

**Private Sector Constituency**

**Roll Back Malaria Partnership**

**Conflict of Interest Policy**

**November 2008 (Updated July 2011)**

## Table of Contents

1. Introduction .....	3
2. Definition .....	3
3. Purpose.....	3
4. Identification of Parties and Scope .....	4
5. Operating Principles .....	4
6. Procedure.....	5
7. Annual Statements.....	6
8. Monitoring and Review.....	6
9. Exclusions.....	6
Annexure: Declaration.....	8

## **1. Introduction**

The Private Sector Constituency (PSC) in the Roll Back Malaria Partnership (RBM) is a broad group that includes companies/ businesses/ business organizations that are interested in malaria activities. This group is represented by the Private Sector Delegation (PSD) committed to upholding the highest ethical standards in all its engagements within RBM. Towards achieving these standards, this Conflict of Interest Policy has been created. By signing this COI Policy, members of the PSD demonstrate their commitment to abide by its principles.

## **2. Definition**

A **conflict of interest** is a situation in which someone in a position of trust has professional or personal interests that are not completely aligned with the interests of the RBM Partnerships to which he/she is serving as a representative. Such competing interests can potentially make it difficult for the individual to fulfill/or to be seen to be fulfilling his or her duties impartially or in the best interests of the organization. A real or perceived conflict of interest may exist even if no unethical or improper act results from it. A conflict of interest can create an appearance of impropriety that can undermine confidence in the individual, constituency, company, or RBM Partnership. A conflict of interest can result in a tendency towards bias in favor of one interest over another and, in turn, could impair the individual's acting in the best interests of the RBM Partnership.

## **3. Purpose**

The purpose of this conflict of interest policy is to provide general guidance in identifying and handling potential and actual conflicts of interest. It underscores the commitment of the PSD to uphold the highest ethical standards by its membership as it relates to the RBM. In most instances, conflicts of interest can be avoided simply by continuing to exercise good judgment. The PSD relies on the sound judgment of its members to prevent such conflicts and supports them with clear guidelines, processes and statement of commitment found in this policy.

#### 4. Identification of Parties and Scope

The following are the key parties envisaged in this Conflict of Interest Policy. The composition of these parties can be fluid/flexible reflecting the existing diversity of the private sector:

1. Private Sector Constituency (PSC): A broad group that includes companies/businesses that are interested in malaria activities but may not necessarily have signed the PSC COI Policy;
2. Private Sector Delegation (PSD): A subset of the PSC including; all those corporate representatives who have signed the PSC COI Policy. They may serve as formal representatives in RBM mechanisms and other functions of the RBM Partnership;
3. Private Sector Representatives: A subset of the PSD including; the two official Board Members, their alternates and the focal point (FP) who have signed the PSC COI Policy.

#### 5. Operating Principles

The successful implementation of this Conflict of Interest Policy is premised on adherence to the highest ethical standards by members of the PSD. Only those Private sector members who agree to adhere by this COI Policy can represent the Private Sector in RBM, serving as a member of the PSD or a PSR. Examples of ethical standards to adhere to include the following:

- No PSD member shall use his or her position, or the knowledge gained there-from, in such a manner that a conflict between the interest of RBM and his or her interests arises, but is not disclosed.
- When acting on behalf of the PSD, each person has a duty to place the wider interest of the constituency foremost in any dealings, both internal and external; and has a continuing responsibility to comply with the requirements of this policy.
- Consultants who are members of the PSD or who are serving as PSR, and who are working or who have worked specifically on RBM-related issues for either RBM or a member of the PSD or PSR in the preceding 12 months, should either declare this or recuse themselves.
- Any PSD member involved in RBM mechanism<sup>1</sup> who becomes aware of a potential conflict of interest with respect to any matter coming before the very mechanisms shall make this potential conflict known immediately in any discussion relating to the matter.
- The PSD attempts to minimize conflict of interest by ensuring robust processes for communication of information and consultation to achieve consensus among its members.

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<sup>1</sup> RBM mechanisms include its Board, the Executive Committee, Task forces and working groups

## **6. Procedure**

When a PSD or PSR knows that he/she has a conflict of interest whether or not he/she wishes to disclose the details, he/she should take one of the following actions– depending on the nature of the conflict:

1. Recuse himself from participation in the meeting or work in question, without explanation or prejudice; or
2. Disclose the existence (and the details, if so wished) of the conflict of interest to the other participants at the start of the meeting and in the report of the meeting; or
3. Disclose their interest and exclude themselves from participating in any decision making process (both discussions and decisions themselves).

When a PSD or PSR member has or is believed to have an actual or potential conflict of interest, the concern should be brought to the attention of the affected party immediately. The concern should also be brought to the attention of disinterested PSR member(s). A review will be conducted by the disinterested PSR member(s) to determine the existence or relevance of the conflict to the subject at hand. If necessary the review will be conducted by an ad hoc committee consisting of a disinterested PSR plus 4 members of the PSD (with the option of a disinterested party from RBM or another constituency). The task of constituting an ad hoc committee for this purpose remains the responsibility of the disinterested PSR member(s).

Alternatively, if a PSD or PSR member does not wish to disclose the details of the cause of his or her conflict of interest, he or she must recuse oneself and, having done so, would not need to go before the ad hoc committee.

If after the review it is determined that no significant conflict of interest exists then no further action is necessary, but relevant stakeholders may be notified.

If it is determined that the conflict is significant then the affected party must take one of the three actions mentioned above – depending on the nature of the conflict and guidance from the review committee.

If the conflict is determined to be significant by the ad hoc committee, and the affected party refuses to take the recommended action, then the meeting or mechanism chair will be informed that the affected party no longer represents the PSD.

## **7. Annual Statements**

Each PSD member involved or wishing to be involved in the RBM Board or Executive Committee or another RBM Mechanism shall annually sign a declaration statement (Annexed), which affirms such person:

- a) Has received a copy of the Conflict of Interest Policy,
- b) Has read and understands the policy, and
- c) Has agreed to comply with the policy.

## **8. Monitoring and Review**

This Conflict of Interest Policy document is subject to an annual review to ensure that it remains relevant and captures the essence of a dynamic constituency and Partnership at large.

## **9. Exclusions**

As outlined in this Conflict of Interest policy, a conflict of interest can create an appearance of impropriety that can undermine confidence in the individual, constituency, company or RBM Partnership. The Conflict of Interest policy exists to determine whether any serious conflicts exist with appropriate mechanisms in place to address these conflicts.

It is imperative that all members of the private sector delegation agree to declare all known conflicts of interest and to abstain from any commercial activity whilst participating in any RBM mechanism.

If it is deemed that a PSD member has carried out significant commercial activity, the PSR will instigate a review. Any member of the PSD or any member from another RBM Constituency can raise this issue with the PSR. This review will be conducted by an ad hoc committee consisting of a disinterested PSR plus 4 members of the PSD (with the option of a disinterested party from RBM or another constituency). The task of constituting an ad hoc committee for this purpose remains the responsibility of the disinterested PSR member(s).

If, after review, it is considered that a member has been found carrying out significant commercial activity, then appropriate measures will be taken to against that said member. This action may take the form of a written warning or exclusion from participating in the Board delegation for the next two Board meetings.

Annexure: **Declaration of Interest Form**

**DECLARATION OF INTERESTS**

The knowledge and experience of partners in the Roll Back Malaria Partnership (RBM) is essential to enable the Partnership to assess, analyze and find solutions to malaria-related needs and to achieve the Partnership's objectives. The Private Sector Constituency (PSC), through its Private Sector Delegation (PSD) is actively involved in various RBM mechanisms. To be effective, the work and contribution of the PSD must be, and must be perceived to be, objective, in accordance with the utmost integrity and in the best interest of the Partnership. The PSD's reputation for objectivity and unbiased work is essential to achieve its objectives.

Accordingly, the PSD requests that its members participating in RBM mechanisms disclose any circumstances that could give rise to a potential conflict of interest related to the subject of the activity in which they will be involved. This Declaration of Interests form is part of, and should be read in conjunction with, the Private Sector Constituency Conflict of Interest Policy (November 2008).

This Declaration of Interests form will be provided on an annual basis to PSD members participating in the RBM Board, Executive Committee and Sub-Committees, Working Groups, Task Forces and other partnership mechanisms. Kindly complete this form and submit it within two weeks of receipt to the PSC Focal Point (International Business Leaders Forum). You are also asked to inform the PSC Focal Point if any change in this information occurs before or during the course of any RBM meeting or event in which you expect to participate. Non-completion of a DoI form at any stage precludes participating in the RBM meeting or event.

The Declaration of Interests form will also be made available by the PSC Focal Point prior to specific RBM meetings and Partnership events at which it is anticipated that potential conflicts of interest may arise. This will allow PSD members to update their forms, as appropriate, and for new members who have not yet completed the form to do so. Completion of the form prior to a specific meeting or event is particularly important when the subject of the discussion was not anticipated in the already completed Declaration of Interest form.

It should be clarified that the giving of affirmative answers to questions in a DoI form would not automatically disqualify or limit your participation in the RBM meeting or event. Rather, your answers will be screened by the Private Sector ad hoc committee constituted by disinterested PSR Member(s), to determine if a potential conflict of interest may exist or may be perceived to exist. One of several outcomes can occur, depending on the circumstances (i.e., the nature and magnitude of the interest, its timeframe, the availability of sufficient measures to safeguard the integrity of the discussion or decision-making process if the PSD member is permitted to participate).

Any relevant conflicts will be **publicly disclosed** to other participants at the start of the activity and in the resulting report or other work product, with the exception of those disclosures relating to 6d, which will be held in confidence by the Focal Point. The PSR will assume that you consent to such a disclosure, unless you check "no" in the space provided on the last page of this form. By completing this DoI form, it is assumed that you agree to these conditions.

Name:

Email:

Telephone:

Institution (Please also briefly describe the mandate or business of your institution and what general involvement it has, if any, in the prevention or treatment of malaria):

RBM Mechanisms in which you expect to participate and a description of the subject matter(s) (known or anticipated):

Please answer each of the questions below. If the answer to any of the questions is "yes", briefly describe the circumstances on the last page of the form.

The term "you" refers to yourself and your immediate family members (i.e., spouse (or partner with whom you have a similar close personal relationship) and your minor children). "Commercial entity" includes any business, proprietorship, industry association, research institution or other enterprise whose funding is significantly derived from commercial sources. "Organization" includes a foundation, initiative, governmental, international or other non-profit organization. "Meeting" includes a series or cycle of meetings.

## EMPLOYMENT AND CONSULTING

**Within the past 3 years, have you received remuneration from a commercial entity or organization with an interest related to the subject of the meeting, event or work? Please also report any application or negotiation for future work.**

- 1a Employment Yes • No •
- 1b Consulting, including service as a technical or other advisor Yes • No •

## RESEARCH SUPPORT

**Within the past 3 years, have you or your research unit received support from a commercial entity or organization with an interest related to the subject of the meeting, event or work? Please also report any application for future research support.**

- 2a Research support, including grants, collaborations, sponsorships, and other funding Yes • No •
- 2b Non-monetary support valued at more than US\$1000 overall (include equipment, facilities, research assistants, paid travel to meetings, etc.) Yes • No •

## INVESTMENT INTERESTS

**Do you have current investments (valued at more than US\$10 000 overall) in a commercial entity with an interest related to the subject of the meeting, event or work? Please also include indirect investments such as a trust or holding company. You may exclude mutual funds, pension funds or similar investments that are broadly diversified.**

- 3a Stocks, bonds, stock options, other securities (e.g., short sales) Yes • No •
- 3b Commercial business interests (e.g., proprietorships, partnerships, joint ventures) Yes • No •

## INTELLECTUAL PROPERTY

**Do you have any current intellectual property rights that might be enhanced or diminished by the outcome of the meeting, event or work?**

- 4a Patents, trademarks, or copyrights (also include pending applications) Yes • No •
- 4b Proprietary know-how in a substance, technology or process Yes • No •
- 5a Have you held an office or other position, paid or unpaid, where you may be expected to represent interests or defend a position related to the subject of the meeting, event or work? Yes • No •

## ADDITIONAL INFORMATION

- 6a If not already disclosed above, have you worked for the competitor of a product which is the subject of the meeting or work, or will your participation in the meeting, event or work enable you to obtain access to a competitor's confidential proprietary information, or create for you a financial or commercial competitive advantage? Yes • No •
- 6b To your knowledge, would the outcome of the meeting, event or work benefit or adversely affect interests of others with whom you have substantial common personal, financial or professional interests (such as your adult children or siblings, close professional colleagues, administrative unit or department)? Yes • No •
- 6c Is there any other aspect of your background or present circumstances not addressed above that might be perceived as affecting your objectivity or independence? Yes • No •

**EXPLANATION OF “YES” RESPONSES:** If the answer to any of the above questions is “yes”, check above and briefly describe the circumstances on this page. **If you do not provide the amount or value of interest, where requested, it will be assumed to be significant.**

**CONSENT TO DISCLOSURE:** The PSR will assume that you consent to disclosure of any relevant conflicts to other members participating in the meeting, event or work, unless you check "no" in the space provided here. If you check "no", the PSR will not disclose the information without your prior approval, although this may result in your not being able to participate in the meeting or conference.

Nos. 1 -4: 7 Type of interest, question number and category (e.g., Intellectual Property 4.a copyrights) and basic descriptive details.	Name of company, organization, or institution	Belongs to you, a family member, employer, research unit or other?	Amount of income or value of interest (if not disclosed, is assumed to be significant)	Current interest (or year ceased)
<p><b>Nos. 5-6c: Describe the subject, specific circumstances, parties involved, time frame and other relevant details</b></p>				

**DECLARATION:** I hereby declare on my honour that the disclosed information is true and complete to the best of my knowledge.

Should there be any change to the above information, I will promptly notify the PSR (any of the official board members, their alternates or focal point) and complete a new declaration of interests which describes the changes. This includes any change which occurs before or during the meeting, event or work itself and through the period up to the completion of the activity concerned.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Form: PSD November 2008 (Updated July 2011)

**ADDITIONAL INFORMATION CONTINUED**

6d Do you or your organization have an existing commercial relationship with another member of the Private Sector Delegation?<sup>i</sup> Yes • No•

**This information will be held separately, and in confidence, by the PSD Focal Point.**

**6d: Disclosure of commercial relationships with another PSD member:**

**DECLARATION: I hereby declare on my honour that the disclosed information is true and complete to the best of my knowledge.**

**Should there be any change to the above information, I will promptly notify the PSR (any of the official board members, their alternates or focal point) and complete a new declaration of interests which describes the changes. This includes any change which occurs before or during the meeting, event or work itself and through the period up to the completion of the activity concerned.**

Date \_\_\_\_\_ Signature \_\_\_\_\_

Form: PSD November 2008 (Updated July 2011)

<sup>i</sup> For a current list of PSD members, please refer to the Private Sector Constituency web page on the RBM Partnership website: <http://www.rbm.who.int/mechanisms/psConstituency.html>