

**Policy Title: Hiring and Employment of Relatives**

**Policy Number: 01-01-10**

**Section: Human Resources**

**Subsection: Recruitment**

**Effective Date: May 16, 2022**

**Last Review Date: May, 2022**

Approved by:

Owner Division/Contact:

**Council**

**Human Resources/Manager, Talent Acquisition**

## Policy Statement

The City of Mississauga is committed to selecting the best qualified candidates for positions within the City. While employment of Relatives is allowed, it must be done in accordance with this policy. The policy provides clear direction to staff to ensure that Conflicts of Interests or Perceived or Potential Conflicts of Interest, in addition to Nepotism, do not arise as a result of a hire or transfer/promotion decision within the City.

## Purpose

The purpose of this policy is to:

- Ensure the equitable treatment of all candidates for employment or advancement, including those who are Relatives of existing City employees, when filling vacancies
- Provide clear direction to staff to:
  - Ensure that the hiring of candidates and transfer/promotion of City employees is equitable and not influenced either positively or negatively by a Relative(s) employed by the City of Mississauga, and
  - Prevent a Conflict of Interest or Perceived or Potential Conflict of interest that may arise through the hiring or employment of Relatives

## Scope

This policy applies to all employees.

For information on conflicts of interest not related to the hiring or promotion of Relatives, refer to Corporate Policy and Procedure – Conflict of Interest.

Elected officials are subject to the Council Code of Conduct and the *Municipal Conflict of Interest Act*, whereby they must declare a conflict of interest in matters in which they have a direct or indirect pecuniary interest with respect to a parent, spouse or child.

For the purposes of this policy, Election Workers are not considered City employees and their hiring is not subject to this policy.

Employees who were in a Supervisory Relationship with a Relative when this policy came into effect on March 30, 2011 are exempted under this policy, provided the Supervisory Relationship still exists.

## Legislative Authority

All applicants and City employees are given an equal opportunity for employment and will be treated in accordance with the provisions of the Ontario *Human Rights Code*, the *Accessibility for Ontarians with Disabilities Act* and any other applicable legislation.

## Definitions

For the purpose of this policy:

A “Conflict of Interest” under this policy includes a situation where:

- A Supervisory Relationship occurs between Relatives
- A City employee directly or indirectly influences the selection and hiring process in which their Relative is a candidate, and
- A City employee has not excluded themselves from any hiring process where a Relative is a candidate

“Nepotism” is the practise of using power or influence to favour relatives or friends.

A “Perceived or Potential Conflict of Interest” occurs where a Supervisory Relationship does not exist but, after an internal assessment, there is the appearance of competing interests that may interfere or undermine the employees’ ability to fulfill their responsibilities. For example, being in a position to use information or resources, which are available solely through their employment, for the purpose of benefiting another employee.

“Relative” includes any of the following, whether related by marriage or a common-law relationship:

- Spouse
- Parent, step-parent and legal guardian
- Children and step-children
- Father/mother-in-law, brother/sister-in-law, son/daughter-in-law
- Siblings, including step siblings and half siblings
- Nieces and nephews
- Aunts and uncles
- Cousins, and
- Grandparents and grandchildren, including step grandparents/grandchildren

A “Supervisory Relationship” is an employment relationship, either permanent or temporary, where one employee has direct or indirect authority or influence over another employee’s employment through decisions, recommendations or judgements related to hiring, transfer/promotion, evaluation, compensation, discipline, performance appraisals, salary negotiations, assignment of duties and/or approval of overtime. An “indirect reporting relationship” occurs when one employee is more than one level above the other employee and exercises authority or influence over the other employee’s employment as above (e.g. an employee in the position of Supervisor, Community Programs has an indirect reporting relationship to the Director, Recreation, who is two levels above the Supervisor).

### **Eligibility of Relatives to be Hired for Employment**

Nepotism goes against the City of Mississauga’s commitment to equity, diversity and inclusion. The City is committed to eliminating barriers to employment and providing all employees an opportunity to rise to their fullest potential. Hiring managers and supervisors must seek talent that will fulfill a role based on full consideration of an applicant’s skills, abilities, knowledge, work experience and demonstration of core competencies related to the job.

A Relative of a City employee may be considered for initial employment with the City or for a transfer/promotion to fill a job vacancy provided that:

- A complete application/resume has been received by the City
- The candidate’s employment application has identified any Relatives working for the City or any Relatives who are elected officials
- The candidate has been screened and the application for employment has been processed in accordance with this policy and Corporate Policy and Procedure – Human Resources – Employee Recruitment, and
- Hiring of the Relative will not result in a Supervisory Relationship, direct or indirect
- Note: Referring a candidate (Relative or not) to apply through the normal recruitment process is not a Conflict of Interest

Where a Supervisory Relationship does not exist, but a Relative relationship has been determined to be a Perceived or Potential Conflict of Interest as a result of hire or transfer of an employee, including an acting assignment, the Hiring Manager and HR Representative will assess the situation and determine whether or not there is a Conflict of Interest or a Perceived or Potential Conflict of Interest. Their assessment will be reviewed by the applicable Divisional Director or designate and the Manager, Talent Acquisition.

If a Relative relationship is deemed a Conflict of interest or a Perceived or Potential Conflict of Interest, the hiring or transfer will not occur.

For further clarity, a candidate cannot be hired/transferred/promoted or granted an acting assignment to a division or department where their Relative relationship constitutes a Conflict of Interest based on a Supervisory Relationship or an indirect reporting relationship.

A candidate may be hired/transferred to a position within the same division or department provided no Supervisory Relationship exists or an assessment has determined there is no Conflict of Interest.

Decisions and actions taken as a result of each assessment must be documented and filed in both the employee file and recruitment file.

## **Change in Employee Relationships**

In the event of a new Relative relationship arising between two City employees as the result of an event such as marriage, the employees must immediately disclose this to their supervisor/manager. The supervisor/manager must immediately disclose the information to the applicable HR Representative. If at any time the supervisor/manager and/or HR Representative becomes aware of a change in a Relative relationship, the situation must be assessed.

If the Relative relationship is deemed to be a Conflict of interest or a Perceived or Potential Conflict of interest, the applicable Divisional Director or designate and the HRBPM will work with the supervisor/manager, HR Representative and staff to take appropriate measures and provide options to remedy the situation.

These options include, but are not limited to:

- Reassignment of either employee within the same division, where permitted by this policy, or
- Lateral transfer to a comparable position in another division within the City

Approvals, options and actions taken as a result of an assessment must be documented and filed in both the employee file and recruitment file.

## **Working for Elected Officials**

An applicant for a position that provides direct support to an elected official is ineligible if the applicant is a Relative of that particular elected official. The "Employment of Council Relatives/Family Members" section of the Council Code of Conduct provides additional direction with respect to Relatives and elected officials.

## **Compliance**

Any employee who violates this policy will be subject to appropriate disciplinary action, up to and including termination of employment. Union employees will be disciplined subject to any applicable provisions of their particular collective agreement.

## **Exceptions**

Exceptions to this policy may be made only on the approval of the Manager, Talent Acquisition and Director, Human Resources, who will consult with the applicable commissioner.

## Revision History

Reference	Description
GC-0157-2011 - 2011-03-30	
October 07, 2014	Replaced "Supervisor" with "People Leader"; other minor admin revisions
February, 2015 – housekeeping	Removed Parks from Placement of Siblings section
August 5, 2016	Revised to include consultation with the Director, HR, for exceptions to the policy.
October 30, 2017	Scheduled review. Minor changes for clarity.
May 16, 2022	Revised to reflect changes approved by LT May 27
May 31, 2023	Housekeeping revision to update Owner Division/Contact.