

The Corporation of the Municipality of Meaford

By-law Number 2019-26

Being a by-law to establish a Council-Staff Relations policy

Whereas, Section 5 (3) of the Municipal Act, S.O. 2001, c.25 provides that municipal power shall be exercised by by-law; and

Whereas, Section 224 of said Act states that the role of Council includes ensuring that administrative policies, practices and procedures are in place to implement the decisions of Council; and

Whereas, Section 270 (1) of said Act provides that municipalities shall establish a policy regarding the relationship between members of council and the officers and employees of the municipality; and

Whereas, Council of the Corporation of the Municipality of Meaford deems it expedient and necessary to adopt a Council-Staff Relations Policy;

The Council of The Corporation of the Municipality of Meaford enacts as follows:

1. That the Council-Staff Relations Policy, attached hereto as Schedule A and forming part of this by-law, is hereby established and adopted.
2. That this by-law shall come into force and take effect upon being passed by Council.

Read a first, second and third time and finally passed this 11th day of March, 2019.

Barb Clumpus, Mayor

Matthew Smith, Clerk



Municipality of Meaford Corporate Policy

Policy: Council-Staff Relations Policy

Department: Legislative & Protective Services

Last Revision: February 2019

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Policy Statement

The Municipality of Meaford takes pride in providing a positive and healthy workplace for its employees through promoting and nurturing good relations and communications between Council and all levels of staff guided by the Code of Conduct for Members of Council and Local Boards, Standards of Conduct in the Human Resources Policy Manual, the Discrimination & Harassment-Free Workplace Policy, and the Procedural By-Law.

Purpose

This policy provides guidance on how the Municipality of Meaford maintains and promotes a respectful, tolerant and harassment-free workplace between Members of Council and all officers and employees of the Municipality.



Application

This Policy applies to all municipal staff, members of Council and members appointed to Council committees and local boards.

Definitions

“Chief Administrative Officer” or “CAO” means the senior executive appointed by Council who is responsible for managing the Municipality’s staff and operations.

“Clerk” means the person appointed by Council pursuant to Section 228 of the Municipal Act, 2001.

“Council” means the body responsible for the governance of the Municipality, made up of the elected Members of Council.

“Mayor” means the Head of Council, as defined in the Municipal Act. The Deputy Mayor acts as Head of Council in the absence of the Mayor.

“Staff” means all persons employed by the Municipality, including full-time, part-time, contract workers and volunteers of the Municipality.

Policy Requirements

The relationship between Members of Council and the officers and employees of the Municipality of Meaford is guided by the following policy, and the associated documents from which language is drawn. This Policy complements the existing legislation governing conduct of Members and Staff including, but not limited to, the Municipal Act, the Ontario Human Rights Code, and the Criminal Code of Canada.

Roles and Responsibilities

General Principles and Values

The role of Council is to govern. The role of Staff is to advise, implement and manage public service delivery. Council and Staff work in partnership with one another, while performing their respective roles. Although the roles of Council and Staff are distinct, they are interdependent, each one requiring the other to fulfill the Municipality’s mandate and purpose.

Joint role of Council and Staff

Both Council and Staff are expected to do the following:

1. Demonstrate commitment to accountability and transparency among Council and Staff and with the general public;
2. Demonstrate leadership by making sound decisions based on knowledge, expert advice and sound judgment;
3. Maintain confidentiality in all matters where information is protected under law and/or during the course of business, as prescribed in the Municipal Act; and the Municipal Freedom of Information and Protection of Privacy Act.
4. Truly, faithfully and impartially exercise their role to the best of their knowledge and ability;
5. Enhance public understanding of the political process by providing information about decision making processes;
6. Uphold decisions of Council as a whole, regardless of personal opinion or belief, and commit to the implementation of those decisions;
7. Refrain from disparaging criticism of Council Members or Staff; and
8. Seek to achieve and maintain an environment of mutual respect and trust, with respect and acknowledgement of the different roles in achieving Council's objectives.

Role of Council

Section 224 of the Municipal Act, 2001 defines the role of Council as:

1. To represent the public and to consider the well-being and interests of the municipality;
2. To develop and evaluate the policies and programs of the municipality;
3. To determine which services the municipality provides;
4. To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
5. To ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality; and
6. To maintain the financial integrity of the municipality.

In carrying out these defined roles, Members shall adhere to the following, in addition to the relevant sections of the Council Code of Conduct:

1. Information or services that are readily available to the public shall be provided to Members in the same manner as they are provided to the public.
2. Member requests for new information or service, requiring a commitment of resources (e.g., investigation, analysis, expenditures) beyond the normal course

of public service delivery levels shall only be provided after being authorized by the whole of Council through a resolution.

3. When addressing issues of service levels or complaints from residents/ratepayers, Members shall communicate with the appropriate Department Head and/or CAO.
4. Member requests for Staff participation and attendance at Member-organized community events or meetings shall be in keeping with existing procedures and service levels and Members shall ensure that the CAO is aware of and in agreement with the community meeting logistics, purpose and outcomes.
5. Member direction or requests to Staff to undertake an action, expend funds, commit resources beyond the normal course of public service delivery levels, or prepare a Staff report to Council or a committee, shall only be acted upon by Staff when authorized by the whole of Council through a resolution.
6. The Mayor, an individual Member or informal groups of Members cannot make a decision on behalf of Council unless authorized by Council or statute.
7. Members should, to the extent possible:
 - a. discuss issues with Staff and advise Staff of questions prior to public meetings where the issue will be heard;
 - b. request advice from the Clerk about the appropriate wording of motions, amendments and formal staff directions in accordance with the Procedure By-law;

Role of Staff

It is the role of Staff to provide advice, support and recommendations to Council collectively and to Members individually, and to implement Council decisions in keeping with legislation, municipal policy and procedures.

In carrying-out their stated role, Staff shall adhere to the following:

1. To the greatest extent possible, Staff shall respond to Members' requests for information in writing (email or hard- copy).
2. Unless the issues involve matters of personal privacy, Staff responses to a Member on specific issues (e.g., complaints, questions, requests) will be provided to all Members for consistency.
3. Staff responses to a Member on municipal or corporate issues will be provided to all Members for consistency.
4. Staff responses to requests from Council Members for readily-available public information shall be provided within 1 business days whenever possible.
5. Staff will:



- a. recognize that Council is the elected voice of the citizens of the Municipality and respect the decisions of Council; and
 - b. carry out, to the best of their ability, implementation of Council approved policies, programs and directions.
6. Staff will not:
- a. make comments that disparage or harm the professional or ethical reputation of Members;
 - b. engage in partisan political activities when acting in their capacity as Staff;
 - c. use, or attempt to use, their influence for the purpose of intimidating, threatening, coercing, commanding or influencing any Members with the intent of interfering in Member roles; or
 - d. claim to speak on behalf of the Municipality unless authorized to do so.

Reporting Relationship

The formal relationship between Members and Staff must be respected to ensure equal treatment. For significant or sensitive issues, Members and Staff are encouraged to primarily direct questions and concerns to the Mayor and/or CAO and/or Department Head for their consideration.

Code of Conduct for Members of Council & Local Boards

The Code of Conduct for Members of Council and Local Boards establishes a common basis of acceptable behaviour.

Section 5.3.2 titled “Conduct Respecting Staff” within By-law Number 22-2016, being the by-law that establishes a Code of Conduct for Members of Council and Local Boards, states as follows:

- Members will be respectful of the fact that staff work for the Municipality and are charged with making recommendations and advice based on political neutrality that reflects their professional expertise and objectivity, without undue influence from any individual member or group of members.
- Members acknowledge that only Council as a whole, in a duly called meeting with a quorum present, has the capacity to direct staff members.
- Members recognize that the Chief Administrative Officer is the only staff person directly reporting to Council. Members will direct any concerns respecting staff through the Chief Administrative Officer.

Members of Council will not:

- Maliciously or falsely injure the professional or ethical reputation of staff;

- Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
- 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 staff's duties.

Standards of Conduct in the Human Resources Policy Manual

The Standards of Conduct as presented in the Human Resources Policy Manual are designed to identify standards of behaviour of which both the Municipality and prevailing legislation expect staff to observe and maintain.

Unacceptable behaviour as defined by the policy is as follows:

- The neglect, carelessness or mischief of an employee that results in the loss, the damage, the breakage or the destruction of Corporation property or the property of fellow employees or others.
- The use of profane, discourteous, abusive or rude language, or action, against another employee, supervisor or others.
- Discrimination or harassment against a fellow employee or others because of race, colour, age, religion, sex, sexual preference, national origin or mental or physical disability.
- Engaging in any immoral or indecent behaviour or soliciting persons for immoral purposes or the aiding and/or abetting of any of the above.
- Willful disregard, disrespect toward a supervisor or representative of management, or failure to obey or perform work as required or assigned.
- Fighting or attempting bodily injury to a fellow employee or others, threatening, intimidating, coercing or interfering with other employees on the premises at any time.

Discrimination & Harassment-Free Workplace Policy

The purpose of the Discrimination & Harassment-Free Workplace Policy is to provide a discrimination-free and harassment-free workplace in which all persons can be treated with dignity and respect.

The policy states as follows:

The Corporation conducts business and treats all employees in accordance with all applicable Human Rights legislation. The Corporation does not condone and does not tolerate harassment of any kind whether based on the prohibited



grounds as defined under the Human Rights Code or any other criteria contrary to established law.

No employee may be harassed or discriminated against by the employer, by anyone acting as an agent for the employer or by another employee because of race, ancestry, place of origin, ethnic origin, citizenship, religion, creed, colour, sex, sexual orientation, age, record of offences for which a pardon has been granted, family status, handicap or any other grounds prohibited under the Ontario Human Rights Code. Harassment undermines an individual's self-respect and adversely affects work performance and well-being.

Supervisors, who do not exercise their responsibility to prevent or discourage harassment of or by their staff, are considered to be as guilty of violating this policy as if they had committed the harassment. Therefore, any supervisor who willfully disregards a report of harassment of/by his/her staff is subject to discipline up to and including dismissal.

Procedural By-Law

The Procedural By-Law establishes rules governing the order and procedure of the Council and its meetings.

Subsection 6.3 under "Conduct of Members" states:

"No Member shall: use offensive words or unparliamentary language in or against the Council or against any member of staff or the public."

Monitoring

The Chief Administrative Officer shall be responsible for receiving complaints and/or concerns related to this policy.

Responsibilities

Members of Council and officers and employees of the Municipality of Meaford are required to adhere to this policy and its governing principles.

Contact

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Change History

Policy Name	Effective Date	Significant Changes	By-law No.