

Conflict of Interest Policy

Scope

This policy applies to all members of the Ontario Medical Association (OMA) Board of Directors.

Definitions

“Conflict of Interest”: A conflict of interest is a situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties as a Director of the OMA.

“Private or personal interest”: Refers to an individual’s self-interest (e.g. to achieve financial profit or avoid loss, or to gain another special advantage or avoid a disadvantage); the interests of the individual’s immediate family or business partners; or the interests of another organization in which the individual holds a position (voluntary or paid).

“Objective exercise of duties”: Refers to an individual’s ability to carry out her or his responsibilities in the best interest of the OMA.

Types of conflict

A Board member may be in a conflict of interest situation that is:

1. Actual or real, where his official duties are or will be influenced by his private interests.
2. Perceived or apparent, where her official duties appear to be influenced by her private interests.
3. Foreseeable or potential, where his official duties may be influenced in the future by his private interests.

Responsibilities

Overall Responsibility

The Chair of the Board is responsible for managing conflict of interest situations in order to ensure that decision-making is not influenced by conflicting interests.

Responsibility for Prevention

Individual Directors shall assume responsibility for both “self-declaring” possible conflicts of interest, and respectfully raising possible conflicts faced by others in the organization. This culture makes it possible to avoid many such situations from arising in the first place.

Staff and Board members have the responsibility to implement practical preventive measures, such as:

- Providing education about what is and is not a conflict;
- Providing meeting agendas in advance to enable participants to foresee possible conflicts;
- Ensuring that people are clearly told when information must be protected from improper use;
- Declining involvement in an action (such as supporting a questionable outside activity)

Responsibility for Managing

Where prevention is not the solution, conflict of interest situations must be managed. Here are the steps to be taken by those involved in such situations, working together and supporting one another’s ethical responsibilities.

1. Declare it. Ensure transparency by self-declaration, and by making sure that a record of the declaration is made.
2. Discuss it. In a doubtful situation, Directors should discuss the matter with the Chair or undertake a full dialogue with the group, if the situation warrants it.
3. Deal with it. Measures to mitigate or eliminate a conflict of interest will depend on what is appropriate to the severity of the situation. Options include:
 - a. Restrict the involvement of the individual. For example, withdraw from decision-making. This would not be appropriate if the conflict of interest arises frequently, or if the individual cannot be separated from parts of the activity.
 - b. Recruit a third party to assist. For example, ask an independent party to sit on committee responsible for a job search. There will be situations where no appropriate third party is available.
 - c. Remove the individual from affected duties. When (a) or (b) are not suitable options, the individual with the conflict may be removed from duties related to the conflict. The individual could transfer to other duties.

d. Relinquish the private interest. In cases of serious conflict, the individual may choose to drop the private interest, such as membership on the Board of another organization, which is causing the conflict.

e. Resign from the official duties. In serious cases where other solutions are not possible, the individual may have to resign from the position creating the conflict.

Disclosure & Management

1. This policy must be explained to all new Board members. All such affected persons must agree in writing, at the outset of taking a position, to abide by the policy.

2. At that time, Board members must disclose possible conflict situations to the Chair in confidence. Subsequent material changes must be disclosed when they first emerge.

3. The Chair will indicate to each individual whether any further action is necessary to manage the possible conflicts of interest disclosed. Actions might include the following, depending on the severity of the conflict:

- a. Declaring the conflict to all concerned before discussion or decision-making;
- b. Withdrawing from final decision-making only;
- c. Withdrawing from all aspects of discussion and decision-making.

4. The Chair is also the final authority on resolving disputes, for example when an individual does not agree with the perception that he or she is facing a conflict of interest.

5. The Chair is the authority on dealing with real conflicts of interest that are discovered “after the fact”. A variety of serious measures, such as cancelling a contract or hiring decision, may have to be considered, case by case, in such situations. OMA Legal Services will normally be involved in the final disposition. For the purposes of this policy, the Board Chair is the appropriate authority in all matters relating to the affairs of the Board.

6. If any issue involves the Board Chair’s own affairs, steps 1- 5 shall be dealt with by the President and President-Elect.

Transparency

The application of this policy involves two types of transparency:

1. Confidential Disclosure: Affected persons must provide information on possible conflicts of interest and related matters to the Chair. This information will be kept strictly confidential.

2. Declaration to Concerned Parties: If the Chair deems that a particular element of information on a possible conflict of interest must be provided to a wider audience of concerned parties (such as the members of a committee of the Board or the Board), then a declaration of the conflict of interest situation will be made and recorded. The person involved should be consulted prior to the wider declaration.

Breaches

Breaches of this policy will be dealt with as outlined in the Board Code of Conduct.

Supplementary Documents

1. Flowcharts for Determining Conflicts of Interest
2. Conflict of Interest Declaration Form

Approved by OMA Board on September 12, 2018

