

Municipality Of Chatham-Kent

Corporate Services

Information Report

To: Mayor and Members of Council
From: Cathy Hoffman, General Manager, Corporate Services
Date: January 29, 2019
Subject: Nepotism Free Hiring Practices

This report is for the information of Council.

Background

At the December 4, 2017 meeting of Chatham-Kent Council, Councillor Trevor Thompson brought forward a Motion re “Nepotism Free Hiring Practices” requesting that staff draft a report to provide further clarity so that job applicants, Council, administration and the public clearly understand the level of fairness and consistency will be applied to all hiring situations, including internal and external hiring processes.

This report addresses Councillor Thompson’s motion as well as the differences between nepotism and the hiring of relatives.

Comments

The Municipality of Chatham-Kent is an equal opportunity employer, committed to fair and accessible employment practices that attract and retain talented employees.

In accordance with the Ontario Human Rights Code and Accessibility of Ontarians with Disabilities Act, the Municipality is committed to providing:

- a diverse workplace
- fair and accessible employment practices
- individualized accommodations to support employees with disabilities
- an inclusive and accessible environment for all persons

The Municipality values the unique abilities each employee brings to the workplace and is committed to providing an environment that attracts and retains talented individuals. We strive to deliver a seamless, consistent and rewarding employment experience.

The Municipality’s Employee Code of Conduct clarifies Chatham-Kent’s expectations of all its municipal employees by providing a guide for consistent and ethical behaviour,

integrity, objectivity and professionalism in delivering services to the public. The Code of Conduct specifically states our core values, including “We will be fair, impartial and just in everything we do”, which includes our hiring practices. It goes on to specifically address Family Relationships (Nepotism).

“Nepotism, the appointment to a position or the receipt of an employment benefit based on one’s kinship or family relatives, is prohibited. There is an expectation, shared by the public and municipal staff alike, that all hiring, promotions, performance appraisals or discipline will be undertaken in an objective and impartial manner. Therefore, the Municipality prohibits employment situations where relatives would be:

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

Employees are required to disclose the particulars to their manager for appropriate resolution.”

The Employment of Relatives policy (Appendix A) further ensures the Municipality of Chatham-Kent makes all hiring and employment decisions based on transparency, equitable opportunity and an overall emphasis on merit. All employment related decisions are to be free from any real or perceived improper influence based on family members. Being a family member of a municipal employee should not unduly or unfairly restrict or enhance an individual’s opportunity to pursue employment or changes in employment at the Municipality.

The Employment of Relatives policy is separate and apart from the nepotism subject. Given that the corporation of the Municipality of Chatham-Kent is a large employer in a relatively small community, it is expected that there will be employees working for the organization that are related to one another. This policy was designed to ensure that employment related decisions concerning existing or potential Municipal employees are free from any real or perceived improper influence based on family members. At the same time, it is recognized that existing family members with Municipal employees should not unduly or unfairly restrict or enhance an individual’s opportunity to pursue employment or changes in employment at the Municipality. A “relative” is defined in the policy as:

- spouse, any person to whom the person is married or with whom the person is living with
- 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 members of municipal employees and municipally elected officials will be considered for employment or advancement provided they:

- have made application and been considered using established procedures
- possess the necessary qualifications; and
- are considered to be the most suitable candidate

During the interview process, every candidate (internal or external) is asked to state whether or not he/she is related to a municipal employee. No relatives are permitted to work together if this places them in a supervisory relationship, either in a subordinate or supervisory role to each other. From time to time exceptions are made with certain pre-authorizations and stipulations required. Candidates/employees must tell the hiring panel if placement in the position they have applied for may put them in a supervisor relationship with a relative. Similarly, employees must declare a conflict of interest if a departmental re-organization occurs or a family relationship develops during their employment that puts them in a supervisory relationship. Restrictions and/or accommodations to immediate relatives are made in accordance with the Ontario Human Rights Code.

Chatham-Kent's Recruitment Process (Appendix B) provides guidelines on the recruitment process for filling vacant positions, including how positions are posted, advertised and filled to ensure fair and transparent hiring decisions.

Union and non-union permanent, temporary, contract and student vacancies are posted internally and/or externally, including full-time, part-time and casual positions. Identifying the successful candidate follows a standard process, which may include:

- collecting resumes and/or application forms
- scoring through a weighted matrix
- testing and/or screening for skills and qualifications
- interviewing short-listed candidates (includes a question regarding relationship to current employees)

An offer of employment is made to the most suitable candidate and the onboarding process begins once that offer is accepted.

Chatham-Kent posted in excess of 200 external jobs in both 2017 and 2018, which included various opportunities for interns, new graduates, students and youth. While many of our successful candidates come from other countries, other provinces and across Ontario, many of our new hires are already Chatham-Kent residents. Given that many residents choose to live in Chatham-Kent because they have family and friends here, some of the talent we hire may be related to another municipal employee. We adhere to our policies and procedures to identify family relationships and prevent or resolve any conflicts of interest that arise.

All external job postings are available on our website at www.chatham-kent.ca/community-services/jobs, along with many job postings for other employers in the Chatham-Kent community. Job seekers are encouraged to access the information and resources on this website and also register to be notified when new jobs are posted. Job opportunities are further promoted through Facebook (ChathamKentCareers), LinkedIn (chatham-kent-careers) and Twitter (ck_careers).

Chatham-Kent looks forward to launching a new Applicant Tracking System in 2019 to streamline the application process for job seekers and reduce the time and effort it takes to apply for a job at Chatham-Kent. While our recruitment process is executed with fairness and consistency and has been defensible, we have received numerous complaints that it is cumbersome and lacks the requisite automation to be user friendly and efficient. To that end, a one time request for funds for the implementation of a contemporary Applicant Tracking System has been included in the 2019 budget. This system will overhaul our current recruitment process, remove barriers and ultimately motivate talented professionals to apply for the great careers available in Chatham-Kent.

Consultation

Over the course of the last year multiple conversations and coordination of recruitment initiatives have taken place with economic development, Resident Attraction and Retention, applicants and supervisors conducting recruitment processes.

Financial Implications

There are no financial implications resulting from this report.

Prepared by:

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General Manager, Corporate Services

Attachments: Appendix A – Employment of Relatives Policy (1-7)
Appendix B – Recruitment Process Policy (Section 1-21)

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Policy: Employment of Relatives	Section: 1 - 7	Issued: Sept. 20, 1999 Procedure Revised: Dec. 6, 2004 Format Amended: Jan. 1, 2018 Procedure Revised: June 30, 2018
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Purpose

The Corporation of the Municipality of Chatham-Kent (Municipality) makes all hiring and employment decisions based on transparency, equitable opportunity, and an overall emphasis on merit.

The purpose of this policy is to ensure that employment related decisions concerning existing or potential Municipal employees are free from any real or perceived improper influence based on family members. At the same time, it is recognized that existing family members with Municipal employees should not unduly or unfairly restrict or enhance an individual's opportunity to pursue employment or changes in employment at the Municipality.

Scope

This policy applies to all non-union and union employees as well as potential employees as it relates to this policy and the potential reporting relationship to a relative as defined in this policy.

Definitions

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

- spouse, any person to whom the person is married or with whom the person is living with
- 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

Conditions

Supervisory Relationship

No relatives are permitted to work together if this places them in a supervisory relationship, either in a subordinate or supervisory role to each other unless by exception as outlined in Section 4.1 of this policy.

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:

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- hiring decisions (including transfers, suspensions, layoffs, recalls, renewal of contracts, etc.)
- the approval/denial of increments/performance pay
- the assignment and approval of overtime
- the negotiation of salary level
- the conduct of performance appraisals discipline
- the assignment or direction of work assignments
- the approval of leaves of absence
- approval of expenses

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 General Manager (or to the Chief Administrative Officer in the case of a General Manager having the conflict) 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/supervisor duties or acting assignments in excess of six (6) months 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 may put them in a supervisory relationship with a relative in order to determine if the appointment of an employee could be perceived as a potential conflict of interest.

Examples of situations which may lead to conflicts of interest related to the employment of relatives include one employee having direct or indirect authority concerning the employment of a relative as listed above under Supervisory Relationship. This list describes several situations but is not all encompassing. There may be other situations where a conflict may potentially exist.

Immediate relatives shall not participate in situations where the best interests of the Municipality or the integrity of this procedure become questionable resulting in the possibility of a conflict of interest.

Re-organization

Where the Municipality or any department within the Municipality is re-organized resulting in a situation where an immediate relative would have a direct or indirect authority over a relative's

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employment, the applicable department(s) and the affected employee(s) must disclose any family relationships to the Human Resources and Organizational Development department.

Procedures

- 1.0 Family members of Municipal employees and municipally elected officials will be considered for employment or advancement provided they:
 - have made application in accordance with established procedure;
 - have been considered in accordance with established procedure;
 - possess the necessary qualifications; and
 - are considered to be the most suitable candidate

- 2.0 Candidates, employees, members of Council or members of local Boards and Commissions must declare whether other municipal employees are their relatives where such may contravene this policy.

- 3.0 During the interview process, every candidate, whether internal or external, being recommended for a position, will be asked to state whether she/he has a person related by family or marriage who is currently employed by the Municipality for the purposes of determining compliance with this policy.

- 4.0 The hiring manager must inform the division head and Chief Human Resource Officer in order to determine if the appointment of an employee could be perceived as a potential conflict of interest.
 - 4.1 In such situations or where a situation arises where an employee is in a supervisory relationship to a relative, the Chief Human Resource Officer in conjunction with the Chief Administrative Officer will discuss possible solutions/accommodations of the immediate relatives including:
 - offering one employee a permanent alternate position in another section of the same division (provided it resolves the conflict) when such a position becomes available;
 - placing one employee on a temporary assignment;
 - transferring one employee to another division, or
 - permitting the reporting relationship subject to the implementation of conditions to lessen or remove the conflict, where doing so would sufficiently address the concerns; the final decision on these matters would be that of the Chief Administrative Officer.

When considering restrictions and/or accommodations to immediate relatives decisions will be made in accordance with the *Ontario Human Rights Code*.

Policy: Recruitment Process	Section: 1 – 21	Issued: Apr. 10, 2001 Procedure Revised: Nov. 30, 2013 Format Amended: Jan. 1, 2018
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Purpose

The purpose of this policy is to provide guidelines on the recruitment process for filling vacant positions, including how positions will be posted, advertised, and filled.

Scope

This policy applies to all union and non-union permanent, temporary/contract, and student vacancies with the Municipality of Chatham-Kent (Municipality), including full-time, part-time, casual, and government sponsored programs.

Vacancy/Posting Procedures

Union:

1. Vacancy/posting procedures will be as per the applicable union collective agreement.

Non-Union:

1. Grades 1-9

Any non-union position up to and including those in Grade 9 that becomes vacant in any Department will first be posted internally for a period of 5–10 days to allow employees the first opportunity to apply.

If the Manager of the Department hosting the vacancy feels that there are sufficiently qualified individuals from the internal candidate pool, then they may opt to proceed with the next phase of selection and not advertise externally.

If the Manager of the Department hosting the vacancy does not feel that there are sufficiently qualified individuals or is unsure if there are sufficiently qualified individuals from the internal candidate pool, may, in consultation with the Director of Human Resources and Organizational Development (HROD), or designate, opt to proceed with an external advertising campaign or alternate method of recruitment. This would not preclude an internal candidate from being included in the next phase of selection.

2. Grades 10+

Non-union positions in Grade 10 or above will be posted internally and externally simultaneously.

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3. Temporary Vacancies

- a) A temporary vacancy is a position that becomes available for a short period of time, three months or less, which may be filled without posting internally at the discretion of the hiring Manager and in consultation with the Director of HROD.
- b) Positions posted as “temporary” may be filled with permanent employees provided that an employee wishing to apply for a temporary vacancy review their availability to be released to a temporary assignment with their Manager (permanent) before they submit their application.

If a permanent employee is the successful candidate, his/her current position will be held until the temporary assignment is complete. If there is an extension to the temporary assignment, approval must be obtained from the employee’s Manager (permanent) and the Director of HROD.

- c) For the purpose of maternity leaves, Managers will have the flexibility to either internally post the position or move people, in consultation with the Director of HROD, within their Department to cover the vacancy. In the case of the latter any subsequent vacancies will be posted as per this policy.
- d) In the spirit of fostering employee development, employees will not be held back from participating in a temporary assignment, except in the cases where the Manager can identify a just cause reason for denying the move.

4. Secondments

- a) A secondment is when an employee temporarily leaves their current role and moves to a new position, as directed by their Manager and in consultation with the Director of HROD, to complete a project or task for a set period of time.

Previously Interviewed Candidates

Should a position become available within six months of the initial interviews, managers may request permission from the Director of HROD to call previously interviewed candidates for the same position to fill the vacancy after all required reference checks (employment and police/license, if applicable) are completed.

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Chatham-Kent Hiring First

Where two candidates are, for all intents and purposes, otherwise equally qualified for a particular position, that a candidate who is currently a resident of Chatham-Kent or is a returning resident of Chatham-Kent may be selected over the non-resident as a final means of establishing the selection criteria.

Compensation

Union:

Compensation will be as per the applicable union collective agreement.

Non-union:

1. Higher Classification

If an employee is successful in attaining a position of a higher classification than his/her previous job, the employee will move to the base level of the new position or to the next highest incremental step within the grid to achieve a minimum of 6% increase. In the event the employee is promoted at any time throughout the year, he/she remains eligible for a normal incremental increase at the beginning of the following year. Any grid placement beyond 6% or the next highest increment must be reviewed by the Director of HROD and approved by the Senior Manager of the department and the Chief Administrative Officer (CAO).

2. Lower Classification

In the event that an employee applies to and accepts a temporary re-assignment in a position of lower classification, then that employee will receive Step 6 of the new Grade or their current salary, whichever is less.

3. Secondments

If an employee is seconded to a special project, he/she will receive their current salary unless the position is of a higher grade. If this is the case, then the employee will move to the next highest incremental step within the grid to achieve a minimum 6% increase. Any grid placement beyond 6% or the next highest increment must be reviewed by the Director of HROD and approved by the Senior Manager of the department and the CAO.

If an employee is seconded to a position of lower classification, compensation will be negotiated.

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For additional information related to Compensation, refer to Section 3-5, Salary Progression, of the Non-Union Policy and Procedure Manual.

AODA Employment Standards Regulation

Commitment statement:

In accordance with the Ontario Human Rights Code and *Accessibility of Ontarians with Disabilities Act* (AODA), the Municipality of Chatham-Kent (Municipality) is an equal opportunity employer committed to providing:

- a diverse workplace
- fair and accessible employment practices
- individualized accommodations to support employees with disabilities
- an inclusive and accessible environment for all persons

The Municipality values the unique abilities each employee brings to the workplace and is committed to providing an environment that attracts and retains talented individuals. We strive to deliver a seamless, consistent, and rewarding employment experience.

Supporting employees with disabilities:

The Municipality will inform employees of our Workplace Accommodation Process Policy for accommodating employees with disabilities.

The Municipality will include information about our commitment to providing accommodation for employees with disabilities in all our policies, including Workplace Emergency Process, Return to Work, Performance Management/Career Development, etc.

Municipal job board and job postings

The Municipality will post information in job ads regarding our commitment to providing accommodation and the procedure for requesting accommodations during the recruitment process. This information will also be posted under our municipal jobs board at [Link to Chatham-Kent website](#) and FAQs (frequently asked questions).

Interview process

The hiring manager/supervisor, or designate, will notify candidates selected for an interview and/or testing that accommodations are available upon request. If accommodations are requested, the hiring manager/supervisor, or designate, will

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endeavour to provide suitable accommodations to meet the needs of the applicant.

Offer of employment

The hiring manager/supervisor will verbally notify the successful candidate(s) of the Municipality's policies for accommodating employees with disabilities.

HROD will notify new employees, in writing about our accommodation process, and who to contact if they require accommodation.

Recruitment Process

For information regarding administrative procedures of the Recruitment Process please refer to the Vacant Position Requisition (VPR) / Hiring Planner reference guide which is located on the intranet. This document provides you with the necessary information and tools to complete the filling of a vacant position from beginning to end.