

EMPLOYMENT OF RELATIVES IN FULL-TIME AND REGULAR PART-TIME EMPLOYEE POSITIONS

Policy Number (if applicable): 03

Approved by: President's Executive Committee

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Position Responsible for Developing and Maintaining the Policy: Assistant Vice-President, Human Resources Services

Contact Department: Human Resources Services

1. INTENT

The intent of this policy is to avoid creating or continuing an employment situation where there is the potential for favouritism and/or conflict of interest.

2. POLICY

The University will not knowingly employ relatives in a direct supervisory relationship in which one relative has direct influence over a relative's employment through decisions, recommendations or judgments related to such matters as appointment, assessment of performance, salary, career growth and discipline. Where such an employment situation already exists, this employment relationship will be addressed as per Section 6 of this policy. This policy is to be interpreted in accordance with the Human Rights Code of Ontario.

3. APPLICATION

This policy and procedure applies to both salaried staff and members of a bargaining unit. However, there may be occasions when other members of the University community, such as faculty, who do not fall within the jurisdiction of this policy are affected by its application. For example, a dean may be denied permission to appoint a relative as his/her assistant on the staff.

This policy applies to prospective employees as well as to current employees. In the event of a conflict between this Policy and a collective agreement, the collective agreement applies.

4. RESPONSIBILITIES

As the intent of this policy and procedure is to protect both the University and individual employees:

- i) each employee has a responsibility to keep his/her supervisor informed of changes relevant to this policy, such as becoming a relative of another employee through marriage;
- ii) each supervisor has a responsibility to observe and carry out this policy in a fair and consistent manner.

5. DEFINITIONS

For the purposes of this policy "relatives" are defined as:

- spouses, including common law spouses and same sex partners¹
- children, ie. sons and daughters including stepsons and stepdaughters
- parents
- siblings, ie. brothers, sisters including stepbrothers and stepsisters
- grandparents
- in-laws²

¹The definition of common law spouse and same sex partners is as defined in the current Ontario Human Rights Code.

²In-laws is defined as being the employee's sibling's spouses, the employee's children's spouses and the employee's spouses' : I) siblings (including the sibling's spouse), and II) parents.

A "direct supervisory relationship" is an employment relationship where one relative has direct influence over a relative's employment through decisions, recommendations or judgments related to such matters as appointment, assessment of performance, salary, career growth and discipline. Accordingly, a "direct supervisory relationship" may exist despite direct intervening levels of supervision between the relatives where the intervening supervision does not have the kind of direct influence previously described.

6. REVIEW PROCEDURE FOR THOSE ALREADY EMPLOYED

When two employees are in a direct supervisory relationship which has been identified to the Superior of the supervisor employee ("Superior") as inconsistent with this policy the following review procedure shall apply.

A) The Superior and the Supervisor employee ("Supervisor") will review the situation, in consultation with a representative of Human Resources, to determine whether the policy is being contravened and, if so, to what extent.

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B) If the policy is being contravened, the Superior, the Supervisor and Human Resources officer will meet with the parties concerned so that they can discuss and agree upon an arrangement which addresses the situation (i.e. written agreement, signed and dated by parties whose job is affected and union, if applicable). A copy of this policy will be provided to the parties concerned at or prior to the meeting.

C) The Superior and Supervisor have to consider whether other arrangements could reasonably be made, for example:

- i) a change in organizational structure; or
- ii) transfer to another comparable position with no decrease in salary:

If the employee(s) is not in a bargaining unit: then the Relative Employee and any employee concerned must agree to any arrangement which substantially changes a fundamental term of his/her employment contract; such agreement should be in writing (signed and dated) and only occur after a reasonable period of reflection; consideration (eg. extra compensation) should be provided if appropriate (eg. the employee is sufficiently given extra responsibilities) and a period of reasonable notice should occur before the changes are implemented.

If any of the affected employees are within a bargaining unit, union agreement must be obtained before the transfer can take place to the degree that the collective agreement would otherwise be violated; or

- iii) distancing the influence of the Supervisor by ensuring that the authority for salary increases and any major decisions affecting the employment of the relative shall reside with the Superior of the Supervisor who would normally have this authority. The requirements in C)ii) (above) would also apply to the Superior and the Supervisor. If appropriate, arrangement will be made for the transfer of funds; or
- iv) termination where no other arrangement is reasonably possible.