



**POLICY: FAIR PRACTICES IN HIRING AND PROMOTION**

**CODE : HR-17**

**Origin:** Human Resources Department

**Authority:** Resolution #18-11-28-17.2

**References:** Refer to the Legal Framework on page 2

*NOTE: The masculine gender, when used in this document, refers to both women and men. No discrimination is intended.*

## **RATIONALE**

The purpose of this policy is to establish fair and balanced practices in the recruitment, selection, hiring and promotion of all categories of personnel within the English Montreal School Board (referred to as the “Board”).

This policy is intended to avoid any current, future or potential situations of conflict of interest, and/or influence peddling.

## **POLICY STATEMENT**

By putting into force a Policy on Fair Practices in Hiring and Promotion, the Board intends to provide a framework to support hiring on the basis of merit.

The Board welcomes and values the skills and competencies of its personnel and its interest in servicing the communities of the Board.

The Board does not discourage nor prohibit the employment of more than one member of a family or with whom the employee has an intimate relationship.

The Board wishes to avoid creating or continuing an employment situation where there is a potential for favouritism, conflict of interest and/or influence peddling.

The Board will not knowingly place relatives in a supervisory role in which one relative has a direct influence over another relative’s employment.

## **FIELD OF APPLICATION**

This policy applies to all employees and elected representatives of the Board, including those persons who receive any form of remuneration from the Board (i.e. contracts, project requests, grants).

This policy also applies to external applicants seeking employment with the Board.

## LEGAL FRAMEWORK

All Canadian and Quebec laws, EMSB governance policies and by-laws and collective agreements will be applied, more particularly but not limited to:

1. *Civil Code of Quebec* (sections 6, 7, 1375, 2088)
2. The Board's policies, by-laws
3. Provincial and local collective agreements
4. *Règlement déterminant certaines conditions de travail des cadres des Commissions scolaires et du Comité de gestion de la taxe scolaire de l'Île de Montréal*
5. Local Management policies

## DEFINITIONS

- **Conflict of interest** is a situation in which a person - such as an external candidate, an elected representative or an employee - has a private or personal interest sufficient to appear to influence the objective exercise of his official duties.
- **Immediate superiors** refer to a person or group of persons organized into successive ranks, classifications or grades with each level subordinate to the one above, and where one person exercises authority over another one below.
- **Influence peddling** is a situation in which a person solicits benefits in exchange for using his influence to unfairly advance the interests of a particular party.
- **Intimate relationships** is an interpersonal relationship that involves physical or emotional intimacy. Intimacy is characterized by a very close friendship, platonic love, romantic love, or sexual activity.
- **Relatives** are defined as a member of the employee's family and or an individual with whom the employee has an intimate relationship.
- For the purposes of this policy, **relatives** are considered to be:
  - Spouses, including common law spouses and same sex partners
  - Children, including stepsons and stepdaughters
  - Siblings, including stepbrothers and stepsisters
  - Parents, grandparents and grandchildren
  - In-laws (employee's siblings' spouses, employee's children's spouses and employee's spouses siblings and parents)
  - Aunts and uncles
  - Cousins
  - Nieces and nephews
  - Godparents and Godchildren
  - Individuals involved in an intimate relationship, as described in this policy such as friends and sexual partners.

## APPLICATION OF THIS POLICY

1. The Director of Human Resources is responsible for the application of this Policy;
2. This Policy will be reviewed on an "as needed" basis.



**PROCEDURE: FAIR PRACTICES IN HIRING AND PROMOTION**

**CODE : HR-17**

**Origin: Human Resources Department**

**Authority: Director of the Human Resources Department**

*NOTE: The masculine gender, when used in this document, refers to both women and men. No discrimination is intended.*

## **PURPOSE**

The following procedure shall be followed in order to ensure the application of the present policy, always with an intent to ensure the confidential nature of the information disclosed while respecting individuals' rights and the Board's obligations:

### **Employees, Elected Representatives and External Applicants**

1. An employee or an elected representative must disclose in writing conflicts or potential conflicts of interest and/or of influence peddling related to an intimate relationship to the Director of Human Resources (reference: Appendix A);
2. The representatives of Human Resources overseeing the interview process of any external candidate will inform said candidate of the existence of this policy;
3. An external applicant whose candidacy is being retained for an interview, must disclose conflicts or potential conflicts of interest and/or of influence peddling related to an intimate relationship, to the representative of Human Resources overseeing the interview process who will, in turn, inform the Director of Human Resources.

### **HIRING, RECRUITMENT, SELECTION & PROMOTION PRINCIPLES**

1. An employee or an elected representative who sits on a committee for the hiring, recruitment, selection or promotion of another Board's employee or of any external candidate must recuse himself if he is in a conflict or potential conflict of interest or influence and/or of influence peddling related to an intimate relationship;
2. The Board will not knowingly hire an external candidate, as well as knowingly assign or transfer an employee to a school, centre or service where this person could only be under the direct supervisory responsibility of a relative.

# **APPENDIX A**

## **Policy on Fair Practices In Hiring and Promotion**



**DISCLOSURE FORM**  
**CONFLICT OR POTENTIAL CONFLICT OF INTEREST**

**DISCLOSER INFORMATION**

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
First Name

2. Role at EMSB:

- External Applicant
- Elected Representative
- Employee

3. Place(s) of Work:  
(for employees only)

\_\_\_\_\_

4. Home Address:

\_\_\_\_\_  
\_\_\_\_\_

5. Coordinates:

E-mail: \_\_\_\_\_@\_\_\_\_\_

Telephone: (day) \_\_\_\_\_

(night) \_\_\_\_\_

## CONFLICT OR POTENTIAL CONFLICT OF INTEREST

6. Name of Person:

\_\_\_\_\_

Last Name

\_\_\_\_\_

First Name

7. Role at EMSB:

- Employee
- Elected Representative
- Other (specify): \_\_\_\_\_

8. Home Address:

\_\_\_\_\_  
\_\_\_\_\_

9. Coordinates:

- E-mail: \_\_\_\_\_ @ \_\_\_\_\_
- Telephone: (day) \_\_\_\_\_  
(night) \_\_\_\_\_

10. Nature of Conflict or Potential Conflict of Interest and/or Influence Peddling:

*(Please describe nature of relationship and conflict or potential conflict of interest and/or of influence peddling)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that, to the best of my knowledge, the above-mentioned information is true, accurate and complete. Making false or frivolous allegations is in violation of this policy and could lead to administrative, disciplinary and/or other sanctions by the Board.

\_\_\_\_\_

Signature of the Discloser

\_\_\_\_\_

Date