

THE CORPORATION OF THE TOWNSHIP OF HORNEPAYNE

BY-LAW NO. 1748

**Being a By-Law to adopt a
Council-Staff Relations Policy**

WHEREAS Bill 68, known as the Modernizing Ontario's Municipal Legislation Act, 2017 amends several Acts including the Municipal Act, 2001; and,

WHEREAS as a result of the passing of the Modernizing Ontario's Municipal Legislation Act, 2017, Section 270 (1) of the Municipal Act, 2001, requires municipalities to adopt and maintain a policy with respect to the relationship between members of council and the officers and employees of the municipality; and,

WHEREAS Council of the Corporation of the Township of Homepayne deems it expedient to adopt the aforementioned policy;

NOW THEREFORE the Council of the Corporation of the Township of Homepayne enacts as follows:

1. That the attached Policy 1748 Council-Staff Relations be hereby adopted as set out in Schedule "A" attached forms an integral part of this By-Law; and,
2. That any proposed amendment, or a repeal to replace Policy 1748 Council-Staff Relations must be approved by a two-thirds (2/3) majority vote of the whole of Council in attendance for the vote; and
3. This By-Law may be known as the "Council-Staff Relations Policy".
4. This By-Law comes into force and takes effect upon passage.

Read a first and second time this 11th day of July 2019.

Read a third time and finally passed this 11th day of July 2019.



Presiding Officer



Clerk

Schedule A
Council Staff Relations Policy
By-Law No. 1748

1.0 Policy Statement

The Corporation of the Township of Hornepayne ("Township") will promote a respectful and harassment-free relationship and workplace for and between Members of Council and the officers and employees of the corporation. To accomplish this, Council and staff are guided by the Strategic Plan, the Code of Conduct for Members of Council, the Code of Conduct of Municipal Employees and Staff, the Violence in the Workplace Policy, the Harassment in the Workplace Policy, Delegation of Authority and the Procedure By-laws, as well as other relevant policies, regulations and statutes.

2.0 Purpose

It is essential that the relationship between Council and Staff is one of cooperation and support underpinned by a clear understanding of each other's respective roles and responsibilities. Section 270 of the *Municipal Act, 2001*, requires Councils to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the corporation. This Council-Staff Relations Policy identifies the legislation, policies, procedures and practices that the Township complies with in order to promote a respectful, tolerant, harassment-free relationship and workplace for and between Members of Council, officers and employees of the Township. This policy further affirms that all members of Council are "equal" and act as a Council, not as individuals when directing staff.

3.0 Scope

This policy applies to all Members of Council, officers and employees of the corporation.

This policy is not intended to restrict any member of Council from speaking to staff about issues or seeking information, but rather to ensure that such interactions are carried out in an effective, controlled and respectful way, in keeping with Council and Staff's respective responsibilities and delegated authority, and more specifically as set out herein.

4.0 Responsibility

Members of Council, officers and employees of the corporation are required to adhere to this policy and related policies as list herein.

It is also imperative that Members of Council, officers and staff of the corporation embrace the following principles:

1. There must be a collective understanding of the importance of, and difference between, the political/representative role and the administrative/operational management role necessary for the provision of efficient, responsible, transparent and accountable municipal government; and
2. There is an absolute need for mutual trust and respect between all parties for effective execution of their respective roles.

5.0 Application

The relationship between Members of Council and the officers and employees of the corporation is informed in part by the statutory roles of Council and Staff as set out in the *Municipal Act, 2001*. Municipalities also receive responsibilities and powers from over 100 provincial acts, municipal plans, policies, and by-laws; including but not limited to the following:

5.1 Municipal Act, 2001

The *Municipal Act, 2001* establishes the primary legislative framework for municipalities. It sets out the roles and responsibilities of members of Council, key staff and the Chief Administrative Officer. The *Municipal Act, 2001*, contains no reference to the position of "Councillor"; thereby reinforcing that it is only Council acting as a whole that have authority to instruct staff and make decisions on behalf of its constituents.

5.2 Strategic Plan

A Strategic Plan is an essential tool for good municipal governance. A "Term of Council" Strategic Plan looks to the future, clearly setting out the Township's goals, vision, values, priorities and action plans. It is a policy document, which both staff and Council rely upon to guide their decision-making and resource allocation in order to help realize its ultimate strategic vision, goals and objectives. A Strategic Plan sets the Township's priorities and it further establishes what are not the Township's priorities, absent of any other Council directive to the contrary.

5.3 Council Code of Conduct

The Council Code of Conduct outlines the ethical standards for the behaviour of Council Members (and Local Board members). The Council Code of Conduct guides Council to work diligently at creating a positive working relationship between Council and staff founded upon an environment of mutual respect, trust and acceptance of different roles.

The Code of Conduct contains specific guidance to Council with respect to the following:

- Transparency and Accountability
- Ethical Standards
- Use of Information
- Relations with employees and other members of Council
- The Role of Council as it relates to the Code

Members of Council are required to familiarize themselves with the Code of Conduct and follow it.

5.4 Employee Code of Conduct

The Employee Code of Conduct outlines the manner in which employees shall conduct themselves. Employees are expected to project a positive professional image at all times. Employees are further expected to treat everyone fairly, with respect and dignity.

The Code of Conduct contains specific guidance to Employees with respect to the following:

- Honesty and Respect
- Behaviour and Professionalism
- Confidential and Personal Information
- Professional Conduct

Employees are required to familiarize themselves with the Code of Conduct and follow it.

5.5 Violence and Harassment in the Workplace Policy

The Violence in the Workplace Policy recognizes that violence in the workplace is an occupational health and safety hazard. Furthermore, the Township recognizes

that physical and emotional harm can result from violence in the workplace and any form of violence in the workplace is unacceptable. Therefore, the Township is committed to maintaining a zero tolerance policy towards violence in the workplace and encourages employees and members of Council to take affirmative steps to identify and address potentially violent situations.

The Harassment in the Workplace Policy recognizes that the Township is committed to providing and maintaining a work environment that is based on respect for the dignity and rights of everyone in the organization. It is the Township's goal to provide a healthy, safe, and productive workplace based upon mutual respect and free from any form of harassment or discrimination. In pursuit of this goal, the Township does not condone and will not tolerate acts of harassment or discrimination against or by a Township employee or Member of Council. This Policy prohibits workplace harassment under any of the categories defined in the *Occupational Health and Safety Act*, the *Ontario Human Rights Code* and/or the *Canadian Human Rights Act*.

5.6 Delegation of Authority By-law

The *Municipal Act, 2001* requires that all municipalities adopt and maintain policies with respect to the delegation of its powers and duties. The Township's Delegation of Authority By-law will establish clear roles, responsibilities and authority bestowed upon key staff in order to manage and administer the affairs and resources of the municipality on a day-to-day basis, unless directed otherwise by Council.

5.7 Procedure By-law

The Procedure By-law establishes rules and procedures for Council and Committee meetings. Council decisions must be implemented through the passing of resolutions and/or by-laws at a duly called meeting of Council, and the *Municipal Act, 2001* requires that minutes be recorded without note or comment.

The Procedure By-law specifically states that "No person shall: use belittling, derogatory, indecent, offensive or insulting words, profanity or un-parliamentary language in or against Council or against any Member, Staff, guest or individual."

6.0 Roles

6.1 Role Clarification

Role clarification is fundamental to creating a successful working relationship between members of Council and staff.

Clearly defined roles distinguishing between the concepts of 'governance' and 'management' are critical. Council sets the policy direction for the municipality, and staff provides the research and expert advice to help Council in their decision making process.

In Ontario, as with the Township, most municipalities have embraced the "CAO-One Employee of Council" model. This model identifies the CAO as Council's only employee, who in turn is responsible for and directs all other employees (either directly or indirectly).

The CAO and staff, through the CAO, receive direction from and are responsible to the whole of Council. Staff shall not be directed by or be responsible to any individual member of the Council who may be acting independent of Council.

Council further recognizes the role of Township staff, through the CAO, to discharge their duties and to offer professional recommendations and advice to Council free of undue influence. More specifically, the *Modernizing Ontario's Legislation Act, 2017*, prohibits Council members from using his or her office to attempt to influence any decision or recommendation being considered by employees and persons who are acting on delegated authority from Council. As such, Council will receive the professional recommendations and advice from staff and direct the CAO to implement Council's decisions in an open and transparent manner, free of negativity, criticism or reprisals.

The following roles and principles guide Council and staff throughout their daily interactions:

6.2 Role of Council

To conduct themselves in an ethical, respectful and professional manner at all times;

- a) To effectively and responsibly govern the municipality in a transparent and accountable manner;
- b) To set and clearly articulate strategic goals and objectives for the municipality through consultation with the appropriate members of staff and, where applicable, community stakeholders;

- c) To render decisions regarding matters of service level delivery and corporate policy through consultation with the appropriate members of staff and, where applicable, community stakeholders;
- d) To receive the professional recommendations and advice from staff and direct the CAO to implement Council's decisions in an open and transparent manner, free of negativity, criticism or reprisals;
- e) To keep staff informed, to be open to discussion and to seek clarification as required; and
- f) To refrain from engaging in matters pertaining to the administrative or managerial role in the day-to-day operations of the municipality.

6.3 Role of Staff

- a) To conduct themselves in an ethical, respectful and professional manner at all times;
- b) To provide timely, well researched, accurate reports to Council based professional expertise and judgment to assist in the decision-making process;
- c) To effectively implement all decisions and directions received from Council in a timely and professional manner;
- d) To manage and identify the means for achieving corporate goals and objectives as set by Council;
- e) To develop and implement administrative policies and procedures to ensure the effective, efficient, transparent and accountable management and operation of the municipality;
- f) To manage and identify effective means for achieving corporate goals;
- g) To ensure that members of Council are kept up-to-date and informed; to be open to discussion; and to seek clarification as required; and
- h) To refrain from engaging in, or assuming, a political role within the discharging of their assigned duties.

6.4 Guiding Principles

- a) Members of Council and staff shall treat each other with respect and professionalism at all times;
- b) Members of Council and staff shall demonstrate integrity and leadership at all times in the discharging of their respective duties;
- c) The provision of advice and guidance by staff and the rendering of decisions by Council should be based on complete and accurate information for the betterment of the community as a whole;
- d) The Chief Administrative Officer is responsible for the overall administration and management of Township operations and the performance and, where required, the discipline of staff;
- e) Staff shall not be targets of negative or derogatory behavior or conduct on the part of members of Council;
- f) Staff shall refrain from making derogatory or negative comments regarding members of Council and/or Committees of Council;
- g) Council shall not permit staff to be subjected to negative or derogatory behavior or conduct by other of members Council, members of the public or individuals conducting business with the Township;
- h) Complaints or inquiries received by a member(s) of Council about Township operations shall be first referred to the Chief Administrative Officer, or Department Manager for review who shall update the member(s) of Council concerning the findings or outcome of the complaint or inquiry; and
- i) Complaints received by a member(s) of Council about Township staff require a proper, fair and thorough investigation. Such complaints shall be treated with strict confidentiality and shall be immediately referred to the Chief Administrative Officer for investigation. The Chief Administrative Officer will report confirmed matters of serious misconduct to Council where appropriate in closed session only.

7.0 Procedure By-law

When a violation of this policy is suspected or is alleged, a complaint shall be submitted in a timely manner in writing:

1. In the case of an Employee to the CAO; or
2. In the case of the CAO to the Integrity Commissioner c/o the Mayor; or
3. In the case of Members of Council to the Integrity Commissioner c/o the Clerk.

Where there is a conflict between the Council-Staff Relations Policy and the Code of Conduct for Members of Council or the Employee Code of Conduct, the language of the Code(s) prevails. Investigations pursuant to items 1 and 2 above shall be in accordance with the Township's Employee Code of Conduct, as amended. Investigations pursuant to item 3 above shall be conducted in the same manner as set out in the Council Code of Conduct, as amended.

8.0 Definitions

"Chief Administrative Officer" means the person appointed as the Chief Administrative Officer within the meaning of the *Municipal Act 2001*, S.O. 2001, c. 25, and referred to herein as CAO.

"Clerk" means the person appointed as the Clerk, or a person appointed as a Deputy Clerk, within the meaning of the *Municipal Act 2001*, S.O. 2001, c. 25, and referred to herein as Clerk.

"Code of Conduct for Municipal Employees and Staff" means the Code of Conduct applicable to employees, contractors and volunteers of the Township of Hornepayne, and may also be referred to as the "Employee Code of Conduct".

"Council" means the Council of the Corporation of the Township of Hornepayne.

"Council Code of Conduct" means the Code of Conduct applicable to members of Council and Local Board Members adopted in accordance with the requirements of the *Municipal Act 2001*, S.O. 2001, c. 25.

"Employee" means any person employed by, under contract or acting as a volunteer, for the Township of Hornepayne.

"Integrity Commissioner" means the person appointed as the Township's Integrity Commissioner by Council in accordance with the provisions of the *Municipal Act 2001*, S.O. 2001, c. 25.

"Member" means a member of Council or a Committee of Council.

"Township" means the Corporation of the Township of Hornepayne and is referred to herein as "Township", "Corporation" or "Municipality".

9.0 Related Documents

The Council-Staff Relations Policy is to be interpreted in conjunction with the following:

1. Municipal Act
2. Municipal Conflict of Interest Act
3. Township's Strategic Plan
4. Council and Employee Code(s) of Conduct
5. Workplace Violence and Harassment Policies
6. Delegation of Authority By-law
7. CAO Appointment By-law
8. Procedure By-law

The above list is not exhaustive. Members of Council and Employees are responsible for abiding by all the Township's policies and procedures, and all applicable law.

Print Name:

Date:

Signature:

Tel:

Mailing Address:

Email:

Personal information on this form is collected under the authority of the *Municipal Act, 2001*, S.O. 2001, c.25 and will be used to investigate an alleged breach of the Township's Council-Staff Relations Policy. The disclosure of this information is governed by the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O c.M.56. Inquiries may be directed to the Township Clerk at 807-868-2020.