

Date: June 27, 2006

To: City Council

From: David Mullan, Integrity Commissioner

Subject: Report in Response to Request from Policy and Finance Committee re Report on Members of Council Providing Letters of Reference

Purpose:

To respond to a request from the Policy and Finance Committee made at its meeting of June 20, 2006 that I consult with Councillor Sylvia Watson respecting my report on Members of Council providing references, and report directly to Council

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that Council receive this report

Background:

In my report dated April 27, 2006 making recommendations on Members of Council providing letters of reference, I recommended that Council adopt a set of guidelines for Members of Council giving references for persons seeking positions outside of City Hall in both the public and private sector. That set of guidelines was an adaptation of the guidelines established by the provincial Integrity Commissioner for Cabinet Ministers, Parliamentary Assistants, and Members. Included in those guidelines was one to the effect that those governed by them should not provide "To Whom It May Concern" references. The concern which gave rise to this guideline was the loss of control that those writing such references have over their future use. This could potentially lead to embarrassment for the Cabinet Minister, Parliamentary Assistant, or Member at some point in the future. To me, that consideration seemed as valid in the case of Members of Council and I included it in the recommended set of guidelines.

Councillor Watson was concerned about that particular recommendation at least in so far as it restricted her in providing references to students working in her office on a short term basis. She also questioned the potential for embarrassment particularly if the "Too Whom It May Concern"

reference was simply a straight recitation of the duties of the employee along with the Member of Council's assessment of the quality of performance.

Comments:

After considering the Councillor's objections, I have decided not to delete this particular provision in the guidelines. The overall thrust of the guidelines is to encourage Members of Council to restrict the writing of references to situations involving those about whom they have directly relevant information seeking a specific position. The harm to be avoided is the potential misuse of more general letters of endorsement and the embarrassment that that can cause. The warning against "To Whom It May Concern" references is part of that whole package.

In contrast to the recommendations in the report with respect to providing references internally, these are guidelines, not rules. Failure to observe them is not intended to give rise in and of itself to an infringement of the Code of Conduct for Members of Council. On their own terms, the guidelines allow for exceptions "where the circumstances clearly indicate".

Conclusions:

On balance, I see considerable merit in the various components of the package of guidelines and the overall integrity of that package. Despite Councillor Watson's reservations, I would urge Council to adopt the entire package and not remove the restriction on "To Whom It May Concern" references.

David Mullan
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