

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 17, 2019

Item 2, Report No. 41, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 17, 2019.

2. NEPOTISM POLICY

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Corporate Services and Chief Financial Officer, dated December 10, 2019, be approved; and**
- 2) That Communication C2, from the Chief Human Resource Officer, dated December 10, 2019, be received.**

Recommendations

- 1. That Council approve the new Nepotism Policy (Attachment 1).**

Committee of the Whole (2) Report

DATE: Tuesday, December 10, 2019

WARD(S): ALL

TITLE: NEPOTISM POLICY

FROM:

Michael Coroneos, Deputy City Manager, Corporate Services and Chief Financial Officer

ACTION: DECISION

Purpose

The City of Vaughan is required to abide by all employment legislation in the Province of Ontario including laws relating to fair and equitable hiring practices. This report provides Council with the details of a new Nepotism Policy and seek approval of the Policy allowing Staff to implement.

Report Highlights

- The current Hiring and Nepotism Policy was established in 2007 and requires a review and update
- The Nepotism Policy drafted using the City's existing policy and leading practice from other municipal and public sector organizations, including provincial legislation
- Separate Nepotism Policy from Recruitment Policy is in keeping with other large municipalities
- Policy requires certain conditions are met before hiring family members
- Nepotism Policy is linked to other policies and procedures (i.e. Recruitment and Employee Code of Conduct)

Recommendations

1. That Council approve the new Nepotism Policy (Attachment 1).

Background

Hiring in the City of Vaughan is done by individual departments with guidance from Human Resources. Hiring managers and Human Resources are committed to hiring the best staff possible and currently abide by leading practices and legal obligations with respect to recruitment. The City's current Hiring and Nepotism Policy required a review and update in order to strengthen our current hiring and employment practices.

The updated Nepotism Policy reflects the City's existing policy as well as leading practices from other public sector organizations. The Recruitment and Nepotism policies could be merged; however, it would mean that the Nepotism Policy would have to be shortened, which would take away some of the details in the current policy as well as its importance and the significance of having a policy dedicated to nepotism. It is recommended that a separate policy that deals specifically with nepotism be maintained. It is especially important for public sector organizations, responsible for maintaining the public's trust, to have a clear standard on the issue of nepotism. In addition, a separate Nepotism Policy from a Recruitment Policy is in keeping with other large municipalities who are also responsible for a significant amount of hiring and who must ensure their recruitment processes are free from conflicts.

The Nepotism Policy outlines the guiding principles, purpose, definitions, application and responsibilities with respect to preventing nepotism and addressing incidents that could lead to the perception of nepotism. The purpose of this policy is to legitimately prevent a conflict of interest or the appearance of a conflict of interest that arises through the hiring or employment of family members; and/or legitimately prevent the misuse of authority and influence or the appearance of such misuse. The adoption of the revised Nepotism Policy will ensure that our hiring processes continue to be free of any conflict of interest, and allow for a fair, open, and transparent recruitment process.

The Policy is aligned with the City's Recruitment policies and practices, and consistent with requirements set out in employment legislation. The Nepotism Policy applies to all employees of the City of Vaughan, and clearly outlines responsibilities for employees, managers/supervisors and Human Resources.

Analysis and Options

The Nepotism Policy has been drafted in a way that is open, inclusive, protects the rights of all applicants, and establishes controls to prevent the perception of a conflict and/or addresses issues when identified through an established process.

The Nepotism Policy has been updated and strengthened by including supplementary definitions to ensure clearer understanding of the Policy requirements; Clearer roles and responsibilities for employees and management; Specific accountabilities and requirements for handling and resolving issues; Reference to legislative requirements and links made to Employee Code of Conduct and Recruitment Policy and Procedures and finally, well-defined process to avoid conflict of interest.

Adoption of this strengthened policy will provide clear standards, requirements and accountabilities on the issue of nepotism. Maintaining an up to date policy will guide and inform all employees of the City's standards and expectations. An effective implementation and communication plan will prevent issues associated with nepotism and conflict of interest in the City's hiring and employment practices.

Financial Impact

There is no financial impact associated with this Policy.

Broader Regional Impacts/Considerations

Research has been conducted with respect to other municipal and public sector practices involving nepotism. There are no broader Regional impacts/implications.

Conclusion

For the reasons outlined above, it is recommended that Council approve the updated Nepotism Policy and direct the Office of the Chief Human Resources Officer and appropriate staff to take the necessary steps to implement the Policy effective immediately.

The adoption of this policy will provide necessary guidance to managers/supervisors in their hiring and employment related decisions. Once the policy is adopted a detailed implementation plan will be rolled out including an education session with our senior leaders in the first quarter of 2020 with further education session for all staff and front line leaders. This will further ensure fair hiring practices and prevent any conflict of interest. Ultimately, these efforts will continue to make the City an attractive place to work and increase employee engagement and retention.

For more information, please contact:

Demetre Rigakos, Chief Human Resources Officer, at Demetre.Rigakos@vaughan.ca or at 905-832-8585 extension 8297.

Mark Bond, Manager, Human Resources, at Mark.Bond@vaughan.ca or at 905-832-8585 extension 8327.

Attachments

1. Nepotism Policy, Office of the Chief Human Resources Department

Prepared by

Demetre Rigakos, Chief Human Resources Officer

Mark Bond, Manager, Human Resources

POLICY TITLE: NEPOTISM

POLICY NO.: 13.A.05



CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: NEPOTISM

POLICY NO.: 13.A.05

Section:	Human Resources		
Effective Date:	December 17, 2019	Date of Last Review:	November 26, 2007
Approval Authority: Council	Policy Owner: Chief Human Resources Officer		

POLICY STATEMENT

The Corporation of the City of Vaughan (City of Vaughan) is an equal opportunity employer and will strive to ensure that fair hiring practices are utilized at all times. To ensure that our organization and hiring processes are free of any conflict of interest, we have adopted this policy to prevent nepotism and address incidents that could lead to the perception of nepotism.

PURPOSE

The purpose of this policy is to:

1. Prevent a conflict of interest or the appearance of a conflict of interest that arises through the hiring or employment of friends and relatives; and/or
2. Prevent the misuse of authority and influence or the appearance of such misuse.

The policy must be considered when hiring, promoting, appointing or transferring any employee.

SCOPE

This policy applies to all Staff and Elected Officials.

LEGISLATIVE REQUIREMENTS

1. Canadian Human Rights Act
2. Employment Standards Act
3. Municipal Act
4. Municipal Freedom of Information and Protection of Privacy Act

POLICY TITLE: NEPOTISM

POLICY NO.: 13.A.05

5. Ontario Human Rights Code

DEFINITIONS

1. Nepotism: Favoritism granted to relatives or close friends, usually in the form of hiring practices, and employment activities.
2. Conflict of Interest: Conflict of interest exists when an employee is able to gain a special advantage due to being a relative of another City of Vaughan employee, or conversely, where City of Vaughan is at risk as a result of the fact that two or more employees are relatives. Management, in consultation with Human Resources, will investigate potential conflicts of interest and determine if a violation of the Nepotism Policy has occurred. In the hiring and employment of relatives, conflict of interest situations include:
 - 2.1. Any influence exercised directly or indirectly by a City of Vaughan employee in the selection and hiring process in which their friend or relative is a candidate;
 - 2.2. Direct or indirect supervisory relationship;
 - 2.3. The ability of one family member to influence or exert financial or administrative control over another;
 - 2.4. The ability of one family member to influence human resource matters including, but not limited to, performance reviews, preferred work assignments, promotions, reclassifications, disciplinary matters, special leaves, and/or access to additional hours and/or overtime; and/or
 - 2.5. Relatives that are employed in positions that establish a real or potential security, confidentiality, or financial risk to the City of Vaughan.
3. For the purposes of this policy, “family member” means:
 - spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage
 - parent, including step-parent and legal guardian
 - child, including step-child and grandchild
 - siblings and children of siblings
 - aunt/uncle, niece/nephew, first cousins
 - in-laws, including mother/father, sister/brother, daughter/son
 - any person who lives with the staff member on a permanent basis

POLICY TITLE: NEPOTISM

POLICY NO.: 13.A.05

4. Direct Reporting Relationship: Occurs when an employee reports directly to a supervisor or manager.
5. Indirect Reporting Relationship: Occurs when an employee reports to a supervisor and the supervisor reports to a manager; thus, the employee indirectly reports to the manager.

POLICY

In accordance with the Ontario Human Rights Code, the City of Vaughan will not discriminate in its hiring practices on the basis that a person is a relative to a current employee. However, the City of Vaughan hires based on merit, providing equal opportunity for employment, and will not tolerate acts of favouritism or discrimination, in favour of relatives or close friends, in the selection process.

To this end, relatives of City of Vaughan employees are eligible for employment with the City provided that:

1. The hiring process is open and equitable, and candidates are selected in accordance with the City's Recruitment Policy HR - 021;
2. The City of Vaughan shall accept applications from, and consider a member of an employee's family for employment if the candidate has all the requisite qualifications;
3. Individuals who are being considered for a position at the City are required to identify any employee who is a family member and/or individual(s) with whom they have an intimate or close personal relationship. This identification shall be made before and/or during the application process, in confidence, to the Hiring Manager or the Chief Human Resource Officer.
4. A family member shall not be considered for employment if by doing so, it might create a direct or indirect managerial/subordinate relationship with the friend or family member, or if his/her employment could create a conflict of interest either real or perceived; be appointed to a position where job responsibilities would be incompatible with positions occupied by family members.
5. City of Vaughan employees do not directly or indirectly influence the selection and hiring process in which their family member is a candidate;

POLICY TITLE: NEPOTISM

POLICY NO.: 13.A.05

6. In accordance with the Recruitment Policy and Employee Code of Conduct, managers/supervisors must disclose and/or flag any potential conflict of interest related to the hiring process;
7. Managers and supervisors must exclude themselves from any hiring process where their family member is a candidate;
8. A direct or indirect supervisor/subordinate reporting relationship is not created between such employees; and/or
9. Family members are not employed in positions where a real or perceived conflict of interest exists. If a real or perceived conflict of interest arises due to marriage/cohabitation, or if two or more related employees work in a situation where there is a real or perceived conflict of interest:
 - 9.1. The employees will notify their manager/supervisor or Chief Human Resources Officer immediately.
 - 9.2. The manager/supervisor and Chief Human Resources Officer will work together to assess the situation and determine whether there is a real or perceived conflict of interest. If there is a real or perceived conflict of interest, the Deputy City Manager will be informed.
 - 9.3. The Deputy City Manager, in consultation with the Chief Human Resources Officer and the director/manager/supervisor, will make reasonable efforts to investigate suitable options within the Corporation for one of the related employees.
10. If two related employees or two employees in a relationship are working in a real or perceived conflict of interest and fail to notify their manager/supervisor or Human Resources, they may be subject to disciplinary action. Similarly, it is the responsibility of every City employee to declare any potential or existing personal relationship which falls under the definitions provided in this policy.
11. Relationships formed after employment, are subject to the policy. Personal and familial relationships that would contravene this policy must be declared to the directing Manager and/or the Chief Human Resources Officer.
12. If a manager/supervisor has knowledge of a relationship between two employees where a real or perceived conflict of interest exists, the manager/supervisor shall notify the Deputy City Manager, Director, Manager or the Chief Human Resources Officer as soon as he/she become aware of the situation. If the director/manager/supervisor fails to notify the Deputy City Manager or Human Resources, the director/ manager/supervisor may face disciplinary action.

POLICY TITLE: NEPOTISM

POLICY NO.: 13.A.05

13. A final determination with respect to violations of this policy will come from the Office of the Chief Human Resources Officer, in consultation with the appropriate Deputy City Manager and City Manager.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	Other (specify) Annually	Next Review Date:	February 1, 2022
Related Policy(ies):	13.C.02 – Delegation of Powers & Duties Policy, 13.A.02 – Employee Code of Conduct, HR-021 – Recruitment, City of Vaughan Collective Agreements, Code of Ethical Conduct for Members of Council		
Related By-Law(s):	012-2013 – Roles and Responsibilities of the City Manager		
Procedural Document:			
Revision History			
Date:	Description:		
Click or tap to enter a date.			



memorandum

C 2
COMMUNICATION

CW (2) - December 10/19

ITEM - 2

DATE: December 10, 2019
TO: MAYOR AND MEMBERS OF COUNCIL
FROM: DEMETRE RIGAKOS, CHIEF HUMAN RESOURCES OFFICE
RE: NEPOTISM POLICY – MINOR REVISION

Recommendation

The Chief Human Resources Officer recommends:

1. That the revision to the Nepotism Policy as described in this communication be received for consideration and approval.

Purpose

The purpose of this communication is to propose a minor revision to the Nepotism Policy that will serve to increase accountability and transparency in the decision-making process as per item 14 of the Policy sub-heading in the policy.

The revised policy with the proposed revision is attached at Appendix 1.

Attachment

1. Revised Nepotism Policy

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Demetre Rigakos', written over a horizontal line.

Demetre Rigakos
Chief Human Resources Officer

CORPORATE POLICY

POLICY TITLE: NEPOTISM

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 - child, including step-child and grandchild
 - siblings and children of siblings
 - aunt/uncle, niece/nephew, first cousins
 - in-laws, including mother/father, sister/brother, daughter/son
 - any person who lives with the staff member on a permanent basis

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POLICY TITLE: NEPOTISM

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13. A final determination with respect to violations of this policy will come from the Office of the Chief Human Resources Officer, in consultation with the appropriate Deputy City Manager and City Manager.

14. All hiring / promotion decisions involving a family member will be subject to final approval by the City Manager.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	Other (specify) Annually	Next Review Date:	February 1, 2022
Related Policy(ies):	13.C.02 – Delegation of Powers & Duties Policy, 13.A.02 – Employee Code of Conduct, HR-021 – Recruitment, City of Vaughan Collective Agreements, Code of Ethical Conduct for Members of Council		
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Procedural Document:			

Revision History

Date:	Description:
Click or tap to enter a date.	