

City of Kenora Hiring and Employment of Family Members



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Human Resources	November 22, 2004	5	1	4
Subsection	Repeals By-Law Number		Policy Number	
Hiring			HR-1-3	

Policy Statement

All employment-related matters, including hiring, promotions, performance appraisals and discipline shall be undertaken in an objective and impartial manner.

Purpose

1.01 The purpose of this policy is to ensure that employment-related decisions concerning existing or potential City employees are free from any real or perceived improper influence based on familiar relationships and to maintain public confidence in the integrity of the City's hiring and employment practices. In particular, this policy is intended to:

- a) prevent a conflict of interest, or the appearance of such a conflict, that may arise through the hiring or employment of family members; and
- b) prevent the exercise of any improper influence based familiar relationships, or the appearance of such influence, in the City's employment practices.
- c) where current employees are closely related or become closely related, as defined by this Policy and one individual exercise direct reporting relationships over the other employee, the department in which they are employed is responsible to assign an alternate person to assume supervisory responsibility.

Application

2.01 This policy applies to all employees and elected officials

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Policy Description

3.01 One of the City's human resources objectives is to hire the best candidate available for each vacancy, while taking into consideration the legal requirements imposed by such things as collective agreements. As a consequence, the City prohibits employment situations where family members would:

- be supervised by, or subordinate to, one another;
- be given preferential treatment in being recruited and/or selected for vacancies; or
- be appointed to positions where job responsibilities would be **incompatible** with positions occupied by family members.

3.02 While this policy is intended to apply solely to immediate family relationships (see definitions), employees and elected officials should be cognizant that broader familial ties and other close personal relationships may give rise to the same concerns surrounding real or perceived conflicts as those specifically addresses in this policy. As a result, employees and elected officials who may find themselves in such situations should be sensitive to these concerns and govern themselves in keeping with the spirit and intent of this policy.

Definitions

4.01 Direct Reporting Relations – a relationship in which an employee or elected official has authority to:

- a) approve or deny increments, overtime or negotiate salary level;
- b) conduct performance appraisals;
- c) administer discipline; or
- d) direct work assignments with respect to an employee.

4.02 Family – for the purposes of this policy, family includes an employee's child, parent, spouse or sibling. These terms are more specifically described below:

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4.03 Child – child born within or outside marriage, and includes an adopted child, and a person who a parent has demonstrated a settled intention to treat as a child of his/her family

4.04 Parent – a person who has demonstrated a settled intention to treat a child as a member of his/her family, whether or not that person is the natural parent of the child.

4.05 Spouse – a person

- to whom the person is married or
- with whom the person is living outside marriage in a conjugal relationship, if the two persons,
 - have cohabited for at least one year,
 - are together the parents of a child, or
 - have together entered into a cohabitation agreement under section 53 of the Family Law Act.

Responsibilities

5.01 Managers
Managers are accountable for ensuring compliance with this policy with respect to City employees

5.02 Human Resources Manager
Human Resources Manager will work with managers to resolve any problems with respect to this policy.

Monitoring

6.01 The Human Resources Manager will review and monitor the City’s employment practices to ensure consistency and compliance with this policy.

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Contraventions

7.01 Failure on the part of an employee to comply with this policy may result in discipline up to and including dismissal. Contraventions by elected official shall be referred to Council for resolution.

References

- Employee Conduct Policy
- Collective Agreements
- City of Kenora Recruitment Policy
- Discrimination Policy

Legislated & Administrative Authorities

- Canadian Human Rights Act
- Employment Standards Act
- Municipal Act
- Municipal Conflict of Interest Act
- Ontario Human Rights Code
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

Enquiries

All enquiries regarding this policy should be directed to the Human Resources Manager.