

Type	Commissioner’s Procedure/Policy	CP-011
Title	Conflict of Interest Policy	
Effective date	January 31, 2020	
Amends	Conflict of Interest Policy [September 9, 2019]	
Next review date	January 30, 2023	

1 Purpose

The purpose of this Policy is to help Fair Practice Office (“FPO”) employees and contractors recognize and avoid conflicts of interest. This Policy also enables our clients and stakeholders to hold the FPO to account when questions of conflict arise.

2 Definition

Conflict of Interest: refers to a situation that has the potential to undermine the impartiality of an FPO employee or contractor because two or more interests come into conflict.

Generally, interests will conflict if they cause, or are likely to cause:

- A FPO employee or contractor’s loyalty or judgment to be clouded; or
- A FPO employee or contractor to favor another interest over that of a client.

3 Types of conflict of interest

Errors and Omissions

If an FPO employee or contractor commits an error or omission, it may create a conflict of interest with the client. This conflict arises once an error is made and the prospect of a complaint being made against them gives rise to diverging interests. In such a situation, it is also possible the FPO employee or contractor’s judgment will be clouded and it may be difficult to fairly and objectively assess the situation. Should an error or omission, such as a missed time limit occur by a staff member, the staff member must report it to the manager and provide the manager with a file summary as soon as they become aware. Should the manager be responsible, they must report it to the FPO’s Executive Director in the same manner that staff reports to the manager.

Competing Client Interests

Representing two or more clients whose interests are adverse is a conflict of interest. An example of this is where two clients are in a legal dispute with one another. For example, Appeal Advisors should be alert to situations where a client would need to dispute entitlement or argue for reduced benefits (related to another client’s claim) in order to obtain full benefits for him or herself. This could include third party actions. Care should be taken if clients are engaged in legal proceedings against one another outside of their workers’ compensation claims, especially if the facts in any way overlap with their claims.

Relationship with Employer

FPO employee’s or contractor’s should not take a case when they have a relationship with an opposing party that could conflict with their loyalty or duty to the client. For example, FPO employees or contractors should not take on matters in which they or family members have a financial interest or business dealings.

Likewise, Fairness Review Officers should not take on fairness complaints in which they or family members have a financial interest or business dealings.

Personal or Business Relationship with Client

FPO staff and managers should avoid close personal and business relationships with clients, although such relationships do not automatically constitute conflicts of interest. Failing to do so may leave FPO employees or contractors open to accusations of taking improper advantage of the client. Similarly, the interests of the client and the FPO staff or manager can quickly and unexpectedly diverge where there is a personal or business relationship between them.

WAAB and EAAB Representation – Same WCB Claim

It is expected the Worker Appeals Advisors and Employer Appeals Advisors will act in a professional manner and ensure all correspondence and information relating to the issues is confidentially stored and maintained in separate security protected folders on the FPO’s network drive. There will be no discussion of the claim information between any Workers Appeals Advisor Branch (“WAAB”) with any Employer Appeals Advisor Branch (“EAAB”) staff members or managers.

Should WAAB and EAAB services be triggered on the same claim, WAAB and EAAB will each notify their client that their counterpart Branch is active on the file confirming that worker and employer matters are kept separate and apart by the FPO.

4 How to make a complaint

Steps

1. If you believe an FPO employee is in conflict of interest, reach out directly to that employee and review the standards set out above, together.
2. If you are not comfortable discussing your concern directly with the employee, or have discussed the matter with the employee and are not satisfied, reach out to the employee’s manager. Our Navigation Branch can assist with this step. (Call 1-866-427-0115)
 - a. The manager will meet with you and with the FPO employee, preferably together, to jointly review the concern and facilitate a shared understanding about the complaint and conflict of interest standards that are applicable. Best efforts will be made to resolve the matter during this joint review process. The manager will summarize in writing how the matter was resolved.
 - b. If unresolved, the manager will determine whether a (real or reasonably perceived) conflict of interest exists and summarize their findings and proposed next steps in writing. The summary will be completed within 15 business days of the joint review.
 - c. If the alleged conflict of interest involves a FPO manager, contact the FPO’s Executive Director for assistance. (The FPO’s Executive Director will follow steps 2(a) and, and if needs be, (b)). The FPO’s Navigation Branch will put you in touch with the FPO’s Executive Director.
3. If you do not agree with the manager’s written summary of findings or next steps, (or if the review was completed by the Executive Director and you do not agree with their findings), contact the Fair Practices

Commissioner in writing. Explain your concern and what steps you have taken to resolve it. Be sure to write down what you want the Commissioner to do about it.

- a. The Commissioner will review the file. The Commissioner may decide the matter based on their review of the file, or the Commissioner may request to meet with the parties altogether to discuss the matter.
- b. The Commissioner will issue their decision in writing.

[Amended January 31, 2020]

5 Authorizing signature and date

Approved by	Harold Robinson, Fair Practices Commissioner
Signature	[original signed]
Date	January 31, 2020