

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW NO. 2019-11

A By-law to adopt a Council-Staff Relations Policy

WHEREAS Section 11 of the of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations;

AND WHEREAS Section 270 (1) 2.1 of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended* requires a municipality to adopt and maintain a policy with regards to the relationship between members of council and the officers and employees of the municipality;

NOW THEREFORE, the Council of the Corporation of the Town of Wasaga Beach hereby enacts as follows:

1. THAT the Council-Staff Relations Policy, Schedule "A", attached hereto and forming part of this By-law be adopted.
2. THAT in the event that section or sections of this by-law thereof are found by a Court of competent jurisdiction to be invalid or ultra vires, such section, sections or parts thereof shall be deemed to be severable, with all other sections or parts of this by-law remaining in the full force and effect.
3. THAT this By-Law shall come into force and take effect on the date of its final passing.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 19th DAY OF FEBRUARY, 2019.

THE CORPORATION OF THE TOWN OF WASAGA BEACH

Nina Bifulchi, Mayor

Dina Lundy, Director, Legislative Services & Clerk



**THE CORPORATION OF THE TOWN OF WASAGA BEACH
POLICY MANUAL**

SECTION NAME: Council	POLICY NUMBER: 1-13
POLICY: Council-Staff Relations	REVIEW DATE: 2023
EFFECTIVE DATE: February 19, 2019	REVISIONS:
ADOPTED BY BY-LAW: By-Law No. 2019-11	ADMINISTERED BY: Town Clerk

Policy Statement:

The Town of Wasaga Beach is committed to a respectful, co-operative, supportive, and productive relationship between and amongst Council, Members of Council, and the officers and employees of the municipality, in furtherance of their respective roles established by statute, municipal by-laws and policies, corporate administrative direction, and operating conventions.

Policy Purpose:

The purpose of this Policy is to guide the nature of interactions between members of council and Town Staff.

Guiding Principles:

Interpretation of this Policy is to be guided by the statutory and policy framework within which the Town is governed. This framework includes:

A. *Municipal Act* provisions which provide that:

1. it is the role of council:

- “(a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

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(d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;

(e) to maintain the financial integrity of the municipality; and

(f) to carry out the duties of council under this or any other Act."

2. it is the role of the head of council to:

"(a) to act as chief executive officer of the municipality;

(b) to preside over council meetings so that its business can be carried out efficiently and effectively;

(c) to provide leadership to the council;

(c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses [(d) and (d.1) above];

(d) to represent the municipality at official functions; and

(e) to carry out the duties of the head of council under this or any other Act."

2a. as chief executive officer of a municipality, the head of council shall:

"(a) uphold and promote the purposes of the municipality;

(b) promote public involvement in the municipality's activities;

(c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and

(d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents."

3. it is the role of the officers and employees of the municipality:

"(a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;

(b) to undertake research and provide advice to council on the policies and programs of the municipality; and

(c) to carry out other duties required under this or any Act and other duties assigned by the municipality."

B. Policy HRP 3-3.01- Employee Conduct - Code of Conduct for employees of the Town, which provides:

"Employees of the Town of Wasaga Beach are expected to adhere to the ethical standards in the performance of their duties to foster an environment of integrity, respect and trust and to preserve and enhance the Town's reputation."

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The Employee Conduct - Code of Conduct serves as an embodiment of the basic principles of integrity, honesty, impartiality, accountability and common-sense, as well as recognizes that a municipal employee has a responsibility to uphold these principles.

As the Town's most valuable and significant resource, employees are entrusted with access to a wide range of information and responsibilities which must be used properly, in a manner that recognizes a fundamental commitment to the well-being of the community. Furthermore, as an organization entrusted with public funds, the Town is responsible for ensuring the protection and appropriate use of all of its resources and assets.

C. Policy HRP 3-3.02 Employee Conduct – Workplace Harassment, the purpose of which is:

"To establish the organization's commitment in preventing harassment in the workplace and guidelines and procedures to address complaints."

The policy states: "Council and management of the Town of Wasaga Beach are committed to providing a work environment in which all persons are treated with respect and dignity."

The policy ensures that employees and elected officials are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of this organization as well as being a violation of the law, and outlines the types of behaviour that may be considered offensive and are prohibited by this Policy.

D. Policy HRP 3-3.03 Employee Conduct – Workplace Violence, the purpose of which is:

"To establish the organization's commitment in preventing violence in the workplace and guidelines and procedures to address complaints"

The policy states: "Council and management of the Town of Wasaga Beach are committed to the prevention of workplace violence and to providing a healthy and safe workplace."

The policy ensures measures are in place:

- to maintain a working environment that is free from workplace violence
- to alert all employees that the Town will not tolerate workplace violence
- to reduce the potential for workplace violence before an incident occurs

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- to establish a mechanism for receiving such complaints, as well as a process for dealing with them.

E. Code of Conduct For Members of Council, which provides in section 13 (Conduct Respecting Staff) that:

1. 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.
2. No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
3. 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.
4. No Member shall maliciously or falsely impugn or 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 Town

Scope:

This Policy applies to all staff and elected officials of the Town of Wasaga Beach.

Definitions:

Staff: means the Chief Administrative Officer (CAO), the Leadership Team, and the officers, employees, probationary employees, temporary employees, students and volunteers of the Town or of a local board of the Town, as the case may be.

Member(s) of Council: means the individuals elected or appointed to the Council for the Town of Wasaga Beach who have taken the declaration of office for the current term. For the purpose of this Policy and as applicable in the circumstances, Member of Council includes an individual who is supervised by a Member of Council and who purports to represent or undertake an activity covered by this Policy on behalf of the Member of Council.

Member of the Public: means a person or entity residing and/or having a business, ceremonial or policy interest in the Town of Wasaga Beach.

CAO: means the Chief Administrative Officer of the Town.

Leadership Team: means the senior management of the Town, consisting of the Town's Directors, and additional staff members appointed by the CAO.

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Routine Matter: means a communication by a Member of Council with a Member of Staff, in person, in writing, by phone, by text, or by other electronic means, which

- a) in the ordinary course of business constitutes a type of communication that would typically occur between a Member of the Public and Staff;
- b) constitutes a request for information that is routinely produced by the member of Staff in the course of their duties; or
- c) constitutes a request for a service that is routinely done by Staff in the course of their duties;

and which requires no expenditure of unbudgeted resources.

Non-Routine Matter: means a communication, request for information or service that is not typically undertaken in the ordinary course of business, and/or for which there is no routine process, procedure, guideline or convention to guide members of Staff.

Policy Framework:

Part A

General Relationship between Staff and Members of Council:

Council is the policy and decision-making authority for the municipality, and only Council as a whole can direct Staff.

Individual Members of Council have a responsibility to support Council's role to represent the public and to consider the well-being and interests of the municipality, and in that regard, have a representative relationship with the citizens and businesses they serve.

Members of Council require advice and information from Staff on a need-to-know basis in order to fulfill their constituent, decision-making and oversight responsibilities.

Communications between Staff and Members of Council, and between Members of Council and Staff, must be courteous and professional. All communications should take into account:

- The author's and the recipient's responsibilities under the respective provision, policy, procedure or code of conduct applicable to the person
- The impact upon any Member of the Public involved
- The legitimate corporate or departmental priority of the matter
- The anticipated length of time it would take to properly comply with a request

Communications, especially communications shared with Members of the Public, should not be disparaging of any person. Legitimately held criticisms shall be stated directly and professionally, clearly identified as the author's own opinion based on fact. This Policy does not condone the making of defamatory statements or statements based on conjecture.

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Communications made in the course of a matter before a committee or local board, or before Town Council, shall be done in compliance with the applicable procedural by-law.

Part B

Members of Council Communications with Staff on Behalf of a Member of the Public:

When a Member of Council desires to bring a matter to the attention of Staff on behalf of a Member of the Public, such as to ask a question or to act in a representative capacity for a constituent, the Member of Council shall communicate only with the CAO or a Member of the Leadership Team, except in respect of Routine Matters.

When a Member of Council is uncertain or requires assistance to determine which member of Staff would be most appropriate to address a Routine Matter or a Non-Routine Matter, the Member of Council should contact a member of CAO or the Town Clerk for advice.

Members of Council shall respect the role of staff and shall refrain from engaging in administrative matters. When a Routine Matter or Non-Routine Matter has been forwarded to Staff, the Member of Council shall refrain from interfering with Staff's carriage of the matter.

This Policy is not intended to inhibit a Member of Council from carrying out their duties. It does require however that prior to communicating directly with a member of Staff on behalf of a Member of the Public, the Member of Council give consideration to the following preferred courses of action:

- It is preferred that the Member of the Public be referred to the appropriate department or member of staff by providing contact information or reference to established corporate or departmental procedures.
- For Routine Matters, where it is necessary to do so in order to provide an appropriate level of customer service to a Member of the Public, the Member of Council may attend at a public counter or provide a personal introduction to a department or a member of Staff normally accessible to Members of the Public. In so doing, The Member of Council should not interfere with Staff nor attempt to influence an outcome.
- For matters that have been referred to an appropriate department or member of Staff, the Member of Council may request, having obtained the consent of the Member of the Public involved, to receive status updates for tracking purposes and for communicating with the Member of the Public.
- For matters that involve the administration of justice, such as by-law enforcement, 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.

Part C

Staff Communications with Members of Council:

Routine Matters referred to Staff by a Member of Council should be responded to in accordance with the department's standard operating procedures or conventions.

For matters which have been referred to a department or member of Staff by a Member of Council, Staff may, where the consent of the Member of the Public involved has been obtained, provide status updates to the Member of Council for tracking purposes and for communicating with the Member of the Public. This Policy however does not override confidentiality or privacy requirements that may otherwise apply.

Non-Routine matters brought to the attention of Staff by a Member of Council shall be referred to the CAO or the appropriate member of the Leadership Team, with the Member of Council being so advised.

When a request involving a Routine or Non-Routine Matter is received by staff from a Member of Council, the member of Council should be advised of the approximate time for resolution based on the type of response required and operational priorities.

Responses to requests involving a Routine or Non-Routine Matter received by staff from a Member of Council may be shared with all Members of Council by the CAO or the appropriate member of the Leadership Team.

Part D

Meetings:

Requests for Staff attendance at meetings organized by a Member of Council shall be made to the CAO. Notice of at least 24 hours should be provided except in urgent circumstances.

Members of Council shall not attend a Staff meeting, or a meeting involving Staff and Members of the Public, without first seeking permission to attend from the CAO or the appropriate member of the Leadership Team.

Part E

Policy Management

Staff are authorized and directed to take the necessary action to give effect to this policy.

This Policy forms part of the ethical framework for Members of Council and the Integrity Commissioner may at any time be consulted by a Member of Council with regard to interpretation or compliance.

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The Town Clerk is delegated the authority to make administrative changes to this Policy that may be required from time to time due to legislative changes or if, in the opinion of the Town Clerk, the amendments do not change the intent of the policy.

Legislative Reference:

This Policy is made pursuant to s. 270(1)(2.1) of the *Municipal Act*.

Part F

Examples of Routine Matters:

Routine Matters	Action	Comment
Example 1 (facilitating a deputation/deputation to Council through the Clerk's office)	Member should simply provide contact information or direction to the Clerk's Office, but is permitted to accompany resident	
Non-Routine Matters		
Example 1 (involvement in development negotiations)	Member may not approach Planning Department staff on behalf of developer without seeking permission and direction from CAO	