



**Nova Scotia Provincial
Housing Agency**

Conflict of Interest Policy & Procedures

January 16, 2023



1. Purpose

As public servants and employees of the Nova Scotia Provincial Housing Agency (the “NSPHA”), we are required to prevent apparent conflicts of interest as well as actual conflicts of interest. This policy is intended to reduce the potential for conflict of interest within the NSPHA by defining the meaning and significance of apparent and actual conflicts of interest and underlining their implications for the integrity of the Nova Scotia Government, the public service and individual public servants within the NSPHA. It also provides processes and tools for mitigating issues as they arise.

2. Basic Concepts

It is the responsibility of NSPHA employees to identify actual, apparent or perceived conflicts of interests created by their actions and bring themselves into compliance with the NSPHA Conflict of Interest Policy and Procedures and the *Conflict of Interest Act*.

The Supreme Court of Canada has reinforced concepts of apparent and perceived conflicts of interest in various rulings. In key judgments, it has found that a job in the public service has two dimensions: one relating to the employee’s tasks and how they perform them and the other to the perception of a job held by the public. This means that the public interest is both **actual and apparent**. As such, public servants are responsible to act with integrity in both appearance and action.

3. Scope

This policy applies to all NSPHA employees whose terms and conditions of employment are set out in the *Civil Service Act* and its regulations, and other direct employees of the Province, including all bargaining unit employees. It focuses on actual and apparent conflicts of interest, formalizes the NSPHA’s adoption of the Nova Scotia Government [Code for Nova Scotia’s Public Servants](#) and its compliance with [Conflict of Interest Act](#), S. N.S. 2010, c. 35 sections 22-24. The Act has prevailing authority over this policy.

4. Policy Statements

NSPHA employees:

- a. Uphold the highest standards of integrity reflected in the *Code for Nova Public Servants*.
- b. Recognize that conflicts of interest in the public service, whether actual or apparent, undermine public confidence and that of elected officials. They also recognize that confidence in the public service is fundamental to the successful management of government overall.
- c. Place the trust and confidence of our citizens and elected officials in the highest regard and work to foster a reputation of being part of a caring and professional public service.
- d. Must be impartial and accountable and treat all citizens and all matters related to the public interest with respect, integrity and fairness.
- e. Will not unduly benefit through their position within the public service.

- f. Have personal and private interests and the same rights and privileges accorded every Nova Scotian.
- g. Can participate in, have membership in and serve not-for-profit organizations.
- h. Understand that when a conflict of interest exists the interests of the public supersede those of the employee.
- i. Understand that having a conflict of interest does not necessarily indicate wrongful conduct. Employees will not be disciplined for reporting, discussing or seeking information about conflict of interest.

5. Procedures

NSPHA employees must avoid actual, apparent or perceived conflict of interest. The mere perception of a conflict of interest and the failure to address it undermines the public's confidence in the public service. Employees can help prevent conflict of interest by using one or both of the following techniques: *Avoidance* and *Disclosure*.

In Avoidance, employees:

- a. Will act in accordance with the avoiding conflict section in the NSPHA Conflict of Interest Policy (the "Policy") and *How to Avoid Conflict of Interest Guidelines* (the "Guidelines")
- b. Will, as a condition of employment by the NSPHA:
 - i. Participate in orientation and training on conflict of interest;
 - ii. Uphold *Nova Scotia's Code for Public Servants*
 - iii. Indicate in writing that they have read and understand this Policy and are familiar with the associated Guidelines and tools by signing the Acknowledgement Form.
- c. Will, on identifying actual or apparent conflict of interest either in their own actions or those of others, complete a Conflict of Interest Mitigation Form and submit it to their manager or supervisor.
- d. Will, as part of their annual performance review, review the Policy, Guidelines and *Nova Scotia's Code for Public Servants* and agree to uphold them by signing the Acknowledgment Form.
- e. Will arrange their private interests in a manner that prevents actual and/or apparent conflicts of interest when carrying out the duties and responsibilities of their job.
- f. Will not engage in private interests that could be affected by government actions in which they participate.
- g. Will not give preferential treatment or disclose confidential information to private or personal interests or any person or organization intent on securing dealings with the government.
- h. Will not knowingly take advantage of, nor benefit from, information that is obtained in the course of their official duties and not generally available to the public.
- i. Will not benefit from government programs and services beyond the extent of what is available to all members of the public.
- j. Will disclose to their supervisors or managers details regarding contracts or agreements between government, minister, a department or the NSPHA and the employee's spouse, partner or dependent children.
- k. Will withdraw from activities or situations in which they believe there could be a conflict of interest and report in writing, to their manager or supervisor, details of their actions and the perceived conflict.
- l. Will not solicit economic consideration nor accept gifts in lieu of payment.
- m. Will not directly nor indirectly use or allow the use of government property of any kind, including property leased to the government for any purposes other than those that are approved.

- n. Will disclose to their manager or supervisor if conducting the duties of their job directly involves interacting with a family member in the workplace so that the arrangement can be reviewed so as to avoid a conflict of interest.
- o. If participating in outside employment or community-based activities (e.g., property management, client management) will avoid behaviours that could lead to an implication that they are participating in an “official” capacity, are there as an official on behalf of or a representative of the government or government opinion or policy. Employees will ensure that these activities do not unduly interfere with job-related duties and will not use government premises, equipment or supplies unless such use is otherwise authorized.

In Disclosure, employees:

- p. Have a duty to disclose conflicts of interest – actual or apparent – and provide in writing and in confidentiality a Conflict of Interest Mitigation Form to their manager or supervisor outlining the nature of the conflict(s) and their proposed measures to mitigate it.
 - i. Employees will refer to the Policy, Guidelines and the *Conflict of Interest Act* when they find themselves in a situation in which a conflict of interest exists. The *Conflict of Interest Act* reads:
 - 22(4) a public employee is at a meeting at which consideration of a decision arises in the execution of the office of the public employee and where the public employee knows or ought to know that the decision could result in the public employee receiving a personal benefit, the public employee shall; (a) inform the meeting that the decision could result in a personal benefit to the public employee and the general nature of that benefit; (b) withdraw from the meeting; and (c) refrain from participating in or influencing the decision.
 - ii. Managers or supervisors are responsible for ensuring employees review and understand the Policy, including when and how to disclose a actual or apparent conflict of interest and how to mitigate conflicts of interest when they arise.
 - iii. Where employees have submitted a Conflict of Interest Mitigation Form, managers or supervisors must report the conflict of interest to their director and to Human Resources and advise the employee in writing on how to proceed with the matter.

Confidentiality:

- q. Information concerning the private or personal interest of an employee that is provided to a supervisor, manager or director will be treated in confidence, subject to disclosure requirements established by law.

Failure to Agree:

- r. Should an employee and their manager or supervisor disagree about what is necessary to achieve compliance with the Policy, the disagreement must be submitted in writing to the director for decision.
- s. The employee and their manager or supervisor may, by application, request that the Conflict of Interest Commissioner give an opinion and recommendations, which are confidential, on any matter respecting employees under the Policy and the *Conflict of*

Interest Act. An employee who acts on the opinion and recommendations given by the Conflict of Interest Commissioner is deemed not to be in contravention of this Policy nor the *Conflict of Interest Act* with respect to the matters dealt with and the opinion and recommendation.

Gifts, Hospitality, and Other Benefits:

- t. Employees must carefully consider the implications of accepting gifts, hospitality and other benefits. Citizens and corporations will occasionally express their appreciation for the efforts of a public servant by offering gifts, hospitality or benefits. These gestures are usually modest and offered without expectation or in return for special consideration. On the other hand, a citizen or a corporation might offer a gift, hospitality or benefit that seems disproportionate or lavish or for which there could appear to be an implicit or explicit expectation of special consideration, (e.g., a service that exceeds what is typically available through a government program).
- u. Employees must exercise good judgement and discretion in deciding the intent of such a gesture and whether or not to accept the gift, hospitality or benefit. The employee must decide if accepting the gift, hospitality or benefit could appear to or actually compromise their integrity and commitment to government.
- v. If an employee is uncertain or concerned about accepting an offer of a gift, hospitality, or benefit, they should decline the offer and report the incident to their immediate supervisor as soon as possible. If an employee is offered a gift, hospitality or other benefit but does not believe that they can refuse the offer for fear of insulting the giver or in fear of their own safety, they must submit a Conflict of Interest Mitigation Form to their manager or supervisor, who will advise the employee on how to proceed with the matter.
- w. Employees will not solicit gifts, hospitality and other benefits from citizens, organizations, or companies unless for charitable purposes undertaken by the government and sanctioned by the director. Soliciting gifts, hospitality and other benefits for personal gain is contrary to this Policy and may be reviewed within the context of the Criminal Code of Canada.

Failure to Comply:

- x. An employee who fails to comply with the Policy is subject to appropriate disciplinary action up to and including termination of employment.

Post-Service Restrictions

- y. Post-service restrictions are governed by the *Conflict of Interest Act* which provides
 - 23(2) a former member or public employee, for six months after ceasing to hold office or employment, shall not knowingly (a) accept a contract or benefit that is awarded, approved, or granted by a government decision-maker; (b) make representations to a government decision-maker on his or her behalf of another person with respect to a contract or benefit; or (c) accept a contract or benefit from any person to make representations to a government decision-maker with respect to a contract or benefit that is or is to be awarded or granted by a government decision-maker.
- z. Under Section 24 of the *Conflict of Interest Act*, an employee may apply to the Conflict of Interest Commissioner to seek an exemption from the application of post-service restrictions and the Commissioner may grant such an exemption as per the Act.

6. Roles and Responsibilities

Staff

- Employees are responsible for avoiding conflict of interest situations, to account for their conduct, take appropriate action to mitigate conflict of interest and report a conflict of interest in writing to their manager or supervisor.
 - Upon being hired and at their annual performance review, employees will be asked to attend or update their training and orientation on conflict of interest and indicate in writing their agreement to abide by the Policy by signing reviewing the Guidelines and signing the Acknowledgement Form;
 - By signing the Acknowledgement Form, employees will indicate their agreement to abide by this Policy and the Code for Nova Scotia Public Servants;
 - Upon completing a Conflict of Interest Mitigation Form wherein actual or apparent conflict of interest are disclosed and described, employees will submit it to their manager or supervisor and, with the support of Human Resources Division as needed, take steps to mitigate the conflict of interest.

Managers and Supervisors

- Managers or supervisors are responsible for identifying and working with their staff to mitigate conflict of interest. The most effective means for mitigating conflicts of interest is to avoid them by ensuring all new and current employees:
 - Attend required orientation and training on conflict of interest;
 - Review the Policy, Guidelines and Code for Nova Scotia Public Servants;
 - Sign the Acknowledgement Form either upon entering employment with the NSPHA and at their annual performance review;
 - Understand how to disclose an apparent or actual conflict of interest and obtain the support they need to complete the Conflict of Interest Mitigation Form.
- Upon receipt of the signed Acknowledgement Form, all manager or supervisors will:
 - Keep one signed and dated copy of the Form for their files and;
 - Within ten business days from the date the Form is signed, provide a signed and dated copy to the Human Resources Division.
- Supervisors and managers are responsible for supporting employees to complete Conflict of Interest Mitigation Forms and to submit them to the director. They may also request involvement of the Human Resources Division to help mitigate the actual or apparent conflict of interest.
- Managers and supervisors must protect the confidentiality of an employee's disclosure of actual or apparent conflict of interest, advise the employee in writing on how to proceed where there is a conflict of interest and report the matter in writing to their director.
- Managers or supervisors are responsible for discussing post-employment restrictions with out-going staff, or for ensuring arrangements are made with the Human Resources Division for discussion of post-employment restrictions with out-going staff, prior to their departure as part of their exit interview.

Directors

- Directors are responsible for overseeing compliance with the Policy, Guidelines and Code for Nova Scotia Public Servants and will issue instructions necessary to implement this Policy including but not limited to:
 - Ensuring employees are informed of the Policy, Guidelines and Code;
 - Ensuring managers or supervisors and their staff demonstrate their ongoing commitment to abide by the Policy, Guidelines and Code;
 - Encouraging and supporting disclosure of conflicts of interest.
- Directors are responsible for protecting the confidentiality of an employee's disclosure of conflict of interest and, where necessary, advising the employee on how to proceed with the matter.
- Directors are responsible, where necessary, for consulting with the Human Resources Division, Senior Executive Team and/or the Conflict of Interest Commissioner.

Human Resources Division

- The Human Resources Division is responsible for:
 - Developing and maintaining training and orientation on conflict of interest for new and current NSPHA employees;
 - Collecting, reviewing, controlling and tracking conflict of interest disclosures and ensuring supervisors, managers and their staff annually sign the employee Acknowledgement Form;
 - Working with the Corporate Policy & Strategy Division to monitor and evaluate implementation of this Policy, processes and Guidelines;
 - Working with the Corporate Policy & Strategy Division to report annually to the Senior Executive Team.
 - Working with directors, managers and supervisors to address any issues or concerns that arise out of an employee's failure to comply with the Policy.

7. Effective Date

The *Conflict of Interest Policy* is effective as of December 31, 2022.

8. References

Government of Canada, Treasuring Board Secretariat. "Apparent Conflict of Interest." Accessed December 22, 2022. <https://www.canada.ca/en/treasury-board-secretariat/services/values-ethics/conflict-interest-post-employment/apparent-conflict-interest.html>

Conflict of Interest Act, 2010, c. 35, s. 1.
<https://nslegislature.ca/sites/default/files/legc/statutes/conflict.htm>

Civil Service Act, 1989, R.S., c. 70, s.1.
<https://nslegislature.ca/sites/default/files/legc/statutes/civil%20service.pdf>

Housing Authority. Human Resources Policy, Conflict of Interest Housing Policy, 2018. Accessed

December 22, 2022.

<https://novascotia.sharepoint.com/teams/HousingAuthorityHR/HADocuments/Conflict%20of%20Interest%20Policy%20Oct%20202018%20.pdf>

Nova Scotia Public Service Commission, Government of Nova Scotia. *8.1 Conflict of Interest Policy*. Accessed December 6, 2022.

<https://novascotia.ca/treasuryboard/manuals/PDF/500/50801.pdf>

Nova Scotia Public Service Commission. *Values, Ethics & Conduct: A Code for Nova Scotia's Public Servants*. <https://beta.novascotia.ca/sites/default/files/documents/1-1523/code-conduct-public-servants-en.pdf>

9. Enquiries

Any enquiries about this Policy and/or Procedure can be directed to the Director, Public Housing Policy.

10. Policy & Procedure History

Version	Revisions Date	Description of Revision
1.0	October 2018	Housing Authority Conflict of Interest Policy
2.0	January 2022	NSPHA Conflict of Interest Policy & Procedures

Appendix A: Supporting Tools

Employee / Employer Forms	<ul style="list-style-type: none">• Conflict of Interest Acknowledgement Form• Conflict of Interest Mitigation Form
Resources for Staff	<ul style="list-style-type: none">• Policy Bulletin• <i>How to Avoid Conflict of Interest Guidelines</i>• <i>Values, Ethics and Conduct: A Code for Nova Scotia's Public Servants</i>

Contact

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