

POLICY

	Policy:	Employment		
	Department:	Corporate Services		
	Division:	Human Resources	By-Law No.:	2024-083
	Administered by:	Manager of Human Resources	Approval Date:	Dec. 16, 2024
	Replaces:	Employment – November 2, 2015 Anti-Nepotism – December 13, 2004 Clothing Allowance – October 23, 2006 Duties – October 23, 2006 Hours of Work – October 23, 2006 Identification Badges for Employees – January 26, 2009 Probation – October 23, 2006 Professional Dress Policy for Non-Uniformed Employees – October 5, 2015 Student Hiring – June 27, 2011 Employment – December 11, 2023		
	Attachment(s):			

1. POLICY STATEMENT

The Corporation of the Town of Amherstburg is committed to a policy of equal treatment in employment. The Town is dedicated to fostering a diverse and inclusive workplace and a safe, positive and collaborative environment for all employees.

2. PURPOSE

This policy is in accordance with all collective agreements between The Corporation of the Town of Amherstburg and its unions/associations; applicable legislative requirements including regulations under the Applicable Acts referenced in Section 8 of this policy and Town of Amherstburg By-Laws, policies and procedures.

- 2.1.1. This policy ensures a consistent application of the selection and hiring process throughout the organization. It assures that the most capable and qualified individuals are hired, promoted, transferred, or appointed in a manner that is transparent, fair, and equitable.
- 2.1.2. This policy ensures that employees are provided required uniforms and safety equipment to perform their job safely and effectively.
- 2.1.3. This policy defines the duties, responsibilities, powers, and authorities of employees.

3. SCOPE

- 3.1. This policy applies to all Town employees, students, volunteers and internships, except where specifically excluded and in accordance with a legitimate and documented exemption.
- 3.2. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

4. **DEFINITIONS**

- 4.1. **Job Posting** refers to the posting of an employment opportunities as advertised in a variety of mediums as relevant to the opportunity and may include newspaper, Town website and/or by notification through a professional or trade association or organization.
- 4.2. **Emergency** refers to a sudden, unexpected occasion, event and/or combination of forces which demands immediate action or attention due to a real and imminent threat of danger to life or public property.
- 4.3. **Immediate Relative** for the purpose of this policy is defined as any mother, father, stepmother, stepfather, foster mother, foster father, child, step child, adopted child, spouse or life partner.
- 4.4. **Internship** refers to the circumstances whereby an individual is placed in a non-paid position with the purpose of supplying a service to the Town for purposes of satisfying a requirement or condition associated with the completion of a training program or educational program.
- 4.5. **Job Evaluation** refers to a process used to objectively and fairly determine the relative value of jobs within an organization. The job evaluation process is a systematic review and analysis of job activities, relationships, and requirements using an established evaluation tool.
- 4.6. **Reimbursement** refers to an amount of compensation provided to an employee in exchange for receipts for cost incurred related to business-related clothing, uniforms, or equipment.
- 4.7. **Student** refers to any individual attending secondary school, college or university on a full-time basis and who has indicated their intention to return to school, or an individual who is engaged by the Town under a co-operative student employment program with a secondary school, university, college or government agency.
- 4.8. **Termination of Employment** refers to the ending of one's tenure as an employee with the Town, whether it is taken voluntarily or involuntarily.
- 4.9. **Volunteer** refers to an individual who chooses to undertake a service or activity, without coercion and is not compelled to participate for purposes such as satisfying a requirement or condition in order to receive a type of benefit. A Volunteer does not receive a salary or wage for the service or activity and performs this activity in assistance to the Corporation of their own volition.

Other common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

5. **INTERPRETATIONS**

Any reference to this Policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a By-law or Town policy shall be deemed to be a reference to the most recent passed policy or By-law and any replacements thereto

6. GENERAL CONDITIONS

6.1. Administration of Employment Related Matters

6.1.1. Under the direction of the CAO, all employment related matters will be approved, initiated (where appropriate), coordinated, and administered by the Human Resources Division. All employment offers, except those appointing a CAO and statutory officers, are to be made solely by either the Manager of Human Resources or designate. Authorized designates include the CAO or Deputy CAO or other senior position as designated by the CAO.

6.2. Employment Opportunities

6.2.1. Employment opportunities will be determined, processed and assessed according to established internal processes, in accordance with applicable policy and legislation and upholding the stated intentions of the Town's commitment to the integrity of the process and the desired work environment.

6.2.2. Posted opportunities will be in accordance with the Job Evaluation process, unless there is a legitimate and exceptional reason as identified by Human Resources.

6.2.3. The Town is committed to provide employees with employment opportunities through internal job postings and in accordance with established collective agreements and applicable policy.

6.2.4. Employment opportunities that are not governed by the collective agreement will follow a consistent recruitment and selection process which ensures fair, consistent and transparent hiring practices and which also consider factors specific to the available opportunity, needs of the position and the internal talent pool. It is recognized that the process will typically include a posting and interview process, however where departures occur, the rationale (i.e. corporate need, position needs, internal talent pool, succession activities) will be documented within the recruitment file.

6.3. Receiving Resumes as Job Applications

6.3.1. Applicants must follow the application instructions as outlined in the job posting.

6.4. Recruitment

6.4.1. A recruitment process will be established and maintained by the Human Resources Division considering all applicable laws and regulations and in accordance with established collective agreements.

6.4.2. The recruitment, selection and onboarding process will reflect the established processes and activities including the appropriate controls, best practices and measures to produce defensible and equitable decisions made at each stage of the process.

- 6.4.3. Human Resources, in collaboration with departments/divisions, shall facilitate the Town's recruitment strategies, interviewing and hiring processes for all available positions, including students and volunteers.
- 6.4.4. The Town will ensure that its recruitment process and workplace practices adhere to the Accessibility for Ontarians with Disabilities Act (AODA) and any other applicable legislation, aiming to ensure equal standards in recruitment practices, and workplace accommodations.

6.5. **Family Relationships (Nepotism)**

- 6.5.1. Family Relationships with immediate relatives will neither be a barrier nor advantage to obtaining employment with the Town.
- 6.5.2. The Town shall ensure hiring practices including new hires, transfers, promotions and appointments that involve family relationships are in compliance with the Ontario Human Rights Code and are made in consideration of adequate protection to the Town's reputation and operational interests.
- 6.5.3. Upon hire, new employees are required to disclose any family relationships on the Family Relationship Declaration Form. It is the expectation that the onus is placed on the applicant, and the respective hiring department to identify family relationships at the time of hiring.
- 6.5.4. It is the goal of the Town to protect itself and its employees from both real and perceived conflicts of interests which may occur when family members work together. Where immediate relatives of current employees or members of Council are recommended for hire, transfer, promotion, or appointment, the recommendation shall be reviewed by the CAO to ensure that all potential conflicts and any bona fide occupational requirements with the potential to be affected are considered.
 - 6.5.4.1. In the instance where a conflict may exist in relation to the CAO, a third party would be consulted to evaluate and provide recommendation.
- 6.5.5. Employees are required to notify Human Resources of any existing relationships meeting the definition as outlined in the Family Relationship Declaration Form and have a continuing obligation to inform Human Resources of the development of any other relationships which develop after the initial disclosure.
- 6.5.6. The Town reserves the right to consider the presence of relationships that fall outside of the definition of "immediate family" as it relates to team or position assignments (or any other reasonable factor) for consideration of potential real or perceived conflicts.

6.6. **Probationary Period**

- 6.6.1. Permanent Status Non-Union employees shall serve a probationary period of six (6) months, at which time the Employee's performance will be evaluated. On or before the expiry of the probationary period, the Employer may at its sole

discretion, terminate employment without just cause. Probation period may be waived for executive level recruitment with the prior approval of Council.

- 6.6.2. Employees moving into new positions will serve a probationary period for any new appointments, with exceptions being documented with supporting rationale.
- 6.6.3. Non-Permanent Status Employees will serve a probationary period proportional to the term of their employment and for a period of no-less than 3 months.
- 6.6.4. Upon successful completion of the probationary period a letter will be provided to the employee and placed in the employee's personnel file.
- 6.6.5. Probationary periods may be extended where there is sufficient and reasonable grounds or explanation to do so. Decision to extend probationary periods will be documented and shared with the employee.
- 6.6.6. Probationary Periods for Unionized Employees shall be in accordance with the current Collective Agreement and shall include notification to the Union upon successful completion.
 - 6.6.6.1. Probationary Periods may be extended upon mutual written agreement of the Employer and the Union.

6.7. **Personnel Files**

- 6.7.1. With reasonable advance notice, employees may review their own personnel file within the security of Town's offices while in the presence of a Human Resources representative.
- 6.7.2. Each employee shall notify Human Resources at their earliest opportunity and no later than three (3) business days of any changes to personnel data, including but not limited to:
 - 6.7.2.1. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports.

6.8. **Administration of Employment Related Matters**

- 6.8.1. All job offers to internal and external candidates, except those appointing a CAO and statutory officers, are to be made solely by either the Manager, Human Resources or designate. Authorized designates include the CAO or Deputy CAO or other senior position as designated by the CAO.

6.9. **Professional Dress Code for Employees**

- 6.9.1. The Town of Amherstburg is committed to maintaining a consistent, and professional image among its employees through their workplace attire. Non-uniformed employees are expected to adhere to the Town's guidelines for acceptable workplace dress.

- 6.9.2. Uniformed employees shall refer to the provisions outlined in the collective agreement and/or departmental clothing guidelines to ensure compliance with specific workplace attire standards.

6.10. Clothing Allowances and Supplied Uniforms

- 6.10.1. The Town of Amherstburg acknowledges position specific clothing requirements to ensure safe and effective completion of job duties. Upon identification through a position specific needs assessment, clothing requirements and allowances shall be defined procedurally and through collective agreements.

6.11. Identification Badges and Employee Access Cards

- 6.11.1. Identification badges shall be provided to all employees. Employees shall ensure the badge is worn and visible when conducting municipal business.
- 6.11.2. Employee Access Cards are issued to employees based on position requirements.
- 6.11.3. Employees are not permitted to share identification badges or access cards.
- 6.11.4. Identification badges and access cards are property of the Town and shall be returned to the employer upon request and/or upon termination of employment.

6.12. Conflict of Interest

- 6.12.1. A conflict of interest may occur when an employee's personal interests interfere with their duties and responsibilities as a Town employee.
- 6.12.2. A conflict of interest may include the following:
 - 6.12.2.1. Secondary employment;
 - 6.12.2.2. Use of one's position for an advantage or perceived advantage derived from employment with the Town which is not available to the public at large;
 - 6.12.2.3. Use of one's position for the benefit and/or financial interest of their family as defined in the Municipal Conflict of Interest Act, 1990 as a parent, spouse, or child.
- 6.12.3. The following are responsibilities of all employees while performing their duties and avoiding potential conflicts of interest:
 - 6.12.3.1. Employees shall not engage in any supplemental employment or business undertaking that would interfere with the performance of their duties with the Town and/or where they may have an advantage derived from their employment with the Town.
 - 6.12.3.2. Employees shall not solicit or perform any supplemental employment during working hours, or utilize any municipal equipment, telephones or facilities during working hours, for the purpose of soliciting or performing supplemental employment.

- 6.12.3.3. An employee shall not engage in an act or relationship that compromises the employee's position of responsibility and trust with the Town.
- 6.12.3.4. Employees shall not solicit or accept a gift, present, favour, the acceptance of which shall place the employee under obligation to the donor.
- 6.12.3.5. Employees shall not participate in any decision or make or promote any recommendation to Management or to Council on any matter in which they or their has any financial interest except as a resident of the Town.
- 6.12.3.6. It is the responsibility of the employee to report any conflict of interest to their immediate supervisor. Employees who knowingly fail to report, or engage in a conflict of interest, as outlined in this policy, shall be subject to disciplinary action.
- 6.12.3.7. Determination of whether a conflict of interest exists is at the discretion of the CAO in consultation with the appropriate resources.

6.13. **Termination of Employment**

- 6.13.1. All terminations will be conducted in a legally compliant manner and with the consideration for the respect and dignity of the individual.
- 6.13.2. Employees shall provide notice of voluntary resignation, at the earliest opportunity possible and no less than defined in their employment agreement or the collective agreement.
- 6.13.3. The Town requires the return of all Corporate property including any and all records pertaining to the affairs of the Corporation of the Town of Amherstburg.
- 6.13.4. The Employee shall return all Corporate property in good condition and wherever possible in advance of their last day, or within one (1) week of a request by the Employer, or within one (1) week of the termination or resignation.
- 6.13.5. In all cases, employees shall have a continuing obligation per the Employee Confidentiality Agreement, signed at the onset of employment, to keep information acquired while an employee of the Town confidential.

6.14. **Duties**

- 6.14.1. Job Descriptions will be created and maintained for all positions within the organization.
- 6.14.2. Job Descriptions will be reviewed prior to any job posting, when subject to a compensation review process or upon the request of the employee and subsequent endorsement of their direct supervisor, or as outlined in the current collective agreement.
 - 6.14.2.1. Job Duties will include those as:

- a. Set out by the Municipal Act, any other statute, regulation or binding governmental directive effecting the administration of the Town (as referenced in Section 8)
- b. Contained in any by-law, resolution, special direction or job description adopted by the Town and not varied or superseded by any of (a);
- c. Responsibilities that encompass tasks essential for aiding municipal emergency response efforts. An emergency is characterized as a sudden, unforeseen occurrence, event, and/or convergence of forces necessitating immediate action or urgent attention, given a genuine and imminent threat to life or public property.
- d. Where not provided or limited by (a) or (b), those customary to the occupants of similar offices within Town of similar size in Ontario.

6.15. Hours of Work

- 6.15.1. Hours of work are determined by the terms outlined in respective employment agreements or as specified within the provisions of the collective agreement

6.16. Records and Information

- 6.16.1. All documentation related to matters under this policy either received or created during the course of the employment relationship shall be retained in accordance with the Records Retention Program Policy and the Retention Schedule outlined therein and may be accessed and reviewed in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

7. RESPONSIBILITIES

- 7.1. Council has the responsibility and authority to:

- 7.1.1. Adopt the Employment Policy.
- 7.1.2. Provide the necessary financial and human resources to carry out the intent of the policy.

- 7.2. The CAO has the responsibility and authority to:

- 7.2.1. Support the policy including providing final authority on issues that may arise in respect of this policy as well as providing guidance and direction on issues that may arise where Senior Management Team (SMT), Human Resources and applicable department(s)/division(s) were unable to achieve resolution.
- 7.2.2. Recommend to Town Council adequate budgetary resources to meet the obligations under this policy.
- 7.2.3. Ensure responsible and legally compliant processes are in place to carry out the obligations as set out in this Policy including providing direction to ensure fiscal and legal responsibilities are met within the parameters of the hiring program.
- 7.2.4. Ensure the Corporation has a current Employment Policy and related procedures.
- 7.2.5. Make recommendations to Town Council regarding the appointment of statutory officers of the Town.
- 7.2.6. Approve hiring, transfer, promotion, or appointment recommendations, addressing conflicts and occupational requirements related to nepotism, especially when involving immediate relatives of current employees or members of the Council.

- 7.3. **Directors, Supervisors, and Managers** have the responsibility and authority to:
- 7.3.1. Make requests for hire, transfer, promotion, or appointments.
 - 7.3.2. Consult with Human Resources regarding staffing needs.
 - 7.3.3. Demonstrate the existence of Council approved funds to hire.
 - 7.3.4. In consultation with Human Resources, support the completion of current and accurate Job Descriptions.
 - 7.3.5. Initiate the recruitment process.
 - 7.3.6. Support and enforce the Policy including the completion of all supporting documentation.
 - 7.3.7. Ensure all employees successfully complete position specific training.
 - 7.3.8. Assume responsibility for Volunteers assigned to their respective work area.
- 7.4. **Manager of Human Resources** has the responsibility and authority to:
- 7.4.1. Administer and recommend changes to the Employment Policy and related procedures and ensure both are made available to employees.
 - 7.4.2. Develop, review, audit, administer, and manage all employment related matters, policies and procedures.
 - 7.4.3. Direct development, review, audit, administration, and management of all employment related matters, policies and procedures, including recommendations in general or to Council where applicable.
 - 7.4.4. Provide support for and contribute to planning for the annual budget request and allocations for resources to implement this policy including making recommendations, as appropriate for adequate budgetary resources to meet the obligations under this policy.
 - 7.4.5. Support appropriate training requirements to effectively carry out this policy.
 - 7.4.6. Endeavour to apply the policy and applicable procedures consistently across the Corporation.
- 7.5. **Employees** have the responsibility and authority to:
- 7.5.1. Review and demonstrate understanding of the Employment Policy and abide by all Human Resource policies and procedures as a condition of continued employment, placement or volunteer assignment.
 - 7.5.2. To inform the Human Resources department within three (3) days of updates that impact their personal files.
 - 7.5.3. To inform their direct managers of any conflicts of interest or family relationship that may impact their role at the Town.

8. LEGISLATIVE REFERENCES

- 8.1. Municipal Act 2001
- 8.2. Ontario Human Rights Code, 1990
- 8.3. Municipal Freedom of Information and Protection of Privacy Act, 1990
- 8.4. Municipal Conflict of Interest Act, 1990
- 8.5. Employment Standards Act, 2000
- 8.6. Ontarians with Disabilities Act, 2001
- 8.7. Accessibility for Ontarians With Disabilities Act, 2005
- 8.8. Building Code Act, 1992
- 8.9. Planning Act, 1990
- 8.10. Fire Departments Act, 1990
- 8.11. Fire Marshals Act, 1990
- 8.12. Fire Protection and Prevention Act, 1997
- 8.13. Safe Drinking Water Act, 2002
- 8.14. Ontario Water Resources Act, 1990