file or request from a person or organization where he knows or ought to know that the decision may contravene to one of the provisions of Section 5, the employee shall:

- a) inform his immediate superior or the Designated Officer that the decision could result in a situation of conflict of interest and explain the general nature of that benefit;
- b) withdraw from the file if requested by his immediate superior or by the Designated Officer.

Exclusion requested by the CLMB members

6.3 Decided by the other members Where a member of the CLMB appears to be in a situation of conflict of interest but denies it, the other members of the CLMB may, after having invited the concerned member to explain himself, take a vote to decide if this member infringes the present policy and in the case of a positive vote, decide upon the matter.

Decided by the Designated Officer The CLMB members may also decide to refer the issue directly to the Designated Officer.

6.4 Positive verdict Should the CLMB or the Designated Officer decides that the member infringes the present policy, articles 6.1 b) and c) apply.

7) Disclosure statement

- 7.1 Form Within thirty days of the coming into force of this policy, any member or employee having or susceptible to have any kind of influence or decision-making power in any CHRD file shall complete the Disclosure statement. Each and every year thereafter this member or employee shall file a new Disclosure statement during the month of April or as soon as his personal situation changes and requires a new declaration. **(A declaration form is shown in Annex A)**
- 7.2 New member or employee Any person becoming a member or an employee as described in article 7.1 shall file the Disclosure statement as soon as appointed or hired.
- 7.3 Content Any member or employee:
- a) who has a direct or indirect interest in any proposed or existing contract with CHRD, service or payment from CHRD;
- OR
- b) whose relative has a direct or indirect interest in any such proposed or existing contract, service or payment,
- must disclose this interest as soon as it arises or, in the case of a relative as soon as he is aware of the interest of such relative interest.
- 7.4 Exclusions The duties of disclosure set out in article 7.1, 7.2 and 7.3 do not apply to the following:
- a) salary, allowances or the remuneration payable in accordance with the applicable CRA policies and directives;
 - b) expense accounts paid in accordance with the Travel policies and directives of CRA;
 - c) services provided by CHRD to the general public, such as those related to Employment Insurance benefits or Counseling, insofar as the participant is otherwise eligible to such services under the general rules applicable for such purposes;
 - d) contracts, services and payments involving a Cree Band or any other organizations in which cases a member or employee is deemed interested only if he is a Board member or director of such corporation.

8) Inquiry Procedure

- 8.1 Complaint Any member or employee as well as any other person who has reasonable grounds to believe that the provisions of this policy are not being complied with may file a complaint in this matter with the Designated Officer. To be accepted, the complaint must meet the following two criteria:
- a) the complainant must identify himself;
 - b) the complaint must provide sufficient information and details to allow the Designated Officer to understand the nature of the complaint and the identity of the member or employee who it is claimed is not complying with the provisions of this policy.
- 8.2 Inquiry Upon receiving a complaint, the Designated Officer shall carry out an inquiry as to the validity of such complaint. On ascertaining that there may be some grounds for such complaint, the Designated Officer shall take the measures, if any, which are required in the circumstances and which are consistent with the provisions of this policy.
- 8.3 Absence of complaint The Designated Officer may carry out an inquiry as to any member or employee's compliance with this policy, even in the absence of a complaint filed pursuant to Article 8.1.

9) Enforcement mechanism

- 9.1 Designated Officer The Designated Officer is responsible for the enforcement of this policy.
- 9.2 Functions of the Designated Officer In addition to the duties and responsibilities set out elsewhere in this policy, the Designated Officer must:
- a) provide a copy of this policy to the members and employees;
 - b) organize information sessions from time to time for members and employees concerning this policy;
 - c) advise on the application of and compliance with this policy in individual cases and assist members and employees in understanding how the said measures apply in their particular case;
 - d) assist in determining whether a particular situation constitutes a real or potential conflict of interest and

recommend measures to be taken by the member or employee in order to better comply with this policy;

- e) generally carry out all inquiries and provide all information to ensure the proper application of this policy.

10) Penalties

10.1 [For members](#) A member who does not comply with the provisions of this policy is subject to:

- a) receive a reprimand from the Designated Officer or from his Committee;

and

- b) when the circumstances warrant, be removed from any position on the CLMB or other committees of the CHRD.

The Designated Officer may take all measures and actions it deems useful to protect the reputation and integrity of the CHRD.

10.2 [For employees](#) An employee who does not comply with the provisions of this policy is subject to:

- a) receive a reprimand, be suspended or dismissed;
- b) have to discontinue association with a contract or agreement in which he is prohibited from participating;
- c) have to return any gain realized and improperly obtained.

10.3 [Other recourses](#) The penalties provided above are in addition to the civil recourses of the CHRD resulting from the civil liability of a member or employee who acts contrary to the law.

11) Final Provision

11.1 This policy comes into effect the day of its adoption.

Annex A
Disclosure Statement

In conformity with the “policy to prevent conflict of interest for members and employees of the Cree Human Resources Development Department”, which seeks to avoid any kind of conflict of interest or apparent conflict of interest with the CHRD, I, the undersigned, make the following solemn affirmation:

Name: _____

Community: _____

1) This declaration is:

- my first declaration
- my annual declaration
- an updated declaration since my last declaration made on __-__-__

2) This declaration is filled as:

- an appointed member
- an employee
- other / please specify _____

3) Interest in business or organization entities

A) I declare that myself or one of my relatives** hold shares or have a financial interest in the following businesses (excluding publicly traded corporations), organizations or other enterprise which have received a contract or a payment from the Cree Regional Authority (including the Cree Human Resources Development Department) in the previous twenty-four (24) months or which I reasonably believe will be seeking to establish a business relationship with or will be receiving a contract or payment from the Cree Regional Authority in the next twelve (12) months:

None

or

(name of the business, organization or other enterprise)

B) As a member or employee of the Cree Human Resources Development Department, I must avoid any kind of conflict of interest or apparent conflict of interest with CHRD.

Therefore, I declare that myself or one of my relatives** is a councilor, director, officer or employee of the following businesses, Cree Band, organizations or other enterprises which have received a contracts or payment from the CRA in the past twenty-four (24) months or which I reasonably believe will be seeking to establish a business relationship or will receive a contract or payment from the CRA in the next twelve (12) months.

None

or

Yes

a) _____,
name of the business, organization, etc.

Position held within this entity: _____

b) _____,
name of the business, organization, etc.

Position held within this entity: _____

I also declare that I have read and understood the “policy to Prevent Conflict of Interest for members and employees of the Cree Human Resources Development Department”.

Done in _____, this ____ day of _____, _____

Signature

** “Relatives” means the father, mother, step-father, step-mother, foster parent, brother, sister, spouse, child, step-child, ward, father-in-law, mother-in-law, or relative permanently residing with the member or employee.