



Policy

Policy Name:	Council-Staff Relations Policy
Policy Owner:	Corporate & Financial Services – Director of Legislative Services/City Clerk
Approved by:	Council
Approval Date:	
Date of Last Revision:	New
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Policy Status:	New

Purpose:

The purpose of this Policy is to promote respectful and constructive interactions and relationships between Members of Council and Staff and to provide a mechanism to address workplace matters between the parties.

Section 270(1)(2.1) of the *Municipal Act, 2001*, S.O. 2001, c.25, (the “Act”) requires municipalities to adopt and maintain policies with respect to the “relationship between members of council and the officers and employees of the municipality.”

This Council-Staff Relations Policy is part of a broader framework of policies that support a productive working relationship between Members of Council. These include, but are not limited to:

- Accountability and Transparency Policy
- Code of Conduct
- Procedure By-law
- Respect on the Workplace Policy
- Use of Corporate Resources for Election Campaign Purposes

Policy Principles:

1. Respectful Workplace

Members of Council and Staff are committed to a positive, healthy, and safe workplace in which every person is treated with respect and dignity. Incivility, harassment and discrimination in any form whatsoever is not tolerated, condoned or ignored.

2. All Members of Council are Equal

Only Council as a whole has authority to direct Staff to carry out specific tasks or functions. The Administration, under the direction of the City Manager, serves the Council as a whole and the combined interests of all Members of Council as expressed through resolutions passed at Council meetings. An individual Member of Council should refrain from requesting Staff to undertake work, prepare reports, or seek preferred outcomes other than through the Council and committee meeting processes as defined in the Procedure By-law.

It is acknowledged that this principle must be interpreted in view of the Strong Mayor Powers, and that the elected Mayor may have authority to direct Staff under these powers, and Administration may be required to respond to any such direction accordingly.

3. Mutual Respect

Council as a whole exercises fiduciary and representative responsibilities concerning the operations of the City in partnership with the Administration that is neutral, objective, and professional. Staff acknowledge the representative, direction-setting and policy-making role of Council while maintaining responsibility for management of daily operations. No Member of Council or Staff shall make comments that disparage or harm the reputation of the City, Council, Staff or co-workers.

4. Open and Clear Communication

Open lines of communication are essential. Members of Council and Staff should feel comfortable speaking to one another about their work both formally and informally. However, formal communication channels exist to raise and manage operational and administrative issues and should be respected.

Scope:

This policy applies to all Members of Council and Staff. This policy is to be applied wherever and whenever interactions occur, including onsite at City facilities or at offsite facilities as well as during or outside of regular work hours.

Definitions:

The definitions applicable to this policy, and any procedure made thereunder, are included in Appendix A to this policy.

Policy:

1 General Policy

- 1.1 For the purpose of this policy, Council Support Staff and their work are considered to be an extension of the Member of Council and their office. Council Support Staff interactions are subject to the same Member of Council Expectations in Section 2 of this Policy.
- 1.2 Members of Council and Staff are committed to adhering to the principles of this policy.
- 1.3 The flow of information between Members of Council and Staff should promote the principles of transparency, accountability and, where appropriate, confidentiality.
- 1.4 It is recognized that Members of Council have, pursuant to the *Municipal Freedom of Information & Protection of Privacy Act*, R.S.O. 1990, c. M.56 ("MFIPPA"), the same rights of access to information as members of the community, including, but not limited to, personal information (as defined in that Act). It is also recognized that Staff are only permitted to disclose personal information to Members of Council in accordance with MFIPPA.

2 Member of Council Expectations

- 2.1 It is expected that Members of Council will:
 - a) Request Senior Leadership input prior to making policy decisions;

- b) Discuss issues with Senior Leadership and advise them of questions prior to Committee and Council meetings, whenever possible, for better informed debate and evidence-based decision making;
- c) Understand that their discussions with Staff may be communicated to others within the Administration and that a Member of Council cannot compel City Staff to confidentiality;
- d) Consult with the appropriate member of Senior Staff prior to responding to constituents concerns or requests to ensure accurate information regarding City policies, service levels, budgets and work plans.

2.2 It is expected that Members of Council will refrain from:

- a) Directing, instructing, or influencing Staff other than by giving appropriate direction through a Council or committee resolution (or Mayoral decision or direction under the Strong Mayor Powers as may be permitted);
 - i. Nothing in paragraph 2.2(a) prevents an individual Member from providing advice, comments or recommendations to Staff during a consultation process initiated by Staff;
- b) Contacting Staff below the level of Manager on Council related business prior to consulting with Senior Leadership of that department;
 - i. Nothing in paragraph 2.2(b) prevents a Member of Council from submitting matters to Access Richmond Hill for processing according to Access Richmond Hill's normal procedures;
- c) Directing or attempting to influence Staff, Staff recommendations or what Staff include or recommend in written reports or presentations to Council or committees, or directing Staff to provide copies of drafts of any such reports or presentation prior to inclusion on an agenda;
- d) Directing, instructing or influencing an Officer in the performance of his or her statutory, legislative, or other legal duties and responsibilities;
- e) Directing, instructing or influencing any Staff in enforcement or other legal matters;
- f) Expecting or requesting a waiver of policies, standard procedures or processes in their interactions with Staff;
 - i. Nothing in paragraph 2.2(e) prevents a Member of Council from requesting Council as a whole in a meeting of Council, to waive a policy, procedure or process; and
- g) Attending technical meetings between Staff and consultants, applicants, contractors or legal advisors, including providing instructions to Staff in respect to such meetings.

3 Staff Expectations

3.1 It is expected that Staff will:

- a) Ensure that Council is apprised of known issues that may impact upon their decision-making process in a timely manner;

- b) Provide advice based on political neutrality and objectivity utilizing their professional expertise;
- c) Notify Council in a timely manner of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports or presentations;
- d) Provide Committee and/or Council with the implications of recommendations which may impact on services or corporate wide work plans and related capacity issues;
- e) Give effect to the lawful decisions, policies and procedures of the Council, whether or not the Staff member agrees with or approves of them;
- f) Give effect to the lawful decisions and directions of the Mayor pursuant to the Strong Mayor Power;
- g) Provide all Members of Council with the briefing materials, reports and information requested by individual Members of Council; and,
- h) Provide a written response to inquiries from Members of Council in a reasonable amount of time with, at minimum, an acknowledgement of receipt and a timeline for receiving the requested information.

3.2 It is expected that Staff will refrain from:

- a) Knowingly providing incomplete or incorrect information to Members of Council;
- b) Showing or appearing to show favoritism to individual Members of Council;
- c) Providing confidential or personal information to Members of Council unless permitted under City By-law or policies, and subject to or pursuant to the *Municipal Freedom of Information & Protection of Privacy Act*.

4 Compliance

- 4.1 Where it is believed that a Member of Council or Staff has not adhered to this policy, Members of Council and/or Staff are encouraged to informally resolve the issue, where appropriate, before making any form of formal complaint.
- 4.2 Where it is believed that a Member of Council has not adhered to this policy, any person including any Staff or other Member of Council, may file a complaint with the Integrity Commissioner pursuant to the Code of Conduct.
 - a) Where it is believed that a Member of Council's non-adherence to this policy may also be contrary to the City's Respect in the Workplace Policy, a complaint under this policy may be combined with a complaint under the Respect in the Workplace Procedures and may be submitted to the Integrity Commissioner pursuant to those procedures and the Code of Conduct.
- 4.3 Where it is believed that Staff have not adhered to this policy, a Member of Council, or any other person, may request a review and response to the matter through the following:
 - a) The Mayor, in the case of a complaint against the City Manager;
 - i. The Mayor may, at his or sole discretion, refer the review and response to a

closed session meeting of Council

- b) The City Manager, or a Commissioner, or a Director (as determined by the City Manager) in the case of all other Staff.

Roles and Responsibilities:

- The City Clerk is responsible for administering and interpreting this policy.
- Members of Council and Staff are responsible for understanding and adhering to this policy.
- The Mayor is responsible for reviewing and responding to concerns that the City Manager is not adhering to this policy, and may refer any such review and response to Council as a whole.
- The City Manager, or a Commissioner, or a Director (as determined by the City Manager), is responsible for reviewing and responding to concerns that Staff are not adhering to this policy.
- The Integrity Commissioner is responsible for reviewing and responding, through the Code of Conduct complaint process, to complaints that a Member of Council has not complied with this policy.

Related Documents:

- *Municipal Act, 2001*
- *Municipal Elections Act, 1996*
- *Municipal Freedom of Information & Protection of Privacy Act, 1990*
- *Occupational Health and Safety Act*
- Code of Conduct
- Respect in the Workplace Policy
- Procedure By-law
- Use of Corporate Resources for Election Campaign Purposes

Appendix A

Definitions:

In this Policy, and any related procedure, the following words have the corresponding meaning:

“Access Richmond Hill”	means the central customer service/contact centre of the City.
“Act”	means the <i>Municipal Act, 2001</i> , S.O. 2001, c.25, as may be amended.
“Administration”	means, collectively, the Staff operating under the direction of the City Manager.
“City”	means the Corporation of the City of Richmond Hill.
“City Clerk”	means the person appointed clerk by Council pursuant to Section 228(1) of the Act, or his/her designate.
“City Manager”	means the person appointed as Chief Administrative Officer of the City pursuant to Section 229 of the Act, his or her designate, and any person acting as City Manager on a pro tempore basis.
“Code of Conduct”	means the code of conduct applying to Members of Council, that is approved by Council pursuant to Section 223.2 of the Act from time to time.
“Commissioner”	means a person appointed as head of one of the City’s Departments.
“Council”	means the Council of the City.
“Council Support Staff”	means Staff who are employed and assigned primarily to support the work/office of a Member of Council.
“Director”	means the person appointed to lead a City Division within a City Department.
“Integrity Commissioner”	means the person appointed by Council pursuant to Section 223.3(1) of the Act.
“Mayor”	means the person who has been elected or appointed to the Office of Mayor (Head of Council).
“Member of Council”	Means a person who has been elected or appointed to an Office on Council, including the Mayor, a Regional & Local Councillor, or a Local Ward Councillor.
“Officer”	means City Manager; City Clerk; Deputy Clerk; Treasurer; Deputy Treasurer; Chief Building Official; Fire Chief; and Integrity Commissioner. It also includes an Ombudsman, Auditor General, or lobbyist registrar if so appointed.

- “Procedure By-law” means the By-law adopted by Council pursuant to Section 238(2) of the Act, currently By-law No. 125-23, A By-law governing the calling, place and proceedings of meetings.
- “Senior Leadership” means a person holding the title of City Manager, Commissioner or Director.
- “Staff” means all full-time and part-time persons hired by the City of Richmond Hill including the City Manager, Commissioners, Directors, Managers, Supervisors, Officers, members of Salaried Employees’ Association, members of C.U.P.E. Local 905, members of the Richmond Hill Professional Fire Fighters Association, Local 1957, Administrative Staff, contract and temporary employees, students, secondments, and co-op placement Staff, and in this Policy includes Contractors retained by the City to provide services or perform work on behalf of the City.
- “Strong Mayor Powers” means those powers, duties and responsibilities under Part VI.1 of the Act, belonging to the person who has been elected Mayor of the City, but not applying to any person who has been appointed Mayor, or who is Deputy Mayor, Acting Mayor or any other such person fulfilling the duties of “Head of Council” under the Act.