

# Conflict of Interest Policy



New Home Ombuds staff must avoid placing themselves in a position where other interests conflict or appear to conflict with their responsibilities as an employee of the office.

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

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

- To demand, accept or offer benefits of any kind from an entity having dealings with the office or Tarion.
- 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 employee's duties or where they are advantaged as an employee of the office.
- To derive benefit through personal influence.
- To benefit financially from the employee's association with office or Tarion.
- To use the position, authority or knowledge acquired as an employee to obtain a benefit if the results would be detrimental to the interest of the office or unfair to the public.
- To accept any fee for public appearances resulting directly from their position as an employee or the knowledge derived from their position.
- To be a member of a homeowner, builder or similar advocacy group while employed by the office.
- To be licensed with the Home Construction Regulatory Authority or to be an officer, director or principal of any licensee while employed by the office.
- To have a family member associated with an entity that has a business relationship with Tarion or the office, licensed with the Home Construction Regulatory Authority or otherwise in a position to benefit from the employee's relationship with the New Home Ombuds office or Tarion without making full disclosure to the office in writing.

## Reporting a Conflict of Interest

Any employee in a conflict of interest or who becomes aware of a conflict of interest of another employee shall disclose that conflict of interest using the reporting process outlined in *APPENDIX A - Reporting*. The process followed to investigate the report is outlined in *APPENDIX B – Investigation Process*.

# Conflict of Interest Policy



## APPENDIX A - Reporting

To report a conflict of interest or improper conduct or to make an internal report of possible wrongdoing follow the steps outlined below. Except where reports are made anonymously, they will be acknowledged in writing and information on next steps provided.

### Reporting to the Ombuds

Reports about Ombuds staff may be made by submitting the report in writing to the Ombuds through email at [jmoriarty@newhomeombuds.ca](mailto:jmoriarty@newhomeombuds.ca) or regular mail at New Home Ombuds, 1655 Dupont Street, suite 101, Toronto, ON M6P 3T1

### Reporting to the Stakeholder Committee

Reports about the Ombuds or Ombuds staff may be made by submitting the report in writing to the Chair of the Stakeholder Committee through email at [stakeholdercmtechair@tarion.com](mailto:stakeholdercmtechair@tarion.com) with “Confidential” in the subject line or by regular mail to Chair, Stakeholder Committee, 5160 Yonge Street, 7<sup>th</sup> floor, Toronto, ON M2N 6LP with “Confidential” marked on the envelope.

Provide as much detail as possible about the incident you are reporting, including when and where the incident took place, who was involved, and what happened.

Any report may be submitted anonymously, but this may limit the investigative procedure through an inability to validate or collect further information.

Whenever possible, the person reporting will be notified of the outcome of the investigation. However, because employment status may be involved, it may not be possible to provide full details.

# Conflict of Interest Policy

## APPENDIX B - Investigation Process

### The Investigation process

The employee against whom the report has been made may be notified of the report at the time of reporting and may be assigned to other duties or be placed on a paid leave, depending on the nature of the report. If the report requires advising and investigation by relevant authorities (e.g., law enforcement), the employee may not be advised of the report pending instruction from legal counsel and the appropriate authorities.

If the report has been submitted to the Ombuds, the Ombuds will review the report 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 report was submitted to the Stakeholder Committee, the Chair of the Committee will review the report and consult with the Chair of the Board of Directors to determine further action. If investigation is required, an independent third-party investigator will be engaged by the Board.

#### Responsibility to Consider Accommodations

If the report relates to discrimination on prohibited human rights grounds, in addition to the above noted investigation, the Ombuds or Chair of the Stakeholder Committee will review the situation to determine if the matter can be addressed through reasonable accommodation

If a complaint relates to discrimination based on disability the Ombuds or Chair of the Stakeholder Committee will consult with Tarion's Director of Customer Services to determine appropriate accommodation.

#### **Outcome**

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

If the investigation finds the report is not validated, the employee will be informed of the report and no further action will be taken.

If the investigation determines that the report is validated, the employee may be required to:

- disengage from an outside interest;
- agree to publicize a potential conflict of interest;
- be temporarily removed from some or all of their responsibilities;

# Conflict of Interest Policy

- continue with their duties under the scrutiny of the Ombuds or the Chair, Stakeholder Committee;
- receive a reprimand or other disciplinary action,
- submit a resignation;
- be terminated

## 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 report shall be provided 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.

## MONITORING METHODOLOGY

This Policy shall be reviewed annually by the Ombuds and Stakeholder Committee.

Reviewed by Stakeholder Committee	October 2020, April 2023
Reviewed by Board of Directors	October 2020, February 2022, April 2023
Approved by Board of Directors	October 2020, February 2022, April 2023