

Policy and Procedure

Title:	Conflict of Interest		
Policy Number:	01.001	Section:	Administration
Effective Date:	December 15, 1994		
Revised Date:	December 23, 2020		
Approving Body:	President and CEO		
Authority:	CancerCare Manitoba Act		
Responsible Officer:	President and CEO		
Delegate:			
Contact:	President and CEO		
Applicable to:	CCMB Community		

1.0 BACKGROUND:

- 1.1 CancerCare Manitoba (CCMB) has a mandate to conduct a program of prevention, diagnosis, treatment, rehabilitation, continuing care, research and education in cancer. As a leading public institution, CCMB strives to carry out this mandate in accordance with the highest ethical standards and in a manner that promotes public confidence in its activities.
- 1.2 Conflicts of Interest may arise naturally from engagement inside CCMB and activities outside CCMB.
- 1.3 In order to ensure the maintenance of the public trust in CCMB and to protect the integrity of CCMB and its Representatives, CCMB has created this policy to address Conflicts of Interest.

2.0 PURPOSE:

- 2.1 To acknowledge that Conflicts of Interest arise.
- 2.2 To provide guidance in recognizing Conflicts of Interest and to establish principles and procedures to ensure that Conflicts of Interest are properly disclosed, and consistently assessed and managed.
- 2.3 To facilitate transparency and accountability by CCMB Representatives who have activities outside CCMB where those activities and subsequent interactions may be interpreted as a potential, perceived or real Conflict of Interest.

3.0 DEFINITIONS:

- 3.1 CCMB - CancerCare Manitoba and any corporation, partnership or other legal entity owned, controlled or subject to the direction of CCMB.
- 3.2 CCMB Representative / Representative - any person employed or contracted by CCMB, including staff and physicians, as well as students, trainees and volunteers.

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- 3.3 Conflict of Interest - a situation in which the External Activities of a CCMB Representative or Related Party compromise or to an independent observer, have the appearance of compromising the CCMB Representative's independence and objectivity of judgment in the performance of his or her obligations to CCMB, including all aspects of the provision of health care and support services to CCMB's patients and their families, research, training, education and outreach activities. Conflicts of Interest can be potential, actual or perceived.
- 3.4 Conflict of Interest Declaration – the report form completed by CCMB Representatives to disclose Conflicts of Interest.
- 3.5 External Activity(ies) - any activity outside a CCMB Representative's scope of work within CCMB.
- 3.6 Financial Conflict of Interest - a Financial Interest that could directly and significantly impact operations of CCMB.
- 3.7 Financial Interest - the receipt or expectation of receipt of anything of monetary value, whether or not the value is readily ascertainable, and specifically includes pay or salary or other payments for services (for example, consulting fees or honoraria), equity (for example, shares or options), security or other ownership interests, and intellectual property rights (for example, patents, copyrights, royalties or options related to such rights). The term Financial Interest does not include: (i) intellectual property rights assigned to CCMB and agreements to share in royalties related to such rights; or (ii) income from investment vehicles, such as mutual funds and retirement accounts, as long as the Representative or their Related Party does not directly control the investment decisions made in these vehicles.
- 3.8 Initial Reviewer - the individual responsible for initially reviewing a CCMB Representative's Conflicts of Interest Declaration and is normally the person to whom the CCMB Representative reports (e.g. head of department/program).
- 3.9 Management Plan – the plan put in place to manage a potential, perceived or real Conflicts of Interest
- 3.10 Personal Interest - the receipt or expectation of receipt of any personal benefit of a non-monetary value.
- 3.11 Related Party - a CCMB Representative's family member (includes parent, spouse, common-law spouse, child, siblings, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent, grandchild, former guardian, fiancé as well as step-relationships of the same degree), or other person living in the same household, or any other person with whom the CCMB Representative shares a Financial Interest or a Personal Interest, either directly or indirectly.

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- 3.12 Secondary Reviewer - the individual responsible for making a decision based on the Initial Reviewer's assessment and is normally the person to whom the Initial Reviewer reports (e.g. Director).

4.0 **POLICY:**

- 4.1 CCMB Representatives shall act honestly and in good faith and shall adhere to standards of integrity, impartiality and ethical conduct in their attempt to prevent and avoid potential, perceived or real Conflicts of Interest.

- 4.2 Potential, perceived or real Conflicts of Interest may occur when:

4.2.1 A patient's diagnosis, treatment or other provision of health care services of any nature or kind whatsoever is, or appears to be, influenced, impeded or compromised.

4.2.2 A patient or family member's provision of support services of any nature or kind whatsoever is, or appears to be, influenced, impeded or compromised.

4.2.3 The training, instruction, or performance evaluation of any fellow person in a fair, unbiased, and effective manner is, or appears to be, influenced, impeded or compromised.

4.2.4 A CCMB Representative has influence over a decision about a proposed relationship between CCMB and a business in which the Representative or his or her Related Party has a Financial Interest, a Personal Interest or holds an executive position.

4.2.5 A CCMB Representative or Related Party obtains a Financial Interest, Personal Interest or executive position in a business with which CCMB has an existing relationship and the business is related to the person's scope of work at CCMB.

4.2.6 A CCMB Representative uses their position with CCMB to solicit patients, the family of any patient, fellow Representatives, government agencies, private companies, or members of the public for External Activities.

4.2.7 A CCMB Representative uses information for External Activities that is acquired as a result of his or her relationship with CCMB and which information is not in the public domain (unless they have proprietary rights to that information).

4.2.8 A CCMB Representative has obligations to a board of directors, advisory board, or the like of an outside organization and those obligations interfere with or compromise their obligations to CCMB.

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- 4.2.9 A CCMB Representative or any Related Parties accepts gifts or gratuities in violation of CCMB Policy 01.014 *Industry Relationships*.
- 4.2.10 A CCMB Representative conducts research, including drug or device evaluation (with or without the intent to purchase), for a business or organization in which they, or any Related Party has a Financial Interest, Personal Interest or holds an executive position.
- 4.2.11 A CCMB Representative engages in outside employment, business transactions or other private arrangements in violation of CCMB Policy 01.012 *External Consulting by Staff Members*.
- 4.2.12 A CCMB Representative seeks or receives personal or private gain by granting preferential treatment to any persons while performing their duties.

4.3 Principles

- 4.3.1 Recognition: Conflicts of Interest must be defined and identified to permit appropriate disclosure and management. Conflicts of Interest reflect the situation, not the character of the person involved.
- 4.3.2 Disclosure: Conflicts of Interest must be disclosed by CCMB Representatives to their Initial Reviewer. Full and complete disclosure of Conflicts of Interest is a key element in protecting the integrity and reputation of the person involved and the organization.
- 4.3.3 Management: Only Conflicts of Interest that can be managed in a manner that considers, protects and serves the interests, integrity and reputation of the Representative and of CCMB, and that will withstand the test of reasonable and independent scrutiny, will be allowed. Without limiting the generality of the foregoing, in order to allow such management, any one or more of the following Management Plans may be imposed:
 - (a) Public disclosure of the Financial Interest, Personal Interest or executive position;
 - (b) Monitoring of the Representative's activity by an impartial or independent reviewer(s);
 - (c) Disqualification from, or modification to, participation in all or a portion of the Representative's activity(ies) or, in certain cases, the External Activity(ies); and
 - (d) Divestiture of the Financial Interest or Personal Interest or resignation from the executive position

- 4.4 Conflicts of Interest that cannot be managed through a Management Plan will not be allowed.

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- 4.5 All Representative actions required under a Management Plan must be taken within ten (10) working days or as otherwise directed by the Secondary Reviewer.
- 4.6 The CCMB Board of Directors and CCMB are responsible for developing, implementing and enforcing processes and/or guidelines to ensure awareness and compliance with this Policy.
- 4.7 Communication and distribution of this Policy shall form part of the orientation process for all new CCMB Representatives.
- 4.8 Members of the CCMB Board of Directors, including the CCMB President and CEO, are governed by the conflict of interest policy set out in CancerCare Manitoba By-Law 1-2008 for carrying out the objects of the Corporation, Appendix A *Conflict of Interest Policy*.

5.0 **PROCEDURE:**

5.1 Disclosure of Conflicts of Interest

5.1.1 All CCMB Representatives will complete a Conflict of Interest Declaration and return it to the Initial Reviewer:

- within 30 days of the start of employment, appointment, or engagement at CCMB;
- within 30 days of discovering or acquiring a new Financial Interest, Personal Interest, or external executive position; and
- on an annual basis during the term of their employment, appointment, or engagement at CCMB

5.1.2 The Initial Reviewer will be responsible for tracking and ensuring they receive all Conflict of Interest Declarations at the timepoints specified in Section 5.1.1 for the Representatives reporting to them.

5.2 Review of Conflict of Interest Declarations by the Initial Reviewer

5.2.1 The Initial Reviewer will review all Conflict of Interest Declarations for any declared Conflicts of Interest.

5.2.2 When a Conflict of Interest is disclosed, he or she will assess the situation, in consultation with the CCMB Representative, and shall either:

- (a) Recommend that no action is required to address the Conflict of Interest; or
- (b) Recommend that a Management Plan is developed to address the Conflict of Interest

5.2.3 The Initial Reviewer, having first consulted with the CCMB Representative, shall submit a written recommendation based on 5.2.2

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(a) or (b) above, together with their assessment, to the Secondary Reviewer. In the case of a recommendation under 5.2.2 (b), the Initial Reviewer's written recommendation shall include a Management Plan to manage the Conflict of Interest.

5.2.4 If no Conflict of Interest is disclosed, the Initial Reviewer will provide a copy of the completed Conflict of Interest Declaration to the CCMB Representative and will forward the original to the Department of Workforce and Environment for filing.

5.2.5 If the Initial Reviewer also has a Conflict of Interest in the matter to be discussed, disclosure will be made to the Secondary Reviewer who will then assume the role of Initial Reviewer.

5.3 Role of Secondary Reviewer in Assessing and Managing the Conflict of Interest

5.3.1 Upon receipt of the Initial Reviewer's written assessment and Management Plan under 5.2.2, the Secondary Reviewer shall consider the Initial Reviewer's recommendation and either:

(a) Determine that no action is required to address the Conflict of Interest;
or

(b) Approve the Initial Reviewer's Management Plan submitted under 5.2.2 (b), with such modifications as the Secondary Reviewer may reasonably determine

5.3.2 The Secondary Reviewer will record all determinations in writing on Part 3 of the Conflict of Interest Declaration form.

5.3.3 The Representative and Secondary Reviewer will record on Part 4 of the Conflict of Interest Declaration form when a required action under a Management Plan has been completed.

5.3.4 The Secondary Reviewer will provide a copy of the of the completed Conflict of Interest Declaration form to the CCMB Representative and will forward the original to the Department of Workforce and Environment for filing in the employee file.

5.4 Senior Management

5.4.1 The Primary Reviewer/Secondary Reviewer for portfolio leads will be the President and CEO

5.5 Privacy

5.5.1 Any records created by CCMB or its designates under this policy are confidential and privileged documents and shall not be disclosed or

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released other than at CCMB's discretion, or as required or allowed by law.

5.5.2 Any records created under this policy will retained permanently as a part of the CCMB Representative employee file.

6.0 REFERENCES:

- 6.1 CancerCare Manitoba By-Law 1-2008 for carrying out the objects of the Corporation, Appendix A *Conflict of Interest Policy*
- 6.2 CCMB Policy 01.012 *External Consulting by Staff Members*
- 6.3 CCMB Policy 01.014 *Industry Relationships*
- 6.4 Shared Health Policy 320.100.137 *Conflict of Interest* (March 2018)
- 6.5 University of Manitoba Rady Faculty of Health Sciences Policy *Interactions between the Max Rady College of Medicine and Health-Related Industries* (June 2018)
- 6.6 University of Manitoba Board of Governors Policy, *Conflict of Interest*

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DOCUMENTATION

Document Location:

This document is located (hard and e-copy formats):

1. The original signed and approved document is on file in the Policy Office, CCMB
2. The e-copy is on file in the CCMB Governing Documents Library on SharePoint
- 3.

Revision History:

Date	Version	Status	Author	Summary of Changes
dd/mm/yyyy	#	Initial, Draft Final Minor/Major revision		
15/12/1994	1	Initial		
05/11/2014	2	Major revision	CCMB Legal Counsel, COO, Policy Team	
21/04/2015	3	Final Review	Policy Team	
26/03/2018	3	Minor revision	S.Friedenberger	Reformatted to new template
11/06/2019	4	Revision	COO	
10/11/2020	5	Major revision	Executive Team	Added a process for completing Conflict of Interest Declaration forms

Approvals Record:

This Policy requires approval by:

Date	Name / Title	Signature
	Not required	

FINAL APPROVAL:

Date	Name / Title	Signature
23/12/2020	Dr. S. Navaratnam President and CEO, CCMB	<i>Original signed by Dr. S. Navaratnam</i>

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Appendix A – Conflict of Interest Declaration



CCMB Conflict of
Interest Declaration