

Wahnapiatae First Nation Conflict of Interest Policy

Amended by Chief and Council BCM WFN: 20/21-03-238
At Chief and Council Meeting of: March 23, 2021

Amended and Adopted by Chief and Council by BCM 15/16-17 on July 14, 2015

Adopted by Chief and Council by BCM 11/12 #149 on October 18, 2011

1. Purpose

1.1. The purpose of this conflict of Interest Policy is to enhance public confidence in the integrity of Wahnapiatae First Nation council, committees and Administration by establishing clear rules of conduct with respect to conflict of interest.

2. Definitions

2.1. "Related person" means a spouse including a spouse in a common law relationship, parent, parent-in-law, sibling, child, grandchild, dependent, sister-in-law, brother-in-law, aunt, uncle, niece, nephew, or any person with whom that person currently resides, or a corporation in which that person has an interest.

2.2. "Financial Benefit" includes but is not limited to:

- a) Employment benefits;
- b) Contract benefits;
- c) Educational, medical or other social benefits;
- d) Honorariums which are above those agreed upon;
- e) The payment of any money; and
- f) The allotment, leasing, or other grant of an interest in WFN lands

3. Prohibition

3.1. A Councillor, employee, or member of a committee of Council must avoid all circumstances that may result in an actual or perceived conflict of interest.

4. When Conflict of Interest Arises

4.1. Under this policy, a conflict of interest will arise when:

- a) A Councillor, employee or committee member exercises an official power or performs an official duty or function in the execution of his or her office, job or committee and at the same time knows or ought to know that in the performance of that duty or function, or in the exercise of the power, there is opportunity to receive a Financial Benefit for themselves or to otherwise create an advantage for him or her or a related person over and above any other member of the public; or
- b) a Councillor's, employee's or committee member's personal interests supercede or compete with their duty to act in the best interests of the WFN.

4.2. For the purposes of this policy, a Councillor, employee or committee member has perceived conflict of interest if there is a reasonably informed person might have, that in the councillor's employee's or committee member's exercise of an official power or performance of an official duty or function, they may have been affected by his or her personal interest.

5. Duty to Avoid and Declare Conflict of Interest

5.1 Councillors, employees and committee members will arrange their private affairs and conduct themselves in a manner to avoid a conflict of interest under this policy.

5.2. A Councillor, employees or committee member with an actual or perceived conflict of interest will, without delay, declare the actual or perceived conflict of interest as follows:

- a) If Councillor or Executive Director, to council;
- b) If an Employee other than the Executive Director, to the Executive Director who will notify council; or
- c) If a committee member, to the relevant committee

5.3. In any case where an actual or perceived conflict of interest has been declared, the council or chair of the relevant committee, as the case may be, will decide whether the perceived or actual conflict of interest does exist and advise as to the appropriate action in each case.

5.4. Where a councillor, employee or committee member is uncertain as to whether a conflict of interest may exist, the situation must be disclosed to

council, to the committee or to the supervisor of an employee, as the case may be, for decision as to whether a conflict of interest does exist.

5.5. In the event a Councillor, employee or committee member believes another Councillor, employee or committee member to be in an actual or perceived conflict of interest, such person shall immediately report the matter to the Council, committee or supervisor of an employee, as the case may be, to ensure the application of this policy.

5.6. A Councillor, employee, or committee member with an actual or perceived conflict of interest will not exercise their powers as a Council member, employee or committee member and:

- a) Will not participate in any discussion or vote on any question in respect of the matter;
- b) Will immediately leave the meeting or part of the meeting during which the matter is under consideration;
- c) Will not sign a Band Council Resolution, Committee Resolution, or letter in respect of the matter; and
- d) Will not in any way, before during or after the meeting, attempt to influence the opinion or vote of the council or committee on any question in respect of the matter.

6. Penalty

6.1. Any Councillor, employee or committee member who fails to make a complete disclosure of a conflict of interest may lose their position without prejudice to any other disciplinary or legal action the Council, on behalf of WFN, may take.

7. Amendments

This policy can be amended by the Chief and Council at any time at a duly convened meeting with a simple majority vote.

8. Reviews

This policy must be reviewed every 3 years from the date it is first adopted by Chief and Council.