



HUMAN RESOURCES MANAGEMENT AND ETHICAL FRAMEWORK FOR MEMBERS' STAFF

As approved by City Council at its meeting on August 25, 26, 27 and 28, 2014 and amended by City Council at its meeting June 15 and 16, 2022.

1. BACKGROUND

1.1. Preamble

The *Human Resources Management and Ethical Framework for Members' Staff* is a consolidated Framework that sets out the roles and responsibilities of Members of Council for managing the City employees under their authority, and affirms applicable City Human Resources policy requirements for Members' staff.

This Framework also sets out the ethical framework for Members' staff and clarifies their responsibility under the existing *Code of Conduct for Members of Council*. As Members' staff are not members of the public service, the policy provides clarity to the distinct roles that Members' and their staff play in the effective functioning of Toronto's government.

1.2. Definitions

MEMBER

A Member of Toronto City Council, including the Mayor and Councillors.

MEMBERS' STAFF

Individuals retained in Councillors' Offices and the Mayor's Office, including:

- All Full-time and Part-time staff employed on either indefinite-term or fixed-term contracts, regardless of base position held (even if base position is with the Toronto Public Service).
- Staff who are managed by the Deputy City Clerk, Members Services & Program Support during the period where the seat of the Member of Council is vacant.

CITY CLERK'S OFFICE

The City Clerk, the Deputy City Clerk, Members Services & Program Support or other designated staff in the City Clerk's Office.

CODE OF CONDUCT

The Code of Conduct for Members of Council, administered by the Integrity Commissioner.

COUNCIL MEMBER KNOWLEDGE BASE

The knowledge base for Members of Council, as updated from time to time, related to the carriage and control of their offices, service protocols, processes, as well as day-to-day operational supports provided to Members of Council.

HUMAN RESOURCE POLICY REQUIREMENTS

The minimum, necessary policies, as amended from time to time, applicable to Members' staff in order that Members can effectively manage their staff and to ensure that the City is meeting its legislative obligations as the employer.

TORONTO PUBLIC SERVICE

Those City and agency employees working in the non-political component of Toronto's government and subject to the Toronto Public Service By-law.

REFERENCE

Both written and verbal references and any other form of intervention on behalf of the person in question.

RELATIVES

For the purposes of this policy, relatives shall be defined as:

- (i) spouse, including common-law;**
- (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.**

1.3. Application

While Members' staff are City of Toronto employees, they are not members of the public service and therefore are not subject to the Toronto Public Service By-law, **except for Article V, section 192-26**. However, being government employees, they have similar ethical and employment requirements albeit with necessary modifications to reflect their unique status as Members' staff. Consequently, Members have responsibilities for managing these staff and are required to enforce human resource and ethical policies to ensure both they and the City are meeting their legislative obligations and responsibilities.

The Human Resources Management and Ethical Framework applies to all individuals employed in Councillors' Offices and the Mayor's Office.

- The Framework does not apply to non-employment relationships such as unpaid students, volunteers or independent contractors, consultants or vendors:
 - Unpaid students and volunteers are subject to the City's Volunteer and Student Placement Guidelines and protocols or others as applicable, as

amended from time to time Both students and volunteers working in Members' Offices are retained in accordance with applicable City guidelines and protocols and their placements arise only through prior City agreements with schools and/or the individuals themselves (involving a myriad of issues such as academic standards, curriculum responsibility, indemnities, confidentiality, copyright and a waiver of liability).

- Independent contractors, consultants or vendors are retained by Members for specific service delivery, including but not limited to consulting, event management, website design and maintenance. Independent contractors, consultants or vendors are governed by agreements signed between them and the Member in accordance with **the Members of Council Operations Policy**. These agreements should clarify and reflect that the independent contractors, consultants, and vendors are not City employees.

*It is imperative that an individual's status and nature of relationship be accurately identified, structured and documented by Members prior to their start in Members' Offices. An individual cannot be in more than one category at the same time. Mistaken or wrongful categorization can result in significant liability and financial penalties for the City (and Member).

1.4. Purpose

This *Human Resources Management and Ethical Framework for Member' Staff* aims to:

- Provide clear guidelines for Members' with respect to the human resources management of their staff.
- Set out the key ethical framework for Members' staff working in their offices to guide their day to day activities in support of the Member.
- Delineate the roles and responsibilities amongst Members, Members' staff, the City Clerk's Office and the City as the employer of record.

1.5. Context and Principles

The Human Resources Management and Ethical Framework for Members' Staff is developed under the following context:

- Members' staff are not members of the public service. Rather, they are political staff and a unique subgroup of City of Toronto non-union employees. The City, as the employer, has certain statutory requirements and corporate responsibilities as do the Members as the immediate managers of staff working in their offices.
- While they are City employees, Members' staff are distinct from members of the Toronto Public Service and are governed by this *Human Resources*

Management and Ethical Framework for Members' Staff and not the Toronto Public Service By-law , **except for Article V, section 192-26.**

- The *Human Resources Management and Ethical Framework for Members' Staff* covers roles, responsibilities and authorities amongst Members, Members' Staff, City staff and strengthens the separation between the administrative and political components of Toronto's government.

The key principles of the *Human Resources Management and Ethical Framework for Members' Staff* are:

- *Integrity*
Members' staff, in working for the Member of Council, will uphold high standards of ethical behaviour consistent with those applicable to elected officials.
- *Accountability*
Members are accountable for the management of their staff in compliance with applicable legislation and City policies. Members' staff are accountable to their Member of Council for the performance of their duties and responsibilities.
- *Respect*
Members' staff will act with decorum and respect the Office the Member holds. Members' staff will treat the public, the Toronto Public Service and each other with respect at all times.

1.6. Roles and Responsibilities

1.6.1. Members

Members have the responsibility to manage their office and staff in accordance with the *Human Resources Management and Ethical Framework for Members' Staff*, the Code of Conduct, the Council Member Knowledge Base and in compliance with applicable City employment related policies and guidelines, and the City's statutory obligations, including but not limited to *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*, as amended from time to time.

Members have the responsibility to ensure that their staff are aware of and comply with the *Human Resources Management and Ethical Framework for Members' Staff* as detailed in this document.

Members are responsible for ensuring Members' staff abide by the applicable City Human Resources Policies, which are listed in Appendix A of this

Framework and which are also attached to the Members' staff employment contracts, both of which may be amended from time to time.

1.6.2. Members' Staff

Each Member's staff has the responsibility to become familiar with and abide by the Human Resources Management and Ethical Framework for Members' Staff as detailed in this document.

Each Member's staff is responsible for abiding by the Human Resources Policies listed in Appendix A of this Framework and appended to their employment contracts. These policies may be amended from time to time.

Members' staff will act responsibly, disclosing all actual or potential conflict of interest situations to the Member and behave in a manner that would not create the perception that the Member deliberately or inadvertently breached the Code of Conduct.

1.6.3. City Clerk's Office

City Clerk's Office provides day-to-day operational support and advice to Members in relation to the management of staff in their offices and assists the Members in meeting the City's legislative obligations as the employer of record.

1.6.4. City

The City is the employer of Members' staff and in this role is legally responsible for fulfilling its statutory requirements and other corporate responsibilities and obligations to protect City interests.

2. MEMBERS' ROLE IN HUMAN RESOURCES MANAGEMENT OF MEMBERS' STAFF

Individuals employed in the offices of Members of Council are City of Toronto employees. However, Members' staff are a special sub-group of City of Toronto non-union employees falling under one of the following employment arrangements:

- a. Indefinite term full-time employees
- b. indefinite term part-time employees
- c. fixed-term full-time employees; and
- d. fixed-term part-time employees.

2.1. Members' Responsibilities

Members, as supervisors/managers of City employees working in their offices, have control and direction over their staff and are responsible for the following:

- Managing their staff and office in compliance with applicable City employment related policies and guidelines, and the City's statutory obligations, including but not limited to the *Employment Standards 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*, as amended from time to time.

Details on compliance requirements with respect to applicable legislation and policies can be found in the Council Member Knowledge Base, which is provided to all Members at the beginning of the term and which may be updated from time to time by the City Clerk's Office.

- In particular, a Member is responsible for:
 - Providing a safe work environment;
 - Ensuring staff receive training on health and safety requirements as needed;
 - Reporting staff injury or misconduct to appropriate City staff on timely basis; and
 - Scheduling of staff vacation and lieu time to promote wellness.
- Ensuring that individuals working in their offices comply with applicable City policies and guidelines. To that end, Members are encouraged to involve the City Clerk's Office where there is a staffing issue involving a corporate responsibility or liability (e.g. accommodation, human rights, excessive absenteeism, misconduct, etc.)

2.2. Staff Recruitment and Hiring

- Members are responsible for staffing their offices. Members have full carriage of their offices' recruitment process and final decision-making responsibility for all aspects of hiring including resume review, screening, testing, interviews, reference checks, selection and job offer.
- Members are responsible for providing all hiring information to the City Clerk's Office prior to allowing staff to start work in their offices so that the employment contract and other documentation can be completed prior to the staff member beginning their employment.
- **Members may not hire their relatives or relatives of other Members into their offices.**
 - **A sole exception allows a staff member to continue working for a Member if they become a relative as a result of election, appointment or marriage.¹**
- Two Members can share an individual staff member, if the staff member is in the same job classification and is paid the same rate by both Members. Employment contracts are co-signed by both Members, the employee and the City Clerk's designate.

2.3. Compensation and Salary Expenditures

- Members decide on the position and determine the level of compensation for staff in their office, as long as the salary for the staff is within the salary range for the job classification of the employee as adopted by City Council, including giving salary increases at any time at their discretion.
- City Council authorized Members of Council to approve Council staff salaries above the top of the staff salary ranges as long as total staff salaries remain within the approved Councillor Salary Envelope.²
- As per the Members of Council Operations Policy, Members' fund their staff from a Staffing Budget envelope, supplemented by the Constituency Services and Office Budget, if required. Mayor's Office staff are funded from the Mayor's Office's annual operating budget.
- Members are responsible for reviewing and signing off on the annual salary expenditures for their staff, which will be reported in the *Annual*

¹ As adopted by City Council at its meeting on June 7, 8 and 9, 2000 (see Administrative Committee Report 13, Clause 4) and amended at its meeting on September 25, 26, 27 and 28, 2006 (See Attachment 12 [Notice of Motion J34]) .

² As adopted by Council at its meeting on City Council on December 4, 5 and 13, 2018, CC1.1 Recalibrating City Council's Governance System for 26 Members.

2.4. Terms and Conditions of Employment

- Members' staff are employed under one of the following employment arrangements: Indefinite term full-time employees, indefinite term part-time employees, fixed-term, full-time employees or fixed-term part-time employees with the City and the terms and conditions of their employment are standardized and stipulated therein.
 - Indefinite term full-time employees - An employee hired by a Member of Council to work full-time hours in the Member's office on an indefinite contract of employment. There is no fixed termination date in the employment contract, nor is there any guaranteed length of employment.
 - Indefinite term part-time employees - An employee hired by a Member of Council to work part-time hours in the Member's office on an indefinite contract of employment. There is no fixed termination date in the employment contract, nor is there any guaranteed length of employment.
 - Fixed-term full-time employees – A temporary employee hired by a Member of Council to work full-time hours in the Member's office for a specified time for special projects or where specified services are required. The contract duration is for a short period of time of a year or less, specifies the termination date, and does not extend beyond the Council term. For any contract extensions resulting in employment beyond one year, the employee is transitioned to an indefinite term full-time employment contract.
 - Fixed-term part-time employees – A temporary employee hired by a Member of Council to work part-time hours in the Member's office for a specified time for special projects or where specified services are required. The contract duration is for a short period of time of a year or less, specifies the termination date, and does not extend beyond the Council term.
- Members are responsible for approving hours of work, attendance, vacation, lieu time, sick days, all absences from work, unpaid leave of absence, and expense claims for their staff and ensuring proper reporting.
- **Members may delegate to one or more of their direct reports the approval of staff attendance using the City's eTime Self-Time Reporting via the**

Employee Self Service portal.³

2.5. Termination

- Members are responsible for termination decisions with respect to individuals working in their offices and can terminate staff without cause subject to the provisions of the applicable Employment Contract, City employment and severance policies, and statutory requirements.
- Prior to a termination decision being made a Member must consult with the City Clerk's Office to ensure compliance with the statutory requirements and other obligations in order to limit the City's liability as the employer.
- The employment relationship between Members of Council and Members' staff does not extend beyond the end of the Council term if the Member does not return to Council following the municipal election.
- Following the resignation or death of a Member of Council, Member's staff employed in the vacant office will continue to be employed through the duration of the vacancy. During the vacancy, City Clerk's Office will provide administrative management of the Member's staff. **During a Mayoral vacancy, the Deputy Mayor will provide administrative management of the Member's staff.**⁴ When the vacant Member's seat is filled through by-election or appointment, the new Member will have the option to retain or replace the staff in their office.
- Member's staff may be terminated for cause at any time without notice of termination or severance pay, unless otherwise minimally required under the *Employment Standards Act* ("ESA").

2.6. Severance

- Indefinite-term staff who are terminated without cause during the term of Council are eligible to receive termination and severance pay of 3 weeks per completed years of service, subject to a maximum cap of 52 weeks' pay. This amount is inclusive of termination and severance amounts payable under the ESA and of any working notice which is given. Members' staff who are terminated before completing one year of service with the City will receive termination pay in accordance with the ESA.

³ As adopted by Council at its meeting on City Council on April 7, 2021, GL21.16 - Implementing Online Timesheets for Council Members' Staff

⁴ As adopted by Council at its meeting on City Council on June 26, 2018, EX35.20 - Council Member Administrative Matters, Policies and Procedures

- Fixed-term employees are not entitled to severance or termination pay at the end of their contract.

2.7. References

- **Members can provide references for their current and former staff if there is a relevant employment relationship subject to Member of Council Letter of Reference Policy in Appendix B.**

3. ETHICAL FRAMEWORK FOR MEMBERS' STAFF

Members have carriage and control of, and are fully responsible for, the conduct and management of staff working in their offices. Members are responsible for ensuring that individuals working in their offices understand the following Ethical Framework and the expectations it sets out for Members' staff and individuals working in their offices.

This Framework applies to all individuals employed in Councillors' Offices and the Mayor's Office.

Members' staff are expected to conduct themselves with personal integrity, ethics, honesty and diligence in performing their duties. **The Integrity Commissioner has been assigned the duty of Ethics Executive for Members staff. Members staff can consult with their Member and with the Integrity Commissioner on advice related to their ethical obligations as set out in this Framework.**⁵

3.1. Duties and Responsibilities of Members' Staff in relation to the Code of Conduct

- a. Members' staff often act on behalf of or in the name of the Member of Council, including by representing the Member at events or communicating with constituents. Members' staff must be familiar with the *Code of Conduct for Members of Council* so that they ensure that their actions on behalf of their Member of Council are in compliance with the principles and requirements within the *Code of Conduct*. Actions taken by staff on behalf of a Member may result in that Member of Council being found to have contravened the Code of Conduct and lead to sanction of the Member.
- b. As part of the *Code of Conduct*, Members' staff must be familiar with City policies that apply to Members of Council, including but not limited to:
 - i. **the Members of Council Operations Policy**
 - ii. **the Member of Council Reference Letter Policy set out in Appendix B.**
- c. Each Member of Council is responsible for ensuring that their staff do not put the Member in contravention of the *Code of Conduct*.
- d. In situations where the Member of Council is uncertain about the application of the *Code of Conduct* to staff, they should consult with the Integrity Commissioner.

⁵ As adopted by Council at its meeting on City Council on November 13 and 14, CC23.3 – Updates on Addressing Workplace Harassment and Discrimination

3.2. Lobbying

- Members' staff are considered public office holders under *City of Toronto Act, Part V, Accountability and Transparency, Section 156*, and under *Toronto Municipal Code Chapter 140, Lobbying* and must be familiar with their requirements and restrictions under the By-law.
- Members' staff should consult with the Lobbyist Registrar if they have any questions regarding lobbying.

3.3. Conflict of Interest

Members' staff must not place themselves or their Member of Council in a direct or perceived conflict of interest.

Members' staff should consult with the Integrity Commissioner for advice to determine if they personally have a conflict of interest in a specific situation. They may also consult the Member, if they wish. If the Integrity Commissioner advises Members' staff they have a conflict of interest, they must disclose the advice to their Member.⁶

A conflict of interest refers, but is not limited to a situation in which a Member's staff has private interests that could compete with or that may be perceived to compete with their duties and responsibilities as a Member's staff.

A conflict of interest can be a situation where the Member's staff use their position for private gain or expectation of private gain, non-monetary or otherwise. A conflict may also occur when the private interest benefits the staff's family, friends or organizations in which the staff or **their** family or friends have a financial interest.

Private (or personal) interest means a relationship, obligation, duty, responsibility or benefit unique to the Members' staff or a person related to the Members' staff.

Conflict of interest may include, but is not limited to the following situations:

a. **Preferential treatment**

Members' staff must not use their positions to give any one preferential treatment that would advance their own interest or that of any party where such advance is contrary to the interest of the City.

b. **Gifts**

Members' staff must not accept, arrange to accept or request to be given a reward, gift, advantage or benefit of any kind from any person or entity that influences or could be perceived to influence the performance of **their** duties.

Members' staff may accept a gift of nominal value given as an expression of

⁶ As adopted by Council at its meeting on City Council on November 13 and 14, CC23.3 – Updates on Addressing Workplace Harassment and Discrimination

courtesy or hospitality, provided this does not influence, or be perceived to influence, the performance of their duties.

A Member may decide that no gifts may be accepted under any circumstances.

A Member's staff, who receives a gift in the performance of their duties, will immediately notify the Member.

c. **Employment of relatives**

Members' staff will abide by the City's *Employment of Relatives Policy* as set out in Appendix A and section 2.2 Staff Hiring and Recruiting (above).

In cases where relatives of a Member staff are employed in the same office of the Member of Council, there must not be any work direction provided or any supervisory responsibility of one relative over another.

d. **Use of City property**

Members' staff must not use, or permit the use of any City property, including facilities, equipment, supplies, technology or other resources, for activities not associated with the performance of their duties. Any exception must be approved by the Member in advance.

e. **Use or disclosure of confidential information**

Members' staff may not, during the term of **their** employment or any time thereafter, directly or indirectly use or disclose any confidential information obtained during their employment with the Member, unless they are required by law or authorized by the Member in writing and in advance. The obligation to maintain confidentiality continues after the ceasing of employment.

Confidential information includes, but is not limited to, privileged information, draft by-laws or staff reports, third party information, personal information, technical, financial or scientific information and any other information collected, obtained or derived for or from any records that a Members' staff may come into contact with while employed in the office of the Member.

f. **Disclosure of financial interests**

Members' staff who have a financial interest or are involved in a decision-making process related to a City contract, sale or business transaction, or has family members, friends or business associates with such interest, must disclose their interest to the Member and remove themselves from any decision-making process. The Members' staff must sign a declaration that the staff will not engage in any activity related to the City contract, sale or business transaction.

g. **Appearing before City committees**

Members' staff may not appear before a City committee on behalf of a private citizen or third party, other than for themselves or a family member.

Members' staff must identify themselves as such if they are making a deputation to a City or Agency committee, unless they appear as a private citizen on matters that do not relate to their employment.

h. *Engaging in outside work or business activities*

Members' staff may not engage in any outside work or business activity that conflicts with **their** duties in the Members' Office; or could benefit from confidential information obtained during the course of **their** employment.

Members' staff who engage in any other work or business activities must disclose these activities to the Member in advance.

3.4. Political Activity

a. Political Activity is defined as:

- supporting or opposing a political party and/or candidate before or during an election;
- seeking nomination or being a candidate in an election;
- seeking appointment to a municipal council or school board; or
- canvassing or campaigning on a Toronto municipal referendum question.

Political activity is applicable to municipal, school board, provincial and federal elections and Toronto municipal referendum questions.

b. Members' staff must comply with the requirements of the *Municipal Elections Act, 1996*, when seeking election or appointment to Toronto City Council:

- Members' staff who seek election to Toronto City Council must take an unpaid leave of absence before the date **they** file the nomination papers to voting day.
- Members' staff who seek appointment to Toronto City Council must take an unpaid leave of absence from the date **they** file the appointment application to the date City Council makes the appointment decision.

c. Members' staff must not use any City resources for any election-related or campaign purposes. City resources include any facility, equipment, supplies or other resources as defined in the City's [Use of City Resources During an Election](#) Policy.

d. Members' staff who are planning to engage in political activity as defined in this Framework should disclose this information to the Member of Council and seek guidance and advice from their Member as required.

e. Members' staff do not need to disclose information related to their voting

preference, membership in a political party, financial contribution to a candidate or putting up lawn signs in support of a candidate.

3.5. Disclosure of Wrongdoing and Reprisal Protection

This section is intended to facilitate the disclosure of wrongdoing that is contrary to the public interest and to protect from reprisal, those Members' staff who in good faith report wrongdoing.

Wrongdoing refers to serious actions that are contrary to public interest, including but not limited to:

- Fraud;
- Theft of City assets;
- Waste: mismanagement of City resources or assets in a willful, intentional or negligent manner that contravenes a City policy or direction by Council;
- Violation of the Conflict of Interest provisions as outlined in this Framework; and
- Breach of public trust.

Reprisal against a Member's staff is any measure taken or threatened as a direct result of disclosing or being suspected of disclosing an allegation of wrongdoing, initiating or co-operating in an investigation into an alleged wrongdoing. Reprisal includes but is not limited to:

- Disciplinary measures;
 - Demotion of a Members' staff;
 - Suspension of a Member's staff;
 - Termination of a Members' staff;
 - Intimidation or harassment of a Members' staff;
 - Any punitive measure that adversely affects the employment or working conditions of a Members' staff; and
 - Directing or counselling someone to commit a reprisal.
- a. Members' staff who are aware that a wrongdoing has occurred will immediately:
- notify the Integrity Commissioner if it is related to wrongdoing by a Member or a Members' staff; and
 - notify the Member or the Auditor General if it is related to wrongdoing by a member of the public service.
- b. Any Members' staff who knowingly makes a false complaint in bad faith or who knowingly makes a false or misleading statement that is intended to mislead an investigation of a complaint may be subject to disciplinary action as determined by the Member.

- c. Members' staff who disclose wrongdoing will fully co-operate with the Integrity Commissioner's Office, the Auditor General's Office, involved Divisions and law enforcement agencies during the course of an investigation and will make all reasonable efforts to be available to assist the above noted persons in the investigation.
- d. The identity of individuals involved in an investigation, including the identity of an individual alleging wrongdoing and the identity of an individual alleged to have committed wrongdoing, will be protected to the fullest extent possible.

All Members' staff aware of or participating in an investigation of wrongdoing shall treat all information received confidentially. All reasonable efforts will be made to maintain confidentiality. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know and such disclosures shall be restricted to what must be disclosed to ensure a thorough, effective and complete investigation or as otherwise required by law.

Members' staff who improperly breach confidentiality will be subject to disciplinary action up to and including termination as determined by the Member.

- e. A Member's staff who believes they are the subject of a reprisal following a disclosure of wrongdoing shall notify the Member or the Integrity Commissioner immediately. Allegations of reprisal will be the subject of investigations.
- f. Where the investigation substantiates the allegation of reprisal, the Integrity Commissioner shall report to Council on the results of their investigation including proposed remedial measures to address the reprisal.

3.6. Information Management

- a. Members' staff should be aware of the following types of records that are created or managed in a Member's Office, and must take care to manage this information accordingly:

Constituency Records

- Records that document a Member's relationship with their constituents as an elected representative are considered personal records (e.g. constituent complaints about City service or other property matters). These records belong to the Member, regardless of whether it's the Member or their staff that collected or created the information. Often these records contain personal or sensitive information about constituents.

Political Records

- Records containing political information are likewise the personal records of the Member and generally not subject to the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Political information is found in communications with persons and organizations, including other Members of Council, about matters not specifically related to ward issues.

City Records

- City business records are records considered under MFIPPA as being in the custody or control of the City. If a Member's staff emails City staff about an issue or forwards a constituent's email to City staff for follow-up, then that email becomes a City record. Items on a Committee agenda are also City records.
- b. Members' staff should keep constituency, political and City records separate from each other.
 - c. Members' staff should ensure that contact information obtained from constituents is not stored and reused to communicate further with the constituent without their express written consent.
 - d. Members' staff should restrict access to confidential and sensitive personal information received in the Member of Council's Office to only those who need to see it in order to protect personal information.

3.7. Information Technology

- a. Members' staff are not bound by the City's *Acceptable Use Policy* for City staff. However, Members' staff must abide by requirements to protect and safeguard the integrity and security of the City's computer network and infrastructure.
- b. Members' staff must not download or upload any applications or software on City equipment without seeking the prior approval of the City Clerk's Office so that the City's computer infrastructure is not compromised.
- c. Members' staff must not connect any personal equipment to the City's network.
- d. Occasional personal use of the City's equipment is permitted during business hours provided these are not for personal gain or campaign purposes.
- e. Members' staff access to social media sites are subject to the Member of Council's direction and approval.

3.8. Post Employment Restrictions

3.8.1. Employment Restrictions within the Severance Period⁷

- **Upon receipt of a severance, a Member's Staff will be restricted from being rehired by another Member of Council or being hired into the Toronto Public Service for a period equivalent to the length of time the severance was based on;**
- **A severed Member's staff will be able to work for another Member of Council or to be hired into the Toronto Public Service during the restriction period if they pay back the severance received; and**
- **A severed Member's staff may defer receipt of their severance for up to three months from the day of termination in order to secure employment with another Member of Council or to continue participation in a Toronto Public Service hiring process.**

⁷ As adopted by Council at its meeting on City Council on October 5, 2016, EX17.4 Reviewing Re-Hire Provisions in Members' Staff Contracts.

Appendix A - List of Human Resources Policies applicable to Members' Staff

(list included as part of Members' Staff Employment Contracts and may be updated from time to time)

Absence from Work

- Bereavement Leave
- Care for Ill Dependents
- Child Related Crime Leave
- Childcare and Eldercare Leave
- Citizenship Court
- Critically Ill Child Care Leave
- Designated Holidays and Floating Holidays
- Family Caregiver Leave
- Family Medical Leave
- Jury Duty/Witness Service
- Leave without Pay
- Military Service
- Parental Leave
- Pregnancy Leave
- Seeking Election or Appointment to Political Office (see attached excerpt Chapter 192-26, of the Toronto Municipal Code)
- Vacation
 - Vacation - Vacation Implementation Guidelines
 - Vacation Carry-over
- Voluntary Leave of Absence

Employee Development

- Tuition Assistance Reimbursement

Employment Equity, Human Rights and Accommodation

- Accommodation
 - Accommodation – Accommodation Procedures
 - Accommodation – Guidelines for Accommodating Creed
 - Accommodation – Guidelines for Accommodating Disabilities
 - Accommodation – Guidelines for Accommodating Family Status
 - Accommodation – Guidelines for Accommodating Gender Identity and Gender Expression

- Accommodation – Guidelines for Accommodating Pregnancy and Breastfeeding
- Employment Accommodation Policy – Guidelines for Human Resources Staff and Managers
- Employment Equity Policy
- Ceremonial Burning of Indigenous Medicines (Smudging)
- Corporate Accessibility Policy
- Hate Activity See Also
 - Hate Activity – Hate Activity Procedures
- Human Rights and Anti-Harassment/Discrimination

Health and Safety

- Air Quality – Industrial-Type Environments
- Asbestos Management
- Bed Bugs
- Bicycle Safety
- Cold Stress See also
 - Cold Stress – Guidelines
- Confined Space See also
 - Confined Space – Guidelines
- Corporate Occupational Health and Safety Policy
- COVID-19: Vaccination Policy
- Critical Injury Investigation and Reporting
- Designated Substances
- Dispute Resolution Process
- Domestic/Intimate Partner Violence Policy
 - Domestic/Intimate Partner Violence Policy – Domestic/Intimate Partner Violence Guidelines
- Emergency Eyewash and Shower Equipment Policy
- Fire and Evacuation
- First Aid/Cardiopulmonary Resuscitation (CPR)
- Guidelines for Use of Employees' Personal Appliances in City Workplaces
- Hazard Reporting Guidelines
- Hazard Reporting Procedure
- Heat Stress
- Heat Stress – Guidelines
- Indoor Air Quality (IAQ) Policy for Office Environments
 - Renovation Projects Guidelines
- Infectious Disease/Infectious Agent Policy
 - Infectious Disease/Agent Program Guidelines
- Investigation and Reporting of Work-Related Injuries and Incidents

- JHSC Recommendation Guidelines
- JHSC Workplace Inspections
- JHSC/H&S Rep Engagement during Moves, Staff Relocations and Major Renovations
- Lockdown Procedures
- Lockout/Tagout
 - Lockout/Tagout – Program Guidelines
- Managing Health and Safety Aspects of Contracts for Services
- Mould Management
- Musculoskeletal Disorder (MSD) Prevention
- Orientation Training
 - Orientation Training – Program Standards
- Policy Development & Implementation
- Psychological Health & Safety Policy
- Purchasing Policy
- Renovation Projects Guidelines
- Respiratory Protection
- Scented Products Guidelines
- Slips, Trips and Falls Prevention Policy
- Substance Abuse Policy
- Sun Protection
 - Sun Protection – Guidelines
- Supervisory Competency
- Traffic Control
- West Nile Virus
- Work Refusal
- Working Alone Safely
- Workplace Hazardous Materials Information Systems (WHMIS)
- Workplace Violence See also
 - Workplace Violence – Guidelines

Pay and Benefits

- Lieu Time Policy for Non-Union Employees
- Mileage (Reimbursement for use of personal vehicles)
- Short Term Disability Plan for Management and Non-Union Employees

Staffing

- Electronic Monitoring
- Employment of Relatives
 - Employment of Relatives – Appendix 1 – Sample Questions and Answers

- Employment of Relatives – Guidelines for Hiring Temporary Employees
- Disconnecting from Work Policy
- Remote Work Policy – Hybrid Work, as applicable

Note: Details of the above specific policies are available on the City’s Internet, under People & Equity policies. Above policies are subject to change from time to time.

Appendix B - Member of Council Letter of Reference Policy⁸

1. For Members of Council providing letters of reference in any context in their capacity as Members of Council, unless the circumstances clearly indicate otherwise:
 - 1.1. A Member of Council shall not provide references where the only basis for doing so is to use the influence of your office or to help someone you know merely as a constituent, friend or relative.
 - 1.2. A Member of Council should confine the provision of references to situations where you have relevant personal experience with the candidate.
2. For Members of Council providing references for those applying for employment with the City of Toronto or appointment to a City agency, board or commission, or any other position or office with the City:
 - 2.1. A Member of Council shall not provide a reference in support of an applicant for employment with the City of Toronto or appointment to a City agency, board or commission, or any other position or office with the City of Toronto, unless that Member of Council has had an employment or other relevant relationship (such as that of teacher or volunteer group supervisor) with the person requesting the reference.
 - 2.2. Even where there is such a relevant relationship, a Member of Council shall not provide a reference for any person who is a relative of the Member of Council or whose only relevant relationship with the Member of Council has been as a member of the public service of the City of Toronto or a City of Toronto agency, board or commission (with the exception of a Member's own staff).
 - 2.3. In the case of City of Toronto agencies, boards and commissions (and any other situations in which Members of Council participate as decision-makers in a City of Toronto hiring or appointment process), no participating Member of Council shall act as a reference for a candidate for appointment or hiring, and, where a participating Member of Council would otherwise be eligible to act as a reference, the Member of Council shall declare that fact to the appointing authority.
 - 2.4. A Member of Council can send (without comment) letters of inquiry about possible positions with the City of Toronto to the relevant hiring authority.

⁸ As adopted by Council at its meeting on July 25, 26 and 27, 2006, Policy and Finance Report 5, Clause 17a "Recommendations on Members of Council providing Letters of Reference"



SEEKING ELECTION OR APPOINTMENT TO POLITICAL OFFICE EXCERPT FROM THE TORONTO PUBLIC SERVICE BY-LAW

[Municipal Code Chapter 192, Article V, Clause 192-26, December 31, 2015]

City or Agency employees may seek election or appointment to political office, subject to the requirements set out below:

- A. A City or Agency employee is eligible to be a candidate for and to be elected as a member of Toronto City Council, subject to the following rules:
 - 1. As required by the *Municipal Elections Act, 1996*, the employee must take an unpaid leave of absence to become a candidate for Toronto City Council.
 - 2. The leave will begin on the day the employee files his or her nomination papers and will end on voting day.
 - 3. The employee must provide written notice, in advance, of his or her intentions to take unpaid leave pursuant to City or Agency procedures.
 - 4. The employee is entitled to be paid out any vacation pay or overtime pay owing during the period of the unpaid leave of absence.
 - 5. If the City or Agency employee who takes a leave of absence is not elected, the leave will not be counted in determining the length of his or her service for any purpose and the service before and after the leave shall be deemed to be continuous for all purposes.

- B. A City or Agency employee is eligible to seek appointment to and be appointed as a member of Toronto City Council subject to the following rules:
 - 1. The employee must take an unpaid leave of absence.
 - 2. The leave will begin on the day the employee files his or her declaration of qualification and consent papers with the City Clerk and will end when City Council determines who will be appointed.
 - 3. The employee must provide written notice, as soon as reasonably possible, of his or her intentions to take unpaid leave to seek appointment pursuant to City or Agency procedures.
 - 4. If the City or Agency employee is elected or appointed to Toronto City Council, he or she will be deemed to have resigned from employment with the City or Agency immediately before making the declaration of office referred to in section 186 of the *City of Toronto Act, 2006*.

- C. A City or Agency employee is eligible to be a candidate for and to be elected as a

member of any municipal council or school board or seek appointment to and to be appointed as a member of any municipal council or school board subject to the following rules:

1. To become a candidate or seek appointment, a City or Agency employee may take an unpaid leave of absence.
 2. If the employee intends to take unpaid leave, he or she must provide written notice to request an unpaid leave pursuant to City or Agency procedures.
 3. If a City or Agency employee is elected or appointed to another municipal council or school board, the employee is not required to resign, but is subject to the Conflict of Interest policy, other applicable employment policies and performance expectations.
- D. A City or Agency employee is eligible to be a candidate for and to be elected as a member of Provincial legislature or Federal parliament subject to the following rules:
1. To become a candidate, a City or Agency employee must take an unpaid leave of absence and provide written notice to request an unpaid leave pursuant to City or Agency procedures.
 2. If a City or Agency employee is elected to provincial or federal office, they shall be deemed to have resigned from employment with the City or Agency.