

**PETER BALLANTYNE CREE NATION
CONFLICT OF INTEREST POLICY**

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1. CONFLICT OF INTEREST POLICY

Be it hereafter known, the staff, boards members, committee members, Chief and Councillors of Peter Ballantyne Cree Nation (PBCN) do hereby recognize, respect and are committed to the cultural and traditional conduct that is proper and expected. ICFS, Health or any other autonomous boards serving the membership of PBCN may adapt this Conflict of Interest Policy in accordance with the procedures of that board.

Further to this, the staff, boards members, committee members, Chief and Councillors of PBCN do, hereby, recognize and swear to oath, the adherence to the Principles of Conduct enshrined herein, to ensure the proper and expected conduct of each of them, first, during their term of office or employment; secondly, toward the fulfilment of their duties and responsibilities entrusted unto them by the Membership of PBCN.

Further to this, the Principles of Conduct shall serve as the guidelines for the required Conduct of staff, board members, committee members, Chief and Councillors of PBCN. PBCN refers to PBCN or its entities as appropriate.

1.1 GENERAL PRINCIPLES OF CONDUCT:

- a) The staff, board members, committee members, Chief and Councillors of PBCN shall, to the best of their ability, address and fulfil the needs and expectations of the Membership of PBCN.
- b) The staff, board members, committee members, Chief and Councillors of PBCN shall exercise their conduct in the manner that reflects and ensures the dignity, integrity, honour and respect of PBCN.
- c) The staff, board members, committee members, Chief and Councillors of PBCN shall conduct themselves during their term of office or employment and in the performance of their duties in a manner that is honourable and free of personal agendas and self-serving avail.

1.2 MISSION STATEMENT

The staff, board members, committee members, Chief and Councillors of PBCN shall maintain the highest standard of honour and integrity in their conduct.

2. INTENT

The intent of the Conflict of Interest Policy is to ensure the staff, board members, committee members, Chief and Councillors of PBCN are provided with the following:

- 2.1 Guidelines to govern the conduct of the staff, board members, committee members, Chief and Councillors of PBCN during their term of office or employment and in the performance of their duties and responsibilities.
- 2.2 Criteria to determine if the staff, board members, committee members, Chief and Councillors of PBCN, are in a Conflict of Interest.
- 2.3 Measures to prevent the conduct of the staff, board members, committee members, Chief and Councillors of PBCN that constitutes a Conflict of Interest.

3. DEFINITIONS

- 3.1 “Employee” means any individual employed with Peter Ballantyne Cree Nation.
- 3.2 “Employer” means Peter Ballantyne Cree Nation.
- 3.3 “Immediate Family” of an Individual shall include the spouse (legal or common law), parents (natural or adoptive), siblings (natural or step), offspring (natural or adopted), parents (natural or adoptive), siblings (natural or step), and the offspring (natural or adopted) of the spouse of the Individual.
- 3.4 “Associate(s)” shall mean:
 - a) a corporation having share capital and carrying on business or activities for profit or gain, where the staff member, board member, committee member, Chief or Councillor is a director or senior officer of the Corporation;
 - b) a private corporation carrying on business or activities for profit or gain, where the staff member, board member, committee member, Chief or Councillor owns or is the beneficial owner of shares of the corporation;
 - c) a partnership having not more than 20 persons:
 - i) of which the staff member, board member, committee member, Chief or Councillor is a partner: or
 - ii) of which one of the partners is a corporation directly associated with the staff member, board member, committee member, Chief or Councillor by reason of sub clause (i) or (ii);
 - d) a person or a group of persons acting as the agent of the staff member, board member, committee member, Chief or Councillor and having actual authority in that capacity from that staff member, board member, committee member, Chief or Councillor.
- 3.5 “PBCN” means Peter Ballantyne Cree Nation.

- 3.6 “Pecuniary Interest” is any personal and real interest that is of a financial, fiscal, monetary or commercial nature.
- 3.7 “Pecuniary Position” is any individual who holds a position as a director, officer, shareholder of a corporation or organization or an individual, because of their position, have voting rights and/or voting shares.
- 3.8 “Spouse” is defined as a person who is married or living in a common law arrangement.
- 3.9 “Committees” shall include those organizational structures specified as committees in the PBCN Organizational chart, as it may exist from time to time, or by Band Council Resolution and includes at the time of the adoption of this Policy the PBCN Executive and Management Committees, PBCN Education Committees, PBCN Social Development Committees, PBCN Public Works Committees, PBCN Recreation Committees, PBCN Housing Committees, Finance Committees and Economic Development Committees.
- 3.10 “Boards” shall include those organizational structures specified as Boards in the PBCN Organizational chart, as it may exist from time to time, or by Band Council Resolution and includes at the time of the adoption of this policy the PBCN Executive and Management Boards, Finance Boards and Treasury Boards, PBCN Social Development Boards, PBCN Public Works Boards, PBCN Recreation Boards, PBCN Housing Boards, and Economic Development Boards.

4. PRINCIPLES OF CONDUCT

4.1 Peter Ballantyne Cree Nation

Wherein it concerns PBCN, the staff, board members, committee members, Chief and Councillors shall conduct themselves:

- a) With principles of Conduct that are reflective of and respects the dignity, integrity, honour and respect of PBCN.
- b) With honour and integrity in the performance of their duties and responsibilities toward the actualization, realization and fulfilment of the Mission Statement and Vision of PBCN.
- c) With the highest standards of excellence of PBCN.
- d) With commitment to act in a cooperative, mature and unified manner toward the interests of PBCN.

4.2 The Membership of PBCN

Wherein it concerns the Membership of PBCN, the staff, board members, committee members, Chief and Councillors shall conduct themselves accordingly hereinafter:

- a) To serve, address and meet the needs and expectations of the Membership of PBCN with competence.
- b) To adhere to, respect and support the mandate of the Membership of PBCN with honour and integrity.
- c) To exemplify honour, integrity and commitment as positive role models for the Membership of PBCN.
- d) To always speak of a Band Member of PBCN in honest and respectful terms.
- e) To accord each and every Band Member of PBCN with sincere respect.
- f) To treat each and every Band Member of PBCN with sincere fairness, impartiality and compassion.
- g) To be sincere in the protection and promotion of the well being of the Membership of PBCN.

4.3 Professional Conduct

Wherein it concerns the Professional Conduct of the staff, board members, committee members, Chief and Councillors of PBCN, they shall conduct themselves accordingly hereinafter:

- a) With sincerity and honesty during the performance of their duties.
- b) With a sincere and honest attitude throughout the term of their office or employment.
- c) With sincere and honest unselfishness that is free of personal agendas and personal monetary and financial gain.
- d) With the highest standard of moral and ethical conduct.

4.4 PBCN Organizations and Entities

Wherein it concerns the organizations and entities of PBCN, the staff, board members, committee members, Chief and Councillors shall conduct themselves accordingly hereinafter:

- a) To ensure an adherence to established lines of authority, through communication and reporting structures of PBCN organizations and entities.
- b) To devolve credible delegation of authority which ensures accountability for the administration of programs and services.
- c) To sincerely adhere to the principles of non-interference with the day to day program operations and/or an employee of PBCN.
- d) To conduct themselves sincerely and honestly without personal, monetary or financial gains from PBCN organizations and entities.

4.5 Confidentiality

Wherein it concerns the interests of PBCN and individuals, the staff, board members, committee members, Chief and Councillors shall conduct themselves accordingly hereinafter:

- a) To maintain the integrity of the confidential interests, businesses and matters of PBCN that are entrusted to the staff and boards/committees as well as Chief and Council.
- b) To respect and hold in trust the official and confidential information concerning a non-First Nation individual and/or a Band Member of PBCN with prudence and in all sincerity.
- c) To sincerely respect the release of only the information that has been officially authorized by the leadership as a whole, for dissemination through the established and proper lines of communication and reporting.
- d) To adhere to the Oath of Non-Disclosure, and the Oath of Confidentiality.
- e) Proceedings to discipline breach of confidentiality, will be dealt with via the appropriate Personnel Manual, Policies, Regulations or Acts of PBCN as they exist from time to time and as it is applicable to the particular individual who is the subject of the proceeding.

5. GUIDELINES OF CONDUCT

The staff, board members, committee members, Chief and Councillors of PBCN, in recognition and support of the Principles of Conduct contained herein of the Conflict of Interest Policy, shall adhere to and respect the Guidelines of Conduct, hereinafter provided:

5.1 Conflict of Interest

The following Guidelines of Conduct, shall be used by staff, board members, committee members, Chief and Councillors of PBCN to determine if a colleague is in a Conflict of Interest. A conflict of Interest exists when:

- a) A staff member, board member, committee member, Chief or Councillor of PBCN has pecuniary interest and/or holds a pecuniary position in any matter before and being considered by that person and fails to disclose such or fails to remove themselves from deliberations or decision making.
- b) A staff member, board member, committee member, Chief or Councillor of PBCN, has an immediate family member who has pecuniary interest and/or holds a pecuniary position, in any matter before and being considered by that person and fails to disclose such or fails to remove themselves from deliberations or decision making.
- c) A staff member, board member, committee member, Chief or Councillor of PBCN has an associate who has pecuniary interest and/or holds a pecuniary position in any matter before and being considered by that person and fails to disclose such or fails to remove themselves from deliberations or decision making.
- d) A staff member, board member, committee member, Chief or Councillor of PBCN who, when employment interviews in which an immediate family member or associate is being considered, fails to disclose such or fails to remove themselves from deliberations or decision making.
- e) A staff member, board member, committee member, Chief or Councillor of PBCN who when discipline proceedings in which the conduct of an immediate family member or associate is being considered fails to disclose such or fails to remove

themselves from deliberations or decision making.

- f) In the communities of Denare Beach, Sturgeon Landing, Kinoosao 5.1 a)-e) apply except that staff members, board members, committee members, or Councillors from those communities are not required to remove themselves from the deliberations or decision making.

5.2 Preclusion of Conduct

The guidelines for the Preclusion of Conduct provided hereinafter; shall be used by the staff and boards/committees of PBCN to ensure the prevention of conduct that constitutes a Conflict of Interest.

- a) A staff member, board member, committee member, Chief or Councillor of PBCN has pecuniary interest or holds a pecuniary position in any matter before and or to be considered by that person shall disclose such and shall not take part in any deliberations or vote on that matter.
- b) A staff member, board member, committee member, Chief or Councillor of PBCN has an immediate family member who has pecuniary interest and/or holds a pecuniary position, in any matter before and being considered by that person shall disclose such and shall not take part in any deliberations or vote on that matter.
- c) A staff member, board member, committee member, Chief or Councillor of PBCN has an associate who has pecuniary interest and/or holds a pecuniary position in any matter before and being considered by that person shall disclose such and shall not take part in any deliberations or vote on that matter.
- d) A staff member, board member, committee member, Chief or Councillor of PBCN shall always refrain from using the resources and employees of PBCN and it's entities to advance personal agendas and for personal avail.
- e) A staff member, board member, committee member, Chief or Councillor of PBCN shall not participate in any part of the employment process where their immediate family members or associates may be considered for employment and shall disclose such interest and shall not take part in any deliberations or vote on that matter.
- f) A staff member, board member, committee member, Chief or Councillor of PBCN shall not participate in any part of any discipline process where their immediate family members or associates may be subject to discipline and shall disclose such interest and shall not take part in any deliberations or vote on that matter.
- g) In the communities of Denare Beach, Sturgeon Landing, Kinoosao 5.2 a)-f) apply except that staff members, board members, committee members, or Councillors from those communities are not required to remove themselves from the deliberations or decision making.

5.3 Oath of Disclosure

To preclude the likelihood or potential for a Conflict of Interest situation from occurring, the staff member, board member, committee member, Chief or Councillor of PBCN shall

Swear to Oath the full disclosure as per the principles and terms of the Oath of Disclosure provided, all pecuniary interests, pecuniary positions and personal interest wherein it concerns PBCN, and further to this, shall take this oath prior to their term of office/employment. In addition, where there is a change in pecuniary interest or pecuniary position a new Oath of Disclosure must be sworn prior to any decision for which the change of pecuniary interest or pecuniary position or other personal interest would amount to a conflict of interest.

6. DISPUTE RESOLUTION

PBCN believes that the best resolution of a dispute is one worked out between the parties without recourse to formal procedures.

7. AMENDMENTS

- 7.1 The Conflict of Interest Policy will be reviewed at the time of every general election by Chief and Council.
- 7.2 All resolutions or amendments to this policy shall be presented to PBCN Council for ratification at a duly convened Council meeting.
- 7.3 The Conflict of Interest Policy and any amendments thereto shall be made available to the membership upon request.

8. PROCEDURE AND PENALTIES

Any breach of this policy will be dealt with according to the procedure and penalties outlined in the existing PBCN Personnel Manuals, Policies, and Regulations or Acts applicable to the staff member, board member, committee member, Chief or Councillor of PBCN as the case may be.

9. EXEPTIONAL CIRCUMSTANCES

In some instances and as may be warranted, Peter Ballantyne Cree Nation communities including: Denare Beach, Kiskaciwan and Sturgeon Landing may under exceptional circumstances waive certain requirements of this policy as it relates to Immediate Family and/or Associates and as the circumstances may apply. The Local Council for the aforementioned communities will apply for waiver from Chief and Council provided justification supports such a waiver. A quorum of Chief and Council will decide whether a waiver can be granted. See section 5.1 (f), whereas, which requires people to declare a conflict of interest but not to remove themselves from the decision. This shows that conflict is transparent and administrative. *I do not know if it is warranted to necessarily have a waiver in place for this?*

10. SIGNATURES

The Peter Ballantyne Cree Nation Conflict of Interest Policy was reviewed by a quorum of Chief & Council the _____ day of the month of _____, 2006.

The Peter Ballantyne Cree Nation Conflict of Interest Policy is approved by motion # _____ and signed this _____ day of the month of _____, 2006.

On behalf of Chief & Council,

Harold Linklater
Chief, Peter Ballantyne Cree
Nation

Margaret Michel
Councillor, Sturgeon Landing

Larry Sewap
Councillor, Pelican Narrows

David Caribou
Councillor, Sandy Bay

Stanley J Merasty
Councillor, Pelican Narrows

Roland Nataweyes
Councillor, Sandy Bay

Darwin Morin
Councillor, Pelican Narrows

Darren Morin
Councillor, Southend

Thomas Sewap
Councillor, Pelican Narrows

Ernest Cook
Councillor, Southend

Francis Highway
Councillor, Pelican Narrows

George Michel
Councillor, Prince Albert

Cornelius Ballantyne
Councillor, Deschambault
Lake

Marie Gunville
Councillor, Denare Beach

Peter A. Beatty
Councillor, Deschambault
Lake

