



# Program Instructions

## This Program Instruction applies to the following:

- ✓ HSA Part VII Housing Providers (Provincial Reform)
- ✓ Former Federal Program Housing Providers (s. 15.1/27, s. 56.1/95)
- ✓ Housing York
  - ✓ Public Housing
  - ✓ HSA Part VII

## Conflict of Interest

### Summary:

This Program Instruction outlines the Region's local conflict of interest standard for Directors, employees and agents of a Housing Provider.

### Context:

A Director, officer, agent or employee of a Housing Provider shall not knowingly enter into any situation, arrangement or agreement which results in a conflict of interest.

Conflict of interest is defined as:

- A situation where personal or business interests (financial, emotional, or otherwise) of a Director, officer, agent or employee of a Housing Provider are in conflict with the interests of the Housing Provider.

Or

- A personal gain, benefit, advantage or privilege is directly or indirectly given to or received by a Director, officer, agent or employee of the Housing Provider or a person related to one of them as a result of a decision by the Housing Provider.

A person related to a Director, officer, agent or employee includes:

- |                    |                                                                                           |
|--------------------|-------------------------------------------------------------------------------------------|
| • a parent         | • nephew/niece                                                                            |
| • spouse           | • mother/father-in-law                                                                    |
| • child            | • sister/brother-in-law                                                                   |
| • household member | • grandparent                                                                             |
| • sibling          | • a person with whom the Director, officer, agent or employee has a business relationship |
| • uncle/aunt       |                                                                                           |

### ***Examples of conflict of interest:***

- Director on the Board knows or is related to one of the bidders on a quotation for service or a purchase.
- A Co-operative's Board Member has a strong personal view against overnight guests and is attempting to influence the Co-operative's guest policy to accommodate personal interest.
- A Director on the Board who is also an employee of the Housing Provider participates in the development of employee benefits and pay policies.
- Employees that were involved in making the decision to refuse to offer a unit to a household are involved in reviewing the household's appeal of the decision.

In all of the above examples, the individual involved in the situation must declare a conflict of interest.

### **Process:**

The Board of Directors must make conflict of interest a standing agenda item at every board meeting.

### **Reporting a conflict of interest**

1. If a Director, officer, agent or employee of a Housing Provider recognizes that he or she is in or may have entered into a situation, arrangement or agreement that results in or may result in a conflict of interest. He or she must notify the Chair of the Board of Directors of the Housing Provider as soon as possible and no later than the next board meeting.
2. The notification of conflict of interest must be made in writing and must include:
  - a. the name of the Director, officer, agent or employee,
  - b. description of the situation, arrangement or agreement, and
  - c. how the interests of the claimant have or may have conflict with the interest of the Housing Provider
3. The claimant must temporarily distance themselves from the situation, arrangement or agreement until the Board of Director determines whether the conflict of interest exists. The claimant must also remove themselves from the Board's conflict of interest review and decision process.
4. The Board of Directors must investigate every notice of conflict of interest and determine whether conflict of interest or potential conflict of interest exists by no later than the next board meeting after the notice is given. The decision must be reflected in the minutes of the meeting.

5. If it was determined that there is a conflict of interest the Directors, officers, agents or employees must remove themselves from the process to which the conflict of interest applies.
6. The Chair of the board must notify the Housing Provider's Program Coordinator in writing every time a conflict of interest notice is received.

### **Proceeding with board business in case of a conflict of interest**

In case of a conflict of interest, the Housing Provider may still proceed with the process if:

- The staff implicated and the Housing Provider has followed the process for reporting a conflict of interest, and
- The Region agrees that there is no reasonable alternative for the Housing Provider other than entering into the situation, arrangement or agreement that results in or may result in the conflict of interest.

**Authority**            *Housing Services Act, 2011* – section 75  
                              *Ontario Regulation 367/11* – section 100 (1)

**Reference**           *Social Housing Reform Act, 2000*  
                              *Ontario Regulation 339/01* – section 4

**If you have any questions please contact your Program Coordinator**

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