



memorandum

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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

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
5. Ontario Human Rights Code

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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

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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;

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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.

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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		
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.	