

Consolidated Human Resources Management and Ethical Framework for Members' Staff

Date: November 26, 2024

To: Executive Committee

From: City Clerk

Wards: All

SUMMARY

This report presents a consolidation of the Human Resource Management and Ethical Framework ("Framework") that incorporates past Council decisions. The City Clerk is providing this report to be received for information in response to Council's direction on the Integrity Commissioner's report CC11.2 "Addressing Workplace Harassment and Discrimination" in which the Integrity Commissioner had noted various Council decisions were not reflected in the Framework.

RECOMMENDATIONS

The City Clerk recommends that:

1. Executive Committee receive this report for information.

FINANCIAL IMPACT

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

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

DECISION HISTORY

At its meeting on June 7, 8 and 9, 2000, Toronto City Council adopted "Council Office Support Staff" to limit the hiring of relatives of Members of Council within Councillors offices and the Mayor's Office. See:

<https://www.toronto.ca/legdocs/2000/agendas/council/cc/cc000607/adm13rpt/cl004.pdf>

At its meeting July 25, 26, 27, 2006, Toronto City Council amended and adopted Policy and Finance Report 5, Clause 17a "Recommendations on Members of Council Providing Letters of Reference" to provide rules to Members of Council regarding giving letters of reference. See:

<https://www.toronto.ca/legdocs/2006/agendas/council/cc060725/pofcl017a.pdf>

At its meeting on September 25, 26, 27 and 28, 2006, Toronto City Council adopted Notice of Motion J(34) "Report on Hiring of Relatives of Members of Council in Council Offices amended the to allow Council Office Staff whose relatives are elected to Council to be permitted to continue their employment. See Attachment 12 [Notice of Motion J34]

<https://www.toronto.ca/legdocs/2006/minutes/council/cc060925.pdf>

At its meeting on August 25, 26, 27 and 28, 2014, Toronto City Council adopted EX44.2 "Human Resources Management and Ethical Framework for Members' Staff" which created the Framework and consolidated existing policies and protocols already in place for Members' staff, set out which City Policies apply to Council Members' staff, and clarified their ethical expectations. See:

<https://www.toronto.ca/legdocs/mmis/2022/ex/bgrd/backgroundfile-226508.pdf>

At its meeting on October 5, 6 and 7, 2016, Toronto City Council adopted EX17.4 "Reviewing Re-Hire Provisions in Members' Staff Contracts" which amended the Members' staff severance package by restricting the rehiring of Members staff to be based on the length of time the severance payment was based on, and to allow Members staff to be rehired within that time period if they pay back the severance payment. See: [Agenda Item History - 2016.EX17.4 \(toronto.ca\)](#)

At its meeting on June 26, 2016, Toronto City Council adopted, EX35.20 - "Council Member Administrative Matters, Policies and Procedures" which amongst other things clarified the officials that provide administrative management of a vacant Council Member office. See: <https://secure.toronto.ca/council/agenda-item.do?item=2018.EX35.20>

At its meeting on December 4, 5 and 13, 2018, Toronto City Council adopted, as amended, CC1.1 "Recalibrating City Council's Governance System for 26 Members" which authorized Members to approve Council staff salaries above the top of the staff salary ranges as long as the total staff salaries remained within the approved Councillor Staffing Envelope. See direction 15: <https://secure.toronto.ca/council/agenda-item.do?item=2019.CC1.1>

At its meeting on City Council on April 7, 2021, Toronto City Council adopted GL21.16 - "Implementing Online Timesheets for Council Members' Staff" allowing Members to delegate direct reports to approve attendance in the time reporting application. See: <https://secure.toronto.ca/council/agenda-item.do?item=2021.GL21.16>

At its meeting on June 15 and 16, 2022, City Council adopted EX33.7 "Updates to Members' Staff Contracts in the New Term of Council" which updated the Human Resources Management and Ethical Framework for Members' Staff by changing the types of employment contracts that would be used to hire Members' staff starting in

November 2022. See: <https://secure.toronto.ca/council/agenda-item.do?item=2022.EX33.7>

At its meeting on October 11 and 12, 2023, City Council adopted, as amended, CC11.2 "Addressing Workplace Harassment and Discrimination", a report from the Integrity Commissioner which noted additional human resources policies that governed Members' staff that should be incorporated into the existing Framework. See: <https://secure.toronto.ca/council/agenda-item.do?item=2023.CC11.2>

At its meeting on November 13 and 14, 2024, City Council adopted CC23.3 - "Updates on Addressing Workplace Harassment and Discrimination", where Council assigned the role of ethics executive for Member staff to the Integrity Commissioner, and directed the City Clerk to update the Framework accordingly. See: <https://secure.toronto.ca/council/agenda-item.do?item=2024.CC23.3>

COMMENTS

The Framework was adopted in 2014 as a parallel component to the development of the Toronto Public Service By-law. The Framework does several things including:

- Clearly setting out the nature of Members' staff as a unique sub-group of City non-union employees;
- Affirms the role of the Member in hiring and terminating staff and setting the compensation of the staff;
- Affirms the responsibilities of Members as managers of their staff under legislated requirements;
- Consolidated existing policies and protocols already in place for Members' staff;
- Set out which City Policies apply to Members' staff; and
- Clarified the ethical expectations for Members' staff.

The Integrity Commissioner's report "Addressing Workplace Harassment and Discrimination" noted a few Council adopted policies and directions that were not specifically consolidated into the Framework. These were:

- The Policy related to the employment of relatives of Members of Council;
- The Policy with respect to the rehiring of Members' staff after they had received a severance package; and
- The Policy around Members providing letters of reference.

While the above noted policies were not included in the Framework, the policies were still in force and were applied by the City Clerk's Office while working with Members in hiring and terminating Members' staff. Based on the direction from Council, the City Clerk's Office has consolidated the outstanding Council directions into the framework. This includes Council's recent decision to assign the Integrity Commissioner as the Ethics Executive for Members' staff. Appendix 1 shows the list of Council directions incorporated into the Framework, and Appendix 2 shows the updated Framework with the changes bolded.

CONTACT

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SIGNATURE

John D. Elvidge
City Clerk

ATTACHMENTS

Appendix 1 - Council Decisions consolidated into the Human Resources Management and Ethical Framework
Appendix 2 - Consolidated Human Resources Management and Ethical Framework