

3

HANDBOOK

CONFLICT OF INTEREST

If a human's life is as free as a bird, a bird's wing carries many a feather. However abundant, if such feathers entangle with one another, how can a bird end his journey with freedom? Conflicts of interest, paves the way for wrong doing. If the feathers are kept in its rightful place, sans entanglements, the journey of life will be smooth and life itself will be a victory.



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**RULES ON
CONFLICT OF INTEREST**

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RULES ON CONFLICT OF INTEREST

“Integrity for Sri Lanka”

Commission to Investigate Allegations of Bribery or Corruption
Democratic Socialist Republic of Sri Lanka

Foreword

The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) in collaboration with the Ministry of Public Administration has formulated these guidelines pursuant to the five year National Action Plan to Combat Bribery and Corruption (NAP) in Sri Lanka, which was launched on the 18th of March 2019.

Having recognized the key role played by preventive mechanism in the fight against corruption, novel concepts and procedures have been introduced to minimize the possibilities of corruption. These guidelines will supplement the existing legal and regulatory framework of the country by enhancing and empowering the public institutions of Sri Lanka. This handbook is a product of lengthy consultations conducted in a span of one year.

As such, ground level insights were gathered to more effectively understand corruption related community experiences and grievances. Numerous deliberations with both national and international experts on various related subjects have broaden the horizons of this endeavor. Inspired by all these sources, the ensuing guidelines have been created so as to suit the situations unique to Sri Lanka.

Formulation of these guidelines are only the beginning of a journey that would ultimately lead Sri Lanka in the path of success and development. With a vision premised on integrity, the path ahead is clear. The collective effort of the nation in realizing this purpose is the key to the meaningful implementation of this handbook.

MESSAGE FROM THE SECRETARY TO THE PRESIDENT

A public officer must dispense his or her services with utmost care and respect. There will be occasions where a public officer has to deal with people he shares a personal relationship with. Even at times when the public officer acts in an unbiased way, an impression might be created in the minds of the citizenry that the officer in question is partisan towards his friends. By avoiding such conflicts of interests, major cases of bribery and corruption will be prevented. This is equated to nipping a plant in its bud with your finger nail, as opposed to using an axe to cut down a fully-grown tree. This handbook provides a guideline to avoid conflicts of interest as a preventive mechanism in the country's fight against bribery and corruption. Following these guidelines will not only protect the public officer, but his family and children as well. It will earn the respect and trust of the citizenry. Sri Lanka will be known as a country which eradicated bribery and corruption. This handbook has been created pursuant to the National Action Plan for Combatting Bribery and Corruption in Sri Lanka, and after the necessary policy decisions are made, the plan is expected to be fully implemented. I invite all public officers to come forward to offer a clean service to the greater citizenry thereby earning their trust and respect.



Udaya R. Seneviratne
Secretary to the President
Presidential Secretariat

MESSAGE FROM THE SECRETARY TO THE MINISTRY OF PUBLIC ADMINISTRATION AND DISASTER MANAGEMENT

Bribery and Corruption which is a common occurrence in South Asia, exist in different forms in Sri Lanka as well. It is our privilege to render our assistance to the Commission to Investigate Allegations of Bribery and Corruption (CIABOC) in its efforts to combat such acts.

The public officer who carries out his or her responsibilities as per the Establishment Code, must not let their personal interests affect their professional duties. The public officer must be armed with the necessary discipline to render his services equally, to any citizen who comes before him, irrespective of their social status. All public officers must ensure that their personal or professional interests do not barricade the honest dispensation of their duties. If any such interest exists, by disclosing it to the higher management prior to rendering the service will prevent the escalation of an offence. As such, it will minimize the opportunities to have a conflict of interests.

We hope to introduce the Conflicts of Interests Handbook created by CIABOC with the approval of the Cabinet of Ministers, to all officers receiving payment from the Consolidate Fund, thereby inculcating a culture of integrity within the public sector to render a productive service to the greater citizenry.



J.J. Rathnasiri

Secretary

Ministry of Public Administration and Disaster Management

Table of Contents

Introduction	17
Chapter 1	
Understanding Conflict of Interest	19
Values	19
What is conflict of interest?	20
Types of Conflict of Interest	21
Chapter 2	
Handling Conflict of Interest	23
Declaration of Conflicts of interest	23
Managing the Conflict of Interest	24
Illustrations	27
Chapter 3	
Developing Conflict of Interest Policy	29
Suggested role and responsibilities for the Management Committee	31
Chapter 4	
Implementing Conflict of Interest Policy	33
Leadership	33
Sensitizing the Policies	33
Training	34
Stakeholder role	34
Reward and Recognition	34
Annual Report of the Institutional Action Plan to Combat Bribery and Corruption	34

Chapter 5	
Monitoring and Compliance	35
Reporting conflict of interest	35
Breach of conflict of interest policy	35
Annexures	37
Glossary	39

Introduction

The corruption law of Sri Lanka is based on the concept of deterrence where penal sanctions will deter the public from committing an offence. However under the current system, an investigation will only take place only after an offence is committed. However, one must look at preventive measures prior to the commission of the offence, if a successful anti-corruption regime is to be implemented. One of the root causes of corruption is the absence of effective conflict of interest framework. The recognition of conflict of interest is synonymous to nipping the bud of a plant, which would be harder to cut down, once it grows in to a fully-fledged tree. This endeavor aims at introducing guidelines to permeate a society sans conflict of interest. This is a mechanism to weed out the seeds of corruption by mitigating the potential risks.

Conflict of interest is premised on the principle that one's private interests should not override one's official interests. These guidelines aim at raising awareness to take the necessary precautionary steps to prevent conflicts of interests. This is a remedy to eradicate a malady that has plagued the society.

Sri Lankan law has not attempted to define an offence pertaining to the non-declaration of conflict of interest. However, a proposed amendment to the Bribery Act will resolve this lacuna. The ensuing guidelines will be an explanation, elaboration of the proposed amendment. These guidelines will sensitize the propagation of a culture against conflict of interest and as such, public authorities are obligated

under the National Action Plan for Combatting Corruption (NAP) to implement these guidelines. Primarily, a Management Committee should be appointed within the institution, which may include the Head of the Department as a member.

The Establishment Code makes reference to this concept in Chapters XLVII and XXIX. The present guideline will widen the existing scope by supplementing the existing framework with clarity and simplicity. In its essence, the concept of conflict of interest is introduced as a procedural safeguard in an attempt to prevent or mitigate opportunities of prospective corruption. It is a strand of abuse of power which might not amount to the offence of corruption. Nevertheless, it may have influenced a decision maker to be biased, compromising the integrity of the decision making procedure.

Just because an official has a personal interest, he might argue that, it has not affected the final decision he made. As such, he may claim that his involvement within the decision making process is justifiable. Nevertheless, such justifications cannot be allowed. However reasonable the final decision is, if the decision maker has a personal interest overriding his official interest, it cannot be allowed. Conflict of interest is not based on the outcome of the decision but rather the rationale behind a person sitting as a decision maker.

When a person becomes a public officer, she/he enters a life, which holds the trust of the public. This position has many advantages and demands the highest level of responsible and ethical conduct. Hence balancing situations to match the need is a skill that every public officer needs to master.

This guideline is meant to help public officers and institutions to cope with conflict of interest prudently, by developing their own policies. It explains the concept of conflict of interest providing examples of potential situations. It gives guidance on deciding whether a conflict is severe enough to warrant action, possible management options and processes for developing conflicts of interest policies. These guidelines will come in to force on a date prescribed by the Minister in charge of the subject matter of Public Administration.

Chapter 1

Understanding Conflict of Interest

Values

Employees of the public service occupy a position of trust. They are entrusted by the people of Sri Lanka to undertake vital duties on their behalf. With this trust comes a high level of responsibility which should be matched by the highest standards of ethical behaviour.

Public service ought to be conducted with high standards and values of:

- Commitment to service
- Politeness
- Honesty
- Courtesy
- Accountability

(Establishment code chapter XXIX)

Statutory Provisions:

Establishment Code: Chapter XLVII:

An officer shall not do anything which will bring his private interests into conflict with the public duty or which compromises his office. He should so conduct himself at all times as to avoid giving rise to any appearance of such conflict or of being so compromised. (Sec: General Conduct Sub Sec: 1.5)

Establishment Code: Chapter: XXIX

If an officer has reason to anticipate that any real or apparent conflict between his public duty and private interests may be caused by the fact that he owns or holds or proposes to acquire any shares, assets or interests of the description in the 2.1 he should report the facts of the case to the Secretary through the Head of the Department and stay all action in that case until the order of the Secretary is received.

On the receipt of such an order he should comply with it forthwith.

(Sec: Acquisition of Land, Investments, and Mortgages Sub Sec: 4.3)

What is conflict of interest?

Conflict of interest occurs when a public officer's ability to make an impartial decision with regard to his/her public responsibility is affected by his/her personal interests.

The principle is a simple one. When a public officer is making a decision at work, he/she should only be influenced in that decision by factors that are genuinely relevant to the decision at hand. The employee should not be influenced by, for example, the impact that it might have on him/her, family members or friends. The only motivation has to be public interest, not private interests.

Public interest or duty of a public officer

An employee of the public service must act responsibly and with due diligence, in the best interests of the public. The public officer is responsible for maintaining the trust of the public by ensuring that the highest standards of professional conduct and competence is ensured in his/her work. This could be defined as the public interest or duty of a public officer.

Private interests (personal interests)

Private or personal interests are those where an individual benefits or acquires an advantage through the decision-making process. Private interests are not limited to pecuniary interest or to interest that can bring direct personal gain or help avoid personal loss. They also include social and professional activities and other interests.

Private interests are not limited to interests of an individual. In a broader sense, private interest also includes the interests of family members, relatives, friends, associates and colleagues. It might not always include an advantage to those related to the public officer, but might also include a detriment to an enemy of the public officer.

Types of Conflict of Interest

Actual	A conflict is apparent at the point of making a decision. where the conflict is apparent at the present time.
Potential	A conflict might happen in the future. even though a conflict is not evident presently, there is a possibility of such a conflict arising in future.
Perceived	Even though there is not actual or potential conflict, in the eyes of others a perception may be created that there exists a conflict of interest.

Hypothetical illustrations of the types of conflict of interest

Situation	Type of conflict of interest	Rationale
<p>You are a public officer who is a member of the procurement committee who regularly evaluates projects submitted to your institution and takes decisions. The people involved are not known to you, and others would not perceive it that way either.</p>	<p>No conflict</p>	<p>This is part of your assigned official duty. You have no relevant private interest that may have an impact on carrying out your duty.</p>
<p>You evaluate the project submitted by your spouse. Your spouse is working in one of the bidder's company.</p>	<p>Actual conflict</p>	<p>As a committee member, your private interest is relevant to your assigned official duty and could improperly influence your assessment</p>
<p>A bidder concerned is not a relative, but your daughter is going to get married to him next year. There is no conflict presently, but in future a conflict may develop.</p>	<p>Potential conflict</p>	<p>Your private interest (spouse's business) is not currently relevant to your official duty but it could be in the future if your spouse submits proposals to your procurement committee.</p>
<p>For your wife's birthday party, she invites a bidder, where pictures are made public. You may pose for a photograph. You don't even know the person, or remember him, yet it is made public on Facebook.</p>	<p>Perceived conflict</p>	<p>Although you do not evaluate the project or take part in the procurement committee some may consider/perceive that your private interest is relevant to and may influence the outcome</p>

Chapter 2

Handling Conflict of Interest

This chapter will discuss how in practice, conflicts of interest can be handled within an institution. The preventive options available can include inter alia raising awareness, declaration of conflict of interest. Additionally, this chapter includes measure that can be taken after such declarations i.e. management of declarations. Institution heads are responsible for ensuring that conflict of interest situations are effectively regulated. In this regard, the public officer himself should not judge whether his judgment may or may not be compromised due to his conflicting interest. Irrespective of his own intentions, the duty of a public officer is to disclose that there exists a conflict of interest.

Therefore, the primary tool that can be used by an institution in this regard is directing the employees to declare conflicts of interest.

Declaration of Conflicts of interest

Under the Declaration of Assets and Liabilities Law of Sri Lanka, when a person enters public office for the first time as an employee he or she is required disclose his/her assets and potential conflict of interest (if any). Additionally, under the same law, certain categories of public officers are required to declare their financial interests annually to the respective institution as specified. This only acts as a buffer zone, where information declared will be accessed under limited circumstances and merely for the purpose of verification. These are general declarations, which in practice, are not regularly reviewed or followed up. These may be used in future as a mode of verification.

However, the ensuing guideline will further develop and enhance the existing framework.

Public officers are obliged to declare conflict of interest to the management committee and leave it to the management committee to decide whether or not to take part in the decision making process. As this measure is procedural in effect, it must be made a mandatory requirement, irrespective of whether the public officer thinks it might lead to a biased decision or not. Such a judgment can only be done by the management committee and not the public officer himself.

Details of existence of actual, potential and perceived are formally registered or declared. These can be very low-risk conflicts of interests that need not be submitted to the management committee, where the act of transparency through recording the conflict of interest is sufficient.

Note: to avoid being charged with ethical impropriety, a public officer may decline to participate in some sensitive and controversial decision making. However, one should not take this stand to simply avoid performing one's duties. The management committee, depending on the circumstances and nature of conflict should decide whether to recuse the employee from sitting in a panel.

Managing the Conflict of Interest

After the declaration is made, the management committee must make a determination as to whether the disclosed interest could be

1. Waived
2. Recused
3. Divested
4. Restricted
5. Recruited
6. Resigned

Applying one such measure can be used as a tool prevent or remove any possibility or perception of the employee's role and

responsibilities being used for private benefit. The choice can be made based on the nature of conflict, complexity of the situation and severity of the case.

Waiving Conflict of Interest

The management committee may decide, that irrespective of the declared conflict, the public officer should be allowed within the decision making process. The management committee is empowered to decide each case based on its facts, thus providing greater flexibility and permitting the matter to be waived if necessary.

The committee may determine that despite the conflict, the employee “can respect the merits of the case”. In doing so, the following factors, in particular, should be weighed:

- Nature of the relationship between the public officer and the private entity involved;
- The effect that the decision would have upon the financial interest of the private entity involved;
- Nature and importance of the public officer’s role/ discretion in the matter;
- Sensitivity of the matter;
- The difficulty of reassigning the matter to another public officer; and
- Adjustments that may be made in the public officer’s duties that would eliminate the likelihood of impartiality.

Note: In the event the management committee decides to waive a conflict, the decision along with a brief statement of what the conflict was and reasons as to why it was waived should be recorded in writing and maintained as part of the institution’s official records.

Recusal

Another way of managing conflict of interest is through recusal. Recusal means requiring the employee to withdraw fully from participating in a decision making process.

Divesture

The management committee may ask the public officer to relieve himself from his private interest he has. Divestiture means that the officer sells or transfers the cause that leads to conflict of interest either on the advice of the committee or by himself. Here, the public officer relinquishes the private interest that is creating the conflict.

The following table distinguishes between recusal and divesture:

Recusal and Divesture: compared	
<p>Recusal is appropriate if the conflict is not likely to arise on a regular basis.</p> <p>Example: Buying a new computer system, a one-time purchase that is not going to be repeated in the foreseeable future. The official holds shares in one of the bidder's company.</p> <p>Conflict could be avoided by recusing the officer from sitting on the tender committee.</p>	<p>Divestiture is appropriate if the conflict is frequent/regular.</p> <p>Example: An employee who works in the education department and also owns a consulting firm on professional development or providing services related to education.</p> <p>The employee is likely to be involved in many decisions that could affect his or her firm. If he were to be recused from the matter in every instance, it would increase the workload of other employees. Under this circumstance, either he must relieve himself from the relationship.</p>

Restrict

This can be noted as a part of Recusal. Under this measure, the restrictions are placed on the public officer's involvement in the decision making process. This can be done in several ways. For example, the public officer should report to a third person by giving reasons for his decision. This way, the official under question does not enjoy full discretion to make a decision.

Recruit

This is where a disinterested third party is used to oversee part or all of the process that deals with the matter

Resign

When the public officer resigns from the position in the institution.

The following table will further elaborate how to choose one option from the rest in a given circumstance.

Illustrations

Management Strategy	When appropriate When it is mandatory	When Inappropriate When it is not mandatory
Recuse	For on-going serious conflict of interest where ad-hoc restriction or recruitment of others is not appropriate.	The conflict of interest and its perceived or potential effects are of low risk or low significance. The public officer is prepared to relinquish the relevant private interest rather than radically change his or her work responsibilities or environment.
Divesture	The public officer's commitment to the public duty outweighs his attachment to the private interest.	The public officer is unable or unwilling, for various reasons, to relinquish the relevant private interest. Then the committee will decide other options such as resign/recruit.

Management Strategy	When appropriate When it is mandatory	When Inappropriate When it is not mandatory
Restrict	<p>The public officer can be effectively separated from parts of the activity or process.</p> <p>The conflict of interest is not likely to arise frequently.</p>	<p>The public officer is constantly unable to perform a number of his regular duties due to conflict of interest issues. Then the committee will decide other options.</p> <p>The conflict is likely to arise more frequently.</p>
Recruit	<p>It is not feasible or desirable for the public officer to remove or recuse themselves from the decision-making process fully. Presently, the public officer is an expert, and cannot be removed or recused. But an additional third-party may be recruited.</p>	<p>The conflict is serious and ongoing rendering ad-hoc recruitment of a third-party unworkable.</p> <p>Recruitment of a third party is not appropriate for the proper handling of the matter.</p> <p>A suitable third party is not found.</p>
Resign	<p>No other options are workable.</p> <p>The public officer cannot or will not relinquish his conflicting private interest and changes in his work responsibilities or environment are not feasible.</p> <p>The public officer prefers this course as a matter of personal principle.</p>	<p>The conflict of interest and its potential or perceived effects are of low risk or less significance.</p> <p>Other options exist that are workable for the public officer and the Institution.</p>

Chapter 3

Developing Conflict of Interest Policy

Each institute shall formulate a conflict of interest policy for itself. The primary objective of this is to create an environment to align the institutional personnel to the conflict of interest regime. The institution leaders must set an example to create a culture pertaining to conflict of interest. Before its implementation, all employees of the institution must be informed of the objectives, legal obligations and consequences of non-compliance. Managing conflicts of interest can never be as simple as creating and enforcing a set of rules. Nevertheless, strong policies and procedures within the organization are useful as a starting point. Following are some of the model processes for developing conflicts of interest policies.

Step 1: Identify conflicts of interest risks

Prior to the development of conflicts of interest policies and procedures, the institution must identify the nature of conflict of interest cases that may happen. Here, the vulnerable opportunities of risks are identified. For this purpose, the nature of its own organizational structure, functions and activities and any applicable legal requirements may be evaluated. It should take into account what its operations are, what field it operates in and what sort of problems or risks might typically arise.

Step 2: Check existing regulatory framework and obligations

Review whether there is any formal obligation imposed on the organization by legislation. An organization must also consider other relevant policies for example: provisions in the Establishment Code, Gift Rules, Declaration of Asset and Liabilities law and employment policy etc.

Step 3: Study conflicts of interest policies of other organizations

Liaise with other organizations with similar functions that have already established conflicts of interest policies.

Step 4: Define clear aims and objectives of the policies

The objectives of the policies must be precise and clear.

Step 5: Have clear rules and procedures on conflicts of interest declaration

Policies must clearly specify what, when and how public officers are obliged to file their interest statement, consequences and procedures on handling the breach of conflicts of interest policies.

Some conflict of interest situations will be foreseeable and the solutions will be straight forward. For such situations, clear rules could be framed as a policy. For example, depending on the nature of an institution's functions, an institution may prohibit its members and officials from:

- Being involved in a decision to appoint or dismiss a relative of an employee;
- Conducting an inquiry where an officer has direct or indirect conflict of interest;
- Conducting business on behalf of the institution with a relative's company;
- Owning shares in a company that the institution deals with;

- Accepting gifts in connection with their official roles; and
- Influencing or participating in a decision to award contract where an officer has a connection or personal relationship with the bidder.

Step 6: Identify the relevant stakeholders

Some parts of the policies may be relevant only to board members or for certain officers and may not apply to all staff. It may also be prudent to classify stakeholders in to sector. This depends on the nature of their role in an institution.

Step 7: Basic elements required in a conflicts of interest declaration form are:

- Details of the person making the declaration;
- Description of the interest declared;
- Record of the actions or decisions taken after the declaration; and
- Signature of the person making the declaration and the head of the department or chairperson of the committee concerned.

Step 8: Implementation and monitoring

The organization should identify an officer or a committee to implement and monitor its compliance with clear roles and responsibilities. Suggested roles and responsibilities for an officer or committee concerned are highlighted below.

Suggested role and responsibilities for the Management Committee

- Coordinate with the integrity officer of the institution;
- Review interest disclosure reports of officials in an institution;
- Initiate and institute education and training programs on ethics;
 - During the induction of employees
 - On the job training etc.

- Advise the institution's officials and staff on conflict of interest and other ethical issues;
- Institute a system of collecting and filing, as well as storage and retrieval of interest disclosure reports;
- Ensure effective action is undertaken to rectify,
 - (i) Violations or potential violations, or appearances thereof, of conflicts of interest rules and other ethical standards of conduct;
 - (ii) The failure to file a disclosure report or filing an incomplete report; and
 - (iii) Actual, potential or perceived conflict of interest declared in the Asset Declaration Form.
- Maintain records showing when a conflict of interest has been waived and the reasons for the waiver. Clarify the options that can be followed by the management committee. Such resolutions must be included in the policy.

Chapter 4

Implementing Conflict of Interest Policy

Leadership

The Head of Department and the senior public officials must arrange their private interest in a manner that preserves public confidence on personal integrity and integrity of the institution. They must behave in an exemplary manner to the rest of the employees by declaring own private interests, provide appropriate assistance and monitor the implementation of conflicts of interest policies of the institution.

Sensitizing the Policies

Recommend measures for effective implementation and management of Conflict of Interest policies:

- Disseminate Conflicts of Interest policies to all officials or members including new employees;
- Ensure online availability of Conflict of Interests policies and Declaration Forms;
- Provide support and advice when members or officials have doubt/s on conflicts of Interest and other ethical dilemmas;
- Communicate organization's policies on managing Conflicts of Interest to the relevant stakeholders.

Training

- Provide training on Conflict of Interest management and other ethics and integrity component for Managers and Committee concerned to ensure effective implementation of the policies; and
- Provide timely refresher courses on Conflict of Interest management for public officials, particularly those in vulnerable positions.

Stakeholder role

Each policy must recognize the relevant stakeholders to carry out the actions formulated. The duties and responsibilities must be clearly set out and handed over to the respective official.

Reward and Recognition

Formulate a mechanism to recognize best practices pertaining to conflict of interest. To encourage such practices and incentivize employees of the institution to perform their duties with integrity and accountability. Employees respond to appreciation expressed through recognition of their good work because it confirms their work is valued by others. When employees and their work are valued, their satisfaction and productivity rises, and they are motivated to maintain or improve their good work.

Annual Report of the Institutional Action Plan to Combat Bribery and Corruption (IAP)

The progress achieved in implementing these guidelines must be included in the IAP developed within the institution as per the NAP. After the approval of the head of the institution, the report must be forwarded to the line ministry. Subsequently, it should be submitted to the Ministry of Public Administration or the Ministry of Provincial Council & Local Governments, depending on what the institution is. Ultimately, the report must be submitted to the National Integrity Council.

Chapter 5

Monitoring and Compliance

Monitor and ensure compliance of conflict of interest policies, rules and procedures. Public officers must be held accountable for non-compliance.

Once the policies are in place, it is necessary to set clear and consistent procedures to monitor breaches of policy, investigate whether misconduct has occurred and ensure an appropriate sanction is imposed to the offenders as prescribed in the relevant rules and law.

Reporting conflict of interest

If the public officer responsible or a third-party observer learns of any information on the officer's conflict of interest, he should bring the matter to the official's attention, or report to the supervisor or if necessary, lodge a formal complaint in accordance with the institution's internal reporting mechanism.

Breach of conflict of interest policy

Breaches of the rules/policies governing conflict of interest can happen in several ways. Firstly, a public officer may act when a conflict is present and when a waiver has not been granted. Secondly, a public officer may fail to disclose conflict on a disclosure form he is required to file hoping he will be able to act fairly upon the conflict and thirdly, a public officer may fail to file a disclosure form.

Suggested sanctions for each kind of breach are described below:

Acting without revealing conflict of interest when conflict is present

Acting in the face of undisclosed interest is the most serious breach relating to conflict of interest. Public officers who act without revealing when conflicts are present have betrayed public trust and their actions can be considered an offence under the proposed amendment to the Bribery Act crime. (For rules on sanctions please refer : Conflict of Interest Law- Amendments to Assets Declaration law)

Annexures

Conflict of Interest Disclosure Form

These declarations must be forwarded to the Management Committee of the institution by the declarant. Use this form if you believe that you may be involved in a conflict of interest situation or if you are unsure and want formal clarification. Please read the Conflict of Interest Policy. If you have any questions, consult an Integrity Officer before completing the form.

Section 1 – Employee Information

Name:

Position/ title:

Employing Institute:

Contact number:

Email:

Section 2 – Employee’s disclosure

The conflict relates to (tick appropriate box/s)

- Relationship with another staff member
- Relationship with family or friend
- Relationship with external parties
- Financial interest
- Outside work activities (paid /unpaid)
- Conflict of duty e.g. membership of another public sector or private institution
- Other

Please describe –

- 1) The official duty or duties involved (e. g., sit on tender board, issue permission)

- 2) The reason a conflict exists for you (e. g., relative or friend submitting bid, seeking permission)

Section 3 – Decision of employee’s supervisor or equivalent

Direction to supervisor: if you have any questions about your responsibility in completing this form, please contact the Integrity Officer appointed within your institution.

After reviewing the information above, and if necessary discussing the situation with the employee and with my supervisor, I have concluded from the information reported that the situation disclosed: _____

- Does not constitute a conflict of interest. I thereby authorise the employee to continue to engage in the activity (Go to Section 4)
- Does constitute a conflict of interest and either-
 - The employee will withdraw from any involvement in the activity or
 - I have taken the measures described below to minimize any chance the employee will not act impartially or that a reasonable person would think he or she could not act impartially

Section 4 – Employee declaration

I have disclosed all information about the situation described in section two. I understand that if I have any questions about what to disclose, I can contact the Integrity Officer as assigned to my employing institution. I agree to comply with the direction or guidance described in section three. I understand that should any of the fact described in section two change, I must contact my supervisor.

Signature Date

Section 5 – Supervisor declaration

I certify that the action described in section three protect the public interest

Name

Signature Date

Original to be held by supervisor or Integrity Officer and retained in accordance with the guidance issued.

Glossary

1. **NAP:** National Action Plan to Combat Bribery and Corruption.
2. **Rules:** Conflict of interest rules.
3. **Code of Conduct:** A series of statements informing employees how they are expected or required to act.
4. **Family:** Members consisting of spouse and children.
5. **He:** Includes she as well.
6. **Institution:** Public institute.
7. **Managing conflicts of interest:** A process where conflict of interest is managed to ensure integrity, transparency and the public interest.
8. **Disclosing conflicts of interest:** Transparent act of formally making known to others of interests which exist that may have an impact on impartially carrying out official duties. Disclosure involves the public officer concerned registering details of interest, reporting conflict of interest to the manager and declaring his/her conflict of interest in a situation where the officer is expected to participate in a decision or about the matter.
9. **Public Officer/Public Servant:** A person who is a member, an officer, an employee of a public institution, whether appointed or elected, whether permanent or temporary, whether paid or unpaid and includes all who are receiving salary, allowances, benefits or emoluments from public funds.
10. **Bias:** Prejudicial treatment, favoritism or partiality.
11. **Integrity:** Adhering to highest ethical standards in decision-making and exercise of entrusted power.
12. **Reporting:** The act of reporting or disclosing to an appropriate individual or authority that a conflict of interest exists which may interfere with the proper discharge of public duties.

Please note that this handbook was published pursuant to the launch of the National Action Plan to Combat Bribery and Corruption in Sri Lanka, held on the 18th of March, 2019.

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HANDBOOK CONFLICT OF INTEREST

In carrying out their duties, public officers may meet such individuals who share a special connection with them. At times, the connection might be based on a personal interest, a financial interest or even a social interest. Even if no such interest exists presently, public officer may feel that such an interest might be created in near future. In the minds of his neighbors, the impression of such an interest might exist. There may be occasions where the public officer himself is aware of such an impression. In all these instances, it is the public officer's responsibility to disclose such interests to his higher management. Even if the interest is as light as a feather, the public officer must disclose it. If the transaction between one's close individuals is not disclosed, there may arise a situation in which an even playing field is not created. Therefore, this guideline explains the way in which such conflicts of interests can be managed.

1 INTEGRITY HANDBOOK

2 GIFT RULES

4 LEGISLATIVE AMENDMENTS



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இலஞ்சம் அல்லது ஊழல் பற்றிய சார்த்துதல்களை புலனாய்வு செய்வதற்கான ஆணைக்குழு

COMMISSION TO INVESTIGATE ALLEGATIONS OF BRIBERY OR CORRUPTION

CIABOC