



The Corporation of the Town of Milton

Report To:	Council
From:	William Roberts, Acting Town Clerk
Date:	March 4, 2019
Report No:	CORS-014-19
Subject:	Council- Staff Relations Policy
Recommendation:	That the Council-Staff Relations Policy, as attached to Report CORS-014-19 be approved.

EXECUTIVE SUMMARY

Bill 68 , and the resulting amendments to the Municipal Act, require that Council adopt and maintain a policy with respect to the relationship between members of Council and the officers and employees of the municipality.

REPORT

Background

On November 16, 2016, Bill 68, the Modernizing Ontario's Municipal Legislation Act was introduced in the Ontario Legislature. The Bill received Royal Assent on May 30, 2017. Council received Report CORS-071-17 for information at its meeting of December 11th, 2017. That Report highlighted the changes put forth by Bill 68. One of those changes was the requirement for a policy with respect to the relationship between members of Council and Town of Milton employees. Staff are bringing forward the policy at this time as the policy is to be in place as of March 1st, 2019.

Discussion

The attached policy was drafted by the Towns Integrity Commissioner, Principles Integrity. It was further updated by Staff after LMT and SMT review and further consent from Principles Integrity. The proposed policy outlines the roles Council and staff have in committing to a respectful and productive relationship between and amongst Council, members of Council, and the officers and employees of the municipality.

After adoption, the policy will be posted for all staff on the Towns Mportal and posted on Council's orientation ShareFile website .



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Financial Impact

None

Respectfully submitted,

Troy McHarg
Interim Commissioner, Corporate Services

For questions, please
contact:

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Attachments

Appendix A- Council-Staff Relations Policy

CAO Approval
William Mann, MCIP, RPP, OALA, CSLA, MCIF, RPF
Chief Administrative Officer



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Appendix "A" to Staff Report CORS-014-19

Council - Staff Relations Policy

Policy Statement:

The Corporation of the Town of Milton 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/policies, corporate administrative direction, and operating conventions.

Policy Purpose:

The purpose of this policy is to guide the nature of business interactions between members of Council and town staff.

Guiding Principles:

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:
 - (a) to act as chief executive officer of the municipality;



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- (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 Policy A-1, (Code of Conduct for employees of the town), which provides:

1. Employees of the Town of Milton are expected to maintain the highest standard of ethical behaviour in order to sustain and enhance public confidence in all aspects of the organization. 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.
2. 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



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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 Policy No. A-2, (Harassment & Discrimination), the purpose of which is:
1. 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.
 2. to outline the types of behaviour that may be considered offensive and are prohibited by this policy.
- D. Town Policy No. A-3, (Workplace Violence), the purpose of which is:
1. to maintain a working environment that is free from workplace violence
 2. to alert all employees that the Town will not tolerate workplace violence
 3. to reduce the potential for workplace violence before an incident occurs; and
 4. to establish a mechanism for receiving such complaints, as well as a process for dealing with them.
- E. The Code of Conduct for members of Council, which provides in section 8 (Conduct Respecting Staff) that:
1. Town Council as a whole has the authority to approve budget, policy, governance and other such matters. Under the direction of the Chief Administrative Officer, town staff serves the Municipal Corporation as a whole and the combined interests of all members as evidenced through the decisions of Council.
 2. Members of Council shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members of Council
and:
 3. Members of Council shall not:
 - (a) Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff;
 - (b) Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or



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- (c) 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.

F. Scope:

This policy applies to all staff and elected officials of the Town of Milton.

G. Definitions:

1. **Staff:** means SMT, LMT 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.
2. **Member(s) of Council:** means the individuals elected or appointed to the Council for the Town of Milton who have taken the declaration of office for the current term. For the purpose of this policy and as applicable in the circumstances, member of Council includes an individual who is supervised by a member of Council and who purports to represent or undertake an activity covered by this policy on behalf of the member of Council.
3. **Member of the Public:** means a person or entity residing and/or having a business, ceremonial or policy interest in the Town of Milton.
4. **SMT:** means the Strategic Management Team of the town, as determined by the Chief Administrative Officer (CAO) from time to time.
5. **LMT:** means the Leadership Management Team of the town, as established through the Terms of Reference for that group.
6. **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



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- c) constitutes a request for a service that is routinely done by staff in the course of their duties;
and which requires no expenditure of unbudgeted resources.

- 7. **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.

H. Policy Framework:

Part A

General relationship between Staff and Members of Council:

1. Council is the policy and decision-making authority for the municipality, and only Council as a whole can direct Staff.
2. 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.
3. Members of Council require advice and information from Staff on an as required basis in order to fulfill their constituent, decision-making and oversight responsibilities.
4. 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:
 - (a) The author's and the recipient's responsibilities under the respective provision, policy, procedure or code of conduct applicable to the person
 - (b) The impact upon any member of the public involved
 - (c) The legitimate corporate or departmental priority of the matter
 - (d) The anticipated length of time it would take to properly comply with a request
5. 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



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as the author's own opinion. This policy does not condone the making of defamatory statements or statements based on conjecture.

6. Communications made in the course of a matter before a committee or local board, or before Council, shall be done in compliance with the applicable procedure by-law.

Part B

Members of Council communications with staff:

1. When a member of Council desires to bring a matter to the attention of staff, the member of Council shall communicate only with a member of LMT, SMT or the Executive Assistant for the Mayor/CAO. Routine matters received by LMT or SMT or the Executive Assistant for the Mayor/CAO from members of Council will receive the same priority as those received directly from members of the public.
2. When a member of Council is uncertain or requires assistance to determine which member of LMT or SMT would be most appropriate to address a matter, the member of Council may contact the CAO or Town Clerk for advice.
3. Members of Council shall respect the role of staff and shall refrain from engaging in administrative matters. When a matter has been forwarded to staff, the member of Council shall refrain from interfering with staff's carriage of the matter.
4. 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 LMT, SMT or the Executive Assistant for the Mayor/CAO on behalf of a member of the public, the member of Council give consideration to the following preferred courses of action:
 - (a) It is preferred that the member of the public be referred to the appropriate online service tool, department or member of staff by providing contact information or reference to established corporate or departmental procedures. This helps ensure that any complaint or request for service is undertaken by staff in the most expedient manner possible.
 - (b) 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.



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In so doing, the member of Council should not interfere with staff nor attempt to influence an outcome.

- (c) For matters that have been referred to an appropriate department or member of staff, staff will communicate directly with the member of the public if status updates are requested by the member of the public. Having obtained the consent of the member of the public involved, the member of Council may request from a member of LMT, SMT or the Executive Assistant for the Mayor/CAO, status updates as well.

- 5. Members of Council are prohibited from soliciting donations for any cause from staff members.

Part C

Staff communications with members of Council:

- 1. When a request involving a routine or non-routine matter is received by a member of LMT, SMT or the Executive Assistant for the Mayor/CAO from a member of Council, the member of Council should be advised of the approximate time for response or resolution based on the type of response required and operational priorities.
- 2. Routine matters from members of Council will receive the same priority as those received directly from members of the public and should be responded to in accordance with the department's standard operating procedures or conventions.
- 3. For routine matters 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.
- 4. Matters brought directly by a member of Council to the attention of staff that are not members of LMT, SMT or the Executive Assistant for the Mayor/CAO shall be referred by staff to the appropriate member of LMT, SMT or the Executive Assistant for the Mayor/CAO, with the member of Council being so advised.
- 5. Staff are prohibited from soliciting donations for any cause from members of Council.



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Part D Meetings:

1. Requests for staff attendance at meetings organized by a member of Council shall be made to the appropriate member of SMT or the Executive Assistant for the Mayor/CAO. Notice of at least 3 business days should be provided except in urgent circumstances.
2. Members of Council shall not attend a meeting organized by staff, without permission to attend from the appropriate member of SMT.

Part E Policy management

1. Staff are authorized and directed to take the necessary action to give effect to this policy.
2. 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.
3. The Director, Human Resources shall be responsible for receiving complaints and/or concerns related to this policy from members of Council regarding staff. The Integrity Commissioner shall be responsible for receiving complaints and/or concerns related to this policy from staff regarding members of Council.
4. 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, Council decisions, or if, in the opinion of the Town Clerk, the amendments do not change the intent of the policy.

Legislative Reference:

This policy is made pursuant to s. 270(1) (2.1) of the Municipal Act.