

Employment of Relatives Policies

Date:	September 25, 2017
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The purpose of this report is to summarize the revisions made to the employment of relatives policies. It is important for the Toronto Public Library to maintain such policies and to review and revise them periodically so they remain current, and are effective in preventing personal interests from conflicting with the interests of TPL. These policies were updated to strengthen wording around conflicts of interest, to better align with each other, to reference other new or revised TPL policies, and to cite new legislation.

The Board policies on employment of relatives provide guidance to Board members and employees on avoiding conflicts of interest, or the appearance of a conflict of interest, which arise through the hiring or employment of relatives. Discouraging and preventing conflicts of interest is key in maintaining the ethical integrity of a public sector organization and is in accordance with the Board Member Code of Conduct, the Employee Code of Ethics, and the ethical framework policies adopted by the Toronto Public Library Board in 2016.

RECOMMENDATIONS

The City Librarian recommends that the Toronto Public Library Board:

1. approves the following revised employment of relatives policies:
 - a) Employment of Relatives of Toronto Public Library Employees; and
 - b) Employment of Relatives of Toronto Public Library Board Members.

FINANCIAL IMPACT

This report has no financial impact beyond what has already been approved in the current year's operating budget.

The Director, Finance and Treasurer has reviewed this financial impact statement and is in agreement with it.

ALIGNMENT WITH STRATEGIC PLAN

The proposed policies are consistent with Strategic Plan Priority 6: Transforming for 21st Century Service Excellence.

DECISION HISTORY

In June 2014, City Council adopted a Toronto Public Service By-law, which is now Chapter 192, Public Service, of the Toronto Municipal Code. The TPS By-law came into effect on December 31, 2015. Section 14A of Chapter 192 requires the TPL Board to maintain policies that govern the employment of relatives.

Previously, Section 270(1) of the Municipal Act, 2001 required Library Boards in Ontario to adopt policies by January 1, 2005 with respect to the hiring of relatives of Board members and of existing employees.

TPL has had policies on the employment of relatives of TPL Board members and of TPL employees since 2004.

ISSUE BACKGROUND

Alignment with the City of Toronto Public Service By-Law and Internal Policies

The employment of relatives policies required revisions to reference new legislation and to reflect new or revised TPL policies. Chapter 192 of the Municipal Code was adopted by the City of Toronto in 2014 and in 2016 the Library Board adopted a revised Employee Code of Ethics, a revised Conflict of Interest policy and the new Board Member Code of Conduct.

Current Employment of Relatives Policies

All policies require periodic review, and as there is an increased emphasis on ethics in government entities, these policies required some revision. Both policies contain stronger wording around avoidance of conflicts of interest or the perception thereof. The revised Employment of Relatives of Toronto Public Library Employees policy has a more robust description of supervisory relationships, including its application to both direct and indirect authority. It also addresses the issues surrounding the internal promotion/transfer/temporary assignments/superior duties applying to TPL employees.

COMMENTS

Ethics and Fairness

Promoting an ethical workforce and fairness in hiring is an expectation within the modern-day public sector and fosters public confidence in an organization. The TPL Board adopted a new Employee Code of Ethics, Board Code of Conduct and ethical framework policies in

2016. Maintenance of employment of relatives policies is consistent with the greater emphasis on ethics being advanced by TPL.

Employment of Relatives of Board Members

Chapter 192 of the Municipal Code only requires the TPL Board to have a policy on the employment of relatives and does not explicitly reference municipal board members. However, maintaining policies on the employment of relatives of both existing employees and of Board members had been a requirement of Section 270 of the Municipal Act. The continued maintenance of both policies will promote public confidence in the integrity of the organization. It is also consistent with the TPL Board's voluntary adoption of a Board Member Code of Conduct, requiring members to refrain from conflicts of interest or the appearance thereof, and to not improperly use influence.

CONTACT

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SIGNATURE

Vickery Bowles
City Librarian

ATTACHMENTS

- Attachment 1: Employment of Relatives of Toronto Public Library Employees
- Attachment 2: Employment of Relatives of Toronto Public Library Board Members

POLICY: EMPLOYMENT OF RELATIVES OF TORONTO PUBLIC LIBRARY EMPLOYEES**SECTION: Section II – General Policies – Human Resources****MOTION#/DATE: 04 - 177 – December 13, 2004****REVISED: [17 - xxx – September 25, 2017](#)****[Effective Date](#)**[December 13, 2004.](#)**[Policy Objective Statement](#)**

[The Conflict of Interest Policy states that “Library employees are expected to conduct themselves with personal integrity, ethics, honesty and diligence in performing their duties. Library employees are required to support and advance the interests of the Library and avoid placing themselves in situations where their private interests may be in conflict with, or be perceived to be in conflict with, the interests of the Library”. The Toronto Public Library Board recognizes that conflict and bias can arise from situations where family members work together \[and discourages the appointment of a relative of a current employee where such conflict and bias could result.\]\(#\) This policy provides direction to departments so these situations can be avoided or resolved.](#)

[Underlying Principles](#)

[The Toronto Public Library recognizes the need to establish Board policies governing the employment of relatives in order to ensure compliance with language in the *Toronto Municipal Code, \(Chapter 192 – Public Service\)* and, specifically, Article IV \(Conflict of Interest and Confidentiality\), which states:](#)

[192.14 – Employment of Relatives:](#)[A. The City and Agencies will maintain policies that govern the employment of relatives.](#)[B. Each policy at a minimum must outline the rules restricting supervisory relationships between relatives, and the recruitment and appointment of a relative.](#)

~~The need for the Toronto Public Library to establish employment of relatives board policies was recognized to ensure compliance with the *Municipal Act, 2001*, Section 270~~

~~(1). The Act states that before January 1, 2005, library boards are required to adopt policies with respect to, the hiring of its employees, including policies with respect to:~~

- ~~(a) the hiring of relatives of a member of council or local board, as the case may be;~~
- ~~(b) the hiring of relatives of existing employees of the municipality or local board, as the case may be.~~

Further, in accordance with the *Employee Code of Ethics*, all employees will avoid placing themselves in situations where their private interests may be in conflict with, or be perceived to be in conflict with, the interests of TPL.

ScopeApplication

This policy applies to all employees. This policy applies to all Toronto Public Library employees in the following situations:

- ~~• where employees are in a direct reporting relationship~~
- ~~• where a family member is part of the selection process where another family member becomes an applicant.~~

Conditions

In accordance with s. 5 (1) of the *Ontario Human Rights Code*, the Toronto Public Library will not discriminate in its hiring practices on the basis that a person is a relative of an existing employee.

Implementation:

Supervisory relationship

No members of the same familyrelatives are permitted to work together if this places them in a direct reportingsupervisory relationship, either in a subordinate or supervisory role to each other.

A supervisory relationship is an employment relationship where one relative has **direct or indirect authority** over a relative's employment through decisions, recommendations or judgments related or influence to:

- the approval/denial of increments/performance pay
- the assignment and approval of overtime or extra hours
- the negotiation of salary level
- the conduct of performance appraisals or discipline
- the assignment or direction of work assignments
- the approval of leaves of absence.

A supervisory relationship exists even though there are levels of supervision in between two employees who are relatives.

Employees must declare a conflict to the Director or designate in writing when a family relationship develops that puts them in a supervisory relationship.

Recruitment and appointment

A situation may arise through external recruitment or internal promotion/transfer/temporary assignments/superior duties where the successful candidate could be a relative of an employee:

- already within the same work unit
- or within a work area where any form of direct or indirect supervision would exist over a relative.

Candidates/employees must tell the hiring panel if placement in the position they have applied for would put them in a supervisory relationship with a relative.

If such a situation arises, the human resources representative and the hiring manager must inform the Director in order to determine if the appointment of an employee could be perceived as a potential conflict of interest.

An example of situations which may lead to conflicts of interest related to the employment of relatives include one employee having direct or indirect authority concerning:

- hiring decisions
- promotions
- renewal of contracts
- performance evaluation
- disciplinary procedures
- salary considerations
- access to leave

- [approval of expenses.](#)

[This list describes several situations but is not all encompassing. There may be other situations where a conflict may potentially exist.](#)

[Selection process](#)

[An employee family member](#) must not participate in any part of the selection process where another family member becomes an applicant. The selection process includes screening applications, conducting interviews and reference checking.

[Employees must declare a conflict when a family relationship develops that puts them in a direct reporting relationship and when they are participating in a selection process where another family member becomes an applicant\[DM1\].](#)

Specific Directives

When a situation arises where an employee is in a direct reporting relationship to a family member, the Director/Manager or designate must discuss reassignment options with the employees involved. The Director/Manager or designate should consult with Human Resources to resolve this problem.

Possible solutions include:

- offering one employee a permanent alternate position in another section of the same department/branch
- placing one employee on a temporary assignment
- transferring one employee to a comparable position in another department/branch i.e. lateral transfer.

Transfer of [unionized](#) employees will be in accordance with [the TPLWU Local 4948 \(CUPE\)TCEU Local 416](#) Collective Agreement relevant articles.

The preferences of the employees should be taken into account when considering any of these options. If all of the above options are rejected then the Director/Manager or designate will make the final decision. Although, these situations are sometimes difficult to resolve the Director/Manager will address this issue as soon as possible after it arises and seek to remedy the situation promptly.

Recruitment and appointment

In accordance with s.5 (1) of the Ontario Human Rights Code, the Toronto Public Library will not discriminate in its hiring practices on the basis that a person is a relative of a Toronto Public Library employee.

Note:

Close personal relationships or relationships beyond family can also cause problems in the selection process and in reporting relationships. Employees who find themselves in this situation should be sensitive to perceptions and guide themselves according to the principles of this policy.

Accountability

The Directors are responsible for ensuring that the policy is implemented as intended. The Human Resources Department is responsible for consulting with Directors/Managers to resolve situations that fall within the scope of the policy. All employees are responsible for declaring a conflict that falls within the scope of the policy.

Appendices

Definitions

Relative: For the purposes of this policy, relative is defined as:

- spouse, including common law and same sex spouse
- parent, including step-parent and legal guardian
- child, including step-child
- sibling and children of siblings
- father/mother-in-law, brother/sister-in-law, son/daughter-in-law
- any family member who lives with the employee on a permanent basis.

Family: For the purposes of this policy family is identified as:

- spouse, including common law and same sex spouse;
- parent, including step-parent and legal guardian;
- grand parent, including step-grand parent, grandchild or step-grandchild;
- mother-in-law;

- ~~father-in-law;~~
- ~~sister-in-law;~~
- ~~brother-in-law;~~
- ~~daughter-in-law;~~
- ~~son-in-law;~~
- ~~child including step-child;~~
- ~~sibling;~~
- ~~any person who lives with the employee on a permanent basis.~~

A supervisory relationship is an employment relationship where one relative has **direct or indirect authority** over a relative's employment through decisions, recommendations or judgments related or influence to:

- the approval/denial of increments/performance pay
- the assignment and approval of overtime or extra hours
- the negotiation of salary level
- the conduct of performance appraisals discipline
- the assignment or direction of work assignments
- ~~the approval of leaves of absence.~~

References:

Conflict of Interest Policy

[Employee Code of Ethics](#)

Employment of Relatives of Toronto Public Library Board Members Policy

Ontario Human Rights Code

[Toronto Municipal Code](#)

Enquiries:

~~For further information on the, Employment of Relatives of Toronto Public Library Employees Policy contact Holly Dewar, Manager, Human Resources Department~~

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POLICY: **EMPLOYMENT OF RELATIVES OF TORONTO PUBLIC LIBRARY BOARD MEMBERS**

SECTION: **Section II – General Policies – Human Resources**

MOTION#/DATE: **04 - 177 – December 13, 2004**

REVISED: **17 - xxx – September 25, 2017**

Effective Date

December 13, 2004.

Policy Objective

The purpose of this policy is to provide direction to Toronto Public Library Board members in order to:

- prevent conflicts of interest or the appearance of a conflict of interest that arises through the hiring or employment of relatives; and/or
- prevent the misuse of authority and influence or the appearance of such misuse.

Underlying Principles

The Toronto Public Library recognizes the need to establish Board policies governing the employment of relatives in order to ensure compliance with language in the *Toronto Municipal Code, (Chapter 192 – Public Service)* and, specifically, Article IV (Conflict of Interest and Confidentiality), which states:

192.14 – Employment of Relatives:

A. The City and Agencies will maintain policies that govern the employment of relatives.

B. Each policy at a minimum must outline the rules restricting supervisory relationships between relatives, and the recruitment and appointment of a relative.

The need for the Toronto Public Library to establish employment of relatives board policies was recognized to ensure compliance with the *Municipal Act, 2001*,

~~Section 270 (1). The Act states that before January 1, 2005, library boards are required to adopt policies with respect to the hiring of employees, including policies with respect to,~~

~~(a) — the hiring of relatives of a member of council or local board, as the case may be;~~

~~(b) — the hiring of relatives of existing employees of the municipality or local board, as the case may be.~~

Policy Statement

In accordance with s.5 (1) of the *Ontario Human Rights Code*, the Toronto Public Library will not discriminate in its hiring practices on the basis that a person is a relative of a Library Board member. Library Board members are bound by the *Municipal Conflict of Interest Act* to disclose any pecuniary interest and avoid discussion, influence or voting on issues where they have a pecuniary interest, including the interests of a relative. [Library Board members are also bound by the language of Section 7 of the Toronto Public Library Board Member Code of Conduct related to conflict of interest.](#)

Specific Directives

Toronto Public Library Board members must declare a conflict when they have the authority to approve, deny or negotiate salary level or other forms of compensation that may have an effect on a family member. A Board member shall not use his/her influence in order to obtain appointment, promotion, advancement or any other advantage within the Library on behalf of a family member.

Close personal relationship or relationships beyond family can cause problems in employment relationships. Board members who find themselves in this situation should be sensitive to the appearance of a conflict of interest and guide themselves in accordance with the principles of this policy, ~~and~~ [the *Municipal Conflict of Interest Act* as well as the *Toronto Public Library Board Member Code of Conduct*.](#)

Scope

This policy applies to all Toronto Public Library Board members.

Accountability

All Toronto Public Library Board members are responsible for declaring a conflict that falls within the scope of this policy.

Appendices

Definitions

Relative: For the purposes of this policy, relative is defined as:

- spouse, including common law and same sex spouse
- parent, including step-parent and legal guardian
- child, including step-child
- sibling and children of siblings
- father/mother-in-law, brother/sister-in-law, son/daughter-in-law
- any family member who lives with the employee on a permanent basis.

~~Family: For the purposes of this policy, family is identified as:~~

- ~~• spouse, including common-law and same-sex spouse;~~
- ~~• parent, including step-parent and legal guardian;~~
- ~~• grand parent, including step-grand parent, grandchild or step-grandchild;~~
- ~~• mother-in-law;~~
- ~~• father-in-law;~~
- ~~• sister-in-law;~~
- ~~• brother-in-law;~~
- ~~• daughter-in-law;~~
- ~~• son-in-law;~~
- ~~• child including step-child;~~
- ~~• sibling;~~
- ~~• any person who lives with a Board member on a permanent basis.~~

References:

Municipal Conflict of Interest Act
Employment of Relatives of Toronto Public Library Employees Policy
Ontario Human Rights Code
[Toronto Municipal Code](#)
[Toronto Public Library Board Member Code of Conduct](#)

Enquiries:

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