



CONFLICT OF INTEREST

Frequently Asked Questions – from managers

1. Can mismanaging an employee's conflict of interest have a negative impact on me?

Conflict of interest (COI) policy and procedures are in place to protect individual employees, your unit and your public sector organisation. When they are ignored or poorly implemented, the negative consequences typically affect all involved, including you as the manager.

Any manager who has been found to ignore procedures or mismanage another's conflict of interest may be held responsible for the failure. This can lead to disciplinary action and likely a negative perception of you and your team

2. What are my responsibilities with regard to informing my staff about COI?

As the manager, it is your responsibility to ensure that people in your area are aware of your organisation's COI policy and procedures, and the importance of acting appropriately. You must also be seen to be implementing the policies in relation to your own interests.

3. What do I do if an employees' disclosure does not contain enough information for me to be able to make a decision on how a COI should be managed?

The management of COI should always be resolved following discussion with the person declaring the conflict. Ask for further information so that you can clearly understand the employee's position. Only when you have all the information you need should you make a decision about managing the COI.

4. What do I need to document in such a scenario?

Your organisation should have a template form for employees to declare a COI. Any discussions with your staff member should be documented, especially those in which the employee explains the COI or gives information about it that expands on what was in their disclosure. You should also document your COI management plan and any reasons for your decisions regarding the management of the COI.

5. Am I responsible if an employee does not declare a COI?

It is the individual's responsibility to declare a COI, but it is your responsibility to take action if you have an indication that an employee in your area has not done so.

6. What should I do if I suspect a person might have a COI, but I am not sure?

You should make appropriate enquiries. In many cases, it is a good idea to discuss your concerns with your organisation's governance, audit or human resources personnel. If you suspect that the non-disclosure would amount to misconduct you should report it in accordance with your reporting policy.

7. Do employees have to declare all conflicts, even those that aren't financial?

COI must be declared whenever an employee's personal or private interests may interfere with their public duties or decisions they make at work. Personal or private interests include all relevant interests, be they financial ('pecuniary') or non-financial e.g. benefitting a friend.

8. What should I do if the employee is unhappy with my COI management plan?

As the manager, it is your responsibility to manage a declared COI in accordance with your organisation's policy and procedures, including any appeals to a decision. You may find it useful to get advice from your governance, audit or human resources personnel.

9. Do I have to monitor that the employee is complying with the COI management plan?

Yes, monitoring compliance is your responsibility. How frequently and how detailed the monitoring depends on how the level of risk associated with the COI. Where required, supervisors are usually responsible for ensuring that staff resubmit COI disclosures.

10. Do I need to do anything if I am aware that the employee's COI has changed?

Yes, you need to instruct the staff member to give you a new disclosure. You should then reconsider the management approach, depending upon the circumstances.

11. If the employee's role at work changes, do I need to do anything about managing the COI?

Yes, you should consider how this affects the COI. It might change or possibly end the COI, and affect the COI management plan. You may need to request a new disclosure and/or update the management plan.

If the employee has a new supervisor, you should make that person aware of the COI disclosure and the existence of the management plan



The Commission can help

We are available to provide support and assistance with identifying, reporting, investigating, managing and preventing misconduct: prevention@integrity.tas.gov.au or 1300 720 289.

For more Misconduct Prevention resources go to www.integrity.tas.gov.au/resources.