



## Corporate Policy

### Gifts

#### Policy Purpose:

The Ottawa Hospital (TOH) is committed to minimizing the possibility of conflict between the private interests of Staff and their duties at the workplace. This policy provides direction and measures for Staff, volunteers and physicians when presented with a Gift from Patients, Vendors/Suppliers, or others doing business with or seeking to do business with TOH.

**Scope:** This policy applies to all Staff.

#### Definitions:

**Black Out Period:** The period of time from the commencement of a procurement process to the contract award and signing.

**Conflict of Interest:** Any situation in which a Staff member has a personal, professional, occupational or financial relationship or interest that may affect or compromise, or appear to affect or compromise, his or her objectivity, judgement or actions in carrying out his or her duties.

A conflict of interest can be real, potential or perceived:

- A real conflict of interest arises where an individual has a bias, or a personal, occupational, professional or financial relationship or interest that may affect or compromise, or appear to affect or compromise, his or her work with TOH.
- A potential conflict of interest incorporates the concept of foreseeability: when an individual can foresee that a private or personal interest might someday be sufficient to influence his or her work with TOH, but has not yet (for example, an identified future commitment.)
- A perceived or apparent conflict of interest may exist when a reasonable, well-informed person has a reasonable belief that an individual has a conflict of interest, even if, in fact, there is neither a real nor a potential conflict.

**Cumulative Value of Gifts:** The increasing value of the Gifts as one party successively gives Gifts to another party.

**Gift:** A voluntary transfer of property from one person or entity to another made without charge or consideration. Gifts include but are not limited to articles of value such as money, honoraria, donations, sponsorship, tickets or passes to events, hospitality, trips and offers of travel, accommodation, meals, entertainment, equipment, privileges or other personal rewards and special considerations. Gifts do not include grants, funding for research or fellowships.

**Nominal Value:** Less than twenty-five (\$25.00) dollars.

**Patients:** Individuals who have or will receive medical attention, care and/or treatment at TOH. For the purposes of this policy this definition includes family, friends and the Patient's support group.

**Staff:** Permanent or temporary, full-time, part-time, casual or contract employees, trainees and volunteers, including but not limited to physicians, residents, interns, researchers, students, and any other individuals who perform work or supply services at TOH

**Vendor/Supplier** (including drug companies): Any person, company or contractor that sells and/or provides goods or services to TOH. This definition includes both current and prospective Vendors/Suppliers.

## **Policy Statement(s):**

### **Gifts:**

All Staff are to avoid accepting Gifts from Patients, Vendors/Suppliers or others doing business with or seeking to do business with TOH.

All Staff are to avoid giving Gifts to Patients, Vendors/Suppliers or others doing business with or seeking to do business with TOH.

The codes of ethics, standards of practice and guidelines of the respective regulated health professional groups shall supplement the information contained within this policy.

No Staff shall accept a Gift that could influence their decision on any TOH business including procurement. The acceptance of Gifts is expected to be transparent and may be audited.

### **Monetary Gifts:**

No Staff shall accept money of any denomination presented to them as a Gift. If a Patient or another individual wishes to present a monetary Gift, they should be referred to The Ottawa Hospital Foundation.

### **Nominal Value (less than \$25.00):**

Gifts of nominal value presented to Staff, directly or indirectly, are to be reported to the Staff's supervisor immediately upon receiving it and before the end of the shift.

Upon receiving notification from the Staff of the presentation of a Gift, the immediate supervisor will determine whether the Gift is of nominal value and/or falls within the exceptions listed in this policy. The immediate supervisor will take into consideration the Cumulative Value of Gifts.

In cases where the immediate supervisor deems the Gift to be of Nominal Value, the supervisor will advise the Staff that the Gift may be accepted.

### **Exceeding Nominal Value (greater than \$25.00):**

Staff should not accept a Gift until any Conflict of Interest has been cleared and/or supervisor approval granted. All Gifts exceeding Nominal Value presented to a Staff member, directly or indirectly, are to be reported to the Staff's supervisor immediately upon receiving it and before the end of the shift.

In cases where the immediate supervisor deems the Gift to exceed the Nominal Value, the supervisor will advise the Staff that the Gift cannot be accepted and will redirect the Gift, as appropriate. The supervisor will advise the Staff as to where the Gift has been redirected.

## **Gifts from Patients**

TOH recognizes that Patients may wish to express their appreciation to Staff. In these instances, Staff may suggest that the Patient writes letters or notes of appreciation.

Staff are prohibited from soliciting tips, personal gratuities or Gifts from Patients. Unsolicited gratuities and Gifts may be accepted from Patients only if such Gifts are of the Nominal Value. Gifts should not be accepted if such acceptance would compromise the Patient/clinician therapeutic relationship. To the extent possible, any acceptable Gift should be shared with the Staff's colleagues.

## **Gifts from Existing or Potential Vendors/Suppliers:**

Staff may retain Gifts and/or promotional items from Vendors/Suppliers and agents working on behalf of Vendors/Suppliers only if such Gifts and/or promotional items are of the Nominal Value. Exceptions may be made for Vendor/Supplier sponsored entertainment, events and educational or conference support, see below. TOH expects and trusts that Staff will exercise good judgment and discretion in accepting Gifts.

To the extent possible, any acceptable Gift should be shared with the Staff's colleagues.

In making a decision to accept a Gift from existing or potential Vendors/Suppliers, Staff should consider the following:

- The reason for the Gift
- Whether it is appropriate to accept a Gift.
- His or her role at TOH and how the acceptance of the Gift might be perceived by others.
- Whether an obligation or reciprocity is implied for either party in the transaction.

As a standard of reasonableness, the Staff member should ask whether he or she would be comfortable telling his or her supervisor, peer or family about the Gift and consider how the general public would perceive it.

## **Vendor/Supplier Sponsored Entertainment and Events:**

At a Vendor/Supplier's invitation, Staff may accept meals and refreshments, as well as attendance at a workshop, conference or an information session at the Vendor/Supplier's expense, subject to the criteria above. Occasional attendance at a local theatre or sporting event or similar entertainment at a Vendor/Supplier's expense may also be accepted subject to the criteria above. In most circumstances, a regular business representative of the Vendor/Supplier should be in attendance with the Staff.

All events outlined above must be reported to and approved by the Staff's immediate supervisor and the Chief Procurement Officer prior to attending. The Chief Procurement Officer has the authority to deny the request if TOH is in the Black Out Period of a procurement process or contract negotiation with the Vendor/Supplier.

## **Educational/Conference Support:**

Gifts in support of educational initiatives or professional development opportunities such as attendance at conferences, seminars, lunch and learns or information sessions may be accepted by a unit/department/program subject to the criteria above.

Any concerns regarding whether a Gift may or may not be accepted should be referred to the Vice President of the unit/department/program or delegate.

For assistance with interpretation, consult with the Director, Compliance or Chief Procurement Officer.

Where a Staff has received a Gift from an existing or potential Vendor/Supplier, he or she will notify the Chief Procurement Officer so that a record of the Gift can be kept.

### **Honoraria:**

Staff who receive an honorarium from a board or professional organization for services separate and apart from their employment responsibilities at TOH are entitled to keep this honorarium on the condition that they report it to their supervisor and the supervisor is satisfied that no Conflict of Interest exists.

### **Reporting:**

All Staff are obligated to report to their immediate supervisor any instances where they believe they or another Staff have failed to comply with this policy.

### **Gifts Accepted Without Supervisor Approval:**

In cases where a member of Staff has notified their supervisor that he or she has accepted a Gift prior to the supervisor's approval, the return of the Gift will be coordinated collaboratively between the Staff member and supervisor. If the return of the Gift is not possible, the supervisor will donate the Gift to The Ottawa Hospital Foundation or redirect the Gift to be shared amongst the Staff's colleagues. If the return of the Gift is not possible e.g. Staff attended an event the supervisor will notify the Chief Procurement Officer so that a record of the Gift can be kept and apply Just Culture when managing the individual (subject to the provision for failure to comply, below)

### **Failure to Comply with This Policy:**

Staff who fail to comply with this policy are subject to disciplinary action up to and including dismissal.

### **Related Documents:**

- Conflict of Interest Policy
- Fraud Awareness and Prevention Policy

### **Related Legislation or Regulatory Requirements:**

- [Broader Public Sector Accountability Act, 2010](#), S.O. 2010, c. 25
- [Financial Administration Act, RSO 1990, c F.12](#)
- [Regulated Health Professions Act, 1991, S.O. 1991, c. 18](#)
- [Criminal Code, R.S.C., 1985, c. C-46, Part IV, s.119, 121, 122](#)

### **References:**

None