

The Corporation of the Township of Tyendinaga
Proposed By-law No. 2019-12

Being a By-law to provide a Council/Staff Relations Policy

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001,c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5 (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

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

NOW THEREFORE that it be resolved that the Council of the Corporation of the Township of Tyendinaga ENACTS as follows:

1. GENERAL REGULATIONS

1.1- THAT, the Council-Staff Relations Policy, attached hereto as Schedule "A", be adopted.

2. ULTRA VIRES

2.1- Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

AND THAT this by-law shall be effective as of March 18, 2019 and it's short title shall be "Council /Staff Relations";

Read a First, Second and Third Time and finally enacted on this 18th day March 2019.

Rick Phillips, Reeve

Brad Roach, CAO/Clerk-Treasurer

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Schedule A- Council/Staff Relations Policy

1.0 PURPOSE

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

2.0 LEGISLATIVE AUTHORITY

Section 270 (1) 2.1 of the Municipal Act, 2001, S.O.2001,c. 25, as amended, provides that a municipality shall adopt and maintain a policy with respect to the relationship between members of council and the officers and employees of the municipality.

3.0 DEFINITIONS

"Chief Administrative Officer" - shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

"Clerk" - shall mean the person or designate duly appointed by the Municipality as prescribed in Section 228 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

"Council" - shall mean the Council of the Municipality in accordance with the Council Composition By-Law in effect.

4.0 POLICY STATEMENT

The Municipality will promote a respectful, tolerant, harassment-free relationship and workplace between Members of Council and the officers and employees of the Municipality, guided by the Code of Conduct for Members of Council and Local Boards and the Procedural By-Law.

5.0 POLICY REQUIREMENTS

The relationship between Members of Council and the officers and employees of the Municipality is guided by the following:

1. Code of Conduct for Members of Council and Committees

The Code of Conduct for Members of Council and Committees establishes the ethical behaviour expected of Members of Council and Committees. Section 11 of the Code of Conduct for Members of Council and Committees relating to "General Conduct" states the following:

"11. Conduct Respecting Staff:

1. Mutual respect and cooperation are required to achieve the Council's corporate goals and implement the Council's strategies through the work of staff. The role of Council is to lead through setting policy and budget. It is not to manage or administer.

2. Staff members serve Council and work for the municipal corporation under the direction of the Chief Administrative Officer. Council directs staff through its decisions as recorded in the

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minutes and resolutions of Council and its Committees. Members of Council have no individual capacity to direct members of staff to carry out particular functions.

3. Inquiries of staff from members of Council should be directed through the Chief Administrative Officer or the appropriate senior staff as directed by the Chief Administrative Officer.

4. Members of Council must respect that:

- Staff provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations. Councillors must not willfully injure the reputation, impugn the integrity or question the capabilities or performance of staff in a manner that is inappropriate.
- Staff undertake their duties based on political neutrality without undue influence. Councillors may not invite or pressure any member of staff to engage in partisan political activities.

5. Members of Council must not 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 in staff's duties."

2. PROCEDURAL BYLAW

The Procedural By-Law establishes rules, procedure and conduct within Council, Committees and Guests. Specifically, Section 14 and 15, titled "Conduct of Members of Council and Guests" states as follows"

"CONDUCT OF MEMBERS OF COUNCIL AND GUESTS

14. No member shall:

- a. Use offensive or unparliamentarily language in or against the Council or against any member, staff or guest;
- b. Disturb another, or the Council, staff, or guest, by any disorderly conduct disconcerting to the speaker of the assembly;
- c. Speak on any subject other than the subject in debate;
- d. Resist the rules of Council or disobey the decisions of the Reeve or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- e. Leave a meeting without first obtaining permission from the Reeve or presiding officer;
- f. Be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without making an apology to Council.

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- g. Interrupt the member who has the floor except to raise a point of order.
12. No person shall be allowed to address Council or speak in debate without permission of the Reeve or presiding officer. The subject matter must be that which is under discussion.”

6.0 RESPONSIBILITIES

Members of Council and officers and employees of the Municipality are required to adhere to this policy and its governing provisions, including the Code of Conduct for Members of Council and Local Boards, the Employee Code of Conduct, the Respect in the Workplace Policy, and Procedural By-Law.

7.0 MONITORING/CONTRAVENTIONS

The 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:

1. In the case of officers and employees of the corporation, the Chief Administrative Officer;
2. In the case of Members of Council, the Integrity Commissioner.

Where there is a discrepancy between the Council-Staff Relations Policy and the Code of Conduct for Members of Council and Committees, the respective Code prevails.

8.0 POLICY REVIEW

This Policy shall be reviewed at least once per term of Council.