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GBCA
STAFF CONFLICT OF INTEREST
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1. GUIDING PRINCIPLES

- 1.1 The Winnipeg School Division (WSD) recognizes and supports the involvement of employees in all community school activities.
- 1.2 WSD believes that all employees occupy positions requiring public trust and confidence and are expected to discharge their duties and responsibilities professionally, and impartially.
- 1.3 Employees shall not use their position to influence students and families for personal gain or to promote the commercial or partisan interests of any person, business, or institution.

2. DEFINITIONS

- 2.1 A conflict of Interest is defined as any direct or indirect interest in, connection with, or benefit from outside activities, especially business activities, involvement in which might adversely affect WSD, or benefit the employee directly or indirectly as a result of the employee's position or connection with WSD, including the use of WSD materials, personal contacts, knowledge or time during the workday for personal profit or gain.
- 2.2 A conflict of interest exists when an act to further the personal interest of an employee has a negative effect on the WSD.
- 2.3 A Conflict of Interest includes involvement in an outside for personal financial gain or uses that time paid for by WSD (ie. workday).
- 2.4 A Conflict of Interest may include employees who solicit or accept gifts for personal use, prizes or hospitality from any person, firm or corporation with whom the WSD does business.
- 2.5 Employee refers to all persons who are employed with WSD full-time, part-time, permanent, term, contract or volunteers.
- 2.6 Immediate Family: A Spouse (including common-law or same-sex), child, sibling, parents, spouses' parent, niece, nephew, aunt, uncle, grandparent, grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-child, step-sister, step-brother, step-parent, any other person who is related by blood, marriage or adoption or who resides in the same household.
- 2.7 Employees in a position of hiring shall not recruit, select or retain a relative for employment. (See also Policy GCC-Recruitment)

3. RESPONSIBILITIES

- 3.1 Superintendent/Chief Executive Officer (CEO)

The Superintendent/CEO is responsible for the implementation of this policy.



3.2 Staff Support And Relations

Ensure all employees are aware of the Conflict of Interest Policy upon employment at WSD.

Ensure all complaint/disclosures are dealt with appropriately.

Assist management when Conflict of Interest issues are suspected or disclosed.

Work with the employee to ensure a fair review is conducted and that all outcomes protect both the employer and the employee relationships.

4. EMPLOYEE

- 4.1 Employees shall not act as agent in the sale of or in promoting the sale of any book, equipment, furniture, apparatus, stationery or any other item for use in a school.
- 4.2 Employees shall not receive any remuneration or other compensation for any such sale or for promoting any such sale.
- 4.3 Employees shall not have an interest, direct or indirect, to any supplier to the WSD which might produce financial gain.
- 4.4 Employees shall not accept any gift, reward, benefit, or favour which could reasonably be construed as an incentive to encourage the employee to use their influence with students, families, staff or other persons associated with WSD for the purpose of patronizing any commercial enterprise or obtaining preferential treatment for persons, agents or organizations in their dealings with WSD, including suppliers, consultants and contractors.
- 4.5 Employees shall not conduct non-WSD business on WSD time, or use WSD equipment, resources, including financial, technical or facilities, including communications channels, to promote or benefit personal business, political or religious interests, unless prior approval has been obtained, in writing, from the Superintendent/CEO.
- 4.6 Employees shall not use WSD property, including automated resources (eg. computers, industrial arts equipment), for any purpose not explicitly approved by Superintendent/CEO. All software and other material developed by employees of WSD in the course of their employment during the workday or provided by third parties shall be treated as property of WSD. Any unauthorized copying of proprietary material, including but not restricted to software may place WSD in breach of copyright laws, and is strictly prohibited.
- 4.7 Employees shall not furnish names, addresses and/or telephone numbers of students, parents/guardians or employees to outside interests, or use this information for their own purpose.
- 4.8 Employees shall not use or transmit non-public information or use knowledge gained from WSD business for any personal business transaction before that information becomes public or transmit such knowledge to any persons outside the WSD or to other employees of the WSD who do not need to know such information in the performance of their work. Employees who are unsure whether a particular piece of information is non-public in nature shall seek direction from their immediate supervisor.



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4.9 Employees shall not release to unauthorized persons information related to personnel matters, matters under negotiation, litigation or potential litigation or any other confidential information to which they have access only by virtue of their employment, where the release of the information may be prejudicial to the Board or potentially infringe on the privacy of others.

4.10 Employees shall not accept gifts, favours, fees, stipends, reduced or free goods or services or a benefit of any kind from an individual or company which provides goods or services to WSD, or which is seeking to provide goods or services to WSD, where the employee is in a position to influence such dealings. This provision does not preclude employees from accepting gifts or honoraria of modest value for services rendered in the course of their duties such as for speaking engagements or for accepting passes to accompany students on excursions or field trips which are in direct support of the event. Any such gift, honorarium or pass which exceeds an estimated value as established from time to time by the Superintendent/CEO shall be declared with the Superintendent/CEO.

5. CONFLICT OF INTEREST DECLARATION

5.1 A WSD employee who believes that they are, or anticipates being, or may be perceived to be in a Conflict of Interest, must initiate the following disclosure process with the WSD:

- a) Disclose the conflict, whether it is potential, anticipated or perceived, by completing the Conflict of Interest Declaration form;
- b) A disclosed Conflict of Interest must be assessed by management with support from Staff Support and Relations, and must be approved by management/supervisor;
- c) The employee must be given a written response. If a conflict exists, they will be instructed on the necessary actions to address the conflict;
- d) Management will work proactively with the employee and provide guidance on how to resolve the Conflict of Interest;
- e) The outcome and action will be kept on the employee personnel file;
- f) In the event an employee disagrees with a decision concerning the existence of a Conflict of Interest or how it is to be addressed, they may appeal the decision.

6. EMPLOYMENT RESTRICTIONS

6.1 No person who is an immediate relative of the Superintendent/CEO or any member of the Board of Trustees shall first be employed by WSD during the term of office of that official except as provided for in Section 6.6.

- a) For purposes of this policy relative shall mean Immediate Family: A Spouse (including common-law or same-sex), child, sibling, parents, spouses' parent, niece, nephew, aunt, uncle, grandparent, grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-child, step-sister, step-brother, step-parent, any other person who is related by blood, marriage or adoption or who resides in the same household.
- b) This will not apply to any employee hired by the WSD prior to the appointment or election to office of the officials stated above-, however must be declared and submitted to the Superintendent/CEO.

6.2 No person shall be first employed or assigned to or remain in the school, department, or section in which an immediate relative is employed as a supervisor.

6.3 Employees shall not give preferential treatment to relatives, personal friends or to organizations in which they or their relatives or friends have an interest, financial or otherwise.



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- 6.4 No person shall be employed in a position where, by reason of marital or family status, there would be the possibility of:
- a) Collusion;
 - b) Breach of confidentiality;
 - c) Conflict of interest.
- 6.5 Employees shall not be permitted to hire or be responsible for hiring a member of their own family, a relative or a person about to become a relative or a personal friend.
- 6.6 Persons who are immediate relatives as set out in Section 6.1 and who, upon applying for employment in WSD are successful in having their application accepted, shall not be employed until such employment is approved by the Board of Trustees by way of a resolution duly recorded in the minutes.
7. EXCEPTIONAL CIRCUMSTANCES
- 7.1 Where an employee believes that exceptional circumstances exist or that a conflict of interest could exist or is likely to arise, the employee shall consult with their immediate supervisor.
- 7.2 If the supervisor agrees that there are exceptional circumstances or that a conflict exists or could arise, the supervisor shall notify the Superintendent/CEO.
- 7.3 The Superintendent/CEO shall issue a ruling as to an appropriate course of action to be followed.
- 7.4 In cases where a potential conflict of interest may arise with respect to remuneration to an immediate family member of a trustee, the matter shall be referred to the Board of Trustees for consideration.
8. DISCIPLINE
- 8.1 An employee who has acted in contravention of this policy is subject to disciplinary measures in accordance with Board Policy GCP - Discipline and Discharge.
- 8.2 Employees must comply with the decision of management or the result of the appeal. The appeal decision is final. Failure to comply with a decided outcome may result in discipline up to and including termination.
- 8.3 Where an employee believes they were unfairly disciplined for a breach under Conflict of Interest, they can file a grievance under their collective agreement. In the event they are an out of scope employee, they may file a complaint with their Staff Support and Relations Representative.
9. APPEAL PROCESS
- 9.1 In the event an employee does not feel the decision regarding their disclosure (either the existence of a Conflict of Interest or how it is to be addressed) is appropriate, they can appeal the decision.
- 9.2 The following appeal process will be applied:
- a) The appeal must be sent in writing to the Superintendent/CEO;
 - b) The situation will be reviewed by the Superintendent/CEO and the Assistant Superintendent of Staff Support and Relations;
 - c) The response to the appeal either confirming, revising, or reversing the decision will be sent to the employee in writing. This decision is final.



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- 9.3 In the event a manager/supervisor does not feel the decision regarding their disclosure is appropriate, they can appeal.
- 9.4 The following appeal process will be applied:
- a) The appeal must be submitted in writing to the Assistant Superintendent of Staff Support and Relations.
 - b) The situation will be fully reviewed by the Assistant Superintendent of Staff Support and Relations in consultation with Assistant Superintendent;
 - c) A recommendation will be made to the Assistant Superintendent of Staff Support and Relations for final decision;
 - d) The response to the appeal either confirming, revising, or reversing the decision will be sent to the manager/supervisor in writing;
 - e) The decision at this stage is final.
- 9.5 In cases where employees disagree with the decision of management, an appeal can be made to the Appeal Committee consisting of the Superintendent/CEO, Secretary-Treasurer, and Board & Community Liaison Officer.
- a) Appeals must be made in writing or e-mail and directed to the attention of the Board and Community Liaison Officer. You may use the Appeals Form to submit your appeal or provide the information requested in an e-mail or letter. The form and any relevant supporting documentation may be emailed to board@wsd1.org.
 - b) Written appeals should include a full description of the circumstances related to the appeal, including the basis for the appeal;
 - c) The Appeal Committee will provide a complete explanation of the Conflict of Interest Policy;
 - d) The Appeal Committee will review the appeal and provide a response in writing or e-mail within fifteen (15) working days after receipt;
 - e) The decision of the Appeal Committee is final.