
Council Staff Relations

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| Sub-section: | General |
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Policy statement

The Town of Oakville requires a respectful, productive, and supportive relationship between Members of Council and employees of the Corporation.

Purpose

The purpose of this policy is to maintain a respectful, productive and supportive relationship between Members of Council (Council) and Staff, as defined in this policy.

This policy is part of a broader framework of policies such as:

- Accountability and Transparency Policy
- Code of Conduct for Members of Council
- Employee Code of Conduct
- Occupational Health, Safety and Workplace Violence Policy
- Respectful Conduct Policy
- Town of Oakville Procedure By-law
- Use of Corporate Resources During an Election Period Procedure

Scope

This policy applies to all Members of Council (Council) and Staff of The Corporation of the Town of Oakville (Town). This policy applies to all interactions, including on-site and off-site of town facilities, before, during and after work hours.

Legislative Requirements

Section 270(1) of the *Municipal Act, 2001*, as amended, requires that all municipalities adopt and maintain a policy regarding the relationship between Members of Council and the Staff of the Corporation.

The *Municipal Act* also sets out core responsibilities of Council, the Mayor, the CAO and Staff, as identified in the Authority section of this policy.

Principles

These principles represent the cornerstone of maintaining a respectful, productive and supportive workplace. Ontario's municipal governance model, as set out in the *Municipal Act*, requires Council to set policy and provide direction to Staff through by-laws and resolutions, and the Mayor to act as the head of Council and the CEO. Staff, under the direction of the Chief Administrative Officer, implement the Council/Mayor direction and provide professional and technical advice to Council. Individual councillors may ask Staff for information, request clarification, or share feedback. However, direction comes only through Council approved by-laws or resolutions, or under the Mayor's authority (Part VI.1 Special Powers and Duties of the Head of Council, *Municipal Act, 2001*).

The principles below outline the working relationship between Council and Staff to uphold a respectful, productive and supportive environment.

1. Mutual Respect and Shared Responsibility

Council and Staff share a responsibility to foster a respectful, productive, and supportive environment rooted in civility, dignity, and mutual respect. All interactions shall reflect the town's commitment to a healthy, safe, and inclusive workplace, free from discrimination and harassment. By upholding these values, Council and Staff build public trust, support the town's strategic priorities, and serve the community with integrity.

Council Members and Staff shall refrain from making disparaging comments about the Town, Council, Staff, or individuals. Derisive, vexatious, or disrespectful behaviour or conduct toward Council or Staff will not be tolerated.

Council Members shall not publicly comment on a Staff members performance. Comments or concerns related to Staff performance shall be directed to the CAO to be considered through the appropriate confidential performance review processes. Complaints or concerns regarding individual Council Members shall be directed to the Integrity Commissioner.

2. Clarity of Roles and Responsibilities

Both Council and Staff share a commitment to working in partnership to serve the community effectively. A respectful, productive and supportive working relationship between Council and Staff relies on understanding their distinct but complementary roles.

- a. Council, acting as a collective body, exercises fiduciary and representative responsibilities for the town's governance. Council sets policy, represents the public interest, and provides strategic direction.
- b. In accordance with s. 227 of the *Municipal Act*, Staff are responsible for managing day-to-day operations in alignment with Council's direction. This includes offering technical expertise, providing objective and professional advice, implementing Council's decisions, and undertaking research and providing informed advice to Council on municipal policies and programs.
- c. Individual Members of Council are to act in the capacity of their elected responsibilities and not in any technical capacity outside their elected responsibilities. Staff will provide independent recommendations based on their professional advice and in good faith, free from political influence.

3. Respectful Communication and Use of Established Channels

Council and Staff are expected to communicate in a productive, open, honest, and respectful manner that supports effective governance. To maintain accountability, consistency, and professional boundaries, all operational and administrative matters must be managed through appropriate protocols and communication channels.

- a. Routine inquiries by Council members related to service delivery will be directed to Service Oakville, however, in the case where specific staff have provided information, follow up to that Staff member would be appropriate.
- b. Non-routine inquiries related to specific policy or program matter may be directed to an appropriate Director.
- c. Non-routine inquiries or change in policy or programs must be directed through the CAO or appropriate Commissioner. This includes verbal, written, and electronic communications.
- d. Requests or inquiries not related to the business of the Corporation, will be directed to the Mayor's Office for response.

4. Council Provides Direction by Resolution

Council is the elected voice of the residents and businesses of Oakville, sets policy and provides direction to the administration solely by Council resolution or Mayoral legislated authority.

Council as a whole is responsible for establishing service levels. Changes to those service levels, or the initiation of new work, must be approved by Council resolution. Individual Members of Council do not have the authority to direct Staff or request new work, such as reports or actions, outside of Council-approved by-laws and resolutions.

All Members must uphold the governance structure and adhere to formal decision-making processes.

The Chief Administrative Officer (CAO) is the head of the administration and is responsible for implementing Council's decisions and overseeing Staff. Under the direction of the CAO, Staff will implement the decisions of Council.

5. Fair and Consistent Access to Information

Staff shall treat Council as a collective decision-making body and ensure that all Members receive equal access to timely, accurate, and relevant information. This includes information on town-wide matters and materials necessary to support informed decision-making at Committee and Council.

The CAO is responsible for establishing and implementing effective processes for responding to information requests from Council and Members of Council.

6. Respect for Time and Priorities

Members of Council and Staff are to be respectful of each other's time, workloads, and priorities, and make good use of Council meeting time, to enable informed decision-making. Advance notice of inquiries and questions to Staff from Council provides an opportunity for Staff to provide quality reports, advice, and feedback.

No individual member of Council may direct Staff in operational matters or request that Staff undertake work. The only exception is the Mayor's ability to provide a Mayoral direction as established under Part VI.1 of the *Municipal Act, 2001*.

Authority

In accordance with section 224 of the *Municipal Act*, the **role of Council** (as a whole, not individual councillors) is to:

- a) *represent the public and to consider the well-being and interests of the municipality;*
- b) *develop and evaluate the policies and programs of the municipality;*
- c) *determine which services the municipality provides;*
- d) *ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;*
 - (d.1) *ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;*
- e) *maintain the financial integrity of the municipality; and*
- f) *carry out the duties of council under this or any other Act.*

Under section 225 of the *Municipal Act*, the role of the Mayor as the **Head of Council** is to:

- a) *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) *provide leadership to the council;*
(c.1) without limiting clause (c), provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1);
- d) *represent the municipality at official functions; and*
- e) *carry out the duties of the head of council under this or any other Act.*

Under section 226.1 of the *Municipal Act*, the role of the Mayor as **Chief Executive Officer** is to:

- 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.*

Under Part V1.1 of the *Municipal Act*, and subject to applicable regulations, the head of Council has additional responsibilities, which include:

284.3 *For the purposes of exercising powers or performing duties under this Part, the head of council may, in writing, exercise the powers of the municipality to direct municipal employees to,*

(a) undertake research and provide advice to the head of council and the municipality on policies and programs of the municipality or of the head of council as they relate to the powers and duties under this Part; and

(b) carry out duties related to the exercise of the power or performance of the duty, including implementing any decisions made by the head of council under this Part.

284.5 *The powers of a municipality under section 229, with respect to the chief administrative officer, are assigned to the head of council.*

284.6 (1) *Subject to subsection (3), the powers of the municipality with respect to determining the organizational structure of the municipality are assigned to the head of council.*

(2) Subject to subsection (3) and the regulations, subsection (1) includes the power to hire, dismiss or exercise any other prescribed employment powers with respect to the head of any division or the head of any other part of the organizational structure.

(3) The powers assigned under subsection (1) do not include the power to hire, dismiss or exercise any other prescribed employment powers with respect to any of the following persons:

1. *The clerk or deputy clerk.*
2. *A treasurer or deputy treasurer.*
3. *An Integrity Commissioner.*
4. *An Ombudsman.*
5. *An Auditor General.*
6. *A registrar, as described in section 223.11.*
7. *A chief building official, as defined in the Building Code Act, 1992.*
8. *A chief of police, as defined in the Police Services Act.*

9. *A fire chief, as defined in the Fire Protection and Prevention Act, 1997.*
10. *A medical officer of health, as defined in the Health Protection and Promotion Act.*
11. *Other officers or heads of divisions required to be appointed under this or any other Act.*
12. *Any other prescribed persons.*

Under section 229 of the *Municipal Act*, the role of the **Chief Administrative Officer (CAO)** is to:

- 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.*

Under section 227 of the *Municipal Act*, the role of **municipal officers and employees** is to:

- a) *implement council's decisions and establish administrative practices and procedures to carry out council's decisions;*
- b) *undertake research and provide advice to council on the policies and programs of the municipality; and*
- c) *carry out other duties required under this or any Act and other duties assigned by the municipality.*

Responsibilities

Members of Council and Staff are required to adhere to this policy and its governing provisions, including the Council Code of Conduct, the Employee Code of Conduct, and other relevant town and provincial legislation.

Council may only act as a collective body; individual members do not have the authority to make decisions on behalf of Council. As outlined in Section 226.1 of the *Municipal Act*, the Mayor, as Chief Executive Officer represents the municipality both within and outside the Town. In accordance with the *Municipal Act*, the Mayor also serves as the official spokesperson for the municipality. This ensures timely, consistent, and coordinated communication on behalf of Council.

Monitoring/Contraventions

Complaints or concerns related to this policy shall be processed as follows:

1. The CAO shall be responsible for receiving complaints and/or concerns regarding Staff of the Corporation other than the CAO.
2. The Mayor shall be responsible for receiving complaints and/or concerns regarding the CAO.

3. The Integrity Commissioner shall be responsible for receiving complaints and/or concerns regarding individual Members of Council.

Where there is a discrepancy between the Council Staff Relations Policy and the Council Code of Conduct or the Employee Code of Conduct, the language of the applicable Code prevails.

Definitions

“Corporation” means the Corporation of the Town of Oakville.

“Council Code of Conduct” establishes rules that guide Members of Council in performing their diverse roles in representing their constituents and recognizes Members’ accountability for managing town resources allocated to them. It is a written Code of Conduct to protect the public interest and helps to ensure that the Members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate.

“Member(s) of Council” means a member of Council for the Town, including the Mayor.

“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 and Staff.

“Routine inquiry” means any communication by a Member of Council with a member of Staff that:

- In the ordinary course of business constitutes a type of communication that would typically occur between a member of the public and Staff;
- Constitutes a request for information that is routinely produced by the member of Staff in the course of their duties; or
- 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.

“Staff” means any individual working for or on behalf of the Town of Oakville, excluding Members of Council. This includes employees of the town, as well as contractors, consultants, volunteers, students, and agents engaged in town business.

References and related documents

Municipal Act, 2001

Municipal Freedom of Information and Protection of Privacy Act

Code of Conduct for Members of Council

Employee Code of Conduct

Occupational Health, Safety and Workplace Violence Policy

Respectful Conduct Policy

Town of Oakville Procedure By-law

Access to Records and Information Policy and related procedures

Accountability and Transparency Policy

Public Notice and Engagement Policy and related procedures

Use of Corporate Resources During an Election Period Procedure