



CONFLICT OF INTEREST POLICY



Effective: November 2015

1 Introduction

- 1.1 The United Methodist Church in Australia Synod of Western Australia (herein referred to as "UCA WA") is committed to the principle of objective, fair, and equitable treatment of all workplace participants. It is therefore essential that all United Methodist Church in Western Australia activities are conducted in an atmosphere where actual or apparent conflicts of interest that compromise this principle are either avoided or disclosed and effectively managed.
- 1.2 This policy prohibits workplace participants from using their position, information acquired in their position, or the UCA WA's assets to obtain a benefit or advantage for themselves or for any other person.
- 1.3 Managing conflict of interest is the shared responsibility of the UCA WA, senior management, supervisors, human resources and employees.

2 Scope

- 2.1 This policy applies to all employees, volunteers, contractors (including temporary contractors) of the UCA WA, collectively referred to herein as 'workplace participants'. UCA WA is a National System employer and operates under the conditions of the Fair Work Act.
- 2.2 This policy does not form part of any contract of employment with UCA WA. Nor does it form part of any contract for service with UCA WA.

3 Definitions

3.1 Conflict of Interest

Conflict of interest arises when a workplace participant has a 'secondary interest' which could improperly influence the performance of the workplace participant's duties and responsibilities in their work with the UCA WA.

A 'secondary interest' means anything that can have an actual or perceived impact or influence on the workplace participant, including the participant's:

- a) own personal, professional or business interests; or
- b) the personal, professional or business interests of individuals or groups with whom a workplace participant is closely associated with through a current or former relationship.

Conflicts of interests can be actual or perceived.

'Actual' conflicts of interests arise where a secondary interest actually improperly influences a workplace participant's performance or behaviour.

However, conflicts of interest may still arise even if a secondary interest does not actually influence a workplace participant's behaviour. For instance, secondary interests that could create a perception that a workplace participant has been improperly influenced in their work also constitute a conflict of interest. For example, if the workplace participant or one of their family members has an interest in a company with whom they are required to negotiate a contract on behalf of the UCA WA, for the provision of services. This would constitute (at the very least) a perceived conflict of interest.

3.2 Relationship

Includes but is not limited to relationships by blood, adoption, marriage, or domestic partnership: partner, parent, child, sibling, first cousin, uncle, aunt, nephew, niece, spouse, brother- or sister-in-law, father- or mother-in-law, son- or daughter-in-law, step-parent, or step-child; OR

Existing or past romantic and/or sexual relationships; OR

A business relationship in which a workplace participant or a member of the workplace participant's family is associated with a business entity, either as a board member or in an operational capacity.

3.3 Benefit

Includes anything which provides a workplace participant with a direct or indirect personal gain, or the potential for personal gain or gain to a related third party.

Such a gain includes but is not limited to:

- financial gain;
- recruitment, promotion, secondment, remuneration increase or other employment benefit, provision of materials, resources, facilities;
- benefits such as travel, gifts, meals and / or entertainment and accommodation expenses; or
- intellectual property.

4 Policy in Practice

4.1 Between Workplace Participants

A conflict of interest in employment arises where there is a relationship between two workplace participants in the same workplace with the result that:

- decision making in the workplace may not be objective or may be perceived as not being objective;

- the relationship between the parties may adversely affect the interests or working environment of other employees.

It is therefore essential that any conflict of interest, or potential conflict of interest between workplace participants is avoided or managed effectively and so the following requirements apply:

- no workplace participant may directly manage or supervise a person with whom they have a relationship (as defined in section 3 above);
- a new appointment or change in structure is proposed that may create a conflict of interest between workplace participants, such as an indirect reporting relationship, can only proceed with written approval from the General Secretary and with an effective management plan in place.

4.2 Suppliers, Service Providers & Other Organisations

4.2.1 Financial Interest

A financial conflict of interest occurs where a UCA WA workplace participant or a member of their family has a financial interest in an organisation where they could influence, or could be perceived to influence, the awarding of contracts or other business or benefits. In such cases the conflict of interest must be declared to the General Secretary who will make a written determination on whether the Synod will conduct business with the organisation and if so, how the conflict of interest will be effectively managed.

4.2.2 Business Transactions

A workplace participant who has delegated authority to approve payments on behalf of the UCA WA:

- must not undertake any business transaction, including authorisation of payment, with a person with whom they have a relationship;
- must not approve payments to themselves, or to a person with whom they have a relationship as defined in section 3 above.

4.2.3 Conflict of Interest and Intellectual Property

A conflict of interest occurs where a workplace participant discloses to third parties UCA WA information that is not in the public domain. Therefore workplace participants must not use information obtained in the course of their work for their own personal benefit, or disclose such information to a third party, except where consent has been obtained or where there is a legal or professional duty of disclosure.

5 Managing a Conflict of Interest

5.1 Reporting a Conflict of Interest

Avoiding all conflicts of interest (real or perceived) is not always feasible. However, in all cases where conflict of interest arises, the conflict must be openly and transparently declared. A workplace participant should report or declare the actual or perceived conflict of interest to their line manager, or where the line manager has a conflict of interest in the matter, then the workplace participant will disclose the conflict of interest to the next higher level of authority.

5.2 Resolving a Conflict of Interest

5.2.1 The manager, in consultation with the workplace participant who has disclosed the conflict of interest, will determine whether a conflict of interest exists. Where a conflict of interest has been determined to exist, the manager and workplace participant will agree in writing on an effective management plan to manage or avoid the conflict of interest. The management plan needs to be approved in writing by the General Secretary.

5.2.2 It must be ensured that while managing the conflict, the UCA WA can continue to:

- a) Perform its services in an impartial and professional manner;
- b) Maintain highest ethical standards; and
- c) Deliver its services fairly, effectively and efficiently.

5.2.3 If the manager and employee are unable to agree on a course of action, the matter will be referred for resolution to the next higher level of authority.

A course of action may:

- authorise the workplace participant to continue in his or her duties;
- put in place additional processes to ensure the impartiality of the workplace participant in performing his or her duties;
- Recruit a third party who does not have an interest (such as Human Resources or Legal Advisers) to advise on or participate in the matter; or
- direct the workplace participant to withdraw from involvement in the matter that has given rise to the conflict or otherwise reorganise the duties of the workplace participant to avoid the conflict of interest.

6 Discipline

Any workplace participant who engages in any conduct in violation of this policy will be subject to appropriate disciplinary action, including termination of employment or being stood down from their voluntary position, (see Disciplinary Policy). In the case of contractors or subcontractors, their contractor services may be terminated.

7 Variations

The UCA WA reserves the right to vary, replace or terminate this policy from time to time.

8 Related Policies and Procedures

Disciplinary Policy

Termination Policy

This listing includes the key policies that relate to the Conflict of Interest Policy. The list is current at the time of publication but is subject to change. Existing policies are amended and new policies are added regularly.