Tamarack Institute
Conflict of Interest Policy

Policy
The high level of public support and respect that Tamarack – An Institute for Community Engagement (Tamarack) enjoys results not only from the recognition of its mission, but from the high degree of integrity, objectivity, and professionalism of Tamarack employees and volunteers.

The purpose of this policy is to establish a standard of conduct to ensure that Tamarack team members act in the best interests of the organization and its members and learners, in pursuing this goal, maintain standards relating to conflict of interest.

These standards are intended to enhance public confidence in the integrity of Tamarack and its personnel. Tamarack benefits from the expertise of individuals with a multiplicity of interests; however, those interests must not conflict with the interests of Tamarack nor impair the public support and respect necessary for the operation of the organization.

In addition to the forgoing, employees, and volunteers in all their endeavours are to remain cognizant of the Fundamental Principles of Tamarack of neutrality and impartiality.

Scope
This policy applies to all employees and volunteers of Tamarack.

Definitions
Conflict of interest
A situation where an individual, or the organization he/she represents or has a competing interest with Tamarack's activities. This interest could be real or perceived. This competing interest may result in the individual being in a position to benefit from the situation or in Tamarack not being able to achieve a result in the best interest of the organization.

A conflict may arise where an individual is:

- a party to a contract with Tamarack or has an interest in an enterprise or is related to a person who is party to such a contract; or
- where an individual receives payment by Tamarack for services rendered to the organization other than reimbursement for reasonable out-of-pocket expenses measured according to the Tamarack's policies on expense reimbursement.

Conflict of interest for the Tamarack also includes conduct which is not in keeping with the vision and mission of the organization.

Conflict of interest includes but is not limited to situations:

- Where an employee or volunteer's private affairs or financial interests conflict with their work duties, responsibilities and obligations, or result in a public perception that a conflict exists.
- Which could impair the employee or volunteer's ability to act in the public interest .
- Where the actions of an employee or volunteer would compromise or undermine the trust that the public places in Tamarack.

Conflict of interest agreement
Before or upon assuming their official duties, employees and volunteers shall sign a document certifying that they have read and agree to abide by these standards. Refer to Appendix A – Conflict of Interest Agreement. Employees and board members have a responsibility to review their obligations yearly. For volunteers who are not board members, they should review when appropriate or subject to their assignment.

All employees and volunteers shall immediately disclose to the Director, Finance and Operations, in writing, any business, commercial or financial interest where such interest might be construed as being in real, potential, or apparent conflict with their official duties.

Performance of duties
An employee or volunteer will not vote on, or participate in, any discussion about a resolution to approve a contract in which he/she has an interest, nor will an employee or volunteer approve and/or sign off on such circumstances.

In the performance of their duties, employees and volunteers must not:

- Place themselves in a position of obligation to persons who might benefit or appear to benefit from special consideration with respect to Tamarack business.
- Have a monetary interest that would conflict with the discharge of the duties owed to Tamarack.
- Disclose, discuss, use, take advantage of, benefit or appear to benefit from the use of information not generally available to the public and which has been acquired during their official Tamarack duties (including approaching members, partners, clients, thought leaders about potential employment opportunities for self or family members)
- Communicate with media or any elected or appointed government official in relation to the business of Tamarack unless they have specific authorization. They should inform the Co-CEOs and the Director, Digital Engagement and Sales of the communication in advance (or immediately after) so that Tamarack might best leverage the opportunity.
- Assist private entities or persons in their dealings with Tamarack where this could result in preferential treatment to any person.
- Directly or indirectly use, or allow the use of, Tamarack property or information for anything other than officially approved activities.

Outside employment
Staff members may engage in remunerative employment with another employer, volunteer activity, carry on a business, or receive remuneration from public funds for activities outside their position provided that:

- It does not interfere with the performance of their duties.
- It does not bring Tamarack into disrepute.
- They do not have an advantage derived from their employment as a Tamarack employee.
- It does not include current Tamarack partners, members, thought leaders, vendors, or clients.
- It is not performed in such a way as to appear to be an official act or to represent the organization's public positions or policies.
- It does not involve the use of Tamarack's resources (including equipment or intellectual property) to which the staff member has access by virtue of their employment unless official authorization is secured.
- The work-life balance clause below is met.

Work-Life Balance
Tamarack commits to the principle of work-life balance for all employees and volunteers. This includes a commitment to a 40-hour work week with appropriate breaks for staff as defined in Human Resources Policy 4.1 Hours of Work. Staff members who have employment outside of their position with Tamarack, will request from their supervisor a decreased number of work hours per week to accommodate outside employment and a revised workplan that reflects reduced hours. As some roles at Tamarack are designed as full-time roles, a supervisor will have the authority to accept or decline these requests. For example, Tamarack staff have negotiated with their direct supervisor, a four-day work week (32 hours per week) to allow them to participate in outside employment are consistent with the terms of outside employment as defined in the previous section and maintain a work-life balance. Pay will be prorated to hours worked.

Non-Solicit Agreement
Tamarack staff with outside employment will not actively pursue clients, customers, vendors, business partners, board members, staff, or volunteers of Tamarack with whom they build a relationship as part of their work with Tamarack.

Gifts
Staff and volunteers must avoid the appearance of favouritism in all their dealings on behalf of Tamarack and not accept personal gifts from those doing business or seeking to do business with Tamarack over the value of $100.

Financial
Staff and volunteers must not commit the Tamarack to any unauthorized expenditure or other liability and must ensure that all commitments are approved in accordance with the appropriate by-laws, regulations and policies including all appropriate consultations and approvals.

Vendor relationships
Staff and volunteers in leadership roles will not perform fee for service responsibilities for Tamarack in addition to their responsibilities as an employee or leadership volunteer of the organization. Nor will employees sell goods to Tamarack, unless by specific approval of the President.

Goods shall not be purchased from a volunteer or relative of an employee without consultation with applicable supervisor or President of Tamarack and a determination made as to whether the correct processes were undertaken and the impact of the decision. Where there is doubt on the subject, the issue is to be referred to the general counsel.

Client relationships
All employees and volunteers are to understand the client's vulnerability and dependence on the employee/volunteer to provide assistance, and to act accordingly. This includes recognition that personal relationships outside the scope of their professional roles are not in the best interest of either party or Tamarack.

Conflict of interest situations between employees/volunteers and clients are investigated immediately and resolved as appropriate.

Breach of conflict of interest

Employees and volunteers are required to consult with their supervisor/manager whenever they have any question as to whether a particular circumstance may place them in a conflict of interest.

Persons who fail to comply with these standards during the course of their employment will be subject to such appropriate measures as may be determined by Tamarack including dismissal from employment. When a breach of the conflict of interest standards is discovered by a supervisor or another employee, this will be brought forward immediately and dealt with as quickly as possible. At minimum a note will be included in the employee's human resources file about the breach of conflict of interest and the actions undertaken by the organization to resolve this breach.

Persons who fail to comply with these standards following termination of employment with Tamarack hereby acknowledge that the disclosure of confidential information will result in irreparable harm to Tamarack and Tamarack shall have the right to enforce its lawful rights and remedies against any offending person.

Reservation of rights
Where an individual fails to disclose a conflict or an interest according to this policy or according to other laws or regulations in Canada, Tamarack reserves all rights it may have to deal with the contract, conflict and individual involved.

Responsibility
The Director, Finance & Operations is responsible for advising staff, members and others; maintaining, monitoring, and revising this policy; and for authorizing exceptions. Tamarack team members with supervisory responsibilities are responsible for applying and implementing this policy in each of their respective areas.

Non-solicit and non-disclosure agreements

A **non-solicit** agreement in an employment contract prohibits an employee from soliciting, or actively pursuing, clients, customers, vendors, business partners or other employees of their employer, during the employment relationship or after the employment relationship has ended. The non-solicit agreement often, but not always, applies only for a specified period after the end of the employment relationship.

A **non-disclosure** agreement in an employment contract prohibits an employee from sharing confidential company information and processes.

The ESA prohibits non-compete agreements. The ESA **does not** prohibit non-solicit agreements or non-disclosure agreements. However, employees may have greater rights under the common law. If you have questions about the enforceability of non-solicit and non-disclosure agreements, please talk to a lawyer.

The proper terminology may not always be used in agreements. When determining whether an agreement falls within the definition of a non-compete agreement, the substance of the agreement is what matters, not the words that are used.