**CONFLICTS OF INTEREST POLICY**

This template policy is intended to assist member businesses develop their own workplace policy. The following information should be used as a guide only. Any wording changes, other than those to insert a business name, may change the context, meaning or purpose of the policy. We recommend you receive advice from the Victorian Chamber of Commerce and Industry prior to making such changes.

## Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber’s team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on (03) 8662 5222.

Disclaimer

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# CONFLICTS OF INTEREST POLICY

## 1. COMMENCEMENT AND APPLICATION OF THIS POLICY

This Conflicts of Interest Policy (“Policy”) commences operation from **[INSERT DATE]** and replaces all previous **[INSERT COMPANY NAME]** policies pertaining to conflicts of interest.

The Policy applies to all employees, agents and contractors (including temporary contractors) of **[INSERT COMPANY NAME]**, collectively referred to as **‘workplace participants’**.

The Policy does not form part of any employee’s contract of employment. Nor does it form part of any other workplace participant’s contract for services.

**[INSERT COMPANY NAME]** reserves the right to vary, replace or terminate this Policy from time to time.

## 2. WHAT IS A CONFLICT OF INTEREST?

A 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 for **[INSERT COMPANY NAME]**.

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

* + 1. own personal, professional or business interests; or
    2. the personal, professional or business interests of individuals or groups with whom a workplace participant is closely associated (for instance, relatives, friends or even a rival).

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 constitutes a conflict of interest.

*Example: You or one of your family members has an interest in a company with whom you are required to negotiate a contract on behalf of* **[INSERT COMPANY NAME]***, for the provision of services. This would constitute (at the very least) a perceived conflict of interest.*

Improper use of position, information and assets

This Policy also prohibits workplace participants from using their position, information acquired in their position, or BUSINES NAME’s assets to obtain a benefit or advantage for:

* + 1. themselves; or
    2. for any other person.

## 3. WHO IS RESPONSIBLE FOR MANAGING CONFLICTS OF INTEREST?

Managing conflicts of interest is the shared responsibility of **[INSERT COMPANY NAME]**, senior management, supervisors, human resources and workplace participants.

All workplace participants have a responsibility to ask themselves whether their actions or decisions could give rise to a real or perceived conflict of interest, and if so, to take action to manage that conflict.

## 4. DECLARING A CONFLICT OF INTEREST

Avoiding all conflicts of interest (real or perceived) is not always feasible. However, in all cases where a conflict of interest arises, the conflict should be openly and transparently declared.

A workplace participant should register or declare the actual or perceived conflict of interest to the workplace participant’s **[INSERT EMPLOYEE NAME]**. If the **[INSERT EMPLOYEE NAME]** is also subject to the conflict of interest, the workplace participant should register or declare the actual or perceived conflict of interest in writing to the **[INSERT COMPANY POSITION]** or the **[INSERT HUMAN RESOURCES]**.

## **5. MANAGING A CONFLICT OF INTEREST**

**A supervisor or manager who receives a declaration regarding a conflict of interest must then determine how to respond to the conflict. Any response must be sufficient to ensure that [INSERT COMPANY NAME]** **can continue to:**

* + 1. perform its services in an impartial and professional manner;
    2. maintain the highest ethical standards; and
    3. deliver its services fairly, effectively and efficiently to customers.

Measures that can be adopted to minimise a conflict include:

* + 1. **recruiting** third parties who do not have an interest (such as Human Resources or legal advisors) to advise on or participate in the matter;
    2. **restricting involvement** of a workplace participant in matters in which they have (or are perceived to have) a conflict of interest;
    3. **removing** the workplace participant from involvement in matters in which they have real or perceived conflicts of interest;
    4. requiring the workplace participant to **relinquish** assets or other private interests in order to minimise the conflict; and
    5. in rare circumstances, a workplace participant may need to **resign** from their employment or end their contract for services in order to appropriately minimise the conflict.

## 6. IF IN DOUBT, DECLARE!

If a workplace participant is ever under any doubt regarding whether a perceived or actual conflict of interest has arisen, the appropriate course of action is for the workplace participant to declare the conflict of interest.

This serves to protect both the workplace participant and **[INSERT COMPANY NAME]** from any adverse consequences if an actual conflict of interest arises.

## 7. BREACHES OF THIS POLICY

A failure to comply with the obligations contained in this Policy will lead to disciplinary action which may include, but is not limited to, termination of an employee’s employment or a contractor’s services.

Breaches of this Policy will be handled under **[INSERT COMPANY NAME]**’s **[DISCIPLINARY PROCEDURES POLICY]**.

## 8. VARIATIONS

**[INSERT COMPANY NAME]** reserves the right to vary, replace or terminate this policy from time to time.

## Associated Documents

* **[INSERT OTHER POLICIES WHICH APPLY]**

## Policy version and revision information

|  |  |
| --- | --- |
| Policy Authorised by: **[ADD NAME]**  Title: HR MANAGER | Original issue: **[INSERT DATE]** |
| Policy Maintained by: **[ADD NAME]**  Title: **[ADD TITLE]** | Current version: VERSION 1 |
| Review date: **[INSERT DATE]** |  |

WORKPLACE PARTICIPANT ACKNOWLEDGEMENT

## I acknowledge:

## I have received, read and understood the policy

## I am required to comply with the policy; and

## There may be disciplinary consequences if I fail to comply, up to and including the termination of my employment.

Name: Signature:

Date: