

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2018-044

COUNCIL-STAFF RELATIONS POLICY

WHEREAS, Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS, Section 270 (1) 2.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality shall adopt and maintain a policy with respect to the relationship between members of council and the officers and employees of the municipality.;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

1.1 **THAT**, the Council-Staff Relations Policy, attached hereto as Schedule "A", be adopted.

2. ULTRA VIRES

2.1 Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2018-044**

3. EFFECTIVE DATE

3.1 THAT, this by-law shall come into force and effect as of the 1st day of December 2018.

3.2 ENACTED AND PASSED this 18th day of September, 2018.



Keith Kerr, Reeve





Amanda Mabo, Clerk

THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2018-044

SCHEDULE "A"



SECTION:	NUMBER:
C	8

SUBJECT: COUNCIL - STAFF RELATIONS POLICY

1.0 PURPOSE

This policy provides guidance on how the Municipality ensures a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the Municipality.

2.0 LEGISLATIVE AUTHORITY

Section 270 (1) 2.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality shall adopt and maintain a policy with respect to the relationship between members of council and the officers and employees of the municipality.

3.0 DEFINITIONS

"Chief Administrative Officer" – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

"Clerk" – shall mean the person or designate duly appointed by the Municipality as prescribed in Section 228 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

"Council" – shall mean the Council of the Municipality in accordance with the Council Composition By-Law in effect.

4.0 POLICY STATEMENT

The Municipality will promote a respectful, tolerant, harassment-free relationship and workplace between Members of Council and the officers and employees of the Municipality, guided by the Code of Conduct for Members of Council and Local Boards, the Employee Code of Conduct, the Respect in the Workplace Policy, and the Procedural By-Law.

ISSUED BY:	DATE ISSUED:	SUPERSEDES:	PAGE:
Council	December 1, 2018	N/A	1 of 6



SECTION:	NUMBER:
C	8

5.0 POLICY REQUIREMENTS

The relationship between Members of Council and the officers and employees of the Municipality is guided by the following:

1. Code of Conduct for Members of Council and Local Boards

The Code of Conduct for Members of Council and Local Boards establishes the ethical behaviour expected of Members of Council and Local Boards.

Section 7 of the Code of Conduct for Members of Council and Local Boards relating to “General Conduct” states the following:

“Every Member has the duty and responsibility to treat members of the public, Staff and each other in a respectful manner, without abuse, bullying, harassment or intimidation.”

Sections 12.1 and 12.2 relating to “Interaction with Staff” states the following:

“Over the past number of years the Municipality has worked diligently at creating a positive working relationship between Members and Staff. To a large degree this has been successful due to a mutual respect for each other’s’ roles and responsibilities.”

Members shall not:

- a) maliciously or falsely injure the professional or ethical reputation of Staff;*
- b) compel Staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities; or*
- c) use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff member with the intent of interfering with Staff duties.”*

ISSUED BY:	DATE ISSUED:	SUPERSEDES:	PAGE:
Council	December 1, 2018	N/A	2 of 6



SECTION:	NUMBER:
C	8

2. Employee Code of Conduct

The purpose of the Employee Code of Conduct is to inform municipal employees about the required standards of ethical and professional conduct as it applies to their employment with the Municipality.

Section 5 of the Code of Conduct for Employees relating to “General Responsibilities” states as follows:

“Every Employee has a duty and responsibility to treat members of the public, members of Council and each other in a respectful manner, without abuse, bullying, Harassment or intimidation.”

Sections 8.1 and 8.2 relating to “Interaction with Members” states the following:

“Over the past number of years the Municipality has worked diligently at creating a positive working relationship between Members and Employees. To a large degree this has been successful due to a mutual respect for each other’s roles and responsibilities.”

Employees shall not:

- a) *maliciously or falsely injure the professional or ethical reputation of Members.”*

3. Respect in the Workplace Policy

The purpose of the Respect in the Workplace Policy is to communicate the Municipality’s commitment to providing a work environment in which all workers are treated with respect and dignity, which is free from violence and harassment, and to comply with employer duties under the *Occupational Health and Safety Act*.

ISSUED BY:	DATE ISSUED:	SUPERSEDES:	PAGE:
Council	December 1, 2018	N/A	3 of 6



SECTION:	NUMBER:
C	8

The "Policy Statement" section of the Respect in the Workplace Policy states as follows:

"Tay Valley Township is committed to taking reasonable steps to ensure the health, safety and dignity of all employees in its workplace.

Employees have the right to work in a safe and respectful environment, free of physical violence and emotional harassment.

Any threats or acts of violence or harassment by or against employees or any person entering the workplace are unacceptable and will not be tolerated.

Tay Valley Township is committed to meeting or exceeding all of the legal requirements, duties and standards set by the Occupational Health and Safety Act ("OHS") and its applicable regulations related to workplace violence and harassment."

The "Scope" section of the Respect in the Workplace Policy states as follows:

"This policy recognizes that workplace harassment and violence may occur between co-workers, workers and clients/customers and workers and strangers.

This policy applies to all workplace activities that occur both at and away from the workplace. Every individual at Tay Valley Township has responsibilities to ensure a healthy, safe and respectful work environment."

4. Procedural By-Law

The Procedural By-Law establishes rules, procedure and conduct within Council, Committees and Local Boards.

Specifically, Section 7.7, titled "Rules of Order", states as follows:

"No person shall:

- a) disturb a Meeting by any disruptive or distracting conduct, including private conversations among Members, Staff or Attendees at a meeting;*
- b) use profane or offensive words or insulting expressions;*

ISSUED BY:	DATE ISSUED:	SUPERSEDES:	PAGE:
Council	December 1, 2018	N/A	4 of 6



SECTION:	NUMBER:
C	8

- c) *disobey the rules of procedure;*
- d) *rise from their seat or make any noise or disturbance while a vote is being taken;*
- e) *speak until they have been recognized by the Chair;*
- f) *speak on any matter other than the matter under debate*
- g) *display signs, place cards, applaud, heckle or engage in telephone or other conversation or any behaviour which may be considered disruptive."*

6.0 RESPONSIBILITIES

Members of Council and officers and employees of the Municipality are required to adhere to this policy and its governing provisions, including the Code of Conduct for Members of Council and Local Boards, the Employee Code of Conduct, the Respect in the Workplace Policy, and Procedural By-Law.

7.0 MONITORING/CONTRAVENTIONS

The Clerk shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the Clerk shall notify:

1. In the case of officers and employees of the corporation, the Chief Administrative Officer;
2. In the case of Members of Council, the Integrity Commissioner.

Where there is a discrepancy between the Council-Staff Relations Policy and the Code of Conduct for Members of Council and Local Boards or the Employee Code of Conduct, the respective Code prevails.

8.0 POLICY REVIEW

This Policy shall be reviewed at least once per term of Council.

ISSUED BY:	DATE ISSUED:	SUPERSEDES:	PAGE:
Council	December 1, 2018	N/A	5 of 6