

# POLICY

	Policy:	<b>Council Staff Relations</b>		
	Department:	Office of the CAO		
	Division:	Clerks Division	By-law No.:	N/A
	Administered by:	Clerk	Approval Date:	November 25, 2019
	Replaces:	N/A		
	Attachment(s):	N/A		

## 1. POLICY STATEMENT

The Corporation of the Town of Amherstburg is committed to ensuring that the relationship between Members of Council and Staff of the Town is co-operative and supportive with a clear understanding of the respective roles and responsibilities.

## 2. PURPOSE

- 2.1. This policy provides guidelines to ensure the best interests of the Town are served by committing to respectfully acknowledge the roles, responsibilities and relationships between Council and Staff.
- 2.2. This policy ensures compliance with Sections 224, 227, and 228 (1) of the *Municipal Act, 2001* with respect to the roles of Staff and Council.
- 2.3. This policy ensures compliance with the relevant provisions of the *Municipal Act, 2001*, section 270(1) 2.1, requiring Municipalities to adopt and maintain a policy with respect to the relationship between Members of Council, and the Staff of the Town.

## 3. SCOPE

- 3.1. This policy applies to all Town Staff and Members of Council.
- 3.2. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

## 4. DEFINITIONS

Common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

- 4.1. **Council** refers to the current elected Council for the Corporation of the Town of Amherstburg. This includes, as an entirety, the Mayor, Deputy Mayor and Councillors.
- 4.2. **Meeting** as defined in subsection 238 (1) of the Act "*means any regular, special or other meeting of council, of a local board or of a committee of either of them, where,*
  - (a) *A quorum of members is present, and*
  - (b) *Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the council, local board or committee.*"
- 4.3. **Senior Management Team (SMT)** is comprised of the Chief Administrative Officer and the Directors. If a Director is unavailable, a delegate may be assigned.

## 5. INTERPRETATIONS

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

## 6. GENERAL CONDITIONS

### 6.1. **Defining Roles**

#### 6.1.1. **Role of Council**

Section 224 of the *Municipal Act, 2001*, outlines the role of Council.

It is the role of Council to:

- a) Represent the public and to consider the well-being and interests of the municipality;
- b) Develop and evaluate the policies and programs of the municipality;
- c) Determine which services the municipality provides;
- d) Ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;  
(d.1) Ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- e) Maintain the financial integrity of the municipality; and
- f) Carry out the duties of Council under this or any other Act. 2001

#### 6.1.2. **Role of Staff**

Section 227 of the *Municipal Act, 2001*, outlines the role of Staff.

It is the role of the employees of the municipality to:

- a) Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b) Undertake research and provide advice to Council on the policies and programs of the municipality; and
- c) Carry out other duties required under this or any Act and other duties assigned by the municipality.

#### 6.1.3. **Role of the Clerk**

Section 228 (1) of the *Municipal Act, 2001* outlines the role of the Clerk.

A municipality shall appoint a clerk whose duty it is to:

- a) Record, without note or comment, all resolutions, decisions and other proceedings of the Council;
- b) Record the name and vote of every member voting on any matter or question; (if required by any member present at a vote).
- c) Keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council;
- d) Perform the other duties required under this Act or under any other Act; and
- e) Perform such other duties as are assigned by the municipality.

## 6.2. Guiding Principles

### 6.2.1. **Members of Council and Staff will:**

- a) Demonstrate a commitment to accountability and transparency among Council and staff and with the general public;
- b) Demonstrate leadership by making sound decisions based on knowledge, areas of expertise and sound judgment;
- c) Demonstrate a high degree of confidentiality;
- d) Enhance public education about the political process by providing context and process information with regards to decision making;
- e) Uphold the decisions of Council in keeping with applicable laws, regardless of personal opinion or belief, and commit to the implementation of those decisions;
- f) Refrain from publically criticizing members of Council or Staff;
- g) Seek to achieve a team approach in an environment of mutual respect and trust, with acceptance of the different roles in achieving Council's objectives; and,
- h) Work hard at fostering a climate of mutual respect. Each must be respectful of others' intelligence and professional duties. Members, Staff and Officers must understand that they all face different, often unique, challenges and recognize their overarching goal is to serve the best interests of the Town.

### 6.2.2. **Accountability, Transparency and Consultation**

Staff and Council must be committed to the principles of accountability, transparency, confidentiality, and consultation both with each other and with the public.

### 6.2.3. **Respecting the Chain of Command**

The formal relationship between staff and members of Council must be respected to ensure that all members of staff and Council are treated equally with respect and dignity. There is a chain of command in place to deal with significant issues, and Council members are encouraged to direct questions and concerns to the Mayor, Clerk and/or the Senior Management Team for their consideration.

### 6.2.4. **Respect For Time**

Priorities and timelines must be respected by all members of Council and staff. It is expected that all participants will be well prepared for meetings and will prioritize appropriately, according to direction given by management or Council. Staff will spend time on significant projects only once direction is given by Council to do so.

### 6.2.5. **Information Flow Protocol**

Members of Council shall:

- a) Request CAO, Clerk or Director input prior to making important policy decisions;
- b) Discuss issues with CAO, Clerk and Directors and advise them of questions prior to committee and Council meetings, whenever possible;
- c) Understand their discussions with staff may be communicated and that a member of Council cannot compel a member of staff to share confidential information.

- d) Request advice from the Clerk about the appropriate wording of motions, amendments, and formal directions to staff in accordance with the Procedural By-law; and,
- e) Consult with the Clerk and Senior Management Team prior to responding to constituents concerns or requests to ensure accurate information regarding Town policies, service levels, budgets and work plans.

6.2.6. The Senior Management Team shall:

- a) Ensure that Council is apprised of any known issues that may impact upon their decision making process in a timely manner;
- b) Present a departmental or corporate perspective, at Council or Committee meetings;
- c) Provide an answer to questions, where a position of the organization relative to their department may not be available, clarify that their comments reflect their own professional opinion, and are not necessarily representative of a departmental or corporate position;
- d) Notify Council in a timely fashion of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports or presentations;
- e) Convey feedback to Council members who may not be aware of existing policies;
- f) Provide Committee and/or Council with the implications of recommendations which may have an impact on organizational work plans, priorities and related capacity issues; and,
- g) Inform their immediate supervisor of the requests and information shared.

6.2.7. The Clerk shall:

- a) Ensure that Council is apprised of any known issues that may impact upon their decision making process in a timely manner;
- b) Notify Council in a timely fashion of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports or presentations;
- c) Convey feedback to Council members who may not be aware of existing policies;
- d) Provide direction to Council on the appropriate wording of motions, amendments, and formal directions to staff in accordance with the Procedural By-law; and;
- e) Address complaints and/or concerns related to this policy.

6.2.8. Expectations of Information Flow Outside of Regular Business Hours

It will not be expected that responses will be sent or actions taken by staff outside of regular administrative business hours, with the exception of emergencies.

**6.3. Complaints**

6.3.1. The Municipal Clerk shall be responsible for receiving complaints and/or concerns related to this Policy. Upon receipt of a complaint and/or concern, the Clerk shall notify:

- a) In the case of Staff and Officers other than the CAO/Clerk, the CAO;
- b) In the case of the CAO/Clerk, Council; or
- c) In the case of Council, the Integrity Commissioner.

6.3.2. Handling of complaints shall be done in the manner set out in the applicable Code of Conduct or policy.

- 6.3.3. Where there is a discrepancy between this Policy and the applicable Code of Conduct, the applicable Code of Conduct policy prevails.
- 6.3.4. Any reports from the Integrity Commissioner shall be considered.

## 7. **RESPONSIBILITIES**

- 7.1. **Council** has the authority and responsibility to:
  - 7.1.1. Ensure that the Corporation of the Town of Amherstburg implements and updates this policy and all related procedures as appropriate.
  - 7.1.2. Actively support and promote the *Council Staff Relations Policy*.
- 7.2. The **CAO** has the authority and responsibility to:
  - 7.2.1. Ensure that the Corporation of the Town of Amherstburg implements and updates this policy and all related procedures as appropriate.
  - 7.2.2. Actively support and promote the *Council Staff Relations Policy*.
- 7.3. The **Municipal Clerk** has the authority and responsibility to:
  - 7.3.1. Ensure that the Corporation of the Town of Amherstburg receives and responds to complaints or concerns related to this policy;
  - 7.3.2. Inform the Integrity Commissioner, Council or the CAO, as appropriate, to complaints and/or concerns with regards to this policy;
  - 7.3.3. Actively support and promote the *Council Staff Relations Policy*.
- 7.4. **Management** have the authority and responsibility to:
  - 7.4.1. Ensure that all staff is provided with appropriate training with respect to this policy and any other related policies.
  - 7.4.2. Actively support and promote the *Council Staff Relations Policy*.
- 7.5. **Staff** have the authority and responsibility to:
  - 7.5.1. Comply with the provisions of this policy.
  - 7.5.2. Actively support and promote the *Council Staff Relations Policy*.

## 8. **REFERENCES AND RELATED DOCUMENTS**

- 8.1. *Code of Conduct - Council, Committees and Local Boards*
- 8.2. *Code of Conduct for Staff Employees*
- 8.3. *Workplace Violence, Harassment and Discrimination Prevention Policy*