

Council Office Support Staff

(City Council on June 7, 8 and 9, 2000, adopted the following recommendation:

“It is recommended that Council adopt the following policy with respect to Council office support staff:

- (1) no employment of relatives of Members of Council shall be permitted within Councillors’ offices and the Mayor’s offices;*
- (2) relatives, for the purposes of this policy, shall be defined as:*
 - (i) spouse, including common-law and same-sex spouse;*
 - (ii) parent, including step-parent and legal guardian;*
 - (iii) child, including step-child;*
 - (iv) sibling; and*
 - (v) any person who lives with the employee on a permanent basis; and*
- (3) implementation of this policy shall take effect with the new term of City Council, on December 1, 2000.”)*

The Administration Committee submits, without recommendation, the joint report (May 10, 2000) from the Chief Administrative Officer and the Executive Director of Human Resources.

The Administration Committee reports, for the information of Council, having requested the City Solicitor to submit a report directly to Council for its meeting scheduled to be held on June 7, 2000, providing a legal opinion respecting the City of Toronto’s liability regarding Council Members staff who would be displaced should Council not adopt a grandparenting policy.

The Administration Committee submits the following joint report (May 10, 2000) from the Chief Administrative Officer and the Executive Director of Human Resources:

Purpose:

The purpose of this report is to outline options for the consideration of Council related to hiring and retaining support staff in Council offices. Information is provided concerning the policies and practices at the Federal and Provincial levels of government, as well as other municipal jurisdictions.

Financial Implications and Impact Statement:

Not applicable

Recommendation:

The information contained in this report is for the consideration of Committee.

Background:

At its meeting held on February 8, 2000, the Administration Committee concurred in a request (February 3, 2000) from Councillor David Soknacki, Scarborough Highland Creek that the Chief Administrative Officer report to the Administration Committee on various options Council may wish to adopt on the issue of hiring support staff in Council offices.

According to the request, these options may include:

- (a) being in conformance with Federal and Provincial guidelines;
- (b) allowing for the retention of existing staff; and
- (c) coming into force on December 1, 2000.

Comments:

Attached as Appendix "A" are details related to the employment of relatives as support staff by Elected Representatives at the Federal and Provincial levels and a number of municipalities across Ontario. The former municipalities of Metropolitan Toronto, East York, Scarborough, Etobicoke, North York, York and Toronto are also included.

It is the policy within the administration of the new City of Toronto that no members of the same family are permitted to work together if this places them in a direct reporting relationship, either in a subordinate or supervisory role to each other. Further, a family member must not participate in any part of the selection process where another family member is an applicant. The selection process includes screening applications, interviews and reference checking. "Family", for the purposes of this policy, is defined as:

- (i) spouse, including common-law and same-sex spouse;
- (ii) parent, including step-parent and legal guardian;
- (iii) child including step-child;
- (iv) sibling; and
- (v) any person who lives with the employee on a permanent basis.

A copy of the Policy is attached as Appendix "B".

In addition, at its meeting held on September 28 and 29, 1999, Council adopted, as amended, Clause No. 2 of Report No. 5 of The Administration Committee, titled "Code of Conduct for Members of Council Inclusive of Lobbyist Provisions".

Related to this matter, the report identified as a future policy consideration the area of "Employment of Relatives". The report indicates that "Legislation governing the conduct of members and the Code of Conduct states that no member should engage in activities in which they have a direct or indirect interest. Council could interpret this to mean that no member shall participate in the hiring, supervision or ongoing assessment of the job performance of a relative, and establish policy accordingly."

Alternative Approaches for the Consideration of Council:

- (1) no employment of relatives of Members of Council by the City in any department, Councillor's offices and the Mayor's offices;
- (2) no employment of relatives of Members of Council in a supervisor-subordinate relationship with the Member of Council;
- (3) no employment of relatives of Members of Council within Councillors' offices and the Mayor's offices; and
- (4) no restrictions placed upon the employment of relatives of Members of Council.

Additional Considerations:

- (a) In the event that Council places a restriction on the employment of relatives of Members, it will be necessary to identify those family members who are precluded from employment. For Alternatives 2 and 3 above, the list of family members precluded might parallel the City's administrative policy. In the case of Alternative No. 1, Council may wish to permit the hiring of particular family members e.g., siblings into positions, within the Administration.
- (b) It is common that such a change in employment practice be made at an appropriate future date. Therefore, Council may wish to implement any new policy coincident with the start of their term of a new Council on December 1, 2000.
- (c) "Grandparenting" as a method of transitioning to a new policy is also a normal consideration. Continuation of employment for current staff in Council offices, assuming no real or anticipated problems, would be appropriate and is recommended.

Conclusions:

The matter of hiring and retaining relatives of Elected Representatives has been variously addressed in other government jurisdictions. The information contained herein is submitted at the request of the Administration Committee.

Contact:

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Chief Administrative Officer

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Appendix 'A'

Council Office Support Staff

Federal level:

Members may not hire or enter into a contract for consulting and professional services with members of their immediate family (spouse and children and their spouses and children) or their parents.

Provincial level:

Members are not permitted to hire and retain in employment employees who are in any of the following relationships to the member:

- (i) spouse, including common-law spouse;
- (ii) parents;
- (iii) children;
- (iv) siblings;
- (v) grandparents;
- (vi) grandchildren;
- (vii) in-laws (mother, father, son, daughter, brother, sister);
- (viii) ward; and
- (ix) guardian.

City of Mississauga:

A candidate who is a spouse, parent or child of a current employee within the same section as a vacant position, or of a current employee who is responsible for the supervision or management of that section will be considered ineligible for the position. "Spouse" includes the person with whom the candidate is living in a spousal relationship. This policy also applies to Members of Council.

Region of Sudbury:

Policy that prohibits the hiring of relatives in a direct reporting relationship. Relatives refers to immediate family. Policy also prohibits Councillors from sitting on a hiring committee if a relative is a candidate. Relative in this regard is expanded to include nephews, nieces and grandchildren.

Town of Markham:

Administrative policy which applies to Councillors that prohibits relatives from reporting to one another.

Town of Richmond Hill:

Council resolution that prohibits relative from working in the same functional group.

City of Vaughan:

Council resolution that prohibits Councillors, the CAO and Deputy CAO from employing immediate family anywhere in the corporation (Part-time recreation may be exception).

Town of Newmarket:

Administrative bylaw that states that “the Town shall refrain from employing a member or members of the same immediate family in the same Town Department unless the consent of the respective (Council) Committee is obtained. (Further), the Town shall refrain from employing a member or members of the immediate family of a Member of Council unless the consent of the respective Committee is obtained”.

Former Metropolitan Toronto, East York:

Policy applicable to staff - did not permit relatives in direct reporting relationships.

Former Scarborough:

Did not employ family members reporting to the Members of Council.

Former Etobicoke:

Did not employ family members reporting to the Members of Council.

Former North York

Policy- “No immediate relative of a Member of North York City Council may be hired by the City.”

Former York:

Policy – “Family members (i.e. persons related to one another through blood or marriage) shall not be placed in the City’s corporate structure such that one comes under the day-to-day supervision of another, directly or indirectly.” This policy applied to all employment relationships including student hires.

Former Toronto:

No Policy.

Appendix “B”

Employment of Relatives

Category: Staffing

Policy Statement The city recognises that conflict and bias can arise from situations where family members work together. This policy provides direction to departments so these situations can be avoided.

Application This policy applies to all employees, with the exception of councillors’ office staff.

Definitions Family: For the purposes of this policy family is defined as:

- (i) spouse, including common-law and same-sex spouse;
- (ii) parent, including step-parent and legal guardian;
- (iii) child including step-child;
- (iv) sibling; and
- (v) any person who lives with the employee on a permanent basis.

Direct Reporting Relationship: A relationship in which an employee has authority to:

- (i) approve or deny increments, overtime or negotiate salary level;
- (ii) conduct performance appraisals;
- (iii) discipline another employee; and
- (iv) direct work assignments.

Conditions No members of the same family are permitted to work together if this places them in a direct reporting relationship, either in a subordinate or supervisory role to each other.

Employees must declare a conflict when a family relationship develops that puts them in a direct reporting relationship.

A family member must not participate in any part of the selection process where another family member is an applicant. The selection process includes screening applications, interviews and reference checking.

Implementation When a situation arises where an employee is in a direct reporting relationship to a family member, the executive director/general manager or designate must discuss reassignment options with the employees involved. The executive director/general manager or designate should consult with human resources to resolve this problem. Possible solutions include:

- (i) offering one employee a permanent alternate position in another section or division of the same department;
- (ii) placing one employee on a temporary assignment; and
- (iii) transferring one employee to a comparable position in another department i.e., lateral transfer.

The preferences of the employees should be taken into account when considering any of these options. If all of the above options are rejected then the executive director or general manager should make the final decision.

Although these situations are sometimes difficult to resolve an executive director/general manager or designate should address this issue as soon as possible after it arises and seek to remedy the situation promptly.

Close personal relationships or relationships beyond family can also cause problems in the selection process and in reporting relationships. Employees who find themselves in this situation should be sensitive to perceptions and guide themselves according to professional standards.

Approved by Senior Management Team

Date Approved July 29, 1999

The following Members of Council appeared before the Administration Committee in connection with the foregoing matter:

- Councillor David Soknacki, Scarborough Highland Creek; and
- Councillor Michael Walker, North Toronto.

(Councillor Bas Balkissoon declared an interest in the foregoing matter in that a member of his family is an employee in the office of another Member of Council.)

(Councillor Doug Mahood declared an interest in the foregoing matter in that a member of his family is an employee of the City of Toronto.)

(City Council on June 7, 8 and 9, 2000, had before it, during consideration of the foregoing Clause, a confidential report (June 1, 2000) from the City Solicitor, such report to remain confidential, in its entirety, in accordance with the provisions of the Municipal Act, given that it pertains to employee negotiations.)

(Councillor Balkissoon, at the meeting of Council held on June 7, 8 and 9, 2000, declared an interest in the foregoing Clause, in that a member of his family is an employee in the office of another Member of Council.)

(Councillor Mahood, at the meeting of Council held on June 7, 8 and 9, 2000, declared an interest in the foregoing Clause, in that a member of his family is an employee of the City of Toronto.)

(Councillor Palacio, at the meeting of Council held on June 7, 8 and 9, 2000, declared an interest in the foregoing Clause, in that he was formerly employed as an Executive Assistant to a Member of Council.)

(The following Members of Council, at the meeting of Council held on June 7, 8 and 9, 2000, declared their interest in the foregoing Clause, in that a member of their family is an employee in their office:

- Councillor Cho;*
- Councillor Gardner;*
- Councillor Kelly;*
- Councillor Mammoliti; and*
- Councillor Shiner.)*