

## **TOPIC    EMPLOYMENT OF IMMEDIATE FAMILY MEMBERS**

**POLICY**    Immediate family members may be employed in the same work area, unless senior management determines that the risk of conflict of interest outweighs the benefits of the appointment.

### **QUESTIONS AND ANSWERS**

1.    Can managers hire existing employees' immediate family members to work in the same area?
2.    Can managers hire members of their immediate families?
3.    What are the potential risks in hiring immediate family members?
4.    Can managers' decisions not to hire an immediate family member be challenged?

### **AUTHORITY**

- *Civil Service Act* 13(2)
- Conflict of Interest Policy
- The Manitoba Human Rights Code 9(1)i
- Civil Service Commission Board. Minute CSC 15-96/97-13

**Effective date**        January 15, 1997

### **QUESTIONS AND ANSWERS**

1.    ***Can managers hire existing employees' immediate family***

### ***members to work in the same area?***

Yes, in some situations. The principles of merit, equity and fairness apply. The manager must consider if hiring an existing employee's <immediate family member> would negatively effect the operation or create a potential conflict of interest. The manager must also determine if any restrictions on relatives working together are based on legitimate business reasons. Managers, in consultation with Human Resources, must weigh both these considerations before reaching a decision. See also Conflict of Interest Policy 3.2.1.

### ***2. Can managers hire members of their immediate families?***

Yes, in some situations. The principles of merit, equity and fairness apply. Since discrimination based on marital status or family status is prohibited, managers must determine if restrictions on relatives working together are based on legitimate, business reasons. Managers must also consider whether hiring an <immediate family member> would adversely affect other employees or create a potential conflict of interest. Conflict of interest may arise when personal relationships interfere with work relationships. Managers, in consultation with Human Resources, must weigh both these considerations in reaching a decision. Managers finding themselves in this situation should turn the selection decision over to an impartial third party. See also Conflict of Interest Policy.

### ***3. What are the potential risks in hiring immediate family members?***

There are several potential risks in hiring immediate family members:

- potential areas for conflict of interest or perceived <collusion>
- grievances or disciplinary action processes hampered or unduly influenced
- adverse impact on morale of other staff
- unfair advantage gained by family member or perceived favouritism
- possible negative cross-over with the employees' personal relationship
- negative perceptions arising from the appointment.

Managers, in consultation with Human Resources, must examine and weigh the potential risks of hiring an immediate family member, and determine if the risks outweigh the benefits.

### ***4. Can managers' decisions not to hire immediate family members be challenged?***

Yes. If the <immediate family members> are employees in the civil service, they may

appeal their non-selection to the Civil Service Commission Board. Candidates from outside the civil service may complain to the Office of the Ombudsman or file a complaint to the Manitoba Human Rights Commission.

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## **COMMENT BOXES**

### **Collusion**

Collusion means a secret agreement for an illegal or deceitful purpose.

### **Immediate Family Members**

Immediate family members of employee includes fathers, mothers, brothers, sisters, spouses, children, wards of employees, or relatives permanently living in the employee's household.