



Casino Gaming Commission

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CODE OF ETHICS POLICY FOR EXECUTIVE OFFICERS OF THE CASINO GAMING COMMISSION

The Casino Gaming Commission's "**Code of Ethics for Executive Officers of the Casino Gaming Commission**" is an adaptation of the "**Code of Ethics for Board Members and Executive Officers of Public Bodies (PBs)**" issued by the Ministry of Finance and the Public Service on February 25, 2023.

Purpose

The purpose of this Code of Ethics is to develop a framework for Executive Officers of the Casino Gaming Commission to carry out their functions with the highest standards of ethics and to provide a procedure for the identification and management of conflicts-of-interest in the Casino Gaming Commission.

Definitions

"actual conflict of interest" means a direct conflict between the duties of an Executive Officer of the Commission and current private interests of the Executive Officer;

"CEO" means the Chief Executive Officer of the Casino Gaming Commission

"Commission" means the Casino Gaming Commission

"conflict of interest" means –

(a) a situation in which:

(i) the concerns or aims of two different parties are incompatible; or

(ii) a person is in a position to derive personal benefit from actions or decisions made in their official capacity;

(b) something financial, familial or personal that could give rise to conflict or bias or the appearance of conflict/bias in their decision-making and by consequence, the work of the Commission.

"Disclosure Statement" means a Conflict-of-Interest Disclosure Statement in Appendix 1

“Executive Officer” means the CEO or another member of staff of the Commission who supervises and manages a Division of the Commission.

“immediate family member” means the spouse, child, parent, brother or sister of an Executive Officer.

“perceived conflict of interest” means the appearance of a conflict of interest in which an Executive Officer’s private interests could improperly influence the performance of his or her duties, whether this is the case or not; the perception may create a risk for the Commission with regard to reputation or financial assets;

“potential conflict of interest” means a conflict of interest that arises where an Executive Officer has private interests that could conflict with his or her public duties in the future;

“private interest” means those interests that can bring benefit or disadvantage to the Executive Officer or to those whom the Executive Officer may wish to benefit or disadvantage. Private interests can be pecuniary or non-pecuniary.

“prohibited conflict of interest” includes matters which would impact the integrity of the Commission;

“pecuniary interest” means a material personal interest usually involving actual or potential financial gain or loss. These interests include:

- (a) owning property;
- (b) owning shares;
- (c) having a position in a company bidding for government work; or
- (d) receiving gifts such as concessions, discounts, gifts or hospitality;

“non-pecuniary interest” means an interest that does not have a financial component including:

- (a) personal or familial relationships;
- (b) sports;
- (c) cultural or social activities;

having regard to any tendency toward favouring or prejudicial outcomes resulting from friendship, animosity or other personal involvement with people or groups;

“non-prohibited conflict-of-interest” means a conflict of interest that is declared and is deemed to not be detrimental to the integrity of the Commission.

“related party” means an immediate family member or an entity/business partner with which an Executive Officer or his or her immediate family member is closely associated.

Section 1 – Prohibited Conduct of Executive Officers

Conduct of Business and Fair Dealing

1.1. An Executive Officer shall not:

- (a) provide service to a licensee as an employee, officer, director, or any other capacity which causes the obligations of the Executive Officer to the Commission to conflict with the obligations to the licensee;
- (b) profit, or assist others to profit, from confidential information or business opportunities that are available because of service to the Commission;
- (c) improperly influence or attempt to influence any business transaction between the Commission and another entity in which the Executive Officer has a direct or indirect financial interest (including shareholding) or acts as an employee, officer, director, or similar capacity;
- (d) take unfair advantage of any customer, supplier, competitor, or other person through manipulation, concealment, misrepresentation of material facts or other unfair-dealing practice;
- (e) treat any stakeholder with disrespect, indignity or discourtesy.

Gifts/ Hospitality/ Personal Gains / Benefits

1.2. An Executive Officer shall not solicit or accept payments, loans, services or any form of compensation from suppliers, customers, competitors or others seeking to do business with the Commission, except on an arms-length basis.

1.3. An Executive Officer shall not give or accept gifts or hospitality (in his personal capacity or on behalf of the Commission) that may conflict with the provisions of this Code of Ethics. For clarity, the following must occur in instances where applicable:

- (a) the gift or hospitality should not be given or accepted with the intention or expectation of influencing a party to obtain or retain business or a business advantage, or as a reward for the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- (b) the gift or hospitality must be reconcilable as being customary to the industry or the culture of a foreign country;
- (c) the gift or hospitality should not violate any law, Government policy or any internal policy of the Commission;
- (d) any gift or hospitality given by the Commission is to be provided in the name of the Commission and not the name of the Executive Officer;

- (e) the gift or hospitality should not include stocks and bonds;
- (f) the gift or hospitality between the Commission and another entity should not be monetary unless conforming to the Government's Corporate Social Responsibility standards;
- (g) the gift or hospitality is of a type or value and given or accepted at an appropriate time, taking into account the business relationship with the counterparty, any pending action expected of the counterparty and the reason for the gifts or hospitality;
- (h) a disinterested, reasonable third party would not likely infer that the gift or hospitality has affected or will affect the judgment of the Executive Officer; and
- (i) the gift or hospitality should be given or accepted openly and not secretly.

Compliance with Laws and Regulations

1.3 Each Executive Officer shall comply with all applicable laws and regulations and shall use all reasonable efforts to oversee compliance by employees and other Executive Officers with all applicable laws and regulations.

Use of Information held in the Commission and Disclosure of such Information

1.4. Executive Officers shall maintain the confidentiality of any non-public information obtained in the performance of their duties on behalf of the Commission, except when disclosure is authorized or legally mandated.

1.5. The Data Protection Act, Protected Disclosures Act, Access to Information Act and any other relevant enactment shall govern how disclosures ought to be dealt with.

Use of Commission's Funds, Assets and Information

1.6. Each Executive Officer shall protect the Commission's funds, assets and information and shall not use the Commission's funds, assets, or information to pursue personal opportunities or gain.

1.7. The Commission's funds, assets or information shall not be used for any unlawful purpose. No undisclosed or unrecorded fund or asset shall be established for any purpose.

1.8. No false or artificial entries shall be made in the books and records of the Commission for any reason, and an Executive Officer shall not engage in any arrangement that results in such prohibited acts.

Section 2 – Conflict(s)-of-Interest and Disclosure of Conflict(s)-of-interest

Duty to Disclose

2.1. An Executive Officer has a duty to avoid business, financial or other direct or indirect interests or relationships which conflict, could potentially conflict or are perceived as conflicting with the interests of the Commission, or which divide the Executive Officer's loyalty to the Commission.

2.2. Any activity which appears to present a conflict must be avoided or terminated unless, after disclosure to the CEO or to the Board, it is determined that the activity is not harmful to the Commission or is otherwise in accordance with such standards as may be established for or by the Commission.

2.3. An Executive Officer, other than the CEO, must disclose to the CEO any conflict-of-interest or perceived or potential conflict of interest on his or her part. The CEO must disclose to the Board any conflict-of-interest or perceived or potential conflict of interest on his or her part.

2.4. An Executive Officer has a continuing obligation to disclose promptly and fully, any actual, potential or perceived conflict(s)-of-interest of which he or she is aware.

2.5. An Executive Officer must promptly notify the CEO or the Board as the case may be, in writing:

(a) if at any time following the submission of a Disclosure Statement, the Executive Officer becomes aware of any actual or potential conflict(s) of interest; or

(b) if the information provided becomes inaccurate or incomplete.

2.6. An Executive Officer must complete and sign, at least on an annual basis, a Disclosure Statement, fully and completely disclosing the material facts about any actual or potential conflict of interest of which he or she is aware.

2.7. An Executive Officer shall annually sign a statement that affirms that he or she has:

(a) received a copy of the conflict-of-interest policy that governs the public body;

(b) read and understands the policy and has agreed to comply with the policy;

(c) completed the Disclosure Statement.

2.8. The CEO may cause an investigation to be done to determine whether on the face of an Executive Officer's Disclosure Statement, a proposed transaction of the Commission gives rise to an actual, perceived or potential conflict of interest.

2.9. If the CEO determines that no conflict of interest exists, the CEO shall inform the Executive Officer of his or her determination and properly document the decision.

2.10. If the CEO determines that a non-prohibited conflict of interest exists, the CEO shall inform the Executive Officer of his or her determination and take any other action he or she deems prudent to address the non-prohibited conflict of interest. This includes giving directions to the Executive Officer as to how the non-prohibited conflict of interest should be handled. An Executive Officer who receives such a direction from the CEO shall comply with the direction of the CEO.

2.12. Where a non-prohibited conflict of interest involves a proposed transaction between the Commission and a company in which the Executive Officer has shareholdings or an organization where a related party of the Executive Officer has decision-making responsibilities, the CEO shall gather and review appropriate data to determine whether the terms of the transaction are fair and reasonable and are in the best interest of the Commission.

2.13. If after consideration of all relevant data and factors (including, where appropriate, information on alternatives to the transaction), the CEO determines that the transaction is fair and reasonable and in the best interests of the Commission, the CEO may approve the transaction.

2.14. In the event that the proposed transaction involves procurement of goods and services, the CEO shall ensure that the Government of Jamaica's Public Procurement Laws are followed.

2.15. If the CEO determines that a prohibited conflict of interest exists or that a proposed transaction would result in a prohibited conflict of interest, the CEO shall (among other actions):

(a) prohibit the Commission from entering into the proposed transaction, if applicable; and

(b) discuss with the Executive Officer how the conflict should be eliminated so as not to affect the performance by the Executive Officer of his or her duties to the Commission going forward.

2.16. All Disclosure Statements and decisions of the CEO in respect of conflicts of interest must be documented and kept in the Register of conflicts of interest described in this policy.

2.17. The CEO may refer a conflict of interest matter involving an Executive Officer to another Executive Officer, if, having regard to the nature of the conflict of interest, the CEO believes that another Executive Officer should express a view or make the determination of how to proceed.

2.18. Executive Officers should undertake the following:

(a) Notify the CEO immediately upon becoming aware of a possible conflict and provide details regarding the interest (including how it may conflict with the functions and responsibilities of the Executive Officer concerned); and

(b) seek legal advice if necessary, regarding how to handle the conflict.

2.19. In determining whether an actual, perceived or potential conflict of interest exists, the CEO and any other Executive Officer consulted shall examine whether the conflict of interest is prohibited under the Government of Jamaica’s **“Code of Ethics for Board members and Executive Officers of Public Bodies”** or other applicable laws, regulations, rules or policies.

Violation of this Policy

2.20. If the CEO (or the Board in the case of the CEO) has reason to believe that an Executive Officer has failed to disclose a conflict of interest, the CEO (or the Board) shall inform the Executive Officer of the basis for this belief and afford him or her an opportunity to explain the alleged failure or violation.

2.21. If, after hearing the response of the Executive Officer and making such further investigation as may be required in the circumstances, the CEO (or the Board) determines that the Executive Officer has in fact failed to disclose an actual, potential or perceived conflict of interest or otherwise violates this Policy, the CEO (or the Board) shall pursue disciplinary and corrective action, which may include the suspension or dismissal of the Executive Officer.

Documentation of Conflict-of-Interest Decisions by the CEO or Executive Management Committee

2.22. The decision(s) of the CEO or the Executive Management Committee shall be documented and contain:

- (a) the names of the persons who disclosed or otherwise were found to have an interest in a conflict-of-interest matter, the nature of such interest and any action taken to determine whether a conflict-of-interest was present;
- (b) the names of the persons who were present for discussions, the content of the discussion (including any alternatives to a proposed transaction or arrangement), and votes relating to the matter;
- (c) the CEO or Executive Management Committee’s decision regarding the conflict-of-interest.
- (d) discussions on matters of interest should be redacted from the related Executive Management Committee Minutes which are dispatched to the Executive Officer. However, the Executive Officer may be apprised of a decision related to the matter.

Version No	Issue date	Issued by	Committee Approval Date	Board Approval Date
0.1	May 2024	GC/CS		
0.2				

APPENDIX 1

This Conflict-of-Interest Disclosure Statement should be completed as required (but at least annually) by Commissioners and Executive Officers of the Casino Gaming Commission.

I, _____, as [Insert Applicable Title] of the Casino Gaming Commission have read the [Government of Jamaica Code of Ethics for Board Members of Public Bodies] [Casino Gaming Commission’s Code of Ethics for Executive Officers] and have set out below my interests in accordance therewith.

Category	Please give details of the interest and whether it applies to yourself or, where appropriate, a member of your immediate family or some other close personal connection.
Current employment and any previous employment in which you continue to have a financial interest.	
Appointments (voluntary or otherwise), e.g., trusteeships, directorships, local authority memberships, tribunals, boards etc.	
Membership of any professional bodies, special interest groups or mutual support organizations.	
Investments in unlisted companies, partnerships and other forms of business, major shareholdings and beneficial interests (whether local or international).	
Investments in listed companies, partnerships and other forms of business, major shareholdings and beneficial interests (whether local or international).	
Gifts of social amenities/hospitality offered to you by external bodies and whether this was declined or accepted in the last twelve months.	
Any contractual relationship with the Commission.	
Any other interest not covered by the above which could give rise to a conflict of interest.	

I declare that I have disclosed to the best of my knowledge, material facts about any actual or potential conflict of interest of which I am aware and that the above information is complete and correct. I undertake to update as required (but at least annually) and give my consent for the

information to be used for the purposes described in the [Government of Jamaica Code of Ethics for Board Members of Public Bodies] [Casino Gaming Commission's Code of Ethics for Executive Officers].

Signed: _____

Position: _____

Date: _____