

New Home Ombuds Conflict of Interest Policy



New Home Ombuds staff must avoid placing themselves, their business agents, associates, or their family members in a position where other interests' conflict with their responsibilities as employees of the office.

A conflict of interest may be actual or perceived and may exist whether or not the employee has received a financial benefit.

An employee's interest may include the activities of their family.

The following activities will be construed as a conflict of interest:

Acceptance of Favours:

- To demand, accept or offer benefit of any kind from any entity having dealings with the office or Tarion.

Alternative Employment/Business:

- To knowingly engage in any outside work or business that conflicts with the interests of the office or Tarion. This includes work that interferes with the performance of their duties as an employee or where they are advantaged because they are an employee of the New Home Ombuds office.

Personal Influence:

- To derive personal benefit through personal influence.

Financial Benefit:

- To benefit financially from the employee's association with the office or Tarion.

Profit from Access to Information:

- To use the position, authority or knowledge acquired as an employee of the New Home Ombuds office to obtain a benefit if the results would be detrimental to the interest of the office or unfair to the public.

Licensure:

- To be licensed with the Home Construction Regulatory Authority or be an officer, director or principal of any Builder or Vendor while employed with the office.

Fee for Public Appearance

- To accept any fee for public appearances resulting directly from his or her position as an employee or his or her field of knowledge derived from the employee's position.

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Family Members Interests:

- To have a family member working for an entity that has a business relationship with Tarion or the New Home Ombuds office, is licensed with the Home Construction Regulatory Authority, or otherwise in a position to profit from the employee's relationship with Tarion or the New Home Ombuds office without making full disclosure to the office in writing.

Reporting a Conflict of Interest

Any member of the public can report concerns about an actual or potential conflict of interest of a New Home Ombuds office employee, using the process outlined below.

The Reporting Process

To report to the Ombuds:

Conflict of interest complaints against Ombuds staff members can be reported to the Ombuds by submitting the complaint in writing to the Ombuds, either through email to jmoriarty@newhomeombuds.ca or by regular mail to New Home Ombuds, 2238 Dundas Street West, PO Box 59102, Toronto, ON M6R 3B5.

To report to the Stakeholder Committee:

Conflict of Interest complaints against either the Ombuds or Ombuds staff members may be made to the Stakeholder Committee by submitting the complaint in writing to the Chair of the Stakeholder Committee through email at stakeholdercmtechair@tarion.com with "Confidential" in the subject line. Alternately, the complaint may be sent by regular mail to Chair, Stakeholder Committee, 5160 Yonge Street, 7th floor, Toronto, ON M2N 6LP with "Confidential" marked on the envelope.

All such complaints are taken seriously and will be investigated as appropriate, using the process outlined in Appendix A "The Conflict-of-Interest Investigation Process".

Any conflict-of-interest complaint may be submitted anonymously, but this limits the investigative procedure through an inability to validate or collect further information.

Whenever possible, the office will inform the person who reported the conflict of interest of the outcome of the investigation. However, because employment status may be involved, it may not be possible to provide full details.

APPENDIX A The Conflict-of-Interest Investigation Process

Acknowledgement to the Complainant

Except where complaints are made anonymously, written acknowledgment of the complaint will be sent to the complainant, with information on next steps.

Notice to the Employee

When a conflict-of-interest allegation is made, the employee may be advised of the complaint at the time. If the nature of the complaint requires advising and investigation by relevant authorities (e.g., law enforcement), the employee may not be advised of the complaint pending instruction from legal counsel and the appropriate authorities.

Investigation

If the allegation is against a New Home Ombuds staff member and has been reported to the Ombuds, the Ombuds will review the allegation and consult with the Chair of the Stakeholder Committee to determine further action. If they determine that an investigation is required, the Chair, in consultation with the Ombuds, will determine whether the Ombuds will investigate the allegation or engage a third-party investigator to do so.

If the allegation was reported to the Stakeholder Committee, the Chair of the Committee will review the allegation and consult with the Chair of Tarion's Board of Directors to determine further action. If investigation is required, an independent third-party investigator will be engaged by the Board.

The employee against whom the allegation has been made may be notified of the conflict-of-interest complaint at this time and may be assigned to other duties or be placed on a paid leave.

In the event of an allegation against Ombuds staff, this decision will be made by the Chair of the Stakeholder Committee, in consultation with the Ombuds. In the event of an allegation against the Ombuds, the decision will be made by the Chair of the Stakeholder Committee in consultation with the Chair of Tarion's Board of Directors.

Findings

In the event of an allegation against Ombuds staff, the Chair, Stakeholder Committee and the Ombuds will review all investigative findings and will determine whether a conflict of interest, actual or perceived, exists. If the allegation is against the Ombuds, the Chair, Stakeholder Committee will review the findings with the Board Chair to make this determination.

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If a conflict of interest has been found, the Board Chair will be informed of the findings and will approve action(s) to be taken. The investigation findings will be kept in the personnel file of the employee against whom the allegation was made.

Reporting

A copy of the investigation report, the response and a record of any action taken will be kept in a separate file in the employee's personnel file.

The outcome of the complaint shall be reported to the complainant if possible. However, because employment status may be involved, the outcome information provided to the complainant may be limited.

Confidentiality and Privacy

The office will take all reasonable steps to ensure confidentiality and privacy, to the extent practicable and consistent with applicable law and the need to conduct a fair investigation.

Outcome

There are several outcomes possible, depending on the findings of the investigation:

No Conflict of Interest found:

If the investigation finds no conflict of interest, the employee will be informed of the report and no further action will be taken.

Conflict of Interest found:

If the investigation determines that there is an actual or perceived conflict of interest, the employee may be required to:

- disengage from the outside interest;
- transfer the outside interest to a third party;
- agree to publicize a potential conflict of interest;
- be temporarily removed from responsibilities that entail a conflict of interest;
- continue with their duties under the scrutiny of the Ombuds or the Chair, Stakeholder Committee;
- submit a resignation;
- be terminated