

THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

BY-LAW NO. 68-2019

**A BY-LAW TO ESTABLISH AN ALNWICK/HALDIMAND TOWNSHIP
COUNCIL – STAFF RELATIONS POLICY**

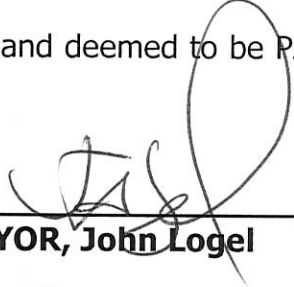
WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations;

AND WHEREAS Section 270(1) 2.1 of the Municipal Act S.O. 2001 c.25, as amended, requires municipalities to adopt and maintain a policy with respect to the relationship between member of Council and the officers and employees of the municipality;

NOW THEREFORE BE IT ENACTED as a By-law of the Council of the Corporation of the Township of Alnwick/Haldimand as follows:

1. THAT Council hereby adopts the Council – Staff Relations Policy as set forth in Schedule "A" attached hereto and forming part of this by-law;
2. THAT this by-law shall take effect upon its adoption.

That **By-Law No. 68-2019** be read and deemed to be PASSED this 16th day of May, 2019.



MAYOR, John Logel



CAO/Municipal Clerk, Robin van de Moosdyk

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Alnwick/Haldimand Township Council – Staff Relations Policy

Policy Statement:

Alnwick/Haldimand Township 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 and 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 Township Staff.

Guiding Principles:

Interpretation of this Policy is to be guided by the statutory and policy framework within which the Township 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 to:
 - “(a) to act as chief executive officer of the municipality;
 - (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;

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(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. Human Resource Policy "HR 5.05ON" - Township Conduct and Behaviour for employees of the Township, as well as, Policy HR 5.06ON" and the purposes of is as follows:

Purpose – 5.05:

The purpose of this Statement of Policy and Procedure is to provide guidelines, which may be changed from time to time, to promote understanding of what is considered acceptable and unacceptable conduct and behaviour; and to encourage consistency throughout the company.

and:

Purpose – 5.06:

It is the goal of the Township of Alnwick/Haldimand to maintain the highest standards in providing public service in our conduct and relationship with others. The purpose of this Statement of Policy and Procedure is to outline the expectations of all employees of the Township when working with members of the public.

C. Human Resource Policy "HR 5.03.ON" - Township policy on Work Place Harassment, the purpose of which is:

Purpose: - 5.03:

The Corporation of the Township of Alnwick/Haldimand is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Corporation of the Township of Alnwick/Haldimand's goal to provide a healthy and safe work environment that is free of any form of harassment or violence.

D. Human Resource Policy "HR 6.14.ON" - Township policy on Workplace Violence, the purpose of which is:

Purpose – 6.14:

The purpose of this Statement of Policy and Procedure is to establish procedures to minimize and/or prevent violence and unacceptable behaviour in the workplace and to foster the safety and security of the Township's employees, customers and visitors to our work sites.

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E. Rule 13 - Conduct Respecting Staff of Township Code of Conduct For Members of Council, which provides in section that:

Rule 13:

1. No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
2. No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.
4. No Member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the Township

Scope:

This Policy applies to all Staff and elected officials of Alnwick/Haldimand Township.

Definitions:

Staff: means *Senior Management*, *Department Heads Management Team* and the officers, employees, probationary employees, temporary employees, students and volunteers of the Township or of a local board of the Township, as the case may be.

Member(s) of Council: means the individuals elected or appointed to the Council for Alnwick/Haldimand Township 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.

Member of the Public: means a person or entity residing and/or having a business, ceremonial or policy interest in Alnwick/Haldimand Township.

Senior Management: consists of the Chief Administrative Officer (CAO)/Municipal Clerk and Deputy CAO/Public Works Superintendent.

Department Heads Management Team: consists of the Parks and Recreation Manager, Municipal Treasurer, Senior Planner, Chief Building Official, Fire Chief as well as those working in an interim capacity in these roles and additional staff members appointed by the CAO.

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
- 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.

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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.

Policy Framework:

Part A

General Relationship between Staff and Members of Council:

Council is the policy and decision-making authority for the municipality, and only Council as a whole can direct Staff.

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.

Members of Council require advice and information from Staff on a need-to-know basis in order to fulfill their constituent, decision-making and oversight responsibilities.

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:

- The author's and the recipient's responsibilities under the respective provision, policy, procedure or code of conduct applicable to the person
- The impact upon any Member of the Public involved
- The legitimate corporate or departmental priority of the matter
- The anticipated length of time it would take to properly comply with a request

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

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

Part B

Members of Council Communications with Staff on Behalf of a Member of the Public:

When a Member of Council desires to bring a matter to the attention of Staff on behalf of a Member of the Public, such as to ask a question or to act in a representative capacity for a constituent, the Member of Council shall communicate only with a Member of Senior Management or Department Heads Management Team except in respect of Routine Matters.

When a Member of Council is uncertain or requires assistance to determine which member of Staff would be most appropriate to address a Routine Matter or a Non-Routine Matter, the Member of Council should contact a member of *Leadership1* for advice.

Members of Council shall respect the role of staff and shall refrain from engaging in administrative matters. When a Routine Matter or Non-Routine Matter has been forwarded to Staff, the Member of Council shall refrain from interfering with Staff's carriage of the matter.

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 Staff on

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- It is preferred that the Member of the Public be referred to the appropriate department or member of staff by providing contact information or reference to established corporate or departmental procedures.
- 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. In so doing, The Member of Council should not interfere with Staff nor attempt to influence an outcome.
- For matters that have been referred to an appropriate department or member of Staff, the Member of Council may request, having obtained the consent of the Member of the Public involved, to receive status updates for tracking purposes and for communicating with the Member of the Public.
- For matters that involve the administration of justice, such as by-law enforcement, Members shall refrain from making requests or statements or taking actions which may be construed as an attempt to influence the independent administration of justice.

Part C

Staff Communications with Members of Council:

Routine Matters referred to Staff by a Member of Council should be responded to in accordance with the department's standard operating procedures or conventions.

For matters which have been referred to a department or member of Staff by a Member of Council, 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.

Non-Routine matters brought to the attention of Staff by a Member of Council shall be referred to the appropriate member of *Leadership1* or *Leadership2*, with the Member of Council being so advised.

When a request involving a Routine or Non-Routine Matter is received by staff from a Member of Council, the member of Council should be advised of the approximate time for resolution based on the type of response required and operational priorities.

Part D

Meetings:

Requests for Staff attendance at meetings organized by a Member of Council shall be made to the appropriate member of *Leadership1*. Notice of at least 24 hours should be provided except in urgent circumstances.

Members of Council shall not attend a Staff meeting, or a meeting involving Staff and Members of the Public, without first seeking permission to attend from the appropriate member of *Leadership1*.

Part E

Policy Management

Staff are authorized and directed to take the necessary action to give effect to the policy.

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.

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The Township Clerk is delegated the authority to make administrative changes to this Policy that may be required from time to time due to legislative changes or if, in the opinion of the Township 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*.

Part F

Examples of Routine Matters:

Routine Matters	Action
Example 1: Facilitating a deputation /deputation to Council through the Clerk's office	Member should simply provide contact information or direction to the Clerk's Office, but is permitted to accompany resident
Example 2: Question regarding Council agenda/minutes	Member may communicate directly with the CAO/Clerk or the Deputy Clerk
Example 3: Member is seeking information regarding upcoming road work in the Township	Member may communicate direction with the appropriate Senior Management Team Member.
Example 4: Member is forwarding information to the Township regarding internet connectivity issues on behalf of resident	Member may forward information directly to CAO/Clerk and/or appropriate Senior Management Team Member.
Non-Routine Matters	
Example 1: Involvement in development negotiations)	Member may not approach Planning Department staff on behalf of developer without seeking permission and direction from CAO
Example 2: Request for additional or special services such as unscheduled road repair	Member should forward request directly to the CAO/Clerk and or appropriate Senior Management Team Member
Example 3: Request to establish a shared services agreement between the Township and neighbouring municipality	Member should forward request directly to the CAO/Clerk and/or appropriate Senior Management Team Member
Example 4: Request for rental or borrowing of Township assets by neighbouring municipality or private business or individual	Member should forward request directly to the CAO/Clerk or appropriate Senior Management Team Member