
TO: GENERAL COMMITTEE

SUBJECT: COUNCIL-STAFF RELATIONS POLICY

WARD: ALL

PREPARED BY AND KEY CONTACT: W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES EXT. 4560

SUBMITTED BY: W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES

GENERAL MANAGER APPROVAL: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the Council-Staff Relations Policy attached as Appendix "A" to Staff Report LCS005-19, be adopted.
2. That the City Clerk be authorized to make minor updates to the Council-Staff Relations Policy to remain compliant with other City Policies and legislative changes.

PURPOSE & BACKGROUND

3. On November 16, 2016, *Bill 68, the Modernizing Ontario's Municipal Legislation Act* was introduced in the Ontario Legislature. The Bill received Royal Assent on May 30, 2017. As identified previously in Staff Report LCS014-17, one of the amendments that Bill 68 made to the *Municipal Act* was a requirement that Council pass a policy with respect to the relationship between members of Council and the officers and employees of the municipality. This provision in the *Municipal Act* is effective as of March 1, 2019.

ANALYSIS

4. Amendments to Section 270(1) of the *Municipal Act, 2001*, effective March 1, 2019 require that municipalities adopt a policy concerning the relationship between members of Council and the officers and employees of municipality.
5. The provisions contained within the *Municipal Act* provide municipalities the flexibility to determine the content of the Council-Staff Relations Policy.
6. The proposed policy attached as Appendix "A" to Staff Report LCS005-19 discusses by-laws, policies and protocols that currently discuss Council-Staff relations and establishes the roles and expectations for the relationship between Council and Staff. In preparing this Staff Report and the draft policy, staff reviewed a number of other municipality's Council-Staff Relations Policies. The proposed Policy is consistent with these documents.

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7. The Council-Staff Relations Policy identifies legislation, policies, procedures, protocols, by-laws that are in place to ensure that the City promotes a respectful relationship between members of Council and the employees of the City of Barrie.
 8. This Policy contains a consolidation of policy statements, provisions, guidelines of the following documents:
 - Council and Committee Member Code of Conduct;
 - Employee Code of Conduct;
 - Procedural By-law;
 - Council Communications Protocol;
 - Violence in the Workplace Policy; and
 - Workplace Human Rights Policy.
 9. The intent is that this Policy will be reviewed at the beginning of each term of Council by staff, with only significant changes being reported to General Committee for consideration.

ENVIRONMENTAL MATTERS

10. There are no environmental matters related to the recommendation.

ALTERNATIVES

11. There is one alternative available for consideration by General Committee:

Alternative #1

General Committee could recommend changes to the policy or that a different policy be adopted concerning Council–Staff Relations.

Although this alternative is available, it is not recommended. The provisions contained within the draft policy are consistent with policies adopted by other municipalities and the draft policy complies with the legislative requirements under section 270 of the *Municipal Act*.

FINANCIAL

12. There are no financial implications associated with the recommended motion.

LINKAGE TO 2018-2022 STRATEGIC PLAN

13. The 2018-2022 Council Strategic Plan has not been finalized as of the writing of this Staff Report.

APPENDIX "A"

COUNCIL – STAFF RELATIONS POLICY

Policy Category/Section: C00- Governance – City Council
Approval Date and Motion:
Effective Date: March 1, 2019
Last review date:

Policy Statement:

The City of Barrie will promote a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the Corporation, guided by the Code of Conduct for members of Council and Local Boards, the Employee Code of the Conduct, Violence in the Workplace Policy, Workplace Human Rights Policy and the Procedural By-law.

Purpose/Application:

In keeping with the City of Barrie's Corporate Values, the purpose of this Policy is to provide guidance to ensure a tolerant, harassment free workplace.

This Policy applies to all City of Barrie full-time, part-time, contract, casual and temporary employees and members of Council. This may include interactions at off-site job related functions and social events related to work and employment.

Definition(s):

Council shall mean the Council of The Corporation of the City of Barrie acting as a body.

Employee or staff shall mean a person employed by the City of Barrie, including full-time, part-time, contract, casual and temporary employees.

Member(s) of Council shall mean the Mayor and/or individual Ward Councillors of The Corporation of the City of Barrie.

Specific Policy Requirements:

1. Role clarification and sensitivity are fundamental to the success of the working relationship between Council and staff. Both Council and staff are expected to enhance public education about the political and legislative process by providing context and process information about decision making. Policy making and implementation move along a continuum, with different roles at different times.
2. Both Council and City staff are required to have a solid understanding of and be guided by the following Policies that form the core structure for the roles of Council and Staff:

City of Barrie Staff Code of Conduct

The City of Barrie's Employee Code of Conduct applies to all employees. The Code of Conduct provides for how employees must conduct themselves when representing or acting on behalf of the City. It details the high expectations set for employee behaviour.

Staff shall provide objective advice to, and carry out the directions of, Council regardless of personal opinion.

As set out in the Corporate Social Media Policy, staff may not voice personal opinions about the Corporation or Council, fellow employees or the workplace in public forums. Social media accounts have personal profile pages and that information can be used to identify a person as a City employee. It is important to understand that the workplace, as defined in the Workplace Human Rights Program and Violence in the Workplace Program can extend to electronic platforms.

Staff must resolve any conflict between their personal or private interests and their official duties in favour of the public interest. Staff must serve the public interest by following both the letter and the spirit of the laws, policies, regulations and directions established by City Council.

Council and Committee Member Code of Conduct

The Council and Committee Member Code of Conduct establishes standards of conduct for members of Council, Local Boards and Committee Members in the individual conduct of their official duties. The Code represents general ethical standards. The Code does not replace Council Member's roles, responsibilities, actions and behaviours required by various statutes, by-laws and policies.

Section 19.6 of the Code provides that:

Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City.

Employees have a duty and obligation to act impartially, and in accordance with prescribed regulations or standards of conduct. Similarly, employees with professional qualifications have an additional duty and obligation to act in accordance with standards of conduct prescribed for their profession. Members shall refrain from any conduct which may deter, interfere or unduly influence employees in the performance of such duties and obligations.

Certain employees are employed within the administration of justice. Members shall refrain from making requests or statements or taking actions which may be construed as an attempt to influence the independent administration of justice.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

There are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles are captured in the Code of Conduct and include dealing with constituents and the general public, participating as Committee members, participating as Chairs of Committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of City staff.

Council Communications Protocol

The Council Communications Protocol provides guidelines associated with the communications between Council and City staff.

Council is to send any questions or concerns/issues directly to the Chief Administrative Officer, or applicable General Manager or Executive Director in order to ensure the question or issue can be assigned to the appropriate staff in a timely manner and that the matter is followed up on. If contacting Directors via email members of Council are requested to copy the appropriate General Manager or Executive Director; to allow the Executive Management Team to track issues, identify trends and again ensure appropriate follow-up.

For Service Requests, members of Council are encouraged to contact Service Barrie. This will ensure that proper tracking and issuing of relevant work orders is undertaken. If contacting the Department Director directly on a service matter, a member of Council is requested to copy Service Barrie for tracking purposes.

Procedural By-law

The Procedural By-law establishes rules and procedures for the conduct of Council and Committee meetings. The By-law contains provisions setting out the conduct of members at meetings, use of language and the rules of debate.

Section 5 concerning the Conduct of members of Council provides that:

No member shall:

- a) Speak disrespectfully of the Reigning Sovereign or of any of the Royal Family, or of the Governor General, the Lieutenant-Governor of any Province, or any person administering the Government of Canada or the Province of Ontario;
- b) Use offensive words or un-parliamentary language in or against the Council or against any member;
- c) Criticize any decision of the Council except for the purpose of moving in accordance with the provisions of Section 8.15 of the Procedural By-law that the question be reconsidered; and
- d) Disobey the Rules of Council, or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the rules of the Council; and in the case where a member persists in any such disobedience after having been called to order by the Mayor, the Mayor shall forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of Council", but if the member apologized he/she may, by vote of the Council be permitted to retake his/her seat.

Violence in the Workplace Policy

The City is committed to providing a safe and secure workplace for its employees, free from threats and violence. To help ensure a safe and secure workplace, the City has implemented a *Violence in the Workplace Program*. The City considers workplace violence to be serious misconduct and will not tolerate any form of threatening remarks or gestures against an employee of the City while at the workplace. All reports of incidents will be taken seriously and dealt with appropriately. Employees who are found to have engaged in such conduct will be subject to disciplinary action, up to and including dismissal.

All City employees have a responsibility to respect the safety of their co-workers and the public they serve.

The Violence in the Workplace Policy applies to all employees of the City, as well as to volunteers, co-op placements, and students, agents of the City, consultants, contractors and Council in their dealings with employees, volunteers, co-op placements, students, agents, consultants, and contractors of the City.

Workplace Human Rights Policy

The City recognizes the importance of having a workplace that preserves personal dignity and encourages mutual respect, support and understanding amongst employees. To that end, the City has implemented a Workplace Human Rights Policy. All employees have the right to work in an environment that is free from unlawful discrimination and/or harassment.

This Policy applies to all employees of the City as well as to volunteers, consultants, contractors and Council.

Members of the public, visitors to City facilities or individuals conducting business with the City are expected to adhere to this Policy, including refraining from acts of harassment or discrimination against employees, volunteers, members of Council or persons acting on behalf of the City.

3. Based on the above policies, by-laws and protocols, the following roles and expectations are established for Council and staff.

Roles of Council and Staff:

- Demonstrate commitment to communication and consultation among ourselves and with the public;
- Show leadership, relying on our knowledge and judgment, and respond based upon our areas of expertise; and
- Maintain confidentiality and, when appropriate, address confidential matters in “closed session” at Committee and Council meetings.

Council Role:

- To govern and provide political direction;
- To ensure that management systems work properly, establishing vision, goals, determining needs and outcomes to be achieved, and empowering effective staff performance;
- To determine corporate policy and make decisions about issues following consultation with City staff and community residents;
- To respond to constituent concerns, to keep City staff informed, to be open to discussion, and to ask when clarification is needed; and
- To understand that elected representatives do not have an administrative or managerial role in the day to day business of the organization.

City Staff Role:

- To provide timely reports to Council outlining factors that will assist in their decision making process, research policy issues as required, provide sufficient information based upon analysis and best professional expertise and judgment;
- To implement Council’s decisions;
- To manage and identify the means for achieving corporate goals and outcomes;
- To provide appropriate follow-up to Council inquiries, to keep members of Council up-to-date and informed, to be open to discussion, and to ask when clarification is needed; and
- City staff do not have a political role.

It is expected that members of Council will:

- Request staff input prior to making important policy decisions and convey feedback to staff;
- Discuss issues with staff and advise staff of questions prior to Committee and Council meetings whenever possible;
- Request advice from the City Clerk about the appropriate wording of motions, amendments, and formal staff directions in accordance with the Procedural By-law;
- Consult with staff prior to making commitments to constituents;
- Respect staff advice when information is not available; and
- Not direct or attempt to direct the work of staff, when acting as individual members.

It is expected that staff will:

- Ensure that Council is apprised of any issues that may impact their decision making process;
- Deal with all members of Council in an objective, respectful and impartial manner;
- Present a corporate and community perspective to Council;
- Notify Council of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports and/or presentations in a timely fashion;
- Notify Council of media inquiries or news releases;
- Through senior staff at the Chief Administrative Officer, General Manager or Executive Director level, convey feedback to Council members who may not be aware of existing policy or other workload demands and related issues;
- With the exceptions of emergencies, acknowledge or respond to requests for information from members of Council during regular hours, within 24 hours; and
- If a member of Council requests information that has not been collected or developed, consult with the CAO and/or General Manager/Executive Director prior to granting the request and advise the member of Council that the information is not currently available.

Responsibilities:

Members of Council and officers and employees of The Corporation are required to adhere to this Policy and its governing provisions, including the City of Barrie Staff Code of Conduct, Council and Committee Member Code of Conduct, Council Communications Protocol, Violence in the Workplace Policy, Workplace Human Rights Policy and Procedural By-law.

Rationale and Legislative Authority

Section 270 of the *Municipal Act* requires a municipality to adopt and maintain a policy with respect to the relationship between members of Council and the officers and employees of the municipality.

Related Policies, Legislation and By-laws

- Council and Committee Member Code of Conduct;
- Employee Code of Conduct;
- Procedural By-law;
- Council Communications Protocol;
- Use of Corporate Resources for Election Purposes Policy;
- Violence in the Workplace Policy; and
- Workplace Human Rights Policy.



Department Contact

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