

WHSCC and Conflict of Interest

The following are Sections (1);11(1) - (11)4) from *the Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act* pertaining to "Conflict of Interest".

(1) In this Act

"conflict of interest" means a circumstance in which a member of the board of directors could or would be influenced in the exercise of the member's duties and responsibilities in respect of a matter under consideration by the board of directors, by reason of the member's

- (a) interest, activities, relationships, rights, duties, obligations or responsibilities, whether personal or in respect of employment, or
- (b) knowledge of the interests or affairs of the member's employer, business or national or international union.

11(1) A member of the board of directors who has a conflict of interest shall, at the first opportunity, disclose the existence and the nature of the conflict of interest to the chairperson of the board of directors and shall not participate in any discussion of, shall not influence or attempt to influence the outcome of and shall not vote or otherwise participate in respect of the matter to which the conflict of interest relates.

11(2) A member of the board of directors who believes that he or she, or another member of the board of directors, may have a conflict of interest shall, at the first opportunity, disclose or report the existence and the nature of the possible conflict of interest to the chairperson of the board of directors.

11(3) Where a member of the board of directors has disclosed or reported under subsection (2) that the member or another member of the board of directors has a possible conflict of interest, the chairperson of the board of directors shall seek the direction of the board of directors as to whether or not the member in question may participate in the dealings of the board of directors in the matter under consideration and the member in question shall not participate in any discussion of, shall not influence or attempt to influence the outcome of and shall not vote or otherwise participate in respect of the matter until the board of directors has determined that there is no conflict of interest and has directed that the member may participate.

11(4) A vote as to whether or not a member of the board of directors has a conflict of interest shall be decided by a simple majority of the members of the board of directors present at any meeting and the decision of the board of directors on the issue shall be final.