

The Corporation of The City Of North Bay

By-Law No. 2019-17

**Being a By-Law to Adopt the Council-Staff
Relations Policy**

Whereas Section 270(1)2.1 of the *Municipal Act*, requires a municipality to adopt and maintain a policy with respect to the relationship between members of council and officers and employees of the municipality;

And Whereas Council passed Resolution 2019-70 at its Meeting held on Tuesday, February 26, 2019, authorizing that the Council – Staff Relations Policy be adopted.

Now Therefore the Council of the Corporation of the City of North Bay Hereby Enacts as Follows:

1. The Council – Staff Relations Policy attached as Schedule “A” hereto is hereby adopted.
2. This By-Law shall take force and effect upon being passed.

Read a First Time in Open Council This 26th day of February, 2019.

Read a Second Time in Open Council This 26th day of February, 2019.

Read a Third Time in Open Council and Enacted and Passed This 26th day of February, 2019.

Mayor Allan McDonald

SIRE\C01\BY-LAW 2019-17\COUNCIL STAFF RELATIONS POLICY

Deputy City Clerk Judy Bechard

**SCHEDULE "A" TO THE CORPORATION OF THE CITY OF
NORTH BAY BY-LAW NO. 2019-17**

COUNCIL – STAFF RELATIONS POLICY

Issued: February 26, 2019	Revision Dates:	Resolution No.: 2019-70 By-Law No.: 2019-17
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1.0 Purpose

1.1 “Councils and their administration have different roles within the municipality, but their roles have common goals and purposes. In general, it is the role of the elected council to represent the community and set the direction and policy for the municipality, and it is the role of staff to manage people and resources to achieve council’s vision.

Council generally sets the policy direction for the municipality, and staff provides the research and expert advice to help council in their decision-making process. Once council makes a decision, staff has general responsibility to implement the policy or council, for example through administering and delivering services and programs to the community.

The relationship between council and staff is a vital component of an effective municipal government. Staff and council rely on one another to move the municipality forward. Both staff and council provide leadership; council provides political leadership, while administration provides leadership to the organization.

Both council and administration are in their roles to serve the public. The relationship between staff and council is intertwined and it is important for council members and staff to respect one another’s roles so that they can serve the public in an effective and efficient manner.”

Source: “The Municipal Councillor’s Guide 2014”, Page 14-15.

- 1.2 The Corporation of the City of North Bay will promote a respectful, tolerant and harassment-free relationship and workplace between Members and the Staff of the Corporation.
- 1.3 This policy is intended to guide how the City will promote a respectful, tolerant and harassment-free relationship between Council and the Staff of the Corporation.
- 1.4 This policy will be guided by the Municipal Act, 2001, Procedural By-law No. 2017-01, as amended, Code of Conduct for Members of Council, Code of Conduct, Municipal Code of Ethics, Workplace Violence, Harassment and Sexual Harassment Policy, Discrimination Policy, and the laws of Canada and the Province of Ontario.

2.0 Legislative Authority

2.1 Section 270(1)2.1 of the Municipal Act, 2001 requires a municipality to adopt and maintain a policy with respect to the relationship between members of council and the officers and employees of the municipality.

3.0 Scope

3.1 This policy applies to all Members and Staff of the Corporation.

4.0 Definitions

“Chief Administrative Officer” means the Chief Administrative Officer (“CAO”) of the Corporation as defined by the Municipal Act, is or her designate.

“Clerk” means the City Clerk or the Deputy City Clerk of the Corporation.

“Corporation” means The Corporation of the City of North Bay.

“Council” means the Council of The Corporation of the City of North Bay.

“Head of Council” means the Mayor of the City of North Bay acting as Chief Executive Officer of the Corporation.

“Integrity Commissioner” means the Integrity Commissioner appointed by the Council of The Corporation of the City of North Bay.

“Member” means a member of Council or committee.

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended and any successor legislation thereto.

“Officer” includes the Chief Administrative Officer, Managing Directors and Chief Financial Officer employed by the Corporation.

“Staff” means:

- (a) a person or an Officer of the Corporation, who performs work for the Corporation for wages and excludes Council, Head of Council and a Member;
- (b) a person who supplies services to the Corporation for wages;
- (c) a volunteer worker who is not employed by the Corporation, and who donates his or her work and acts at the direction of and within the scope of duties determined by the Corporation, and is not paid a fee, salary or other compensation by the Corporation or anyone else for their work.

5.0 Roles

5.1 Role of Council – *Municipal Act, 2001* s. 224

“It is the role of council,

- (a) to represent the public and consider the well-being and interests of the municipality;
- (b) to develop and evaluate 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 Act or any other Act.”

5.2 Role of Head of Council – *Municipal Act, 2001* s.225

“It is the role of the head of council,

- (a) to act as chief executive officer of the municipality;
- (b) 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 clause (c) to provide information and recommendations to the council with respect to the role of council described in clauses 224(d) and (d.1);
- (d) to represent the municipality at official functions;
- (e) to carry out the duties of the head of council under this or any other Act.”

5.3 Role of Head of Council as Chief Executive Officer – *Municipal Act, 2001* s.226.1

“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.”

5.4 Role of Municipal Administration – *Municipal Act, 2001* s.227

“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.”

5.5 Role of Clerk & Deputy Clerk – *Municipal Act, 2001* s.228(1) and 228(2)

“The municipality shall appoint a clerk whose duty is,

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

228(2) The municipality may appoint deputy clerks who have all the powers and duties of the clerk under this and any other Act.”

5.6 Role of Chief Administrative Officer – *Municipal Act, 2001* s. 229

“The municipality may appoint a chief administrative officer who shall be responsible for,

- (a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- (b) performing such other duties as are assigned by the municipality.”

6.0 By-Law, Codes, Policies & the Law

6.1 The Corporation of the City of North Bay Procedural By-law No. 2017-01

The Procedural By-law No. 2017-01 provides, in part, as follows:

- “6.6 (a) All information, documentation or deliberations received, reviewed or taken in a Closed Session is confidential. No Member of the Council or staff shall distribute any reports or items, or disclose the nature or content of discussions regarding any matters that are part of a Closed Session agenda without the prior consent of the Council or Committee.
- (b) Every person to be in attendance at a Closed Session meeting held pursuant to this section shall make an Affirmation of Confidentiality at the Inaugural Meeting of the Council and execute a Confidentiality Agreement in the form attached hereto as Schedule “A”.
 - (c) No person in attendance at a Closed Session meeting called pursuant to this section shall disclose to any person not in attendance at the meeting any of the information provided at such Closed Session meeting.

12.2 No Member shall use offensive words in or against the Council, staff or against any Member thereof.

16.1 It is the duty of Councillors to attend all meetings of Council, and:

- (f) to support the Council once a decision is made.

17.1 It is the duty of the Chief Administrative Officer to attend all Council meetings, and:

- (c) to manage the relationship between the elected officials and staff.”

6.2 Code of Conduct for Members of Council of The Corporation of the City of North Bay and Certain Local Boards

Improving the quality of municipal administration and governance can be best achieved by encouraging high standards of conduct on the part of all municipal officials. In particular, the public is entitled to expect the highest standards of conduct from the members that they elect to local government. In turn, adherence to these standards will protect and maintain the City’s reputation and integrity.

6.3 Code of Conduct

The Corporation is committed providing a working environment which is supportive of the productivity, well-being and safety of all stakeholders.

Municipal Code of Ethics Policy 3-01

The Municipal Code of Ethics Policy 3-01 states:

“The Municipal Code of Ethics ensures consistent, effective and impartial operations within the Corporation. Corporate operations and objectives must be independent of improper external influences or pressures. Employees recognize that they are responsible to City Council and the citizens of the Municipality. Broader Municipal Public Servants, including members of City Council and Council appointees to Agencies, Boards and Commissions are also responsible to the citizens of the Municipality and have an obligation to conduct themselves in a manner that preserves public confidence in the Municipality and does not bring the Municipality or its Officers into disrepute.”

6.4 Workplace Violence, Harassment and Sexual Harassment Policy

Pursuant to the “Workplace Violence, Harassment and Sexual Harassment Policy”:

“The City of North Bay values a workplace free from Violence, Harassment and Sexual Harassment. As such, Workplace Violence, Harassment and Sexual Harassment will not be tolerated at the City of North Bay and the City will take all reasonable steps to protect its employees. This includes occurrences in the Workplace that may be as a result of suspected Domestic Violence. The City will investigate and deal with all occurrences and complaints in a fair and timely manner, respecting the privacy of all concerns as much as possible. Individuals who commit Workplace Violence, Harassment and/or Sexual Harassment will be subject to disciplinary action. Retaliation or reprisals are prohibited against any person who has filed a complaint under this policy. The prevention and reporting of Workplace Violence, Harassment and/or Sexual Harassment situations is the responsibility of each individual.”

6.5 Discrimination Policy

Pursuant to the “Discrimination Policy”:

“The City of North Bay values a workplace free from Discrimination and, therefore, Discrimination will not be tolerated by the City of North Bay. The City will take all reasonable steps to protect its employees from Discrimination. The City will investigate and deal with all occurrences and complaints in a fair and timely manner, respecting the privacy of all concerned as much as possible. Individuals who commit Discrimination will be subject to disciplinary action. Retaliation or reprisals are prohibited against any person who has filed a complaint under this policy.”

6.6 Laws

Members and Staff shall comply with all laws, including but not limited to the Municipal Act, 2001, S.O. 2001, c.25, as amended, Occupation Health and Safety Act, R.S.O. 1990, c.O.1, as amended and the Human Rights Code, R.S.O. 1990, c.H.19, as amended, statutes, by-laws, rules, declarations, ordinances, orders, requirements of all federal, provincial, municipal and quasi-governmental authorities, departments, commissions, boards and tribunals having jurisdiction.

7.0 Guiding Principles

7.1 Members and Staff acknowledge and endorse the by-law, codes policies as stated in section 6 hereof and their related procedures, as applicable, and shall adhere to such by-law, codes, policies, laws and the guiding principles herein.

- 7.2 Members and Staff will fulfill their respective roles for the common good of the community they serve and refrain from behavior that could constitute an act of disorder, misbehavior, abuse of power or otherwise amount to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others; or prejudices the provision of a service or services to the public.
- 7.3 Staff are accountable to Council for the quality of their advice, for efficiently and effectively carrying out their duties and for achieving policy and program objectives within the framework of the law, prevailing constraints and the limits of the authority and resources at their disposal.
- 7.4 Given the importance of the advisory and administrative functions provided by Staff to Council, it is important that Staff deal with Council, its Committees and individual Members in an equitable, objective and impartial manner at all times.
- 7.5 Staff must be respectful of Council's role in order to serve the public interest. Staff shall treat all Members with professionalism and courtesy, but must not favour, nor be seen to favour the interests of one Member or other elected official over the interests of Council as a whole.
- 7.6 Staff shall provide every reasonable assistance to Members in the exercise of their role and the performance of their duties. Requests for information, advice or action by a Member of a strategic or budgetary nature should be made to the Chief Administrative Officer and requests for information, advice or action by a Member of a general operational nature should be made to the Chief Administrative Officer.
- 7.7 Members and Staff shall demonstrate a high degree of confidentiality.
- 7.8 Members must not take advantage of their role to improperly influence Staff in their duties or functions or to gain an advantage for themselves or others.
- 7.9 Members and Staff will uphold the decisions of Council, regardless of opinion or belief, and commit to the implementation of those decisions.
- 7.10 Members and Staff shall refrain from publicly criticizing Members or Staff, in a way that casts aspersions on their professional competence and credibility.
- 7.11 Members and Staff will seek to achieve a team approach to achieve Council's objectives, in an environment of mutual trust and respect of the different roles of each.
- 7.12 Members shall discuss issues with the Chief Administrative Officer and advise Staff of questions that may arise prior to Committee or Council meetings whenever possible.
- 7.13 Council shall give direction to Staff through resolution as a whole. A Member cannot direct, and must not attempt to direct Staff about the way the Staff performs or does not perform their duties, tasks or functions.

8.0 Complaint Process

- 8.1 The Chief Administrative Officer shall be responsible for receiving complaints and or concerns related to this policy. Upon receipt of a complaint and/or concern, the Chief Administrative Officer shall notify:
 - 8.1.1 In the case of Staff of the Corporation, the Chief Human Resources & Information Officer.
 - 8.1.2 In the case of a Member, the Integrity Commissioner.

9.0 Consequences

- 9.1 Staff contravention of this policy may result in disciplinary action.

- 9.2 Member contravention of this policy may result in such penalties as may be permitted as may be permitted by the Code of Conduct for Council Members and the *Municipal Act, 2001*.

10.0 Reference Documents

10.1 Related City Codes & Policies

Code of Conduct for Members of Council of The Corporation of the City of North Bay and Certain Local Boards
Code of Conduct
Municipal Code of Ethics Policy 3-01
Workplace Violence, Harassment and Sexual Harassment Policy
Discrimination Policy

10.2 Related Legislation

Municipal Act, 2001, S.O. 2001, c.25, as amended
Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended
Human Rights Code, R.S.O. 1990, c.H.19, as amended.
Procedural By-law No. 2017-01

11.0 Communication

- 11.1 This policy shall be published on the City's intranet site. New Staff will receive training during employee orientation and the policy will be circulated to Staff periodically. Members will be provided with a copy of the policy each term and receive training during Council orientation and education activities.

12.0 Policy Review

- 12.1 This policy shall be reviewed during each term of Council or as required when updating related policies.