

Conflict of Interest and Confidentiality

Article I Definitions and Article 1V

Chapter 192, Public Service, Toronto Municipal Code

*The Toronto Public Service By-Law is Chapter 192, Public Service, Toronto Municipal Code.
Numbers in (brackets) are references to specific sections in the By-law.*

1. Policy Statement (§ 192-11).

City and Agency employees are expected to conduct themselves with personal integrity, ethics, honesty and diligence in performing their duties. City and Agency employees are required to support and advance the interests of the City or Agency and avoid placing themselves in situations where their private interests may be in conflict with, or be perceived to be in conflict with the interests of the City or Agency.

In certain circumstances, the duties and obligations imposed by this Policy will continue after the employee leaves the City or Agency including that a City or Agency employee will not directly or indirectly use or disclose confidential information unless required by law or authorized by the City or Agency after the employee leaves the public service.

2. Definitions (§ 192-1)

Conflict of Interest

A conflict of interest refers to a situation in which a public servant has private interests that could compete with or that may be perceived to compete with their duties and responsibilities as an employee.

A conflict of interest can also be a situation where an employee can use their position for private gain or expectation of private gain, non-monetary or otherwise. A conflict may also occur when the private interest benefits an employee's family, friends or organizations in which the employee or their family or friends have a financial interest.

Private Interest

Private (or personal) interest means a relationship, obligation, duty, responsibility or benefit unique to the employee or a person related to the employee.

Confidential Information

Confidential information includes, but is not limited to, privileged information, draft by-laws or staff reports, third party information, personal information, technical, financial or scientific information and any other information collected, obtained or derived for or from City records that must or may be kept confidential under the *Municipal Freedom of Information of Privacy Act, 1990*, the *Personal Health Information Protection Act, 2004* or the *City of Toronto Act, 2006*.

3. Requirement to Report Conflict of Interest (§ 192-11, para. D).

Employees of the City or Agency may seek advice in relation to the application of this Policy from, and must report any conflict of interest or perceived conflict of interest to their immediate supervisor/manager or their Ethics Executive.

4. Conditions (§ 192-11, para. E, F).

The rules and examples that follow do not exhaust the possibilities for conflict of interest, but they identify obvious situations covered by these provisions. The obligations and duties applicable to an employee resulting from these provisions do not replace, remove or supersede the duties and obligations required by applicable professional designations or regulatory bodies.

5. Preferential Treatment (§ 192-12).

City or Agency employees are not allowed to use their positions to give anyone preferential treatment that would advance their own interest or that of any party where such advance is contrary to the interests of the City or Agency, or would be otherwise contrary to the expectations set out in these provisions.

6. Gifts (§ 192-13).

A City or Agency employee will not accept, arrange to accept, give or request to be given a reward, gift, advantage or benefit of any kind from any person or entity that influences or could be perceived to influence the performance of the employee's duties.

A City or Agency employee, who receives a gift in the performance of their duties, will immediately notify their manager/supervisor or Ethics Executive.

A City or Agency employee may accept a gift of nominal value given as an expression of courtesy or hospitality if doing so does not influence, or would not be perceived to influence, the performance of the employee's duties. The head of a City or Agency department or division may pre-determine that no gift may be accepted under any circumstance.

7. Employment of Relatives (§ 192-14).

The City and Agencies will maintain policies that govern the employment of relatives. The Policy at a minimum must outline the rules restricting supervisory relationships between relatives, and the recruitment and appointment of a relative.

8. Use of City or Agency Property (§ 192-15).

A City or Agency employee may not use, or permit the use of, City or Agency property, including facilities, equipment, supplies or other resources, for activities not associated with the proper performance of their duties. Any exceptions must be approved by the City or Agency department or division head.

9. Use or Disclosure of Confidential Information (§ 192-16).

A City or Agency employee may not, during the term of their employment or any time thereafter, directly or indirectly use or disclose any confidential information obtained by them during the course of their employment with the City or Agency to another person or entity unless the employee is required by law, or authorized by the City or Agency. The obligation to maintain confidentiality, except as required or permitted by law or the City or Agency, continues after the employee leaves the public service.

10. Disclosure of Financial Interests (§ 192-17).

A City or Agency employee involved in a decision-making process related to a contract, sale, or business transaction who knowingly has a financial interest in the City or Agency contract, sale or business transaction, or has family members, friends or business associates with such interests, must disclose their interest to their immediate supervisor/manager or their Ethics Executive and remove themselves from any decision-making process.

11. Participating in Decision-Making (§ 192-18).

A City or Agency employee will not participate in a decision-making process with respect to a matter that they are able to influence in the course of their duties if they could benefit from the decision, unless they are authorized by the City or Agency department or division head.

12. Engaging in Outside Work or Business Activities (§ 192-19).

A City or Agency employee may not engage in any outside work or business activity that conflicts with their duties to the City or City Agency; or could benefit from confidential information obtained during the course of their employment.

13. Appearing Before City or Agency Committees (§ 192-20).

A City or Agency employee may not appear before a City or Agency committee on behalf of a private citizen or third party other than for themselves or a family member.

City and Agency employees must identify themselves as such if they are making a deputation to a City or Agency committee, unless they appear as a private citizen on matters that do not relate to their employment.

14. Conduct Respecting Lobbyists (§ 192-21).

All City and Agency employees should be familiar with the requirements and expectations for dealing with lobbyists as outlined in Toronto Municipal Code Chapter 140, Lobbying.

15. Failure to Comply with the Policy (§ 192-22).

Individuals who fail to comply with the conflict of interest provisions may be subject to disciplinary action up to and including dismissal and, where warranted, legal proceedings.

16. Related Policies

- City and Agency Policies Governing the Employment of Relatives
- Toronto Municipal Code Chapter 140, Lobbying

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