Agenda – Council – September 28, 2016

Report – Executive Policy Committee – September 14, 2016

Item No. 1 Compensation Disclosure – Breakdown of Details

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 14, 2016, the Executive Policy Committee concurred in the Council Motion of July 13, 2016, and submitted the following to Council:

1. That subject to due diligence satisfactory to the Chief Administrative Officer, the results of which shall be submitted to Council prior to any implementation of the following:

    A. A breakdown of compensation details and/or sources including regular pay, overtime, court overtime, special duty pay, vacation pay, sick-leave cash out, bonuses, allowances, severance and/or other sources of compensation be disclosed for all employees earning $50,000 or more as part of the City of Winnipeg's annual compensation report in accordance with The Public Sector Compensation Disclosure Act;

    B. For all employees under written contract, details of the contract including regular pay, overtime, special duty pay, vacation pay, sick-leave cash-out, bonuses, severance, allowances, benefits, vacation and/or other details of "compensation" as defined under The Public Sector Compensation Disclosure Act shall be publicly disclosed upon signing of the employment contract;

    C. If determined necessary by the City Solicitor / Director of Legal Services to implement the foregoing, the City of Winnipeg request the Province of Manitoba amend The Public Sector Compensation Disclosure Act as necessary to implement the foregoing and to further enhance access to information that promotes democratic values of open, transparent and accountable government.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – September 14, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 14, 2016, the Executive Policy Committee concurred in the Council Motion of July 13, 2016 and submitted the matter to Council.

COUNCIL DECISION:

On July 13, 2016, Council ruled automatic referral of the following motion to the Executive Policy Committee:

Moved by Councillor Gillingham,
Seconded by Councillor Lukes,

WHEREAS access to information promotes democratic values of open, transparent and accountable government;

AND WHEREAS access to information, "… helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry." [Supreme Court of Canada Justice G. V. La Forest in Dagg v. Canada (Minister of Finance), 1997];

AND WHEREAS Section 17(3) of The Freedom of Information and Protection of Privacy Act of Manitoba states;

17(3) In determining under subsection (1) whether a disclosure of personal information not described in subsection (2) would unreasonably invade a third party's privacy, the head of a public body shall consider all the relevant circumstances including, but not limited to, whether
(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Manitoba or a public body to public scrutiny;

AND WHEREAS citizen engagement is on the rise, and the City of Winnipeg wants to be more accountable and provide better access to information for its citizens;

AND WHEREAS direct access to information and openness and transparency at all levels of government is being demanded in order to empower citizens;

Report – Executive Policy Committee – September 14, 2016

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

AND WHEREAS on June 25, 2014, Council adopted the "Open Government Initiative - Improvements to the Freedom of Information and Protection of Privacy Act Process";

AND WHEREAS elected officials and public employees are obligated to be accountable to tax, rate and fee payers for the collection, use, investment and expenditure of public funds;

AND WHEREAS City Council has committed to and launched initiatives for enhancing openness and transparency through greater disclosure of how public funds are spent;

AND WHEREAS all City of Winnipeg employees are under contract with the City as part of their employment agreement;

AND WHEREAS a City of Winnipeg employment contract is a record held by a public body and is therefore subject to accessibility laws;

AND WHEREAS the City of Winnipeg's current Chief Administrative Officer recently publicly disclosed the details of his employment contract;

AND WHEREAS a compensation report for all City of Winnipeg employees earning $50,000 or more is published annually in accordance with The Public Sector Compensation Disclosure Act;

AND WHEREAS disclosure of compensation details for City of Winnipeg employees earning $50,000 or more, including employees under contract, is critical to effective public scrutiny of The City of Winnipeg as a public body;

AND WHEREAS the City of Winnipeg is deemed to be a public sector body in The Public Sector Compensation Disclosure Act;

Report – Executive Policy Committee – September 14, 2016

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

THEREFORE BE IT RESOLVED THAT subject to due diligence satisfactory to the Chief Administrative Officer, the results of which shall be submitted to Council prior to any implementation of the following:

1. A breakdown of compensation details and/or sources including regular pay, overtime, court overtime, special duty pay, vacation pay, sick-leave cash out, bonuses, allowances, severance and/or other sources of compensation be disclosed for all employees earning $50,000 or more as part of the City of Winnipeg's annual compensation report in accordance with The Public Sector Compensation Disclosure Act;

2. For all employees under written contract, details of the contract including regular pay, overtime, special duty pay, vacation pay, sick-leave cash-out, bonuses, severance, allowances, benefits, vacation and/or other details of "compensation" as defined under The Public Sector Compensation Disclosure Act shall be publicly disclosed upon signing of the employment contract;

3. If determined necessary by the City Solicitor / Director of Legal Services to implement the foregoing, the City of Winnipeg request the Province of Manitoba amend The Public Sector Compensation Disclosure Act as necessary to implement the foregoing and to further enhance access to information that promotes democratic values of open, transparent and accountable government.