



Regional Municipality of Durham

Durham Region Policy and Procedures Manual

Title: Anti-Nepotism and Interpersonal Relationships Policy		
Approved by: Chief Administrative Officer (CAO) and Commissioner of Corporate Services		Page number: 1 (of 6)
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Responsibility: Corporate Services – Human Resources, Talent Acquisition and Organization Development, and Labour Relations		
Section: Hiring, Transfers and Promotions		

1. Policy statement

All matters relating to fundamental terms and conditions of employment, including recruitment, transfers, promotions, performance management, compensation, and discipline shall be undertaken in a fair, equitable, objective, and impartial manner that is free from influence or nepotism. This also applies throughout the policy to include matters relating to student placements (both paid and unpaid), volunteer opportunities and contractors which shall also be undertaken in a fair, equitable, objective and impartial manner that is free from influence or nepotism.

Employees shall not be directly or indirectly involved in the recruitment, transfer, promotion, performance management, compensation or discipline, or be in a direct reporting or supervisory relationship, or use indirect positional power to influence employment decisions with someone who they are related to and/or in an interpersonal relationship with.

Employees who are related to and/or in an interpersonal relationship with another employee of the Region of Durham (the “Region”) or employment candidate, must disclose their relationship as outlined in this policy where a real, potential, or perceived conflict of interest may exist as outlined.

2. Purpose

The purpose of this policy is to ensure that fundamental terms and conditions of employment-related decisions concerning existing or potential Regional employees, including interns, students on placements, volunteers, consultants and contractors providing services on behalf of the Region, are free from any real, potential, or perceived conflict of interest based on familial, personal, or interpersonal relationships, and to maintain public confidence in the integrity of the Region’s employment practices.

The following statements outline the intention of this policy. It is intended to:

- Prevent any actual, potential, or perceived conflict of interest between Regional employees or employment candidates that may arise during employment, placement, or other selection processes including recruitment, transfers, promotions, performance management, compensation, discipline, and other matters relating to fundamental terms and conditions of employment, student placements, volunteer opportunities or contractors.
- Prevent acts of discrimination, favouritism, and/or biases.

- Ensure an equitable, fair, and transparent recruitment process and work environment.
- Ensure transparency and accountability to the community.

3. Definitions

The following 12 definitions should be used when reading this policy:

Child

Means a biological child, step-child, foster child, adopted child, child under legal guardianship, or the child of a person who treats them as their own.

Conflict of interest

Where an employee uses or attempts to use their position within the Region to gain personal advantage or benefit for a related individual or someone they are in an interpersonal relationship with by influencing or interfering with employment processes including recruitment, transfers, promotions, performance management, compensation, discipline and other matters relating to the fundamental terms and conditions of employment, student placements, volunteer opportunities or contractors.

Direct reporting or supervisory relationship

A relationship in which an employee has direct positional power to influence employment decisions, recommendations, or judgements with respect to an employee including, but not limited to, the following matters:

- Approve or deny salary increments, compensatory/overtime or negotiate salary level.
- Manage performance and conduct Employee Feedback and Development Plans.
- Issue discipline or non-disciplinary counsel or direction or influence the decision on such matters.
- Assignment or direction of work inclusive of work schedules.
- Hiring decisions including transfers and/or promotions.
- Approval of opportunities (e.g. training or courses) which may be beneficial for promotion.
- Selection decisions including student placements, volunteer opportunities or contractors.

Note: There may be extenuating circumstances (e.g. an emergency situation or an unplanned absence) where an employee is required to temporarily supervise another employee who they are related to or in an interpersonal relationship with; such temporary circumstances should also be disclosed. Such supervisory duties shall be limited to functional direction only during the shift(s) and the supervisor shall remove themselves from any other decisions that will impact the employee's fundamental terms of employment.

Employee

For this policy, an employee includes all regular full-time, regular part-time, temporary, probationary, students, casual/on-call employees and also includes interns, students on placements, volunteers, consultants and contractors providing services on behalf of the Region of Durham.

Employment candidate

For this policy, an employment candidate includes external persons seeking a job, student placement opportunity, volunteer opportunity, or contract position with the Region who has applied or intends to apply for a position/placement/opportunity/contract, including when they are participating in a competition/selection process.

Indirect positional power

The ability to influence employment decisions, recommendations, or judgements (as defined under direct reporting or supervisory relationship) with respect to an employee by virtue of role and/or status within the organization but not as a result of being in a direct reporting or supervisory relationship.

Influence

The ability or power to have an effect on the actions, behaviour and/or opinion of others creating an advantage or preferred outcome for a specific individual.

Interpersonal relationship

A current or former consensual intimate relationship (i.e. romantic or sexual) in the workplace that could impact the objectivity of the decision-making responsibility or create an actual, potential, or perceived conflict of interest (either favourable or unfavourable).

Nepotism

The act of using influence and preferential consideration to provide an unfair advantage based on familial, personal, or interpersonal relationships.

Parent

Includes a birth parent, biological parent, adoptive parent (whether or not the adoption has been legally finalized), legal guardianship, or a person who is in a relationship of some permanence with a parent of the child and who plans on treating the child as their own. This includes those that share collective responsibilities or customary care of a child.

Related individuals (i.e. familial or personal relationships)

An association/connection between individuals including a current or former relationship that may impact the objectivity of the decision-making responsibility or create an actual, potential or perceived conflict of interest (either favourable or unfavourable). May include a child, parent, spouse, other family members (either by blood, adoptive, or through marriage), or individuals who live with the employee on a regular basis. May also include personal, romantic or sexual relationships with an individual who does not live in the same household but would create the appearance of bias. Further examples of familial or personal relationships include, but are not limited to, the following:

- Sibling, grandparent, grandchild, aunt, uncle, niece, nephew, cousin
- In-law or step relations
- Godparent/godchild, guide parent/child
- Business relationships inside or outside of the Region

- Personal friends and friends akin to family
- Relationships with neighbours or other members in the community (e.g. significant social relationships)

Notes: Refer to expanded definitions of child, parent and spouse for further clarity.

Further, there may be other relationships not identified that could be perceived as a conflict of interest. Employees should disclose other such relationships as per section 4.06 below.

Spouse

Means either of two persons who are married to each other or live together in a conjugal relationship outside marriage and/or consider themselves as each other's spouse/partner.

4. Procedures

- 4.01 Related individuals or individuals involved in an interpersonal relationship shall not be given preferential treatment in recruitment or employment related matters and such relationships shall not influence the recruitment process or decisions surrounding the fundamental terms of employment of the employee or employment candidate in question.
- 4.02 Subject to the restrictions outlined in this policy, related individuals and individuals involved in interpersonal relationships may be considered for employment or job advancement/transfer opportunities provided they have applied and been considered pursuant to the terms and conditions outlined in the [Talent Acquisition Policy](#).
- 4.03 The [Anti-Nepotism and Interpersonal Relationships Policy Disclosure Form](#) must be completed and emailed to Corporate Services – Human Resources at NepotismDisclosure@durham.ca for relationships that must be disclosed pursuant to this policy. A representative from Corporate Services – Human Resources Talent Acquisition and Organization Development or Labour Relations will contact the disclosing individual to discuss and address the current circumstance.
- 4.04 Related individuals or individuals involved in interpersonal relationships that may result in a real, potential, or perceived conflict of interest arising out of a recruitment process (e.g. a new hire or transfer results in a direct reporting relationship) must disclose their relationship to Corporate Services – Human Resources as outlined in section 4.03. Where necessary and operationally feasible, alternative arrangements shall attempt to be made to avoid situations where there is a direct reporting relationship or where there is indirect positional power. Each case should be reviewed on its own merit.

Note: It is required by all parties to positively disclose the relationship when the person has been successful to a position.

- 4.05 Related individuals or individuals involved in interpersonal relationships shall not be hired or permitted to transfer into work areas if the hiring/transfer will result in a real, potential, or perceived conflict of interest, such as a direct reporting relationship, and it has been determined that conflict cannot be resolved by an alternative reporting structure, or the alternative reporting structure is not operationally feasible.

- 4.06 While the policy is intended to apply to related individuals and interpersonal relationships as defined, employees should be cognizant that other relationships may give rise to a real, potential, or perceived conflict. If there is uncertainty as to whether a relationship is in violation of this policy, employees are expected to disclose any such relationships to determine if a conflict or potential conflict exists as outlined in section 4.03.
- 4.07 Where employees become related to one another or if they develop an interpersonal relationship during the course of their employment, they are required to disclose their relationship where there is a supervisory relationship, where one employee has indirect positional power over the other, or where there may be a real, potential, or perceived conflict of interest as outlined in section 4.03. Each case will be addressed individually, and steps taken in collaboration with one or both employees to consider alternatives with respect to reporting relationships, work related decisions, work locations, work assignments, and work teams etc.

5. Roles and responsibilities

- 5.01 Hiring managers, recruiters and members of the hiring committee are required to disclose if they are related to or involved in an interpersonal relationship with any employment candidates during the recruitment process as soon as they become aware of the potential conflict to ensure there is no real, actual, or perceived conflict of interest. Refer to the Talent Acquisition Policy for further information.
- 5.02 Employees/candidates must inform Corporate Services - Human Resources Talent Acquisition and Organization Development, as outlined in section 4.03, if placement in a position that they have been successful to would put them in a supervisory relationship with a related individual or someone they are involved in an interpersonal relationship with. Where this situation arises, reassignment options and alternatives will be discussed with Human Resources and an appropriate member of the departmental management team. For clarity, disclosure is not required until after an individual has been successful to a position.
- 5.03 Management, including those with indirect positional power, is expected to decline from participating in any decisions that will impact the fundamental terms of employment of a related individual or someone they are involved in an interpersonal relationship with and disclose the relationship as outlined in section 4.03. Such decisions will be deferred to another management employee who does not have direct or indirect positional power and is not related to the individual, nor involved in an interpersonal relationship with them.
- 5.04 Employees must disclose the required relationships under this policy to Corporate Services - Human Resources, as previously outlined, and efforts to maintain confidentiality will be made, where possible, with respect to the details of the employee's relationship. However, it is understood that the existence of the relationship may need to be made known to determine reasonable alternatives.
- 5.05 The Corporate Services - Human Resources Talent Acquisition and Organization Development team will review and monitor the Region's employment practices ensuring consistency and compliance with this policy.

6. Contravention

- 6.01 Failure on the part of any employee to comply with this policy, including without limitation, concealing a relationship that requires disclosure, attempting to influence the outcome of a job competition or alter and/or influence fundamental terms of employment, placements, or other opportunities, must be reported, and will be investigated, which may result in discipline up to and including termination of employment/placement/opportunity/contract.
- 6.02 Violations of this policy should be reported to the Director of Human Resources or designate by submitting the [Anti-Nepotism and Interpersonal Relationships Policy Complaint Form](#) for review via email to NepotismComplaint@durham.ca. Individuals reporting violations of this policy will be protected from reprisal or threats of reprisal; however, false reporting is a violation of the policy and is subject to disciplinary action.
- 6.03 The Region will monitor the implementation of this policy through the collection and analysis of data on the types of complaints and disclosures of conflict, which would identify additional education that may be needed as well as any systemic issues that ought to be addressed.

7. Application

This policy applies to all Region of Durham employees, students, volunteers, and contractors providing services on behalf of the Region of Durham.

8. Related information

- Durham Region Policy and Procedures Manual including the following nine policies and programs:
 - Code of Ethics Policy
 - Employee Code of Conduct
 - Harassment, Discrimination and Racism Policy and Program
 - Student Employment Policy
 - Talent Acquisition Policy
 - Terms and Conditions of Employment Policy
 - Workplace Violence Prevention Policy and Program
- Anti-Nepotism and Interpersonal Relationships Policy Complaint Form
- Anti-Nepotism and Interpersonal Relationships Policy Disclosure Form
- [Anti-Nepotism and Interpersonal Relationships Policy Questions and Answers](#)
- *Ontario Employment Standards Act, 2000*
- *Ontario Human Rights Code*
- Talent Acquisition Hiring Manager Guide

9. Inquiries

For further information regarding this policy, contact your manager, Human Resources Talent Acquisition representative or departmental [Labour Relations Advisor](#).