

Micmacs of Gesgapegiag Band

Conflict of interest guidelines

Approved April 20, 2001 and effective as of that date As amended May 13, 2002

Statement of intent:

The Gesgapegiag Band Council wants to ensure its management of the affairs of the Micmacs of Gesgapegiag Band is, and is perceived to be, equitable, objective and fair to all members of the band, be they active in government and Band Administration, or not. The Band Council also wants to safeguard the integrity and reputation of its members and personnel in the eyes of the Band membership.

The Band Council therefore feels it is important to adopt conflict of interest guidelines to ensure that elected officials and their immediate family members do not benefit personally as a direct result of their participation on the Band Council and in government.

Definition:

A situation of conflict of interest exists when the private interests of a politician or corporate officer may benefit from his/her public actions or influence. (Oxford Canadian Dictionary)

Introduction:

In a small community like Gesgapegiag, it is inevitable that the elected Band Council members will sometimes be employees of the Band administration. This has both advantages and disadvantages for the community, as a Band administration employee has access to information other employees, and other Band Council members, do not have. While sitting on the Band Council, the employee will likely have power and influence that could adversely or positively affect his / her supervisor and / or colleagues.

There is no intention in this policy to limit the right of Band administration employees from running for and accepting seats on the Band Council, but rather to

outline how they must avoid conflict of interest situations while fulfilling both duties.

It is also true that elected Band Council members and Band Administration personnel are related to many members of the community, through ties of blood, and through business partnerships.

It is therefore important to ensure that Band Council business and administration is not unduly affected by -- or that the Band Council and the Band Administration cannot be accused of -- issues of conflict of interest that may arise from such overlapping relationships and responsibilities.

These guidelines are meant to help Band Council members and Band Administration personnel avoid conflict of interest when dealing with issues relating to their work in government or for the Band administration, or their relationship to a close relative, business venture or business partner.

1. Guidelines for Council members:

1.1 A Band Council member who is also an employee of the Band administration must excuse him / herself from a discussion at a Band Council meeting under the following circumstances:

- When Council members are discussing the performance appraisal of his / her superior(s) or his / her colleague(s) or himself/ herself, or any issues related to human resources management within the department in which he / she works
- When Council members are discussing problems relating to the operations of the department in which he / she works
- When Council members are reviewing salary scales and employment contracts for the employee in question, or his / her superior(s) or colleague(s) within the department in which he / she works

1.2 A Band Council member who is also an employee of the Band administration must respect the role and responsibilities of his / her supervisor on issues relating to his / her position, performance, or departmental operations. He / she must also respect the authority structure of the Band administration.

- If a work issue develops, the employee in question must follow the regular channels of communication: from immediate supervisor to Program Director to Director of Operations. It will be left to the discretion of the Director of Operations whether or not such an issue is important enough to be brought to the Council table. In such cases, the Director of Operations will be guided by the following criteria: whether the issue has a negative impact on the budget, or on the quality of services to the community. The Band Council will not discuss purely administrative matters.
- The Band Council will refuse to discuss any and all issues raised by a Band administration employee that have not been the subject of complete review by the employee's immediate supervisor, the Program Director, and the Director of Operations.

Furthermore, in such situations Band administration employees must refrain from

attempting in any way, before, during or after the meeting, to influence the decision of the Council members. The presence of an individual at the Council table during such discussions is considered an influence, so they must leave the Council room for the duration of the discussion if the discussion is in any way related to them or their workplace.

1.3 In an effort to ensure equitable and fair access to the Band Council for all community members, Council members will leave the Band Council meeting when any decision must be made which involves:

- their own business interests and ventures
- a member of their immediate family, including legal and common-law spouse
- a business partner / employer / employee

Furthermore, in such situations Band Council members must refrain from attempting in any way, before, during or after the meeting, to influence the decision of the Council members. The presence of an individual at the Council table during such a discussion is considered an influence, so they must leave the Council room for the duration of the discussion if the discussion is in any way related to their business interests or their family members.

1.4 Band Council members are forbidden to accept, under any circumstances, payment for influencing the decisions or conduct of the Band Council.

1.5 It is forbidden for Band Council members to use, for personal advantage or benefit, information obtained from exercising their official duties that is not generally available to the Band membership.

1.6 Band Council members may not use the property of the Band for anything other than officially approved Band business.

1.7 Disclosure:

After each Band Council election, members must complete disclosure forms that include a full list of the following:

- Their own business interests and ventures, on or off the reserve

- Every member of their immediate family, including their legal or common-law spouse (Definition: immediate family includes parents, children and siblings)
- All business partners and employers and employees

2. Guidelines for Band Administration Personnel:

2.1 The Director of Operations will leave the Band Council meeting when any decision is made relating to his / her performance appraisal, details relating to his / her employment contract, and the establishment of his / her rate of pay.

2.2 Band Administration Personnel must not accept, under any circumstances, payment for rendering services or giving privileged information to members of the community or Band Council members.

2.3 It is forbidden for Band Administration Personnel to use, for personal advantage or benefit, information obtained from exercising their official duties that is not generally available to the Band membership.

2.4 It is forbidden for employees to hire or to participate in the hiring of a member of their own immediate family, or a legal or common-law spouse. The definition of "immediate family" is the same as that for the Band Council Members.

2.5 Employees may not use the property of the Band for anything other than officially approved Band business.

2.6 Employees must not use their position or title to obtain preferential treatment for themselves or their immediate family members from the Band Council, the Band Administration, or suppliers of the Band.

Indian Act prevails:

.9-- If in any circumstance this policy contravenes the rights and responsibilities of individuals under the Indian Act, the Indian Act (RCS) 1985 prevails.

