

POLICY

POLICY TITLE: Town of Halton Hills Members of Council / Staff Relations Policy

POLICY NUMBER: CORP-2019-0003

DATE: February 2019

POLICY STATEMENT:

The Town of Halton Hills is committed to a respectful 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. This Policy is made pursuant to s. 270(1)(2.1) of the *Municipal Act*.

PURPOSE:

The purpose of this Policy is to guide the nature of business interactions between Members of Council and Town Staff.

GUIDING PRINCIPLES:

Role clarification and sensitivity are fundamental to the success of council and staff's working relationship. Council members and staff are expected to enhance public education about the political process by providing context and information about decision-making. This Policy outlines the roles Council and staff play in ensuring a working relationship built on the Town's Core Values.

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;
 - (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. Town of Halton Hills Code of Conduct for employees, which provides:

- When representing the Corporation of the Town of Halton Hills high standards of personal and professional conduct are expected to be maintained by employees of the Town of Halton Hills. The trust and confidence bestowed upon staff by the Corporation and the community must be reflected through conduct that demonstrates integrity, competency and impartiality. The 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. Town of Halton Hills Workplace Discrimination Prevention Policy the purpose of which is:

- to ensure that every employee is treated fairly in the workplace and ensure an environment free of discrimination and harassment as defined by the Ontario Human Rights Code. The Town of Halton Hills will not condone or tolerate behavior that denies their dignity and respect or is offensive, embarrassing or humiliating.
- to ensure 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.
- to define the actions which may be considered discrimination or harassment by their nature.

- D. Town of Halton Hills Workplace Violence & Harassment Prevention Policy, the purpose of which is:
- to foster a respectful and harassment free workplace through the prevention and prompt investigation and resolution of workplace harassment, including sexual harassment complaints
 - to provide a violence free workplace through a program that includes assessing risk and taking proactive measures to address identified risks
 - take every reasonable precaution to protect workers from violence including domestic violence and threats of violence in the workplace.
- E. Town of Halton Hills Code of Conduct For Members of Council, which provides in Rule 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

DEFINITIONS:

Staff: means Leadership 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 Halton Hills who have taken the declaration of office for the current term.

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

Leadership: means the Senior Management Team of the Town, consisting of the Chief Administrative Officer (CAO) and the Town's Commissioners.

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;
- d) 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.

SCOPE:

This Policy applies to all Staff and elected officials of the Town of Halton Hills.

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. This Policy does not condone the making of defamatory statements or statements based on conjecture.

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 a Member of Leadership 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 the Chief Administrative Officer 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 appropriate member of Leadership, 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.

Part D

Meetings:

Requests for Staff attendance at meetings organized by a Member of Council shall be made to the appropriate member of Leadership. Notice of at least 3 business days 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 appropriate member of Leadership.

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.

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.

Part F

Examples of Routine Matters:

Routine Matters	Action	<u>Comment</u>
Example 1 (facilitating a delegation request 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	If accompanying a resident an appointment should be made with the respective staff member.
Example 2 (assist a resident who is seeking a survey for their property)	Member should simply direct resident to contact the Building Services division for further information,	Member can accompany the resident for introductions. Staff will then handle the matter accordingly.
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	Permission is to be provided in written format.
Example 2 (response to resident regarding a Property Standards complaint)	Member should request the resident contact Supervisor of Enforcement on the matter.	Member can be kept up-to-date on the enforcement matter, upon permission by the resident.
Example 3 (response to snow removal complaint where the constituent notes their car was hit by a plough while parked on the street)	Member should request resident contact the respective Department Leadership or their delegate.	Member can remind resident that information pertaining to snow ploughing operations and Town Parking Ban is outlined on the Town's website.

Of Note:

Members of Council must exercise extreme caution when dealing with by-law enforcement matters. Members cannot supply evidence indirectly, and so constituents should be guided to deal directly with by-law enforcement personnel without a Council member's intervention.

Similarly, Members of Council must not obstruct, interfere, or otherwise attempt to influence staff performing by-law enforcement functions including attempting to discourage filing of a charge; cancellation of a ticket etc.

Please refer to Part B of this Policy (4th bullet)