

Conflict of Interest – Legal Opinion



January 17, 2006

In 2004 a legal opinion was sought from Aikenhead, Moscovich and Jones, with regard to the possibility of potential, actual and perceived conflicts of interest that could derive from Board Members' relationship with staff. There was no copy on file, so the Executive Director contacted Aikenhead, Moscovich and Jones to obtain a copy of the opinion. Their response was that they would have been in conflict themselves, and therefore unable to render an opinion, based on their role as the Union's, rather than an Employer's law firm.

Subsequent discussions revealed that there was an opinion by Aikenhead, Moscovich and Jones in 2004, and a copy was obtained. However, given the declared conflict of interest of the law firm, the Executive Director and Board President decided to seek another legal opinion to ensure that the Board of Management of Britannia was sufficiently and accurately informed with regard to this issue. Contact was made with the firm Roper Greyell, an Employers' law firm with experience working with City of Vancouver departments.

The request for a legal opinion was framed using current conditions, as had the request for a legal opinion in 2004. This is consistent with the Workplace Improvement Plan which identified a review of policies, including Conflict of Interest Policy, and a significant area of work for Britannia.

This legal opinion is for the Board's information and receipt.

Options: The Board could receive the legal opinion presented here, or decide to seek another. Ultimately, legal opinions provide a framework for understanding how different areas of law relate to a particular issue, so acceptance enables Board members to understand their fiduciary responsibilities in a complex environment such as Britannia.