

| Policy Statement | | |
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|  <small>COMMISSION SCOLAIRE</small> WESTERN QUÉBEC <small>SCHOOL BOARD</small> | | Policy No. D-12 |
| SUBJECT: | Corruption and Collusion Risk Management Policy | |
| Approval Date: December 17, 2019 | Resolution No: C-19/20-58 | |
| Revision Date: | Resolution No: | |
| Origin: Governance and Ethics Committee | | |

1. CONTEXT

The Western Québec School Board is responsible for acquiring, in a timely manner, the goods and services required to fulfil its mission. It must do so in compliance with its internal rules and regulations and with government laws and policies applicable to the contract management process for public bodies. The Western Québec School Board must carry out these transactions in the most transparent, effective, and efficient manner possible by proactively and preventively managing risks that could result in corruption and/or collusion in the contract management process.

In keeping with the various recommendations of the Anti-Corruption Commissioner, the Charbonneau Commission, and the Auditor General of Québec; in order to satisfy the needs of public bodies, on June 14, 2016 the Conseil du trésor adopted the *Directive concernant la gestion des risques en matière de corruption et de collusion dans les processus de gestion contractuelle* (hereinafter the “Directive”). The Directive came into force on September 1, 2016.

2. REFERENCES

The reference documents for this policy are:

- Act respecting contracting by public bodies (CQLR c C-65.1)
- WQSB Purchasing Policy No. D-11
- *Directive concernant la gestion des risques en matière de corruption et de collusion dans les processus de gestion contractuelle.*
- *Politique concernant les responsables de l'application des règles contractuelles* (RARC)
- Integrity in Public Contracts Act (SQ 2012 c 25)

- Public Service Act (CQLR c F-3.1.1)
- The Act Respecting Contracting by Public Bodies and the regulations respecting supply, service, and construction contracts of public bodies;
- The School Board's Delegation of Powers By-Law 30;
- The *Politique de gestion contractuelle concernant la conclusion des contrats d'approvisionnement, de services et de travaux de construction des organismes publics du réseau de l'éducation.*

3. OBJECTIVES AND BENEFITS

Pursuant to the Directive, the Western Québec School Board is required to adopt a policy to manage corruption and collusion risks in the contract management process.

3.1 Objectives of the Policy

- Ensure the existence of a structured and uniform process for detecting, analyzing, assessing, managing and monitoring corruption and collusion risks resulting from activities forming part of the contract management process;
- Specify the components of a corruption and collusion risk management plan;
- Define the roles and responsibilities of the various persons involved in managing corruption and collusion risks in the contract management process;
- Define the reporting mechanisms.

3.2 Benefits of Risk Management

- Meets the Western Québec School Board's needs and the Directive's requirements;
- Represents an effective means for increasing the School Board's resistance to corruption and collusion;
- Provides a means for assessing the control measures in place;
- Forms an integral part of the management process and takes other organizational processes into account (strategic planning, internal rules of conduct, internal policies, etc.);
- Relies on the best information available;
- Protects the Western Québec School Board's reputation and assets;
- Helps in decision making.

4. APPLICABILITY

This policy is intended for all employees involved in the contract management process at the Western Québec School Board and applies to the contract management process for the purchase of goods and services and for construction projects, regardless of the nature and source of their funding.

5. FRAMEWORK

This policy is consistent with the following:

- Government legal framework, which includes *la Directive concernant la gestion des risques en matière de corruption et de collusion dans les processus de gestion contractuelle*, and *la Politique concernant les responsables de l'application des règles contractuelles* (RARC or CRCM in English);
- ISO 31000: 2009 Risk management – Principles and guidelines;
- ISO 37001: 2016 Anti-bribery management systems – Requirements with guidance for use;
- WQSB Purchasing Policy No. D-11;
- COSO 2 – *Cadre de référence pour la gestion des risques de l'entreprise* (Entreprise Risk Management Framework).

6. RISK MANAGEMENT PLAN

The Western Québec School Board must implement a corruption and collusion risk management plan for public contracts. The plan's success will depend on effective communication and collaboration among stakeholders. The plan must include:

- The organizational context: common bases for the fight against corruption and collusion, stakeholders, risk tolerance, or risk appetite;
- Appraisal of the current situation. It is necessary to assess the risks of corruption and collusion and the control measures in place. This step includes detecting, analyzing and assessing the risks;
- The desired situation, which involves establishing a risk mitigation measures plan (planned actions, risk ownership, indicators, target, deadline and final result);
- Follow-up: monitoring and reviewing the mitigation measures implemented by the public body and reviewing the risks and control measures.

7. REPORTING

Reporting by the Western Québec School Board includes carrying out an annual reassessment of risks as well as monitoring the effectiveness of the actions taken with respect to risks deemed important. The secretariat of the Conseil du trésor (SCT) may request a copy of the report.

8. ROLES AND RESPONSIBILITIES

This policy sets out the following roles and responsibilities:

The Council of Commissioners

- Approves this policy and its updates,
- Approves the Annual Risk Management Plan.

The Director General

- Ensures that the School Board complies with the requirements of the Directive via this policy;
- Ensures that the responsibilities and powers of the relevant roles are attributed to strategic participants, including the Contract Rules Compliance Monitor (CRCM), in order to detect, analyze and assess corruption and collusion risks in the contract management process;
- Ensures that these responsibilities are communicated to all levels within the School Board;
- Approves the risks assessed following the recommendations of the CRCM;
- Ensures implementation of remedial actions following the recommendations of the external auditors, the secretariat of the Conseil du trésor or UPAC (Unité permanente anticorruption) regarding control over corruption and collusion risks within the School Board.
- The Director General is responsible for the implementation of this policy.

Contract Rule Compliance Monitor – CRCM

- Ensures the implementation of a corruption and collusion risk management plan;
- Reports to the Director General on the risks detected and on the risk management steps taken;
- Ensures the improvement of the corruption and collusion risk management process in connection with the contract management processes.
- Coordinates corruption and collusion risk management;
- Facilitates the implementation of the corruption and collusion risk management plan across the School Board, particularly through training, information and the distribution of tools.

Project Manager Involved in a Contract Management Process

- Incorporates corruption and collusion risk management into his or her functions;
- Ensures reporting and follow-up on risk mitigation measures for which he or she is responsible;
- Informs the administrative technician in charge of purchasing (or the CRCM) of any vulnerable situation that could adversely affect the attainment of the School Board's directives;
- May be required to participate in corruption and collusion risk assessment workshops.

9. DEFINITIONS

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| Collusion: | Secret agreement between potential bidders who organize themselves to hinder competition, including by setting prices or production, by sharing sales or territories or by rigging bids. |
| Corruption: | Exchange or attempted exchange in which an undue advantage is offered, promised or granted directly or indirectly by a briber or is requested, accepted or received directly or indirectly by a public office holder, in return for an act by the public office holder in favour of the briber. |
| Internal control: | Process implemented by managers at all levels of an entity for the purpose of providing reasonable assurances of achieving the following objectives: effective and efficient operations, reliable financial transactions, and compliance with laws and regulations. |
| Risk management: | Activities carried out for the purpose of steering and guiding an entity with respect to risk. |

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| Risk management plan: | A step in the risk management organizational framework, comprised of the following elements: organizational context, appraisal of the current situation (risk detection, analysis and assessment), desired situation (mitigation measures plan) and follow-up. |
| SCT: | Secretariat of the Conseil du trésor. |
| Stakeholder: | Person or entity that can either influence a decision or activity, or be influenced or feel influenced by a decision or activity. |
| Risk appetite: | The level of risk that an organization is prepared to accept in pursuit of its objectives, before action is deemed necessary to reduce the risk. |
| UPAC : | Unité permanente anticorruption. |
| CRCM/RARC : | Contract Rules Compliance Monitor / <i>Responsable de l'application des règles contractuelles</i> |

10. EFFECTIVE DATE

This policy and is effective as of the date of its adoption by the Council of Commissioners.