

**Report to  
Rapport au:**

**Finance and Economic Development Committee  
Comité des finances et du développement économique  
7 July 2020 / 7 juillet 2020**

**and Council  
et au Conseil  
15 July 2020 / 15 juillet 2020**

**Submitted on June 25, 2020  
Soumis le 25 juin 2020**

**Submitted by  
Soumis par:  
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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2020-OCC-GEN-0022**

**SUBJECT: Review of Recruitment and Hiring Processes for Councillors'  
Assistants**

**OBJET: Examen du processus d'embauche et de recrutement des conseillers  
adjoints**

## **REPORT RECOMMENDATIONS**

**That the Finance and Economic Development Committee recommend that City  
Council approve:**

1. **The following improvements to the hiring and recruitment and related processes for Councillors' Assistants, as described in this report and specifically as follows:**
  - a. **That staff develop a recruitment toolkit for Members of Council, including best practices, statutory and administrative responsibilities, job description templates and standardized interview questions, as described in this report;**
  - b. **That staff develop mandatory hiring and recruitment training for incoming Members-elect as part of Council orientation, as described in this report;**
  - c. **That staff implement mandatory individualized orientation sessions for Councillors' Assistants, as described in this report;**
  - d. **That staff amend the employment contract for Councillors' Assistants, as described in this report;**
  - e. **That staff implement voluntary exit interviews for Councillors' Assistants who voluntarily leave their position, to better inform the recruitment and hiring process, as described in this report;**
  - f. **That staff establish a mandatory gender equity, diversity and harassment training session for all Members of Council and their staff, as described in this report;**
  - g. **That staff provide ongoing training to Councillors' Assistants throughout a Term of Council, as described in this report; and**
  - h. **That, as part of the 2018-2022 Mid-term Governance Review, staff be directed to bring forward for Council consideration a revised Councillor's Office Manual that reflects current policies and procedures, as described in this report; and**
2. **That the City Clerk be directed to incorporate a review of Members' office-related matters, including employment matters, as part of each governance review, as described in this report.**

## **RECOMMANDATIONS DU RAPPORT**

**Que le Comité des finances et du développement économique recommande au Conseil d'approuver ce qui suit :**

- 1. Les améliorations au processus d'embauche et de recrutement des adjoints des conseillers et aux autres processus connexes décrites dans le présent rapport, particulièrement ce qui suit :**
  - a. Que le personnel crée une trousse de recrutement pour les membres du Conseil qui comprendrait entre autres les pratiques exemplaires, les responsabilités administratives et les responsabilités prévues par la loi, des modèles de description de poste et des questions d'entrevue normalisées, comme il est décrit dans le présent rapport;**
  - b. Que le personnel élabore une formation obligatoire sur l'embauche et le recrutement qui sera offerte aux nouveaux membres du Conseil lors des séances d'orientation, comme il est décrit dans le présent rapport;**
  - c. Que le personnel offre des séances d'orientation obligatoires personnalisées pour les adjoints des conseillers, comme il est décrit dans le présent rapport;**
  - d. Que le personnel modifie le contrat de travail des adjoints des conseillers, comme il est décrit dans le présent rapport;**
  - e. Que le personnel instaure un processus facultatif d'entrevue de fin d'emploi pour les adjoints des conseillers qui quittent volontairement leurs fonctions, en vue d'améliorer le processus de recrutement et d'embauche, comme il est décrit dans le présent rapport;**
  - f. Que le personnel conçoive une séance de formation obligatoire sur l'équité des genres, la diversité et le harcèlement pour l'ensemble des membres du Conseil et leur personnel, comme il est décrit dans le présent rapport;**
  - g. Que le personnel donne de la formation continue aux adjoints des conseillers tout au long du mandat du Conseil, comme il est décrit dans le présent rapport;**

- h. Que, dans le cadre de l'Examen de mi-mandat de la structure de gestion municipale 2018-2022, on demande au personnel de présenter au Conseil une version révisée du Manuel administratif des conseillers qui refléterait les politiques et procédures actuelles, comme il est décrit dans le présent rapport;**
- 2. Qu'on demande au greffier municipal d'ajouter à l'Examen de la structure de gestion publique un volet sur les questions propres aux bureaux des conseillers, notamment en matière d'emploi, comme il est décrit dans le présent rapport.**

## **EXECUTIVE SUMMARY**

*“Overall the consultants' review found no systemic problem in the recruitment and hiring process for Councillors' Assistants. Findings suggest the hiring process used by the Councillors varies immensely but there seems to be no uncertainty that the Clerk's Office and Council Support Services is where staffing issues can be addressed. Additionally, all Councillors understood that they were bound by their Code of Conduct while participating in the recruitment and hiring process of their staff.”<sup>1</sup> – Consultants*

In September 2019, local media reported on allegations of inappropriate conduct by a Member of Council during interviews with female candidates for a Councillors' Assistant position.

Under Section 224 of the *Municipal Act, 2001* (the Act), City Council has a role “to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council.” In this regard, and in accordance with any other relevant provisions of the Act, Council establishes its own code of conduct, as well as pay bands and other support structures.

During the 2010-2014 Term of Council, City Council appointed an independent, arms-length Integrity Commissioner who oversees the Council-approved Code of Conduct for Members of Council pursuant to Subsection 223.3(1) of the Act. The Code of Conduct was approved by Council on May 8, 2013 and came into effect on July 1, 2013. It is reviewed, at minimum, every two years as part of Council's governance reviews, based on recommendations from the Integrity Commissioner.

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<sup>1</sup> Samson & Associates, “*Review of the Recruitment and Hiring Process for Councillors' Assistants,*” (March 2020), Page 4.

Any complaints related to the actions and behaviours of Members of Council are addressed by the Integrity Commissioner under the Code of Conduct; by the Mayor or Committee Chair in accordance with the *Procedure By-law* if the complaint is related to a Council/Committee meeting; or, in certain cases, by the courts.

In a [report](#) considered by Council on May 27, 2020, the Integrity Commissioner stated that between September 6, 2019, and October 8, 2019, he received several formal complaints regarding a Member's conduct, in accordance with the Complaint Protocol for the Code of Conduct for Members of Council. At the time of drafting of this report, the Integrity Commissioner's investigation into those formal complaints continues. The Integrity Commissioner has stated that if the complaints are sustained through his investigation, he will file his reports with City Council setting out his findings and recommendations as soon as it is practicable.

While the conduct of Members of Council is within the jurisdiction of the Integrity Commissioner, the Office of the City Clerk has a formalized role in providing administrative support to Members of Council and their respective offices, through the Mayor and Council Support Services branches. This support includes facilitating the recruitment and hiring process for Councillors' Assistants by Members of Council.

The September 2019 allegations against the above-noted Member of Council highlighted the need to identify and address gaps in the processes and procedures that govern the recruitment and hiring practices of Councillors' Assistants, as well as how well these processes and procedures are communicated to and understood by Councillors' Assistants.

Following media reports of the allegations, the City Clerk advised Councillors' Assistants on September 26, 2019, that he would undertake a review of the recruitment and hiring process to ensure that it reflects best practices and respects the City's legal obligations and commitment to be an employer of choice. The City Clerk retained the services of Samson & Associates, a firm that specializes in human resources services and has a background in employment equity matters and harassment in the workplace complaints, to undertake an independent review of the recruitment and hiring practices for Councillors' Assistants.

The consultants examined current practices for the recruitment and hiring of Councillors' Assistants with the objective of providing a clear representation of the different processes in place. Their work included review and analysis of various existing internal documents, interviews with stakeholders including Councillors, Councillors' Assistants, contracted vendors, City staff, community groups and external experts, and a survey

with comparable Canadian municipalities. Their final report, submitted on March 19, 2020, documents recruitment and hiring processes currently in place and notes how they compare to those of other Canadian municipalities. The consultants' report also includes input from external groups and subject-matter experts.

The consultants concluded that Members of Council and their staff are generally satisfied with the recruitment and hiring process. That said, among other matters described in this report, the consultants' report identified opportunities to:

- Provide standardized recruitment support for Members of Council while allowing Members to retain some autonomy and flexibility in the process;
- Strengthen the orientation process to ensure Councillors' Assistants are aware of, and understand, their rights and are familiar with the support network available to them; and
- Enhance existing training and education provided to Members of Council and Councillors' Assistants.

Recommendations in this report are based on a review of the consultants' findings and feedback from Councillors' Assistants, Elected Officials, City staff and other stakeholders. The recommendations aim to increase protections for job candidates during the recruitment process for Councillors' Assistant positions, as well as provide enhanced training and support for Councillors' Assistants throughout the tenure of their position. The recommendations also set out to provide enhanced support and training for Members of Council with respect to recruitment and hiring.

In addition to the improvements to the recruitment and hiring processes for Councillors' Assistants as recommended in this report, it is proposed that staff conduct a full review of the Councillor's Office Manual and bring forward a revised manual for Council's consideration as part of the 2018-2022 Mid-term Governance Review. This will ensure that the Councillor's Office Manual reflects current policies and procedures related to the administration of Members' offices. It is also proposed that the City Clerk be directed to incorporate a review of Members' office-related matters, including employment matters, as part of each governance review, as described in this report. Regular review of these matters would provide the opportunity to ensure that goals are being met, and that employment and human resources practices and procedures for Members' offices remain top of mind. It will also ensure that gaps are identified and, where possible, systemic adjustments are made.

## RÉSUMÉ

*« En général, les consultants n'ont relevé aucun problème systémique dans le processus de recrutement et d'embauche des adjoints des conseillers. Le constat est que si le processus d'embauche varie considérablement d'un conseiller à l'autre, il semble très clair que ce sont le Bureau du greffier municipal et les Services de soutien au Conseil municipal qui traitent les problèmes de dotation en personnel. En outre, tous les conseillers comprenaient qu'ils étaient tenus de respecter leur Code de conduite durant le processus de recrutement et d'embauche de leur personnel<sup>2</sup>. » – Consultants*

En septembre 2019, des médias locaux ont relayé des allégations de comportement inapproprié de la part d'un membre du Conseil lors d'entrevues avec des candidates au poste d'adjointe de conseiller.

Conformément à l'article 224 de la *Loi de 2001 sur les municipalités* (la Loi), le Conseil municipal a pour rôle de « faire en sorte que des politiques, des pratiques et des procédures administratives de même que des politiques, des pratiques et des procédures en matière de contrôle soient en place pour mettre en œuvre ses décisions ». À cet égard, et conformément aux autres dispositions pertinentes de la Loi, le Conseil établit son propre code de conduite, ainsi que son échelle salariale et ses autres structures de soutien.

Durant le mandat du Conseil 2010-2014, le Conseil municipal a nommé un commissaire à l'intégrité indépendant pour surveiller l'application du Code de conduite des membres du Conseil, conformément au paragraphe 223.3(1) de la Loi. Le Code de conduite, approuvé par le Conseil le 8 mai 2013, est entré en vigueur le 1<sup>er</sup> juillet 2013. Il fait l'objet d'un examen au moins une fois tous les deux ans, dans le cadre de l'Examen de la structure de gestion publique du Conseil, suivant les recommandations du commissaire à l'intégrité.

Toutes les plaintes concernant les gestes et comportements d'un membre du Conseil sont traitées par le commissaire à l'intégrité, conformément au Code de conduite; par le maire ou le président de comité, conformément au *Règlement de procédure*, lorsque la plainte est liée à une réunion du Conseil ou d'un comité; ou, dans certains cas, par les tribunaux.

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<sup>2</sup> Samson & Associés, « *Review of the Recruitment and Hiring Process for Councillors' Assistants* » (mars 2020), page 4.

Dans un [rapport](#) examiné par le Conseil le 27 mai 2020, le commissaire à l'intégrité a indiqué avoir reçu, entre le 6 septembre et le 8 octobre 2019, plusieurs plaintes officielles concernant le comportement d'un membre du Conseil, conformément au protocole de plaintes établi dans le Code de conduite des membres du Conseil. Au moment de rédiger le présent rapport, son enquête concernant ces plaintes était toujours en cours. Le commissaire à l'intégrité a précisé que si les plaintes sont retenues au terme de l'enquête, il soumettra dès que possible ses conclusions et ses recommandations au Conseil municipal.

La conduite des membres du Conseil relève du commissaire à l'intégrité, mais le Bureau du greffier municipal a officiellement pour rôle d'offrir un soutien administratif aux membres du Conseil et au personnel de leur bureau respectif, par l'intermédiaire des Services de soutien au maire et des Services de soutien au Conseil municipal. Ce soutien consiste entre autres à faciliter le processus de recrutement et d'embauche des adjoints des conseillers.

Les allégations de septembre 2019 à l'endroit du membre mentionné précédemment ont mis en lumière la nécessité de cerner et de corriger les lacunes dans le processus et les procédures régissant les pratiques de recrutement et d'embauche des adjoints des conseillers, ainsi que d'évaluer la façon dont ils sont communiqués à ces derniers et compris par eux.

Après que les médias ont rapporté les allégations, le greffier municipal a informé les adjoints des conseillers, le 26 septembre 2019, qu'il entreprendrait un examen du processus de recrutement et d'embauche pour s'assurer qu'il reflète bien les pratiques exemplaires et qu'il respecte les obligations juridiques de la Ville, de même que son engagement à être un employeur de choix. Le greffier municipal a retenu les services de Samson & Associés – un cabinet spécialisé dans les services de ressources humaines ayant de l'expérience dans les questions d'équité en matière d'emploi et le traitement des plaintes pour harcèlement au travail – pour procéder à un examen indépendant des pratiques de recrutement et d'embauche des adjoints des conseillers.

Les consultants ont examiné les pratiques actuelles en la matière, avec pour objectif de dresser un portrait clair des différents processus en place. Dans le cadre de cet examen, ils ont entre autres examiné et analysé différents documents internes, interviewé divers intervenants (conseillers, adjoints des conseillers, fournisseurs contractuels, employés municipaux, groupes communautaires et experts externes) et mené un sondage auprès de villes canadiennes comparables. Leur rapport final, soumis le 19 mars 2020, fait état des processus de recrutement et d'embauche

actuellement en place et les compare à ceux d'autres municipalités canadiennes. Il comporte aussi des commentaires de groupes externes et d'experts en la matière.

Les consultants ont conclu que les membres du Conseil et leur personnel étaient généralement satisfaits du processus de recrutement et d'embauche. Ils ont tout de même relevé, parmi les différents sujets abordés dans le rapport, la possibilité :

- d'offrir un soutien au recrutement normalisé aux membres du Conseil, tout en leur permettant de conserver une certaine flexibilité et une certaine autonomie dans le processus;
- d'améliorer le processus d'orientation pour s'assurer que les adjoints des conseillers connaissent et comprennent bien leurs droits et le réseau de soutien à leur disposition;
- d'améliorer la formation et les renseignements donnés actuellement aux membres du Conseil et aux adjoints des conseillers.

Les recommandations du présent rapport se fondent sur les conclusions des consultants et les commentaires d'adjoints de conseillers, de représentants élus, d'employés municipaux et d'autres intervenants. Elles visent à mieux protéger les candidats au poste d'adjoint de conseiller durant le processus de recrutement, et à améliorer la formation et le soutien offerts aux adjoints des conseillers pendant qu'ils sont en poste. Les recommandations visent aussi l'amélioration de la formation et du soutien offerts aux membres du Conseil en matière de recrutement et d'embauche.

Outre les améliorations au processus de recrutement et d'embauche pour les adjoints des conseillers recommandées dans le présent rapport, il est proposé que le personnel procède à un examen exhaustif du Manuel administratif des conseillers et en présente une version révisée au Conseil dans le cadre de l'Examen de mi-mandat de la structure de gestion municipale 2018-2022. Ainsi, il sera plus susceptible de refléter les politiques et procédures en vigueur relatives à l'administration des bureaux des conseillers. Il est aussi proposé qu'on demande au greffier municipal d'ajouter à l'Examen de la structure de gestion publique un volet sur les questions propres aux bureaux des conseillers, notamment en matière d'emploi. L'examen régulier de ces questions augmenterait les chances d'atteindre les objectifs, et constituerait un rappel des pratiques et procédures relatives à l'emploi et aux ressources humaines pour le personnel des bureaux des conseillers. Enfin, il permettrait de relever les lacunes et d'apporter des ajustements systémiques, si possible.

## BACKGROUND

In September 2019, local media reported on allegations of inappropriate conduct by a Member of Council during interviews with female candidates for a Councillor's Assistant position.

Under Section 224 of the *Municipal Act, 2001* (the Act), City Council has a role “to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council.” In this regard, and in accordance with any other relevant provisions of the Act, Council establishes its own code of conduct, as well as pay bands and other support structures.

During the 2010-2014 Term of Council, City Council appointed an independent, arms-length Integrity Commissioner who oversees the Council-approved [Code of Conduct for Members of Council](#) pursuant to Subsection 223.3(1) of the Act. The Code of Conduct was approved by Council on May 8, 2013 and came into effect on July 1, 2013. It is reviewed, at minimum, every two years as part of Council's governance reviews, based on recommendations from the Integrity Commissioner. Any complaints related to the actions and behaviours of Members of Council are addressed by the Integrity Commissioner under the Code of Conduct; by the Mayor or Committee Chair in accordance with the *Procedure By-law* if the complaint is related to a Council/Committee meeting; or, in certain cases, by the courts.

The Integrity Commissioner has reported to Council that between September 6, 2019, and October 8, 2019, he received a number of complaints regarding a Member's conduct, in accordance with the Complaint Protocol for the Code of Conduct for Members of Council. At the time of the drafting of this report, the Integrity Commissioner is investigating “several formal complaints” regarding the Member, as noted in a [report](#) considered by Council on May 27, 2020. The Integrity Commissioner has stated that if the complaints are sustained through his investigation, he will file his reports with City Council setting out his findings and recommendations as soon as it is practicable.

While the conduct of Members of Council is within the jurisdiction of the Integrity Commissioner, the Office of the City Clerk has a formalized role in providing administrative support to Members of Council and their respective offices through the Mayor and Council Support Services branches. As described in more detail below and in the Discussion section of this report, this support includes facilitating the recruitment and hiring process for Councillors' Assistants by Members of Council through activities that may include, but are not limited to, assisting with job competitions as desired by the

Member, preparing contracts, enrolling employees in payroll, pension and benefits, and setting employees up with network access, security access and mandatory training.

Following media reports of the allegations of inappropriate conduct by the above-noted Member, the City Clerk advised Councillors' Assistants on September 26, 2019, that he would undertake a review of the recruitment and hiring process to ensure that it reflects best practices and respects the City's legal obligations and commitment to be an employer of choice. The City Clerk's memo is attached as Document 1.

On November 6, 2019, the City Clerk sent a subsequent email to all Councillors' Assistants to remind them of the various protections and supports that were in place to promote a safe and healthy workplace, and to reiterate that the review of recruitment and hiring would be forthcoming. The City Clerk's email is attached as Document 2.

### **Independent Review of Recruitment and Hiring of Councillors' Assistants**

The City Clerk retained Samson & Associates from the City's Standing Offer list to undertake an independent review of the recruitment and hiring practices for Councillors' Assistants. Samson & Associates was selected as they specialize in human resources services, including reviewing staffing and recruitment processes, as well as having a background in employment equity matters and harassment in the workplace complaints.

The mandate of the review consisted of examining the current practices pertaining to the recruitment and hiring process of Councillors' Assistants with the objective of providing a clear representation of the different processes in place. The consultants began the review on January 8, 2020. Their work included reviews and analysis of various existing internal documents, interviews with stakeholders including Councillors, Councillors' Assistants, contracted office workers, City staff, community groups and external experts, and a survey with comparable Canadian municipalities.

The consultants submitted their final report on March 19, 2020. The report established overall findings regarding the existing recruitment and hiring processes and how they are understood and experienced by various stakeholders. The report documents how those processes compare to other Canadian municipalities and includes input from external groups and subject-matter experts. The consultants' findings are set out in Document 3 and are described in more detail in the Discussion section of this report.

### **Identifying Gaps in Existing Processes and Procedures within a Complex Environment**

The allegations against the Member of Council in September 2019 highlighted the need to identify and address gaps in the processes and procedures that govern the recruitment and hiring practices relating to Councillors' Assistants, and how well these processes and procedures were communicated to and understood by Councillors' Assistants, particularly given the traditionally high turnover in these temporary, political jobs.

Although processes and procedures were in place, they were not reviewed on a regular basis in part because the role of Council has not changed since amalgamation and the overarching role of Councillors' Assistants has generally remained the same. Members' Offices often turned over completely every three, and now four, years, as each term of Office ends. Typically, issues were addressed as needed, and any need for process and procedure changes were brought to the Member Services Committee for resolution, as described below in more detail.

There are various challenges and complexities inherent to the environment into which Councillors' Assistants are recruited and hired. Members of Council, who are responsible for employment matters including the recruitment and hiring process, do not report to the City administration. The role of City administration in this regard, through the Office of the City Clerk, is to provide administrative support only. The City administration reports to Council, which is composed of individual Members exercising their appointed roles. Unlike at the federal and provincial levels of government, there are no political parties in a municipal setting, and Councillors are elected independently to represent their ward for a four-year term. There are no party whips or house leaders to establish norms among the offices of Members of Council. Therefore, Members of Council use their own political judgment and beliefs to fulfill the roles required of their office.

Councillors' Assistants are hired by Members on a temporary, contract basis to support the political work of the elected official. While the contractual relationship of Councillors' Assistants is with the corporation and they receive compensation, benefits and pension akin to that of an employee within the bureaucracy, their job is entirely that of a political support role. The work of a Councillor's Assistant is based on the Councillor's political and constituency services needs and is tied to the Member's term of office. In addition, as Members take an active role within their office, often being directly involved in day-to-day casework or the drafting of communications material, the duties of an assistant can vary from one office to the next, meaning that Councillors' Assistants may have the same title and pay band, but have very different duties.

## **Origins of the Members' Office Structure at the City of Ottawa**

The baseline structure of the offices of the Mayor and Councillors was designed by the Ottawa Transition Board (OTB). Prior to amalgamation in 2001, the OTB was appointed by the Province of Ontario to establish a governance model and City administration for the new City of Ottawa, including the salaries of Members of Council and their staff, determining Members' office budgets and assessing what administrative support Members would need.

On January 24, 2001, City Council considered a report titled, "[Political Infrastructure Report – Councillors' Offices and Budgets](#)," which included recommendations from the OTB concerning remuneration and office budgets. The OTB recommended that the Mayor's Office be provided with a staff budget of \$250,000 and an office budget of \$250,000 annually. The board further recommended that other staff required to support the Office (e.g. reception, filing, other administrative staff) be City employees. Similarly, the board recommended that Councillors be provided with a staff budget of \$100,000 and an office budget of \$25,000 annually, and that staff support for the common office work area at City Hall be City employees. The OTB also recommended that political staff be hired for the Term of Council and that they have access to benefits available to City employees, including medical, vision, dental and life insurance.

In an effort to enable Members of Council to handle constituency matters, conduct policy work and hold accountable a much larger bureaucracy, Council amended the office and salary budgets established by the OTB. Specifically, Council approved that the Mayor's Office be provided with a salary budget of \$375,000 and an office budget of \$375,000 annually and that Councillors' Offices have a salary budget of \$100,000 to a maximum of \$150,000 and an office budget of \$25,000 to a maximum of \$37,500 annually. In order to access their maximum budgets, Councillors were required to file a written request with the Clerk.

Following approval of the [2006-2010 Mid-term Governance Review](#), Councillor's budgets were modified to a global budget, similar to that of the Mayor, to provide Councillors with more flexibility to run their offices.

## **COMMITTEE AND SUB-COMMITTEE ROLES**

The former Member Services Committee (the MSC) was first established during the 2001-2003 Term of Council, under a section of the City's *Procedure By-law* at the time. The MSC had delegated authority to review, consider and approve administrative matters with respect to elected representatives and their staff, Members' office and

salary budgets, and the overall operation of their offices. The MSC approved and adopted additional policy and guidelines for Members' offices as required or directed by Council.

Over the 2001-2003 Term of Council, the MSC considered reports regarding matters such as Councillors' Assistants job evaluation review; telephone systems and fax services; Councillors' Assistants' severance pay; a report of the Citizens' Task Force on Ward Boundaries regarding transitional arrangements for workload support in growth wards; and the naming of Councillors' boardrooms. The MSC also approved the Councillor's Office Manual, which was designed to set out in one document the relevant policies and procedures related to the administration of Members' offices and their staff.

During consideration of the [2003-2006 Council Governance Review](#), City Council approved a recommendation that items addressed by the MSC become part of the mandate of the Corporate Services and Economic Development Committee (CSEDC).

On January 18, 2005, the CSEDC approved a motion to establish a Member Services Sub-Committee as well as a Terms of Reference for the sub-committee. On November 28, 2007, Council approved the establishment of the Member Services Sub-Committee for the 2006-2010 Term of Council.

The Member Services Sub-Committee did not meet during the 2010-2014 and 2014-2018 Terms of Council. As such, during consideration of the [2018-2022 Council Governance Review](#), City Council approved a recommendation to eliminate the Member Services Sub-Committee. The Terms of Reference for the Finance and Economic Development Committee (FEDCO) were amended to provide FEDCO with authority over matters relating to elected representatives, including the overall operations of Members' offices; expenditures by Councillors, including the administering of their global budgets; and personnel matters, including Councillors' office staff and the general performance of the Councillors in their duties.

### **Current Practices and Procedures in Members' Offices**

Each Member of Council is provided with a global Constituency Services Budget with which to operate their office. The 2020 Constituency Services Budget is \$880,476 for the Mayor and \$266,565 for each Councillor. Within this budget, Members of Council manage their operational requirements and staffing resources according to the Member's priorities and the needs of their ward, and in keeping with the Council Expense Policy. Members' budgets pay for staff compensation, while employee pension and benefits are paid by the administration.

## **RUNNING THE OFFICE – STATUTORY PROVISIONS RELATING TO MEMBERS’ CONDUCT**

Members of Council are responsible for running their respective offices and staff in accordance with the Code of Conduct for Members of Council and the applicable employment legislation and policies. Therefore, in managing responsibilities related to running their offices, Members’ statutory obligations under various employment laws, include, but are not limited to, the *Employment Standards Act*, the *Occupational Health and Safety Act, 2019*, the *Ontario Human Rights Code*, the *Accessibility for Ontarians with Disabilities Act*, the *Ontario Labour Relations Act*, and the *Workplace Safety and Insurance Act*.

In addition to the above-noted code of conduct and legislation, City of Ottawa by-laws and policies that apply to Members of Council in this regard include the Council-Staff Relations Policy, the Employment of Family Members Policy, and the Violence and Harassment in the Workplace Policy and Program.

Furthermore, Members of Council are statutorily required to complete mandatory training regarding the *Accessibility for Ontarians with Disabilities Act, 2005*; occupational health and safety awareness; and respectful workplace, violence and harassment.

As noted above, at the outset of each new Term of Council, the Office of the City Clerk advises Members of Council and their staff of the required statutory training.

## **STAFFING MATTERS**

The Councillor’s Office Manual states that each Member of Council assumes the responsibility for all employment aspects of their staff. This includes having the authority to hire and release staff, determine the actual hours of work and establish the duties of the employees.

As described in more detail in the Discussion section of this report, there is currently no standard recruitment process for hiring Councillors’ Assistants. Ward Councillors may choose to recruit entirely through their offices, through the Council Support Services Branch in the Office of the City Clerk, or through a combination of the two. The in-office process varies according to each Ward Councillor’s specific needs, and the interview process also varies from office to office. Council Support Services is available to assist Ward Councillors by carrying out various recruitment-related tasks.

Once hired, in recognition of the temporary nature of the role and in acknowledgment of that fact that Councillors' Assistants are not part of the municipal administration, Members' staff are entitled to receive employment benefits earlier than other City staff. More specifically, full-time employees (working at least 25 hours per week) are entitled to three weeks' vacation, and pension and benefits immediately upon hire.

Members' staff have the option to opt out of their benefits and receive money in lieu. Benefits include extended health care, dental insurance, life insurance, long-term disability insurance and other optional benefits. Members' staff are also immediately enrolled in the Ontario Municipal Employees Retirement System (OMERS) pension plan and are eligible to receive severance in accordance with the Severance Policy for Councillors' Assistants.

Part-time Members' staff (working at least 14 hours per week) are entitled to vacation pay at a rate of six per cent based on gross earnings, statutory holiday pay at a rate of four-and-four-tenths per cent, seven per cent of hours worked as sick leave credits for each month worked and eight per cent of salary in lieu of benefits.

Unlike most other City employees, Members' staff may immediately acquire a parking pass to the parking garage at City Hall if required, either paid through the Members' budget or self-funded. Like other City employees, Members' staff have access to employee training and professional counselling services offered through the Employee and Family Assistance Program.

Members' staff must adhere to the rules applicable to City staff respecting employment equity, human rights and harassment, and occupational health and safety. In addition, Councillors' Assistants, like all other City employees, are required to complete mandatory training upon being hired relating to matters such as respectful workplace, violence and harassment, occupational health and safety awareness, emergency protective measures, security awareness, and alcohol and drugs in the workplace.

## **ADMINISTRATIVE SUPPORT**

The Office of the City Clerk, through the Mayor and Council Support Services branches, offers centralized administrative support to all Members of Council in the operation of their offices. A main reception is provided for the Mayor and for Councillors where guests are greeted and services such as mail and boardroom reservations are available.

The Mayor and Council Support Services branches coordinate human resource requirements for Members of Council, including the preparation of contracts, enrollment in payroll, pension and benefits, and setting employees up with network access, security access and mandatory training.

The hiring and onboarding of Members' staff is given priority by Human Resources and Information Technology Services. Requests to onboard Members' staff are processed expeditiously – within a few days as opposed to the two weeks' minimum in other areas of the corporation. The Mayor and Council Support Services branches also provide ongoing human resources support, including support for progressive discipline and, where requested, terminations.

The Office of the City Clerk facilitates orientation and training to new Members of Council and Members' staff at the beginning of each Term of Council. Orientation for Members' staff specifically covers the Council-approved Accountability Framework, the Employee Code of Conduct, the *Municipal Information and Protection of Privacy Act* and office management.

In addition to training, the City Clerk meets with all newly elected Members of Council immediately following the municipal elections to provide support regarding hiring staff and setting up their office. New Members of Council are provided with a package of onboarding documentation that includes a hiring request form and salary schedule. In addition, a dedicated staff member is provided to assist with arranging meeting space, supplying resumes, and intake of contracts for processing.

## **DISCUSSION**

As described in the Background section of this report, following allegations of inappropriate conduct by a Member of Council during the recruitment process for a Councillor's Assistant position, the City Clerk retained the services of Samson & Associates to undertake an independent review to identify any gaps in the hiring and recruitment processes, policies and procedures. Once selected, Samson & Associates assigned Nathalie Dunn and François Desrochers to carry out the review of the recruitment and hiring process for Councillors' Assistants.

The review began on January 8, 2020, and the work conducted by the consultants included as follows:

- Review and analysis of existing internal documents, contracts, manuals, policies, procedures and processes for the recruitment and hiring of Councillors' Assistants;
- A survey with nine comparable Canadian municipalities to gather information on their current practices for recruitment and hiring of Councillors' Assistants;
- Voluntary interviews with 17 of the 23 Councillors to gather information on existing recruitment and hiring practices within their offices, as well as their thoughts on shortcomings in the process and their understanding of rights, obligations and resources available;
- Voluntary interviews with 26 Councillors' Assistants to gather information on their experience with the recruitment and hiring process, their level of satisfaction with the process and their thoughts on how the process could be improved;
- Interviews with six of eight active contracted office workers to gather information on how they were contracted by the Councillor and their satisfaction with the process;
- Interviews with staff in Human Resources, Council Support Services, the Mayor's Office, the City Manager's Office, the City Solicitor and the City Clerk to establish their understanding of the process of hiring a Councillor's Assistant; and
- Interviews with three community groups and two external experts to gather insight regarding necessary considerations for an equitable, inclusionary and safe recruitment and hiring process.

The research and interviews with the various stakeholders focused on the recruitment conducted by Councillors and the hiring of Councillors' Assistants. It is noted that while all Councillors' Assistants were given an opportunity to participate in voluntary interviews with the consultants, only 26 of the approximately 90 Councillors' Assistants participated.

The consultants' final report was submitted on March 19, 2020 and is attached as Document 3. Though the review was prompted by concerns respecting alleged inappropriate conduct during a job interview, the work undertaken by the consultants was not a workplace investigation. That said, the consultants advised that Councillors' Assistants who participated in the review did not bring forward any allegations of harassment during the recruitment and hiring process, or in the workplace.

The report's key findings, and related recommendations from staff, are described below.

### **Consultants' Findings**

*“Overall the consultants' review found no systemic problem in the recruitment and hiring process for Councillors' Assistants. Findings suggest the hiring process used by the Councillors varies immensely but there seems to be no uncertainty that the Clerk's Office and Council Support Services is where staffing issues can be addressed. Additionally, all Councillors understood that they were bound by their Code of Conduct while participating in the recruitment and hiring process of their staff.”<sup>3</sup> –  
Consultants*

The consultants concluded that Members of Council and their staff are generally satisfied with the recruitment and hiring process. That being said, and as described in more detail below, there was general support for providing additional guidelines and resources to support Members of Council through the recruitment and hiring process. For the purposes of this report, recruitment is understood as the process of establishing job criteria (job description, required skill set, etc.), advertising an open position and conducting interviews. Hiring is understood as the process of onboarding the selected candidate.

The consultants' report also indicated that there are opportunities to strengthen the orientation process to ensure Councillors' Assistants are aware of and understand their rights and are familiar with the support network available to them. Those Councillors' Assistants who are familiar with the current policies and procedures in place are comfortable with them; however, those assistants who are unaware of the existing supports can feel isolated and not know where to go. Given these findings, the recommendations set out below place emphasis on communications and training as much as on improving processes.

Following a review of the consultants' findings, and based on the feedback from Councillors' Assistants, Elected Officials, staff and stakeholders, the City Clerk is recommending the following improvements to the current hiring and recruitment practices for Councillors' offices in an effort to improve support, increase training and awareness and allow for a regular review of practices and procedures.

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<sup>3</sup> Samson & Associates, “*Review of the Recruitment and Hiring Process for Councillors' Assistants*,” (March 2020), Page 4.

## ESTABLISHING STANDARDIZED RECRUITMENT SUPPORT FOR MEMBERS OF COUNCIL

### **Recommendation 1(a): Develop a recruitment toolkit for Members of Council, including best practices, statutory and administrative responsibilities, job description templates and standardized interview questions**

*“Overall there are two main trends concerning the process. One group is of the opinion that the current process works for them, and they are satisfied with their process and the team in their office. Additionally, they felt there would not be opposition to a non-mandatory recruitment and hiring process standard and guidelines. The other group was openly in favour of some sort of standard process however, it appears to be important that the Councillors can retain some autonomy in the selection process.”<sup>4</sup> ...*

*“Just like the process varies between each office, the issues vary for each Councillor. Each office has its own unique needs and almost all Councillors were in favour of retaining some flexibility in the recruitment and hiring process.”<sup>5</sup> ...*

*“Regarding the satisfaction of the hiring process, more than 90 per cent of the interviewees said that the way they were hired was very good.”<sup>6</sup> ...*

*“[A]lmost all Councillors’ Assistants were in favour of some flexibility in the recruitment and hiring process.”<sup>7</sup> – Consultants*

*“With respect to hiring and recruitment policies and frameworks, generally speaking, we think that the more formalized the process, the better. The more it has the same framework across the board, the better.”<sup>8</sup> – Erin Leigh, Ottawa Coalition to End Violence Against Women*

*“Our office is satisfied with the process. We work collaboratively on it. We talk about the fit of the new hire. In other offices, I do hear that it is not as*

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<sup>4</sup> Ibid., Page 5.

<sup>5</sup> Ibid., Page 8.

<sup>6</sup> Ibid., Page 11.

<sup>7</sup> Ibid., Page 12.

<sup>8</sup> Erin Leigh, Executive Director for Ottawa Coalition to End Violence Against Women (Samson & Associates, “Review of the Recruitment and Hiring Process for Councillors’ Assistants,” (March 2020), Page 16).

*good. And others that it is a very good hiring process. It's a mixed bag.*<sup>9</sup> –  
Councillor's Assistant

As Members of Council are not part of the administration, there is no standardized or required means for undertaking recruitment for a Councillor's Assistant position. As described in more detail below, Members of Council have the discretion to recruit through the City's formal hiring process supported by Council Support Services, directly through their office (e.g. website or social media), or through a combination of the two.

The consultants' report acknowledges that the City's recruitment and hiring process for Councillors' Assistants is comparable to other Canadian municipalities. While this finding is not expressly stated in the consultants' overall findings, it is supported by the environmental scan included in the body of the report. Of the nine municipalities surveyed, Members of Council in five municipalities are responsible for the recruitment and hiring of their staff and have the flexibility to use whatever process they choose (e.g. through the administration or strictly through their office). In three of the remaining jurisdictions (Vancouver, Montreal, Gatineau), Members share administrative staff and/or hire contracted office workers for political work. In one jurisdiction (Moncton), Councillors do not hire their own personnel but are instead supported by employees of the Clerk's office.

Members of Council have the discretion to use Council Support Services to support the recruitment process. This administrative support may include creating the job competition, tailoring the job description to the Member's needs, receiving and selecting viable resumes, confirming baseline requirements (e.g. bilingualism), formulating skill tests and interview questions, participating on the interview panel and carrying out the initial round of screening.

Traditionally, Council Support Services has refrained from including Ward Councillors' names on job postings. This practice was established to address the high volume of unsolicited phone calls and emails from job applicants that detracted from the Office's ability to serve constituents, as well as the direct personal solicitation of Councillors outside the advertised hiring process. That being said, this is not a mandatory requirement and Councillors have the option of providing their name on job postings.

Alternatively, Members have the discretion to undertake a recruitment process through their office and adapt the process to their political needs. More specifically, Members

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<sup>9</sup> Ibid., Page 85.

may use personal networks for references, advertise the competition through social media or other communication channels, approach their campaign staff, and/or request resumes from Council Support Services. In addition, Members may amend the standard job descriptions to better reflect the work required within their office.

Similarly, the interview process varies from office to office, as determined by the Member. In some instances, the Member meets one-on-one with an applicant. In other Offices, the responsibility of undertaking the interview process is delegated to the Members' staff and in some cases a formal hiring panel is established.

Recognizing Council's autonomy within the organization, there is no defined or required recruitment process for Councillors' Assistants and what structure does exist may be adapted to suit the personal and political needs of the individual Member.

That being said, and as noted by the consultants, some Members expressed a desire for formal structures or guidelines. This acknowledgment, however, is couched by Members acknowledging the importance of flexibility in tailoring processes to suit their individual needs.

Interviews with Councillors' Assistants reflect those comments raised by Members of Council. That is, there was general satisfaction with the recruitment process with the overwhelming majority of interviewees stating they, or their office, were satisfied with the recruitment process.

Like Members of Council, Councillors' Assistants emphasized the need for flexibility and autonomy in the recruitment process, though some expressed favour for introducing more structure overall.

Some Councillors' Assistants noted gaps in the recruitment process, including that they were not informed of their rights during the hiring phase (e.g. right to disability-related accommodations to participate in an interview) and that they were unsure of whom to approach for questions about the recruitment and hiring process.

As noted in the consultants' report, some new Members of Council did not manage staff prior to being elected. It is important to note that Members of Council were not elected to serve a managerial role, but rather a political, representative role. However, as Members assume that function upon taking office, the Office of the City Clerk is of the view that Members would benefit from a standardized hiring and recruitment toolkit to guide them through the process.

Recognizing Members' independence from the administration and the need to allow for flexibility in the hiring and recruitment process, the toolkit is not mandatory, but rather serves as a reference document for those Members who choose to undertake recruitment outside the City's formal process.

The consultants identified that only those Councillors' Assistants who applied for a job through the City's online job portal were asked if they required any accommodations support for their interview. To address this gap, the toolkit would include a checklist of considerations that Members should be mindful of when undertaking their own recruitment to ensure that a Members' process generally reflects the formal requirements set out in the City's process and to provide a safeguard for both the Member and the interviewee.

Similarly, to ensure consistency between offices, the toolkit would include standardized interview questions and job descriptions. This would not prevent a Member from tailoring the questionnaire or job description to suit their individual needs but would establish a measure of consistency and integrity in the hiring process.

The consultants' report noted that some Councillors conduct interviews by using a panel approach which might involve themselves, their staff and Council Support Services, while others conduct interviews by themselves. Mr. Stéphane Émard-Chabot, interviewed by the consultants as a subject-matter expert<sup>10</sup>, suggested it is problematic for a Councillor to interview a job candidate alone. Mr. Émard-Chabot recommended another person accompany the Councillor for all job interviews, ideally someone from outside the Councillor's office. As noted above, Council Support Services has participated on interview panels in the past and the Office of the City Clerk will continue to ensure that a representative from outside of the Member's office (either from Council Support Services or Human Resources) is available to serve on selection panels.

Rather than the hiring process being of concern, the consultants' report and the responses from some interviewees suggest it is the protection and prevention of harassment that is a concern for Councillors' Assistants. This matter is considered in the mandatory orientation sessions for Councillors' Assistants and the mandatory equity, diversity and harassment training recommendations, as described below.

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<sup>10</sup> Mr. Stéphane Émard-Chabot is a former City Councillor (Ottawa) and a full-time lecturer and former Assistant-Dean at the Faculty of Law at the University of Ottawa.

### **Recommendation 1(b): Develop mandatory hiring and recruitment training for incoming Members-elect as part of Council orientation**

*“Once we are elected, we get the orientation after we actually come in office. This is sort of too late because we hire people before we know how to do it properly and what it really entails.”<sup>11</sup> – Councillor*

*“...We had a Councillor orientation on all sorts of things, but this topic [hiring practices] was last. By the time I had the orientation, I had already hired my staff. I can see where there are gaps now.”<sup>12</sup> – Councillor*

As noted in the consultants’ report, some Ward Councillors stated that certain orientation sessions provided by the Office of the City Clerk at the beginning of the Term of Council were insufficient or not well-timed (i.e. occurred after they had already staffed their office).

Further, Ward Councillors who identified as newly elected expressed frustration regarding the challenge of staffing their office during the short period of time between winning an election and their first day on the job. Amendments made to the *Municipal Act, 2001* as a result of Bill 68, the *Modernizing Ontario’s Municipal Legislation Act, 2017*, mean that future terms of Council will begin on November 15, rather than December 1 in the year of a regular election. As a result, where newly elected Members of Council previously had approximately four to five weeks before their first day in office, the transition period will now be approximately three weeks.

Staff recognize this shortened transition period will present an even greater challenge for newly elected Members as they set up their office and familiarize themselves with their new role and responsibilities.

In an effort to assist newly elected Members of Council, staff will incorporate recruitment and hiring guidelines, including the above-noted toolkit, into a mandatory training session provided to Members-elect during their initial meeting with the City Clerk, which is traditionally held within the first two days following Voting Day.

The Office of the City Clerk will also enhance the orientation session on office management to include a greater emphasis on Members’ statutory responsibilities as managers as well as additional training on equity, diversity and inclusion, as described in greater detail below.

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<sup>11</sup> Samson & Associates, “*Review of the Recruitment and Hiring Process for Councillors’ Assistants*,” (March 2020), Page 63.

<sup>12</sup> *Ibid.*, Page 43.

## **ENSURING COUNCILLORS' ASSISTANTS KNOW AND UNDERSTAND THEIR RIGHTS**

As noted in the consultants' report, newly hired Councillors' Assistants may require an increased level of support as they are unfamiliar with the organizational structure, their entitlements or the support networks available to them.

In addition, comments made by Councillors' Assistants interviewed by the consultants seemed to suggest that they were unaware of the legislation and Council-approved policies governing the Member and the employee, including the Code of Conduct for Members of Council, the Employee Code of Conduct, the Council-Staff Relations Policy and the Violence and Harassment in the Workplace Policy, as well as the established complaint protocols under each.

To this end, staff recommend a series of interconnected measures to ensure Councillors' Assistants are fully aware of, and understand, their rights and entitlements as well as the statutory and regulatory bodies available to support them.

### **Recommendation 1(c): Implement mandatory individualized orientation sessions for Councillors' Assistants**

*"On several occasions, stakeholders suggested there is a need for better orientation and information that is provided to new Councillors' Assistants. This would ensure they are informed of the resources available to them should they need to access them."*<sup>13</sup> – Consultants

*"There is a need for more information for the newly hired assistants, as it's not obvious for them to know where and how to get support if they encounter any issue."*<sup>14</sup> – Councillor

*"There could be an improvement in the involvement of the City in hiring the Councillors' staff. Employees could be better informed of their rights through orientation."*<sup>15</sup> – City staff

*"It's about the lack of knowledge of what rights they have, what type of protection they have, and the recourses available to them which could be improved."*<sup>16</sup> – Councillor

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<sup>13</sup> Ibid., Page 4.

<sup>14</sup> As referenced in Samson & Associates, "Review of the Recruitment and Hiring Process for Councillors' Assistants," (March 2020), Page 8.

<sup>15</sup> As referenced in Samson & Associates, "Review of the Recruitment and Hiring Process for Councillors' Assistants," (March 2020), Page 14.

*“There should be an orientation or information to inform the assistants about their rights, whatever recourse is available, what steps they must follow in situations of need...”<sup>17</sup> – Valerie Collicott, Women’s Initiatives for Safer Environments*

The Program Manager, Council Support Services, facilitates the onboarding process for all Councillors’ Assistants. The Program Manager is the dedicated human resources support for Members of Council and their staff.

Following the selection of a candidate, the Member submits a written request to the Program Manager to arrange for a contract to be drafted, for the employee to be placed on payroll and for network access to be arranged with Information Technology Services.

It has been a longstanding practice for the Office of the City Clerk to provide each new assistant with an orientation package containing copies of relevant policies, as well as information on key resources and contacts. This practice has been augmented by the informal practice of providing individualized orientation sessions for Councillors’ Assistants within the first two weeks of their start date.

Since April 2019, these orientation sessions have included a PowerPoint presentation focusing on the contents of the employment contract and providing an explanation of the relationship between the Program Manager, Council Support Services, the Councillor’s Assistant and the Councillor.

At the individualized orientation session, the Program Manager, Council Support Services, explains the assistant’s entitlements with respect to vacation, sick leave and benefits, as well as the Employee and Family Assistance Program. The Councillor’s Assistant is also briefed on various administrative and statutory policies and procedures. Specifically, each new assistant is provided a package that includes information and/or presentations regarding the following:

- New hire contract details;
- City of Ottawa Accountability Framework;
- Office management;
- *The Municipal Freedom of Information and Protection of Privacy Act;*

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<sup>16</sup> Ibid., Page 54.

<sup>17</sup> Valerie Collicott, Policy and Administrative Coordinator for Women’s Initiatives for Safer Environments (Samson & Associates, “*Review of the Recruitment and Hiring Process for Councillors’ Assistants,*” (March 2020), Page 20).

- Council Expense Policy and guidelines;
- Integrity Commissioner;
- Lobbyist Registry;
- Provisions regarding gifts, benefits and hospitality;
- Gifts Registry and disclosure of tickets guidelines;
- Community, Fundraising and Special Events Policy guidelines;
- Requirements for public disclosure;
- Employee Code of Conduct;
- Organizational structure;
- Ward maps;
- Employee and Family Assistance Program;
- Responsible Computing Policy;
- Violence and Harassment in the Workplace Policy;
- Lagan Knowledge Base;
- Current flow for service requests map;
- Council contact sheet;
- Members of Council membership; and
- The business card for the Program Manager, Council Support Services.

It should be noted that this practice is currently not a mandatory requirement. Members of Council have the sole discretion to undertake the onboarding process through their office. That being said, all assistants hired since April 2019 have participated in the individualized orientation sessions.

Staff note that as contracted office workers are not City employees, they do not participate in the informal orientation process. It is the responsibility of the Councillor to ensure that service agreements with contracted office workers do not result in the creation of an “employer-employee” relationship with the City.

To ensure that Councillors' Assistants are fully aware of their rights, the Office of the City Clerk is recommending the practice of offering individualized orientation sessions be mandatory for all new Councillors' Assistants. Staff are of the view that these formal, individualized sessions will provide Councillors' Assistants with the following:

- **A clear understanding of their rights** – The session will provide a detailed examination of the employee's contract, including such matters as entitlements with respect to vacation, sick leave and benefits;
- **A clear understanding of the administrative and statutory policies and procedures governing their work** – The session will set out the employee's legislative responsibilities (e.g. with respect to MFIPPA), as well as those with respect to the Council Expense Policy, the Employee Code of Conduct and other relevant policies; and
- **A clear understanding of key contacts within the administration** – Every new assistant will be made aware that the Program Manager, Council Support Services, is available to support them, and is the appropriate contact for questions and/or concerns about any matter they encounter during the hiring process and/or during their tenure.

Should Council support this recommendation, the Program Manager, Council Support Services, will track and report non-attendance to the Manager, Council and Committee Services, and the relevant Member of Council.

### **Recommendation 1(d): Amend the employment contract for Councillors' Assistants**

*“Dr. Robson believes that the current contract used by Ottawa Councillors has at least four other challenges: transparency, coordination with other City policies, access to training for staff, and dispute resolution processes.”<sup>18</sup> – Consultants*

As described above, Councillors' Assistants enter into an employment contract with the City of Ottawa as the employer, rather than the Member. The duration of the appointment is generally tied to the term of office of the Member of Council as employment contracts do not extend beyond the Term of Council, being November 14

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<sup>18</sup> Samson & Associates, “Review of the Recruitment and Hiring Process for Councillors' Assistants,” (March 2020), Page 22.

in an election year. The very nature of the Member's role means that, by association, a Councillor's Assistant's position is temporary.

While the Member of Council is not a party on the employment contract, each Member of Council assumes responsibility for all employment aspects of their assistants, including having the authority to hire and terminate staff, determining the hours of work and establishing the duties of the employee. Members' staff operate within a non-unionized, contractual agreement that creates an "employer-employee" relationship. Although Councillors' Assistants report directly to the elected official, they are classified as an employee of the City of Ottawa for the purposes of compensation, benefits and pension contributions.

The employment contract sets out the assistant's salary, probationary period, leave provisions, as well as pension enrollment and benefits, including the option to receive money in lieu of benefits, as described in the Background section of this report. In accordance with the contract, adjustments to an assistant's salary are at the absolute discretion of the Member. The consultants note that this, "opens the door to discrepancies in the treatment of assistants across all Councillors' offices."<sup>19</sup> That being said, a Councillors' Assistants pay scale has been developed by Human Resources as a reference guide, and all Members' Constituency Services Budgets are established by Council through the annual budget process and are governed by the Council Expense Policy.

Citing the requirement that the employee "shall obey" and "carry out all lawful orders" of the Councillor in the discharge of their official duties, the consultants observed that the Code of Conduct for Members of Council should be referenced in, and annexed to, the contract.

The consultants also reported that while the contract requires the employee to acknowledge having been provided the opportunity to read key policies and the Employee Code of Conduct, there is no way to ensure that the employee had, in fact, read the documents and understood their rights and responsibilities set out therein.

The consultants identified additional contractual matters that could be clarified, as follows:

- The necessity that the employee not disclose the terms and conditions of their employment with any other employee;

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<sup>19</sup> Ibid., Page 34.

- That the work location be clearly indicated;
- That greater clarity be provided with respect to what constitutes “just cause” for termination; and
- Ensuring that the employee be informed of all modes for dispute resolution.

To address the identified gaps, staff are recommending that the employment contract for Councillors’ Assistants be amended to include the following provisions:

- That the Code of Conduct for Members of Council and the Employee Code of Conduct be appended to the employment contract as Annexes “B” and “C”, respectively, which includes the Integrity Commissioner’s Complaint Protocol; and
- That Section 13 of the employment contract be amended as follows:

*Current wording – “The Employee acknowledges that (she/he) has been provided the opportunity to read the complete Employee Code of Conduct as well as the Responsible Computing policy and the Workplace Harassment policy.”*

*Recommended wording – “The Employee has had the opportunity to read the following and acknowledges understanding of their contents:*

- *The Employee Code of Conduct (Annex “B”);*
- *The Code of Conduct for Members of Council (Annex “C”);*
- *The Violence and Harassment in the Workplace Policy;*
- *The Council-Staff Relations Policy;*
- *The Council Expense Policy; and*
- *The Responsible Computing Policy.*

*The Employee acknowledges that any questions or concerns regarding these matters may be directed to the Program Manager, Council Support Services.”*

**Recommendation 1(e): Implement voluntary exit interviews for Councillors' Assistants who voluntarily leave their position, to better inform the recruitment and hiring process**

Since April 2019, the Office of the City Clerk has established an optional exit interview process for outgoing Councillors' Assistants who voluntarily leave their position. Staff are recommending that the Program Manager, Council Support Services implements a mandatory procedure to invite all Councillors Assistants who voluntarily leave their position to participate in exit interviews if they choose. Information collected from exit interviews will be held in confidence and shared anonymously in order to better inform any future changes to the employment conditions and administrative processes supporting the operation of Members' offices.

**ENHANCED TRAINING AND EDUCATION FOR COUNCILLORS' ASSISTANTS**

**Recommendation 1(f): Establish a mandatory gender equity, diversity and harassment training session for all Members of Council and their staff**

While the focus of the consultants' report was specific to hiring and recruitment of Councillors' Assistants, staff are mindful that this review corresponds with allegations of inappropriate conduct by a Member of Council and the subsequent investigation by the Integrity Commissioner.

With respect to inappropriate conduct, violence and harassment, the consultants' report included the following observation and recommendations from Ms. Erin Leigh, Executive Director for Ottawa Coalition to End Violence Against Women (OCTEVAW):

*“Survivors of sexual violence are motivated to come forward and disclose to prevent further violence from occurring. However, the City should be proactive in preventing violence. The burden of addressing these issues should not rely on an individual or individuals having the courage to come forward. We need to ensure that whatever is in place shifts this labour to the City.”*

*“We must ensure that the City is continuously committed to addressing this issue, learning and improving in its approaches to help prevent and respond to gender-based violence.”<sup>20</sup>*

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<sup>20</sup> Erin Leigh, Executive Director for Ottawa Coalition to End Violence Against Women (Samson & Associates, “Review of the Recruitment and Hiring Process for Councillors' Assistants,” (March 2020), Page 16).

As noted above, legislation including, but not limited to, the *Employment Standards Act*, the *Occupational Health and Safety Act, 2019*, the *Ontario Human Rights Code*, the *Accessibility for Ontarians with Disabilities Act*, the *Ontario Labour Relations Act*, and the *Workplace Safety and Insurance Act*, and the related policies and procedures governing those statutes apply to both Members of Council and their staff.

Staff recognize the importance of applying a gender equity lens to the ongoing work to update practices, policies and procedures as outlined in this report, and to be regularly identifying diversity and inclusion considerations.

Council has established a Sponsors Group to develop a Gender Equity Strategy. Council has also appointed a Council Liaison for Women and Gender Equity, and a Council Liaison for Anti-Racism and Ethnocultural Relations to provide leadership and advance anti-racism and race relations initiatives within the City.

As noted in Recommendation 2, staff are recommending that the review of office-related matters, including employment matters, be accomplished through the Governance Review process, which occurs every two years. This defined review period will allow staff to incorporate recommendations and best practices emanating from the Women and Gender Equity Strategy and anti-racism and race relations initiatives.

To further the understanding of applicable legislation and related policies and procedures, and to embed the work of the Council liaisons into Members' offices, the City Clerk is recommending that a mandatory gender equity, diversity and harassment training session be provided for Members of Council and their staff.

This session would incorporate best practices and guidance from community partners, including the City's Diversity and Inclusion Specialist, the Women and Gender Equity Specialist, the Anti-Racism Secretariat and the Accessibility Advisory Committee. Additionally, key learnings provided by external stakeholders including the Women's Initiatives for Safer Environments (WISE), the Ottawa Coalition to End Violence Against Women (OCTEVAW), and the City for All Women Initiative (CAWI) will be considered.

In addition, Council Support Services will continue to verify and ensure all Councillors' Assistants have completed their legislated and mandatory training required as employees of the City of Ottawa, including, but not limited to training with respect to respectful workplace, violence and harassment; occupational health and safety; and security.

**Recommendation 1(g): That ongoing training be provided to Councillors' Assistants throughout a Term of Council**

As noted by the consultants, community groups and external experts emphasized the importance of the availability of information and resources not only during the recruitment and hiring stage but also during employment.

In addition to enhancing orientation sessions at the beginning of each new Term of Council, the Office of the City Clerk will seek to provide more training and information sessions for Members' staff throughout the Term of Council. These sessions will include, but not be limited to, the following matters:

- Mid-term orientation session with the City Clerk, City Solicitor and Integrity Commissioner respecting Council's Accountability Framework and other ethical policies;
- Regular check-ins with the Program Manager, Council Support Services; and
- Targeted training sessions on topics such as:
  - Finance (e.g. process for preparing invoices for payment, common Council Expense Policy questions, etc.);
  - Human resources (e.g. benefits, Employee and Family Assistance Program, etc.);
  - The *Municipal Freedom of Information and Protection of Privacy Act*; and
  - Planning and development, and other municipal matters.

Additionally, staff in the Office of the City Clerk will look for opportunities to develop a training plan to further enhance the knowledge and skills of Councillors' Assistants including but not limited to dispute resolution skills, gender equity and other optional training that could enhance their ability to do their work more effectively and efficiently based on their functions in the Member's office. Council Support Services would review training currently available through the City of Ottawa to Councillors Assistants, and customize or procure new, intact, onsite training to address the needs or concerns raised by each of the groups.

**Recommendation 1(h): Revise the Councillor’s Office Manual to reflect current policies and procedures, for Council’s consideration in the 2018-2022 Mid-term Governance Review report**

Staff in the Office of the City Clerk are recommending the Councillor’s Office Manual be revised to reflect current policies and procedures as the current version is outdated as described in more detail in the next subsection of this report (Recommendation 2). An updated version of the Manual will be presented for Council’s consideration in the 2018-2022 Mid-term Governance Review report.

**Recommendation 2: That the City Clerk be directed to incorporate a review of Members’ office-related matters, including employment matters, as part of each Governance Review**

*“I would suggest that in a year or two, after whatever recommendations are implemented, that a review be done... it cannot be allowed to be a one-off moment where time and resources are dedicated in light of media controversy. This can’t be temporary lip service.”<sup>21</sup> - Erin Leigh, Ottawa Coalition to End Violence Against Women*

The Councillor’s Office Manual (Document 4) was first approved by the Member Services Committee in June 2002. The Manual was designed to set out in one document the relevant policies and procedures related to the administration of Members’ offices and their staff. A revised version of the manual was approved by the Member Services Sub-Committee on November 14, 2005.

Unlike the governance structure of City Council, which is reviewed every two years, the Councillor’s Office Manual does not have a defined review cycle. Though processes, policies and guidelines have been developed or amended in the subsequent years, the Manual has not been updated accordingly. The most recent version of the Councillor’s Office Manual is an outdated resource and does not serve as a complete consolidation of the relevant policies and procedures related to the administration of Members’ offices that could assist Councillors’ Assistants in fulfilling their duties.

Should Council approve the related recommendation, the City Clerk will conduct a full review of the Councillor’s Office Manual and bring forward a revised manual for

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<sup>21</sup> Erin Leigh, Executive Director for Ottawa Coalition to End Violence Against Women (Samson & Associates, “Review of the Recruitment and Hiring Process for Councillors’ Assistants,” (March 2020), Page 17).

Council's consideration as part of the 2018-2022 Mid-term Governance Review. Thereafter, the manual will be reviewed as part of the regular governance cycle.

The traditional consultations with Members of Council as part of the Mid-term Governance Review will provide an opportunity to gather feedback on other elements missing from the Manual. In addition, the City Clerk will consult with Councillors' Assistants on proposed amendments to the manual in order to ensure that it is a useful and valuable tool and best reflects the needs of assistants.

Furthermore, a regular review at the time of each regular governance review will ensure that goals are being met and employment and human resources practices and procedures for Members' offices remain top of mind. It will also ensure that gaps are identified and, where possible, systemic adjustments are made. The consultants' report identified the need for clarity in several City policies and took note of other matters raised by Councillors' Assistants that were outside the scope of the review, including remuneration and pay equity, union affiliations and job security. These matters have been documented and will be considered during consultations with Members of Council in future governance reviews.

In an effort to provide an additional means of connecting with, and providing resources to Councillors' Assistants, a dedicated web page will be developed with access through the City's network. This page will house all forms, documents, policies and procedures relevant to City Councillors and Councillors' Assistants.

## **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

## **CONSULTATION**

In addition to consultations with 26 Councillors' Assistants, 17 City Councillors, and 6 Contracted Vendors, Samson & Associates also interviewed relevant staff in the Mayor's Office, the City Manager's Office, Human Resources, and the City Solicitor.

At the request of the City Clerk, Samson & Associates consulted with the Council-appointed Liaison for Women and Gender Equity, the City's Diversity and Inclusion Specialist, the Women's Initiatives for Safer Environments (WISE), the Ottawa Coalition to End Violence Against Women (OCTEVAW) and City for All Women Initiative (CAWI).

The consultants also interviewed Stéphane Énard-Chabot, a former City of Ottawa Councillor and municipal law expert at the University of Ottawa and Jennifer Robson, a

former political staffer at the federal level and political management expert at Carleton University.

In addition, an environmental scan was performed, and the consultants surveyed nine other Canadian municipalities to gather information on their recruitment and hiring processes. The municipalities included, the City of Toronto, Calgary, Edmonton, Mississauga, Vancouver, Montreal, Gatineau, Moncton and Winnipeg.

The total cost of the review of the recruitment and hiring process for Councillors' Assistants was \$53,001.69 directly associated with the purchase of service of the professionals at Samson and Associates. The cost of the review was funded through the Council Administration budget.

### **ADVISORY COMMITTEE(S) COMMENTS**

Under Section 29 of the AODA, the Accessibility Advisory Committee has a mandate to advise Council about the requirements and implementation of accessibility standards. By approving the recommendations, Council will direct the City Clerk to consult with the AAC on any potential changes to employment practices that might affect accessibility and/or that it may not have previously addressed.

### **LEGAL IMPLICATIONS**

There are no legal impediments to implementing the recommendations in this report.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

### **ACCESSIBILITY IMPACTS**

When implementing this report's recommendations, staff will ensure that the City continues to adhere to the accessibility employment standards set out in the Ontario *Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA). The Ontario *Human Rights Code* states that every person has a right to equal treatment with respect to employment without discrimination or harassment because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. The right to "equal treatment with respect to employment"

covers every aspect of the workplace environment and employment relationship, including job applications, recruitment, training, transfers, promotions, apprenticeship terms, dismissal and layoffs. It also covers rate of pay, overtime, hours of work, holidays, benefits, shift work, discipline and performance evaluations. The AODA aligns with the Code's requirements and includes specific disability-related requirements around recruitment, assessment, selection process, notice to successful applicants, informing employees of supports, accessible formats and communications supports for employees, workplace emergency response information, documented individual accommodation plans, return to work process, performance management, and career development and advancement. These requirements will be incorporated into all relevant recommendations.

### **TERM OF COUNCIL PRIORITIES**

This review aligns to the Strategic Priority Thriving Workforce: Promote Service Excellence by supporting a workforce that is healthy, diverse, adaptive and engaged. This review is intended to support Councillors' Assistants and engages City Councillors by ensuring they have the necessary tools and supports to meet the City's legal obligations and foster relationships with their staff.

### **SUPPORTING DOCUMENTATION**

Document 1 - City Clerk's email dated September 26, 2019

Document 2 - City Clerk's email dated November 6, 2019

Document 3 - Analysis Report on the Review of the Recruitment and Hiring for Councillors' Assistants from Samson & Associates

Document 4 - Councillor's Office Manual

### **DISPOSITION**

Should Council approve the staff recommendations, the Office of the City Clerk will provide an update as part of 2018-2022 Mid-Term Governance Review report and be reviewed as part of each successive governance report.

This defined review period will allow staff to incorporate recommendations and best practices emanating from the Women and Gender Equity Strategy and anti-racism and race relations initiatives into the review of practices, policies and procedures and ensure that goals are being met and gaps are identified and, where possible, systemic adjustments are made.

In addition, the Office of the City Clerk develop mandatory training for that would incorporate best practices and guidance from community partners, including the City's Diversity and Inclusion Specialist, the Women and Gender Equity Specialist, the Anti-Racism Secretariat and the Accessibility Advisory Committee. Additionally, key learnings provided by external stakeholders including the Women's Initiatives for Safer Environments (WISE), the Ottawa Coalition to End Violence Against Women (OCTEVAW), and the City for All Women Initiative (CAWI).