

Policy and Procedure

Title:	Conflict of Interest
Policy Number:	01.001
Effective Date:	December 15, 1994
Revised Date:	April 21, 2015
Approving Body:	President and CEO
Authority:	CancerCare Manitoba Act
Responsible Officer:	President and CEO
Delegate:	As delegated by the President and CEO
Contact:	President and CEO's office
Applicable to:	CCMB Community

1.0 BACKGROUND:

- 1.1 CancerCare Manitoba (CCMB) has a mandate to conduct a program of diagnosis of, treatment of, and research 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.

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 **Committee:** a Conflict of Interest Committee established under the Procedures.
- 3.3 **Conflict of Interest:** a situation in which the private interests (Financial Interests or Personal Interests) of a CCMB Representative or Related Party compromise or 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, educating and outreach activities. Conflicts of Interest can be potential, actual or perceived.

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- 3.4 **External Activities:** any activity outside a CCMB Representative's scope of work within CCMB.
- 3.5 **Financial Conflict of Interest:** a Financial Interest that could directly and significantly impact operations of CCMB.
- 3.6 **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).
- 3.7 **Initial Reviewer:** the individual responsible for initially reviewing a CCMB Representative's disclosures of Conflicts of Interest, and is normally the person to whom the CCMB Representative reports (e.g. head of department/program).
- 3.8 **CCMB Representative / Representative:** all persons employed or contracted by CCMB, including staff and physicians, as well as students, trainees, volunteers and Board Members.
- 3.9 **Personal Interest:** the receipt or expectation of receipt of any personal benefit (workplace or otherwise) of a non-monetary value.
- 3.10 **Related Party:** a CCMB Representative's family member (e.g. spouse, child, parent, sibling, grandparent, aunt or uncle), 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.
- 3.11 **Secondary Reviewer:** the individual responsible for making a decision based on the Initial Reviewer's recommendation, 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.
 - 4.1.1 Responsibility to diagnose or treat a patient, or to otherwise provide health care of any nature or kind whatsoever to a patient is, or appears to be, impeded or compromised.
 - 4.1.2 Responsibility to provide support services of any nature or kind whatsoever to any patient and/or that patient's family is, or appears to be, impeded or compromised.
 - 4.1.3 Responsibility to provide training or instruction to, or evaluate the

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performance of, any fellow Person in a fair, unbiased and effective manner is, or appears to be, impeded or compromised.

- 4.1.4 They have 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.
- 4.1.5 They or any Related Party obtains a Financial Interest, a Personal Interest or an 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.
- 4.1.6 They use 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.
- 4.1.7 They use information that is acquired as a result of his or her relationship with CCMB and not in the public domain for External Activities unless they have proprietary rights to that information.
- 4.1.8 Their obligations to a board of directors, advisory board, or the like of an outside organization interfere with or compromise their obligations to CCMB.
- 4.1.9 They or any Related Parties accept gifts or gratuities in violation of CCMB's policy on "interactions with Industry Representatives".
- 4.1.10 Research, including drug or device evaluation (with or without the intent to purchase), is conducted for a business or organization in which they have or any Related Party has a Financial Interest, a Personal Interest or holds an executive position.

4.2 Principles

- 4.2.1 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.
- 4.2.2 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.
- 4.2.3 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

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- more of the following conditions or restrictions may be imposed:
- (a) Public disclosure of the Financial Interest, Personal Interest or executive position;
 - (b) Monitoring of CCMB's activity by an independent reviewer(s);
 - (c) Disqualification from, or modification to, participation in all or a portion of CCMB's activity(s) or, in certain cases, the External Activity(s);
 - (d) Divestiture of the Financial Interest or Personal Interest or resignation from the executive position; and,
 - (e) Appointing an impartial person to monitor the use of research trainees or support staff;

For greater certainty, Conflicts of Interest that cannot be managed will not be allowed.

5.0 PROCEDURE:

5.1 Disclosure of Conflicts of Interest

- 5.1.1 As soon as a CCMB Representative is aware that a Conflict of Interest exists, they must disclose the Conflict of Interest to the Initial Reviewer in writing.
- 5.1.2 If the Initial Reviewer also has a Conflict of Interest in the matter to be discussed, disclosure shall be made to the Secondary Reviewer who will then assume the role of Initial Reviewer.

5.2 Procedure Upon Disclosure to the Initial Reviewer

- 5.2.1 When a Conflict of Interest is disclosed to the Initial Reviewer, 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;
 - (b) Recommend that some action ought to be taken to address the Conflict of Interest; or,
 - (c) Recommend that the subject activity is not permissible given the Conflict of Interest.
- 5.2.2 The Initial Reviewer, having first consulted with the Person, shall submit a written recommendation based on 5.2.1 (a), (b) or (c) above, together with reasons, to the Secondary Reviewer. In the case of a recommendation under 5.2.1 (b), the Initial Reviewer's recommendation shall include a plan to manage the Conflict of Interest. Should 5.1.2 above arise, the Secondary Reviewer shall be the Committee.

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

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- 5.3.1 Upon receipt of the Initial Reviewer's written recommendation under 5.2.1, the Secondary Reviewer shall consider the Initial Reviewer's recommendation and either:
- (a) Determine that the activity is permissible as disclosed with no further action;
 - (b) Approve the Initial Reviewer's plan submitted under 5.2.1 (b), with such modifications as the Secondary Reviewer may reasonably determine, and the activity may proceed, provided that the Representative complies with the plan; or,
 - (c) Where the Conflict of Interest cannot be managed, determine that the Person must not proceed with the activity and/or require that participation in that activity be modified or terminated, as the case may be.
- 5.3.2 The Secondary Reviewer will record all determinations under 5.2.1 in writing and provide a copy to the CCMB Representative.
- 5.3.3 Once annually, the Secondary Reviewer shall submit a report to the CCMB Chief Operating Officer and to the members of the Committee, summarizing any cases that have arisen within their area of responsibility.

5.4 **Role of the Committee**

- 5.4.1 There shall be a Standing Committee established by the CCMB President and Chief Executive Officer as follows:
- (a) Chief Operating Officer as Chair
 - (b) Vice President, Medical
 - (c) Vice President, Patient Services
 - (d) Director, Research
- 5.4.2 The role of the Committee shall be to assess and manage Conflicts of Interests in accordance with these Procedures.
- 5.4.3 A quorum shall be three (3) members, not including the Chair. The Chair shall only vote in the event of a tie.
- 5.4.4 Terms of office are determined by positions held.
- 5.4.5 Where a Committee member has a Conflict of Interest in hearing a particular case, that member shall disqualify themselves from hearing the matter. The Chair shall appoint a replacement member for that particular matter representing a similar category of appointment from which the original Committee member was appointed.
- 5.4.6 Matters shall be referred to the Committee in the following situations:
- (a) By the CCMB Representative, where he/she is unsatisfied with the decision of the Secondary Reviewer, or;
 - (b) By the Secondary Reviewer, where the Secondary Reviewer is

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involved in the Conflict of Interest; provided that, in both cases, the referral to the Committee shall be in writing and shall include reasons for the referral.

- 5.4.7 If the Committee determines that the proposed activity can be managed, the Committee will develop and implement a plan to manage the Conflict of Interest. The Representative may then proceed with the proposed activity provided he or she complies with the plan.
- 5.4.8 If the Committee determines that the Conflict of Interest cannot be managed, the activity must not proceed.
- 5.4.9 The Committee will record all determinations in writing and provide a copy to the CCMB Representative and appropriate Secondary Reviewer.
- 5.4.10 Once annually, the Committee shall prepare a report summarizing the number of matters referred to it and a summary of the disposition of the matters and provide this to the Board of Directors.
- 5.4.11 The Committee's decisions shall be final.
- 5.4.12 All actions of the Committee will be carried out as quickly as is reasonable, based on the complexity of the issue. Timeframes will be discussed with the CCMB Representative.

5.5 **Privacy**

Any records created by CCMB or its designates under these Procedures shall be deemed to be confidential and privileged documents and shall not be disclosed or released other than at CCMB's discretion, or as required or allowed by law.

6.0 **REFERENCES:**

- 6.1 WRHA Policy – 20.10.011 Conflict of Interest – September 2010.

Policy Contact: All enquiries relating to this policy should be directed to:	
Name:	
Title/Position:	Office of the President and CEO
Phone:	204-787-2186
E-mail:	
Address: (if required):	Executive Office, ON4025, CCMB

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DOCUMENTATION

Policy Location:

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

1. The original signed and approved policy is on file in the Executive Office, CCMB
2. The e-copy is on file in the CCMB Governing Documents Library, 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

Approvals Record:

This Policy requires approval by:

Approval	Date	Name / Title	Signature
		Not required.	

FINAL APPROVAL:

Date	Name / Title	Signature
14/07/2015	Dr. S. Navaratnam President and CEO, CCMB	<i>Original signed by Dr. S. Navaratnam</i>