

Conflicts of interest

World Sailing Policy

sport / nature / technology



World Sailing

1. Scope

- 1.1 This Policy sets out the procedures for identifying and managing conflicts and potential conflicts of interests or duty (called “Conflicts” in this Policy) affecting all persons involved in the administration and running of World Sailing and its business (who are called “Parties” in this Policy).
- 1.2 This Policy was approved by the Board under Regulation 3.5.1 on 3 September 2016.

2. Background

- 2.1 Parties have an obligation to act in the best interests of World Sailing and in accordance with the Constitution and Regulations. They are expected to act impartially and objectively and to actively take steps to avoid Conflicts.
- 2.2 Conflicts matter because they affect discussions and decision-making and may result in decisions being reached that are not in the best interests of World Sailing. They can give the impression – both internally and to the wider public – that improper conduct has occurred even when it has not.
- 2.3 Conflicts come in a number of different forms. It is primarily the responsibility of each Party to identify if there is a Conflict or potential Conflict that may affect them or someone connected to them.
- 2.4 This Policy is not intended to adversely affect normal decision making within World Sailing. It is intended to make it more transparent, and to allow the management of Conflicts that will inevitably arise. It is important that management of a Conflict is proportionate to the risk that it poses to the best interests of World Sailing.

3. Identifying what a Conflict is

- 3.1 There are two types of Conflict:
 - (a) A **conflict of interests** – this is where a Party has an interest personal to them (which may be financial or non-financial) which conflicts, or may conflict, with the best interests of World Sailing.
 - (b) A **conflict of duties** – this is where a Party owes a duty to another body (such as being an employee, elected official, shareholder, trustee etc.) that conflicts, or may conflict, with their duties to act in the best interests of World Sailing.

This type of conflict does not have to be personal or financial to the Party.

A conflict of duties can also be described as a **conflict of loyalties**.

4. Connected Persons

- 4.1 A Conflict can still rise if it involves a payment or benefit being given to a third party connected to the Party in question. A “Connected Person” is:
 - (a) any parent, grandparent, child, stepchild, grandchild, brother, sister or spouse of a Party or any person living with the Party as his or her partner;
 - (b) a firm, company or association in which the Party is a partner, officer, employee, consultant, director, member or shareholder (unless the Party owns no more than 1% of the issued shares on a recognised stock exchange);

- (c) a firm or company in which an individual listed in (a) above is connected in the ways set out in (b).

5. Duty to avoid conflicts

- 5.1 All Parties are under a duty to avoid a Conflict where possible.
- 5.2 If a Conflict or potential Conflict exists, it must be declared by the Party and managed as set out in this Policy.
- 5.3 Any doubt as to whether certain facts or circumstances may give rise to a Conflict should be resolved in favour of declaring those facts or circumstances.

6. Declarations of interests

- 6.1 On appointment, Parties must declare their interests on the declaration of interests form found on the World Sailing website. In particular, this declaration must include:
 - (a) directorships, partnerships and employments with Member National Authorities, Class Associations, Continental Associations, World Sailing or businesses that are engaged in the sport of sailing or derive any substantial portion of their revenue from sailing;
 - (b) any office held with a Member National Authority, World Sailing Class Association, Continental Association and any other international sailing or sporting bodies;
 - (c) trusteeships or board positions with Member National Authorities, Class Associations, Continental Associations, World Sailing or institutions or charities that are engaged in the sport of sailing or derive any substantial portion of their revenue from sailing; and
 - (d) any material interests arising from close family or personal relationships with another Party in World Sailing.
- 6.2 The Chief Executive Officer will use the information in the declarations to maintain a register of interests. The information provided in any declarations of interest will be processed in accordance with the data protection principles as set out in the UK Data Protection Act 1998. The information provided will not be used for any other purpose by World Sailing.
- 6.3 Parties must update their declarations as soon as possible following any change in circumstances and, in any event, must re-submit them not later than 14 days before the Annual Conference each year.
- 6.4 At Council, committee or commission meetings, a Party is required by the Regulations to declare to the Chairman and the Chief Executive Officer (or the relevant staff manager) the nature and extent of any potential or actual Conflicts he may have in the proposed business of the meeting. In particular, this includes declaring any interests he or any Connected Person may have in any existing or proposed transactions or arrangements with World Sailing. This procedure applies also to any email votes or other electronic discussions.
- 6.5 Each meeting of Council (or a committee or commission) will contain declarations of Conflicts as a separate agenda item. Declarations of Conflicts concerning any item on the agenda must be made at this point and will be minuted. If a Party realises at a later point in the meeting that he or she may need to declare a Conflict, this must be done promptly and will be minuted.
- 6.6 If a Party has an interest listed in the Register of Interests that should be disclosed as a Conflict, the chairman of the meeting shall disclose it to the meeting if the Party does not do so at the relevant point on the agenda.

- 6.7 Any Party who has a concern or is unsure of the proper procedure to follow should contact their Chairman and World Sailing staff manager for their committee or commission for advice.

7. Managing conflicts of interest

- 7.1 If a Party has a Conflict, then a decision must be made as to how to manage it. This decision will be made by:
- (a) the President (for Conflicts relevant to members of Council and the Board);
 - (b) the chairman of the meeting at which the Conflict becomes relevant; or
 - (c) in all other cases, the Chairman of the part of World Sailing to which the conflict is relevant,
- and in each case after consultation with the Chief Executive Officer (via the relevant staff manager) and the Ethics Commission (if necessary).
- 7.2 If the President has a relevant Conflict, then a Vice President chosen by the other Vice Presidents will make the decision. If a Chairman has a relevant Conflict, the Vice-Chairman will make the decision.
- 7.3 A Party is required to give the decision-maker any additional information asked for in order to determine how the conflict is to be managed.
- 7.4 The decision-maker may decide that the Party:
- (a) can continue to participate in the normal way with the interest being minuted;
 - (b) shall not participate in the proceedings and is to abstain in any vote (but the body may ask the Party to provide any relevant information concerning the matter); or
 - (c) is to withdraw for the whole or part of the affected proceedings.
- 7.5 In addition, Regulations 3.5.2 and 7.7.1 allows the meeting itself to require the Party to withdraw from the meeting.

8. Specific Situations

- 8.1 This Policy has set out general principles applicable to all situations. This section contains requirements on specific situations which are likely to commonly occur. The lists are not exhaustive.

Relationships with MNAs

- 8.2 It is recognised that most Parties will have involvement with their MNAs and this is to be expected. For members of Council, they are specifically appointed to represent the MNAs in their Group collectively. For committee and commission members, the Regulations provide that they are not appointed to represent their country or any national interests.
- 8.3 There is no conflict due to the Party's MNA involvement, even when that MNA has made a submission that is being discussed, unless the discussion or proposed decision:
- (a) affects the Party's MNA specifically;
 - (b) affects the Party's MNA in a different way from all other MNAs; or
 - (c) the Party is an employee of his MNA and that employment may be affected by the decision.

Relationships with Classes

- 8.4 Individuals who hold either elected or paid positions with a World Sailing class association will have a conflict in any discussion or decision concerning:
- (a) the association's World Sailing status;
 - (b) the selection or de-selection of the association's equipment for a World Sailing Event, Regional Games or the Olympic or Paralympic Sailing Competition; and
 - (c) the association's class rules or constitution.
- 8.5 Parties who are members of a class association (but are not elected or paid officials) should declare their membership if one of the matters in section 8.4 arises during a meeting.
- 8.6 Other than those situations, a Party does not need to make any declaration if participating in a discussion or decision on a submission from his class association.

Own Competition

- 8.7 A Party does not need to make any declaration if participating in a discussion or decision which would affect their competition as a sailor (provided it is a general decision affecting all sailors equally – for example changes to the Racing Rules of Sailing).

Employment or Appointments by World Sailing

- 8.8 A Party will have a conflict in relation to any discussions or decisions concerning actual or proposed:
- (a) employment with World Sailing Limited, World Sailing (UK) Limited or World Sailing Event Management Limited; or
 - (b) appointment by World Sailing to any international sports organisations.
- 8.9 Article 62(c) of the Constitution contains further provisions concerning members of Council.

Provision of goods or services or other Commercial Arrangements

- 8.10 A Party will have a conflict in relation to any discussions or decisions concerning the actual or proposed provision of goods or services to World Sailing Limited, World Sailing (UK) Limited

or World Sailing Event Management Limited. This also applies to any commercial arrangements with these companies or World Sailing Events.

Race Officials

- 8.11 World Sailing Race Officials are governed by Regulation 34 with respect to their appointments to events.
 - 8.12 In relation to event appointment decisions by World Sailing, the procedures and conflict of interest rules of the Event Appointment Working Party apply.
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World Sailing - Declaration of Interests

Name:	
Positions held in World Sailing:	
Date of declaration (or review):	

Category	Please give details of any interests (yours or from connected persons), including full background, any other parties involved and the likely duration. Please detail any current interests or those within the last 2 years.
Offices or positions (elected, volunteer or paid) held with: i) a Member National Authority ii) World Sailing Affiliate or Associate Members iii) World Sailing Class Association iv) Continental Association v) Any other international sailing or sporting bodies	
Involvement with the training or selection of competitors	
Contractual or commercial relationships with World Sailing Limited, World Sailing (UK) Limited or World Sailing Event Management Limited	
Directorships, partnerships or employment with i) Member National Authorities ii) World Sailing Affiliate or Associate Members iii) World Sailing Class Association iv) Continental Association v) businesses that are engaged in the sport of sailing or derive any substantial portion of their revenue from sailing;	
Trusteeships or board positions with i) Member National Authorities ii) World Sailing Affiliate or Associate Members iii) World Sailing Class Association iv) Continental Association v) institutions or charities that are engaged in the sport of sailing or derive any substantial portion of their revenue from sailing;	

Membership of any sailing or yacht clubs	
Close family relationships, commercial/business or personal relationships with another Board, Council, Committee or Commission Member	
Membership of any professional bodies, special interest groups or mutual support organisations	
For Board Members: In respect of businesses that are engaged in the sport of sailing or derive any substantial portion of their revenue from sailing: i) Investments in unlisted companies, partnerships and other forms of business, ii) Major shareholdings of more than 5% of the issued capital iii) Beneficial interests	

To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis or more frequently if requested by World Sailing.

I give my consent for it to be used for the purposes described in the World Sailing Conflicts of Interest policy and for no other purpose.

Signed:	
Date:	