



# INFORMATION REPORT

<b>TO:</b>	Chair and Members General Issues Committee
<b>DATE:</b>	August 14, 2017
<b>SUBJECT/REPORT NO:</b>	Post-Employment Restrictions – Elected Officials Report (LS17026) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Lisa Pasternak Solicitor, ext 7292
<b>SUBMITTED BY:</b>	Nicole Auty City Solicitor
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION:

At the June 7<sup>th</sup>, 2017 General Issues Committee, the following direction was approved:

**(ii) Policy respecting a Post Employment (Cooling Off) Period for Retired and Current Elected Officials (10.3)**

That staff be directed to review the feasibility of implementing a 2 year Post Employment (cooling off) period for retired and current elected officials between the time of retirement / leaving the City of Hamilton and being able to attend at the City as a lobbyist, and report back to the General Issues Committee.

## INFORMATION:

### Previous Council Consideration of Post-Employment Restrictions

Council considered post-employment restrictions on staff and members of Council in 2014. This resulted in the following amendment to the Code of Conduct for Employees. Employment contracts for the positions designated in the amendment now include post-employment restrictions.

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*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

*Post-Employment Restrictions*

*Employees who leave the employment of the City are expected to maintain discretion and ensure that sensitive information obtained during the course of their employment remains confidential.*

*Employees in senior level positions, in addition to other identified positions, that are entrusted with high levels of authority and influence; power of approval or recommendation; visibility; access to confidential information; and intimate knowledge of City processes, may be subject to specific post-employment restrictions for a period of time following employment with the City, which is specified within individual employment contracts.*

**Post-Employment Restrictions for Elected Officials**

The expectation that members of Council who leave office are to maintain discretion and ensure that sensitive information obtained while they were in office remains confidential, as is required of employees in the Employee Code of Conduct, can be added to the Council Code of Conduct. However, the Council Code of Conduct can only be enforced with respect to sitting members of Council, not those who have left office. In addition, members of Council do not have an employment contract through which specific post-employment restrictions could be enforced.

Section 223.9(3)7 of the *Municipal Act* authorizes the City to prohibit former public office holders from lobbying current public office holders for a period of time specified in its Lobbyist Registry By-law. The City's Lobbyist Registry By-law defines public office holders as:

- (a) a member of Council and any person on his or her staff; and
- (b) an employee of the City who is a member of the City's Senior Management Team;

The Lobbyist Registry By-law requires that public office holders, both members of Council and senior staff, register if they lobby post-employment. However, the prohibition on lobbying authorized under s. 223.9(3)7 is not included. This prohibition could be added, by means of an amendment to the Lobbyist Registry By-law. Section 223.9(3)7 does not prescribe a period of time for a prohibition, leaving that to the municipality. Brampton, Peel, Toronto and Vaughan all have a 12 month prohibition, as does the Province of Ontario.