

Section: Council

Title: Council-Staff Relations Policy

Policy Number: GP-XX-XX

Approved by: Council

Administered by: ??

Effective: XX

1. PURPOSE

In the Township of Wilmot, Council and Staff have complimentary but distinct roles in maintaining good governance and the provision of exemplary public services. Mutual respect for these roles and the boundaries between them, and clear and supportive communication between Members of Council (Council) and employees of the Township of Wilmot (Staff) are essential to achieving the Township's objectives. The purpose of this policy is to ensure that the relationship between Council and Staff is co-operative, supportive and positive with a clear understanding of the respective roles and responsibilities.

Pursuant to section 270 (1) of the *Municipal Act, 2001*, a Municipality must have a policy with respect to the relationships between Council and Staff. That framework supports a cooperative relationship that is critical to the successful development and implementation of the strategic and policy decisions by Council and the effective administration and delivery of municipal services by Staff. This policy describing the relationship between Council and Staff complements their roles as defined by legislation, prescribed by the Township's By-laws, the Code of Conduct for Members of Council, and guided by other approved corporate policies, procedures and professional standards.

2. SCOPE

This policy applies to all Staff and members of Council in their interactions with staff, volunteers, consultants and contractors that work on behalf of the Corporation. This policy applies to all interactions, including on-site and off-site of Township facilities, before, during and after work hours.

3. DEFINITIONS

3.1 "Director" means Department Heads at the Township of Wilmot.

3.2 "Member(s) of Council" means the individuals elected or appointed to the Council for the Township of Wilmot.

- 3.3 “Member of the Public” means a person or entity residing and/or having a business, or other interest in the Township of Wilmot.
- 3.4 “Routine Matter” means a communication by a member of Council with a member of staff, in person, in writing, by phone, or by electronic means which:
- In the ordinary course of business constitutes a type of communication that would typically occur between a member of the public and staff;
 - Constitutes a request for information that is routinely produced by the member of staff in the course of their duties;
 - Constitutes a request for a service that is routinely done by staff in the course of their duties and within the resources approved by Council for those duties.
- 3.5 “Non-Routine Matter” means a communication, request for information or service that is outside the scope of the ordinary course of business, and/or for which there is no routine process, procedure, guideline or convention to guide members of staff.
- 3.6 “Staff” means all Township employees, including probationary and temporary employees.
- 3.7 “Volunteers” means volunteers of the Township or of a local board of the Township, as the case may be.

4. LEGISLATIVE REQUIREMENTS

- 4.1 Section 270 (1) of the Municipal Act, 2001 as amended, requires Township Council to adopt and maintain a policy with respect to the relationship between Members of Council and the Staff of the Corporation. The effective date of this requirement is March 1, 2019.

5. PRINCIPLES

“Council should give the City Manager clear and unequivocal responsibility and accountability for the overall management of the administration of the City. Not doing so undermines the City Manager’s effectiveness...”

“Although the Mayor can properly be involved in hiring the City Manager, there should be a clear division of responsibility between the Mayor and the office of the City Manager – a separation of the political from the administrative...”

*Madam Justice Denise Bellamy,
Toronto External Contracts Inquiry, 2005, p. 424*

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- 5.1 Council Acts by Resolution – Council sets policy and provides direction to the administration by Council resolution. The Chief Administrative Officer is the head of the administration.
 - 5.2 Fiduciary Responsibility - Council exercises fiduciary and representative responsibilities concerning the operations of the Township in partnership with the administration.
 - 5.3 Open and Clear Communication – Open communication between Council and employees are seen as essential. Council and employees should feel comfortable speaking to one another about their work. Formal communications channels exist to raise and manage operational and administrative issues. Communications should be restricted to routine and non-routine matters, as defined in this policy.
 - 5.4 Respectful Workplace – The Township is committed to maintaining a healthy, safe, and supportive workplace, free from discrimination and harassment. See Township of Wilmot Violence & Harassment Policy
 - 5.5 Partnerships – Operate in a working partnership to produce the best results and outcomes for the Township and the collective public interest of the Township.
 - 5.6 Mutual Respect – Council and Staff shall foster a climate of mutual respect. Each must be respectful of each other’s intelligence and professional duties. Council and Staff must understand that they all face different, often unique, challenges and recognize their overarching goal is to serve the best interests of the Township.
 - 5.7 Professionalism – Council and Staff commit to treat each other with professionalism. When Council requests that Staff appear before Council, they must comply and be prepared for any questions Council has. Advance notice of questions to Staff provides an opportunity for Staff to provide quality reports and advice.
 - 5.8 A Formal Relationship – Staff shall treat Council as a collective decision-making body. Staff shall not communicate directly with individual members of Council on municipal business, rather they must communicate on such matters through the Chief Administrative Officer or appropriate Director as designated through the Chief Administrative Officer. Information from the Chief Administrative Officer shall be communicated to all members of Council. Staff shall stay out of political lobbying. Staff should also be mindful of the optics of interacting with members of Council on a social level and should avoid situations whereby Staff’s neutrality may be questioned by the public.
 - 5.9 Politics or Management – Not Both – Council provides direction, Staff give professional advice and implement Council’s directives. Members of Council are not elected to be

technical experts nor to act in their professional capacities. Likewise, Staff are not politicians. Advice comes from Staff, policy and service delivery decisions are made by Council.

- 5.10 **Respect Staff** –Staff shall not be targets of derisive/vexatious comments/behaviour/conduct. The public expects Council to do the job that they have been elected to do. The public expects Staff to do the job that they have been hired to do. Comments on Staff performance shall be directed through the appropriate confidential performance reviews.
- 5.11 **Represent the Whole Community** – Council, together with Staff, work for the public good. Decision making by Council should be based on complete information and unbiased recommendations from Staff. Council should, in addition to such information and recommendations, rely on their own judgment and show leadership in their decision making.
- 5.12 **Effective Use of Council Time** – Staff should be mindful and make good use of Council time. As an example, Staff should keep presentations concise and succinct to enable Council to make informed decisions. Sufficient time should be allocated to debate various issues.
- 5.13 **Respect the Chain of Command** – Members of Council acknowledge they have no individual capacity to direct Staff to perform, or not perform functions or duties. The Chief Administrative Officer is responsible for Staff. Members of Council who need to engage with Staff must do so through the Chief Administrative Officer or the appropriate Director. This would include both in person, verbal, written and electronic messages. Routine questions from a member of Council or access to information that is readily available to a member of the public can be provided by any knowledgeable Staff member the same way we serve all citizens.
- 5.14 **All Members of Council are Equal** – Staff are expected to show respect and professionalism and treat all members of Council equally.
- 5.15 **Members of Council are Elected Representatives, not Staff** – Once a matter is proposed or decided, Staff should only comment on matters of fact or history in discussing issues with the public and the media. Dealing with the media is generally part of an elected representative’s job.

6. ROLES

Nothing in this policy is intended to inhibit either Council or Staff from carrying out their respective roles as defined in the Municipal Act. For the purpose of this policy it is important to identify the boundaries between those roles:

6.1 It is the Role of Council:

- a) to represent the public and to consider the well-being and interests of the Township;
- b) to develop and evaluate the policies and programs of the Township;
- c) to determine which services the Township provides;
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions.
 - d.1) to ensure the accountability and transparency of the operations of the Township, including the activities of the Corporate Leadership Team of the Township;
- e) to maintain the financial integrity of the Township; and
- f) to carry out the duties of council under this or any other Act.

Policy focus: Represent the Corporation, provide direction and create policy.

6.2 It is the Role of the Head of Council to:

- a) to act as the chief executive officer of the Township;
- b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to council;
 - c.1) without limiting cause (c), to provide information and recommendations to the council with respect to the role of council described in clauses (d) and (d.1)
- d) to represent the Township at official functions; and
- e) to carry out the duties of the head of council under this or any other act.

6.3 As Chief Executive Officer of a Municipality, the Head of Council Shall:

- a) uphold and promote the purposes of the Township;
- b) promote public involvement in the Township's activities;
- c) act as the representative of the Township both within and outside the municipality, and promote the Township locally, nationally, and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the Township and its residents.

The head of council has a prominent and very public profile. Many citizens within the Township of Wilmot will have high and often varied expectations for the head of council. The head of council must find a way to balance these expectations and special responsibilities.

Municipal decisions, however, are made by council as a whole. The head of council does not have any more power than any other member of council to make decisions on behalf of the Township. Each member of council only has one vote.

6.4 The Chief Administrative Officer's role includes:

- a) ensuring that the day-to-day operations of the Township are carried out in accordance with the direction of Council
- b) ensuring the effective management of the Township
- c) establishing and fostering a culture throughout the organization which is compatible with the direction of Council and promotes exemplary customer service, informed resident engagement and trust and confidence in the operations of the Township.

Direction Focus: The Chief Administrative Officer leads in three dimensions. Up to Council, down to Staff and out to the community stakeholders. The Chief Administrative Officer is responsible for providing professional advice to Council and leading Staff in the implementation of Council's direction/policies.

6.5 Directors

Direction Focus: Act as the liaison between Council and Staff, direct implementation of Council's policies, and hire and develop a team of competent Staff.

6.6 Staff's role includes:

- a) providing independent advice, recommendations and information to inform Council's decision-making;
- b) providing regular information to Council on the achievement of Council's strategic work plan and policy decisions and to implement the directions provided by Council;
- c) managing the daily operations required for the delivery of municipal services and the administration of the business of the Township.

Implementation Focus: Research policy and programs, give best professional advice, implement decisions of Council, fulfill statutory duties, follow direction of CAO, and generally see to the operation of the Corporation.

Some Staff of the Township have specific authorities, duties, or accountabilities prescribed in legislation or in Professional Standards which guide the implementation of their duties.

7. Policy

The flow of information between Staff and Council should promote the principles of transparency, accountability and when appropriate, confidentiality.

Members of Council have the same rights of access to information as members of the community.

It is expected that Members of Council will:

- 7.1 Request Corporate Leadership Team input prior to making policy decisions;
- 7.2 Discuss issues with the Corporate Leadership Team and advise them of questions prior to Council/Committee meetings, whenever possible, for better informed debate and evidence-based decision making;
- 7.3 Understand their discussions with Staff may be communicated to others within the organization and that a Member of Council cannot compel Township Staff to confidentiality;
- 7.4 Request advice from the appropriate Director about the appropriate wording of motions, amendments, and formal direction to Staff in accordance with the Procedural By-law; and,
- 7.5 Consult with the appropriate Director prior to responding to constituents concerns or requests to ensure accurate information regarding Township policies, services levels, budgets and work plans.

Members of Council should refrain from:

- 7.6 Directing, instructing, or influencing Staff other than by giving appropriate direction by way of a Council resolution;
- 7.7 Contacting Staff on Council related business prior to consulting Director of that department;
- 7.8 Expecting or requesting a waiver of standard process in their dealings with Staff;
- 7.9 Attending technical meetings between Staff and consultants, applicants, contractors or legal advisors; or
- 7.10 Issuing instructions to the same parties as noted above.

It is expected that Staff will:

- 7.11 Ensure that Council is apprised of known issues that may impact upon their decision-making process in a timely manner;
- 7.12 Provide advice based on political neutrality and objectivity utilizing their professional expertise;
- 7.13 Notify Council in a timely fashion of changes to legislation and any unintended or unexpected consequences of policy decisions through written reports or presentations;
- 7.14 Provide Council with the implications of recommendations which may impact services or corporate wide work plans and related capacity issues;
- 7.15 Give effect to the lawful decisions, policies and procedures of the Council, whether or not the Staff member agrees with or approves of them;
- 7.16 Provide all Members of Council with the briefing materials, reports and information requested by individual Members of Council; and,
- 7.17 Provide a written response to inquiries from Members of Council in one working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

8. Complaint Procedure

- 8.1 Formal complaints related to the implementation of this policy shall be directed to:
 - 8.1.1 the CAO if the complaint is about Staff other than the CAO;
 - 8.1.2 the Integrity Commissioner if the complaint is about a Member of Council or the CAO

The Council and Employee Codes of Conduct will guide the review and resolution of the complaints under this policy.

9. Related Documents

- Council Code of Conduct
- Harassment, Sexual Harassment and/or Discrimination in the Workplace
- Council Procedure By-law