



## STAFF REPORT ACTION REQUIRED

### Human Resources Management and Ethical Framework for Members' Staff

<b>Date:</b>	August 6, 2014
<b>To:</b>	Executive Committee
<b>From:</b>	Ulli S. Watkiss, City Clerk
<b>Wards:</b>	All
<b>Reference Number:</b>	

#### **SUMMARY**

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This report is in response to City Council's direction to develop a consolidated policy that sets out the roles, responsibilities and authorities of elected officials for human resources management and the ethical framework for their staff, including the application of the Code of Conduct for Members of Council to Members' staff.

The proposed Human Resources Management and Ethical Framework for Members' staff is consistent with the Toronto Public Service By-law report that was unanimously approved by Council in June 2014, tailored to reflect the unique nature of Members' staff. The proposed Framework is included as Attachment 1 in the report. The approved Framework will be incorporated into Members' staff contracts beginning the new term of Council.

#### **RECOMMENDATIONS**

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**The City Clerk recommends that:**

1. City Council approve the Human Resources Management and Ethical Framework for Members' Staff as set out in Attachment 1.
2. City Council authorize that the City Clerk update Members' staff contracts effective December 1, 2014 to reflect the approved Human Resources Management and Ethical Framework for Members' Staff.

## **Implementation Points**

The Framework, once approved by City Council, will be incorporated into Members' staff contracts beginning the new term of Council on December 1, 2014. In addition, the Framework will be incorporated into the 2014-2018 Council Handbook.

Training materials will be developed and training sessions will be organized in the new term for Members' staff on the Framework.

City Clerk's Office staff will monitor the effectiveness of the Framework and if required, will report back to City Council via Executive Committee with required changes after the Framework has been in place for the first two years of the new term.

## **Financial Impact**

There are no financial impacts from the adoption of the recommendations.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

At its meeting on November 27, 28 and 29, 2012, City Council, in considering EX25.3 *Developing a Public Service By-law for Toronto*, requested the City Clerk, in consultation with the Integrity Commissioner, City Solicitor and City Manager, to report back on a consolidated Policy for City Council's consideration that sets out the roles, responsibilities and authorities of elected officials for human resource management and the ethical framework for their staff including the application of the Code of Conduct for Members of Council to Members' staff.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX25.3>

At its meeting on June 10, 11, 12 and 13, 2014, City Council unanimously adopted EX42.3, "*Strengthening Public Service Governance - A Public Service By-law for Toronto*". The By-law will come into force on January 1, 2015 for City staff and the agencies referenced in the report.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EX42.3>

At its meeting on July 15, 16 and 17, 2008, City Council received report CC23.3 *Integrity Commissioner End of Term Report – 2008*. In the report, the Integrity Commissioner identified nine outstanding issues for the office, one of which was the application of the Code of Conduct to Council staff.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.CC23.3>

At its meeting on September 25, 26 and 27, 2006, City Council adopted Clause 26 of Policy and Finance Committee Report No. 7, a report from the Integrity Commissioner

titled *Amendments to Code of Conduct for Members of Council* and approved the recommendation that the Members' Code of Conduct apply to Council Members' Staff and directed the City Manager, in consultation with the City Solicitor, the Executive Director of Human Resources and the Integrity Commissioner to report to Executive Committee on the steps required to implement the policy.

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/pof7rpt/cl026.pdf>

At its meeting on July 25, 26 and 27, 2006, City Council adopted Clause 56 of Report 6 of the Policy and Finance Committee titled *Conditions of Employment - Council Staff* and adopted that effective December 1, 2006, the current terms of conditions of employment of Members' staff be amended to reclassify the Council group of employees as a unique, separate sub-group of the non-union group of employees for the purposes of payroll and human resource administration, and that the staff contracts reflect these approved changes.

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060725/pof6rpt/cl056.pdf>

Since amalgamation, Council has approved a number of reports related to Members' staff, including approval of the job categories of Councillors' staff, their job descriptions and wage ranges, and other employment matters, such as benefits and pensions.

## **COMMENTS**

In response to City Council's direction, City Clerk's Office staff worked with the City Manager's Office, the City Solicitor and the Integrity Commissioner to develop the Human Resources Management and Ethical Framework for Members' Staff.

City Clerk's Office staff also consulted with Members of Council who were former Members' staff on their perspectives on the ethical framework, especially related to conflict of interest and political activity requirements.

### **Human Resources Management and Ethical Framework for Members' Staff**

The Toronto Public Service By-law report was unanimously approved by City Council at its June 2014 meeting. The report clearly stated that the Toronto Public Service By-law does not apply to elected officials and their staff.

The Human Resources Management and Ethical Framework for Members' Staff was developed as a parallel component to the Toronto Public Service By-law, and takes into account the unique nature of Members' staff. The Framework is included as Attachment 1 to this report.

The proposed framework is a consolidation of existing policies and protocols that are currently in place for Members' staff. It affirms the roles and responsibilities of Members in managing the staff in their offices, and strengthens the ability for Members to manage their staff through the consolidation and clarification of the ethical expectations for Members' staff.

#### A. Human Resources Management of Members' Staff

The Toronto Public Service By-law report described the roles, responsibilities and authorities of the City Manager and agencies in human resources management of their staff. The Human Resources and Ethical Framework for Members' Staff affirms the roles of Members in hiring, compensation and salary expenditures, terms and conditions of employment and termination of Members' staff.

As well, the Framework affirms the responsibilities of Members as managers of their staff under legislated requirements such as the *Employment Standards Act*, the *Occupational Health and Safety Act*, *Workplace Safety and Insurance Act*, *Ontario Fire Code*, *Ontario Human Rights Code*, *Accessibility for Ontarians with Disabilities Act*, *Ontario Labour Relations Act* and *Income Tax Act*.

Reflecting the unique nature of Members' staff as a unique sub-group of City non-union employees, not all Human Resources policies are applicable to Members' staff. The list of applicable policies is included as Appendix A in the proposed Framework.

#### B. Ethical Framework for Members' Staff

The Toronto Public Service By-law has three major ethical components – Conflict of Interest, Political Activity and Disclosure of Wrongdoing and Reprisal Protection. The Human Resources Management and Ethical Framework for Members' Staff also includes these three provisions, but in addition, also includes provisions related to the Code of Conduct for Members' staff, lobbying, information management and information technology.

Members' staff must be familiar with the ethical provisions in the Framework, and notify and consult with their Member in situations of real or potential conflict of interest or if they pursue political activities.

Members' staff must become familiar with the Code of Conduct for Members of Council so that they do not put their Member of Council in situations whereby the Member may be deemed to contravene or perceived to have contravened the Code of Conduct.

Under the *City of Toronto Act, Part V, Accountability and Transparency, Section 156* and under *Toronto Municipal Code, Chapter 140, Lobbying*, Members' staff are considered public office holders and must be familiar with the requirements and restrictions under the Lobbying By-law.

The Conflict of Interest, Political Activity and Disclosure of Wrongdoing and Reprisal Protection provisions contained in the Framework are similar to the Toronto Public Service By-law provisions, but have been tailored to reflect the unique nature of Members' staff.

The information management provision affirms the responsibility for Members' staff in managing and separating the constituency, political and City information they create or have access to, and their obligation to protect the privacy of their constituents' information.

Finally, the information technology provision affirms the requirement for Members' staff to not compromise the security and integrity of the City's technological infrastructure.

## **CONTACT**

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## **SIGNATURE**

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Ulli S. Watkiss  
City Clerk

## **ATTACHMENTS**

Attachment 1          Human Resources Management and Ethical Framework for  
Members' Staff