Conflict of Interest and Ethics Commissioner
Commissaire aux conflits d'intérêts et à l'éthique

Information notice
for reporting public office holders

Conflict of interest screens

Here is some general information to help reporting public office holders understand the Conflict of Interest Act. This document explains what conflict of interest screens are, and how they can help you avoid conflicts of interest when doing your job. We encourage you to contact the Commissioner's Office for confidential advice by calling 613-995-0721 or by sending an email.

Individuals who are appointed to public office may face conflicts of interest because of their investments, close relationships with industry players, or other reasons.

You are in a conflict of interest within the meaning of the Act when you exercise an official power, duty or function that provides an opportunity to further your private interests or those of a relative or friend, or to improperly further another person's private interests.

Recusal—stepping away from a discussion, decision, debate or vote on any matter in which you have a conflict of interest—is the best way to manage such conflicts. Recusal is different from abstention. It is more than simply staying silent during a discussion or not voting, because your mere presence could influence another participant. You must leave the room (physical or virtual) and refrain from having any further involvement in the matter.

The Commissioner's Office can help you avoid these situations, and the need for recusal, by working with you to set up a conflict of interest screen. If a screen is in place and working correctly, files that might pose a conflict are not shown to you. You will be kept out of any discussions or decisions about them.

A screen is a preventive measure (also called a "compliance measure") authorized by the Act:

- Under section 29, the Commissioner may decide what measures a public office holder needs to take to comply with the Act. The Commissioner should try to get the public office holder's agreement on them.
- Under section 30, the Commissioner may order a public office holder to take any necessary compliance measures.

1. When do I need a screen?

The Commissioner's Office will work with you to see if you need a conflict of interest screen.

Your advisor in the Commissioner's Office will consider these factors:

- Is there a private interest at play?
- Is there a conflict of interest?
- Is it highly likely you will be involved in discussions or decisions on a matter in which you have a conflict of interest?

If the answer to all these questions is "yes," the Commissioner's Office may recommend a screen. If the Commissioner believes a screen is necessary and you agree, your advisor will help you set one up.

You do **not** need a screen if:

- There is no private interest involved
- The risk of conflict of interest is low
- It is not likely you will be involved in discussions or decisions on a matter in which you have a conflict of interest

However, if you find yourself in a conflict of interest situation, you must recuse whether you have a screen or not.

2. How does a screen work?

A conflict of interest screen is a formal, written plan that includes:

- a description of the conflict of interest
- the names of the individuals and/or entities involved
- the title of the screen administrator (someone from your department or organization who is tasked with managing the screen)
- a description of the screen administrator's responsibilities
- a statement that you agree to stay out of any discussions, decisions, debates or votes about the matter in which you have a conflict of interest.

The screen administrator will make sure that matters related to the conflict of interest described in the screen are not brought to your attention. They will give those files to other people to handle instead.

There are examples of conflict of interest screens in the public registry. (Click on "Compliance measures" under "Declaration type.")

3. What are some best practices for a screen?

- **Transparency**: Everyone who works with you should know about your screen. They should have access to a list of all conflicts of interest screens.
- **Internal procedure**: The screen administrator should set up an internal procedure to identify matters covered by the screen. It could include reviewing meeting agendas and funding applications before they reach you, so they can be redirected if necessary.
- **Monitoring**: To ensure compliance, the screen administrator should keep track of who is accessing communications and data about the matter in which you have a conflict of interest.
- **Documentation**: The screen administrator should keep detailed records of each time the screen stopped something from coming to your attention.

4. What if something slips through my screen?

A conflict of interest screen helps you avoid seeing or dealing with files in which you have a conflict of interest. You may, however, still find yourself in a conflict of interest situation.

If a matter that should have been caught by your screen—or any other matter in which you have a conflict of interest—comes to your attention, you must recuse yourself from any discussions, decisions, debates or votes about it.

If you are a reporting public office holder, you must publicly declare the recusal within 60 days. Your declaration must identify the conflict of interest that you avoided by recusing.

5. Are screens made public?

Yes. The Commissioner's Office posts conflict of interest screens in the public registry, as authorized by subsection 51(1) of the Act.

6. What if my organization has its own conflict of interest rules?

Your organization may have its own procedures and rules for avoiding conflict of interest situations.

Those rules might be different from those in the Act. Following your organization's internal procedures and rules does **not** mean you are meeting your obligations under the Act.

For example, as discussed in the *Verschuren Report* on an investigation under the Act, your organization might have rules that require you to abstain, rather than recuse, from matters in which you have a conflict of interest. Simply abstaining instead of recusing falls short of the Act's requirements.

Your organization may set up additional conflict of interest measures not required under the Act for you to avoid dealing with certain matters. You must tell the Commissioner's Office about them.