

<b>Corporate Human Resources Policy</b>		<b>Code of Conduct for Employees</b>
Work Environment		Content Updated: 2016-05-20
Policy No: HR-01-09		
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### ***Schedule E: Anti-Nepotism***

<p><b>PURPOSE</b></p>	<p>The City of Hamilton (“the City”) makes all hiring and employment related decisions based on transparency, equitable opportunity, and an overall emphasis on merit. This schedule aims to eliminate the influence of nepotism in City hiring and employment related decisions to maintain confidence in the integrity of the City’s hiring and employment practices.</p> <p>The purpose of this schedule is to ensure that employment related decisions concerning existing or potential City employees are free from any real or perceived improper influence based on family member or significant social relationships. At the same time, it is recognized that existing family member and significant social relationships with City employees should not unduly or unfairly restrict or enhance an individual’s opportunity to pursue employment or changes in employment at the City.</p>
<p><b>DEFINITIONS</b></p> <p><b>Conflict of Interest</b></p>	<p>A conflict of Interest, as defined in Schedule A of the Code of Conduct for Employees policy, is a situation in which an employee has personal or private interests that may compete with the public interests of the City of Hamilton. Such competing interests can make it difficult to fulfill his or her duties impartially. A Conflict of Interest can create an appearance of impropriety or a perception of bias that can undermine confidence in the person and in the City of Hamilton generally. A conflict exists even if no unethical or improper act results from it. A Conflict of Interest can either be an apparent conflict or a real conflict.</p> <p><b><u>Apparent Conflict:</u></b> exists where an informed and reasonable person reviewing the matter and having thought the matter through could conclude that a Conflict of Interest exists.</p> <p><b><u>Real Conflict:</u></b> exists where a personal interest exists and that interest:</p> <ol style="list-style-type: none"> <li>1. is known to the employee; and</li> <li>2. has a connection to the employee’s duties that is sufficient to influence the exercise of those duties.</li> </ol>

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<b>Direct Reporting Relationship</b>	Involves a reporting relationship where an individual has the authority to: direct and control the activities and work assignments of another employee; review or approve performance reviews; approve wage and salary adjustments; administer disciplinary action; and recommend or approve the hiring or firing of an employee.	
<b>Family Member</b>	Includes the following family relationships: <ul style="list-style-type: none"> <li>• spouse (includes married and common-law of the same or opposite sex)</li> <li>• mother, father, or legal guardian (foster or step)</li> <li>• son, daughter (foster or step)</li> <li>• sister, brother, step-sister, step-brother</li> <li>• aunt, uncle, niece and nephew</li> <li>• mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law</li> <li>• grandchild, grandparent, step-grandparent, step-grandchild</li> <li>• child, mother or father in a relationship where the role of parent has been assumed</li> </ul>	
<b>Indirect Reporting Relationship</b>	Exists between the employee and the second-removed manager.	
<b>Nepotism</b>	Favoritism granted to a family member or individual of significant social relationship, usually in the form of hiring practices or other employment decisions without regard or with lesser regard to the individual's merit, qualifications or performance.	
<b>Significant Social Relationship</b>	An emotional association, personal relationship or strong friendship that is not defined by blood or legal bonds e.g. godchild	
<b>PRINCIPLES</b>	<ol style="list-style-type: none"> <li>1. The City is committed to eliminating nepotism in any employment related decisions to preserve employee morale; to provide the highest quality service possible to the citizens and businesses the City serves; and to ensure equitable opportunities, and real and perceived integrity in the recruitment process.</li> <li>2. This schedule abides by the Recruitment &amp; Selection Policy</li> </ol>	

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**TERMS AND CONDITIONS**

1. This schedule is in accordance with the Ontario *Human Rights Code*. S. 24 (1) (d) of the *Code* states that the right under section 5 to equal treatment with respect to employment is not infringed where an employer grants or withholds employment or advancement in employment to a person who is the spouse, child or parent of the employer or an employee.
  
2. The hiring process promotes equitable opportunity, and candidates are selected and employment decisions made in accordance with the City's recruitment & retention policies and procedures, access & equity policies, collective agreements, the Code of Conduct for Employees Policy, Code of Conduct for Members of Council Policy, as well as any other applicable City policies.
  
3. No employee shall attempt to use a family or significant social relationship for his or her personal benefit or gain. This includes an employee misusing their authority to influence or make an employment related decision. Employment related decisions where a benefit may be gained or authority may be misused include but are not limited to the following:
  - the approval/denial of compensation increases;
  - hire, transfer, promotion, demotion decisions;
  - performance rating, discipline or termination;
  - the assignment and approval of overtime;
  - the assignment or direction of work assignments;
  - approval of leaves of absences;
  - the negotiation of salary level.
  
4. No employee shall attempt to improperly influence a recruitment or selection decision to benefit a family member or someone with whom they have a significant social relationship
  
5. All job applicants will be requested to disclose the names of any spouse, child or parent who is a current employee or elected official of the City. Job applicants will be asked whether they are aware of any family or significant social relationships currently working as a City employee or elected official by disclosing a "yes" or "no" response.

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	<p>With the exception of a spouse, child, or parent relationship, applicants will not be requested to provide the names of any other family member or significant social relationships, in accordance, with the Ontario <i>Human Rights Code</i>.</p> <ol style="list-style-type: none"> <li>6. A spouse, child or parent of a current City employee or City elected official shall not be considered for employment, or changes in employment, if placement would create a direct or indirect reporting relationship with the above mentioned family members.</li> <li>7. No employee shall be in a direct or indirect reporting relationship; or be placed in a position of influence over an employed family member or significant social relationship.</li> <li>8. Employees who become involved in a spousal relationship, significant social relationship, or who become related over the course of their employment may continue as employees if no direct reporting or indirect reporting relationship exists between such employees. If there is a direct reporting or indirect reporting relationship the City will attempt to find a suitable job to transfer one of the affected employees. If the City is unable to transfer the employee or the employee is unable to find alternative employment, then a decision will be made, in consultation with Human Resources, as to appropriate next steps.</li> <li>9. Family members of City employees and City elected officials will be considered for employment or advancement provided they: <ul style="list-style-type: none"> <li>• have made application in accordance with established procedure;</li> <li>• have been considered in accordance with established procedure;</li> <li>• possess the necessary qualifications; and</li> <li>• are considered to be the most suitable candidate.</li> </ul> </li> </ol>	
<b>RESPONSIBILITIES</b>		
<b>Employee</b>	<ul style="list-style-type: none"> <li>○ Immediately notify supervisor in writing of any conflict of interest. This includes the existence or formation of a direct or indirect reporting relationship with a family member or person for whom</li> </ul>	

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<b>Supervisor</b>	<p>there is a significant social relationship.</p> <ul style="list-style-type: none"> <li>○ Inform General Manager or Human Resources directly, if the employee has knowledge of a reporting relationship where an undisclosed conflict of interest exists.</li> <li>○ Do not knowingly place employees in positions where their duties could create a conflict of interest with a family member or significant social relationship.</li> <li>○ Where conflict of interests exist, notify the department's General Manager, who, in consultation with Human Resources, shall determine whether the employee has breached or may potentially become in breach of this Policy.</li> </ul>	
<b>Director</b>	<ul style="list-style-type: none"> <li>○ If a real or apparent conflict exists, and it is duly reported, such that the employee is or may be or may become in breach of this schedule and the Code of Conduct, instruct the employee, in writing, to withdraw from participation in any dealings or decision-making processes relative to the issue at hand. If the employee has knowingly or willfully breached the Policy, determine the appropriate disciplinary measure in consultation with Human Resources.</li> <li>○ Where a direct or indirect reporting relationship exists between family members or a significant social relationship, in consultation with Human Resources and the manager or supervisor, make reasonable efforts to transfer one of the employees to a different division or department.</li> </ul>	
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>○ Provide consultation, as requested, from employees on this Policy and specific situations involving a conflict of interest.</li> </ul>	
<b>COMPLIANCE</b>	<p>Every employee is expected to be aware of and act in compliance with the Code of Conduct for Employees Policy and the related Schedules. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is a serious</p>	

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	<p>wrongdoing, as defined in the Whistleblower By-law, that By-law applies. Violations of this Schedule may result in appropriate disciplinary measures, up to and including dismissal.</p>	
<b>HISTORY</b>	<p>This replaces the former Employment of Relatives Policy dated 2005-09-14.</p> <p>The policy was approved by the Senior Management Team on 2011-12-15.</p> <p>This policy was reviewed and updated by Human Resources on 2015-06-01 to be consistent with recommendations of Employment System Review</p> <p>The Corporate Policy Review Group was consulted in revisions made to this Policy.</p> <p>This policy was added as a schedule under the Code of Conduct for Employees Policy and approved by Council on 2016-06-22</p>	