



## Members of Council – Staff Relations Policy

<b>Department:</b>	Corporate & Legislative Services
<b>Division:</b>	Human Resources /Emergency and Risk Management
<b>Section/Function:</b>	N/A
<b>Approval Level:</b>	Council
<b>Effective Date:</b>	2023-05-23
<b>Revision #:</b>	N/A

### 1.0 Purpose

- 1.1. The City of Peterborough recognizes that:
  1. An effective relationship between Council as a whole and Staff is necessary to serve the best interests of the City and maintain a high level of public trust and confidence.
  2. The roles of Council as a whole, individual Members of Council, and Staff are distinct yet interdependent and reliant on one another for effective municipal governance, operations, and service delivery.
- 1.2. The purpose of this Policy is to:
  1. Provide a framework to govern the relationship between Members of Council and Staff.
  2. Foster a shared commitment to a Council-Staff relationship that is cooperative, productive, and respectful.
  3. Provide a clear understanding of the respective roles and responsibilities of the Members of Council and Staff of the Corporation.
- 1.3. This Policy is in accordance with the following provisions of the **Municipal Act, 2001**:
  1. Section 270 (1) 2.1 that requires all municipalities to adopt and maintain a policy regarding the relationship between Members of Council and Staff.
  2. Sections 224 to 229 set out the roles of Council, the Head of Council, Municipal Administration, the Clerk, and the Chief Administrative Officer.

## 2.0 Application

2.1. This Policy applies to:

1. All Members of Council and Staff in their interactions with one another.
2. All Members of Council Staff interactions, including on-site and off-site of City facilities, before, during and after work hours.

## 3.0 Definitions/Acronyms

**Chief Administrative Officer (CAO)** – The senior executive appointed by Council under Section 229 of the Municipal Act, 2001, who is responsible for managing the Municipality's staff and operations.

**CAO's By-Law** – By-law 18-112 of the City that identifies the specific responsibilities of the Chief Administrative Officer.

**City** – The Corporation of the City of Peterborough, also referred to as the Corporation and the Municipality throughout this Policy.

**Code of Conduct for Members of Council** – Establishes rules that guide Members of Council in performing their diverse roles in representing their constituents and recognize Members' accountability for managing City resources allocated to them. 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.

**Corporation** - The Corporation of the City of Peterborough, also referred to as the City and the Municipality throughout this Policy.

**Employee Code of Conduct** - Establishes that City employees must follow standards of ethical and professional behavior in the course of their work to ensure that public confidence and trust is maintained. This code establishes standards designed to promote and protect the public interest through honest and ethical conduct which enhances public confidence and trust in the integrity, objectivity, and impartiality of the City.

**Head of Council** – The Mayor of the City of Peterborough acting as Chief Executive Officer of the Corporation, as provided for under Sections 225 and 226 of the Municipal Act, 2001.

**Integrity Commissioner** – The person or persons appointed from time to time pursuant to section 223.3 of the Municipal Act, 2001

**Members(s) of Council** - A member or members of the municipal council of the Corporation of the City Peterborough. For the purposes of this Policy, the same responsibilities and Guiding Principles that apply to Members of Council apply to Members of Committees appointed by Council and to political staff acting on behalf of a Member of Council.

**Municipality** – The Corporation of the City of Peterborough, also referred to as the City or the Corporation throughout this Policy.

**Respondent** – A person who is the subject of a complaint.

**Routine Enquiry** – A communication by a Member of Council with Staff (in person, in writing, by phone, text, or other electronic means) which meet the following criteria:

- Requires no expenditure of unbudgeted resources; and
- Constitutes a type of communication that would normally occur between a member of the public and Staff in the ordinary course of business; or
- Constitutes a request for information that is readily available or is routinely produced by 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.

**Senior Leadership** - A staff member who is at the administrative rank of Director or higher.

**Staff** - A person, not including Members of Council, who performs work for the Corporation. For the purposes of this Policy, Staff also includes those contractually engaged by the City to further the Municipality's business and interests, such as agents, consultants, and contractors.

## **4.0 Policy Statement(s)**

### **4.1. Guiding Principles**

#### **1. Shared Purpose**

- a) Members of Council and Staff have a shared purpose and responsibility to serve the best interests of the Municipality.
- b) The roles of Members of Council and Staff are intertwined and dependent on one another for effective Municipal governance and management.
- c) To produce the best results and outcomes for the Municipality, Members of Council and Staff must work together, while performing their respective roles.

## **2. Division of Responsibilities**

- a) Members of Council and Staff have distinct roles in Municipal governance, management, and administration.
- The role of Council is to govern and provide direction to Staff as a collective decision-making body of the Municipality.
  - Under the Municipal Act, Members of Council do not serve as technical experts or act in a professional advisory capacity to Staff or the community on behalf of the municipality.
  - It is not the role of Staff to make policy and service level decisions. Staff provide professional advice and technical expertise, implement Council's decisions, and manage Municipal operations and service delivery.
- b) To ensure efficient and effective Municipal government and operations:
- There needs to be a clear separation of the political and administrative spheres.
  - There needs to be a clear division of responsibility between the Offices of the Mayor and the CAO, and between Members of Council and Staff.
  - Members of Council should recognize and reinforce the clear and unequivocal responsibility and accountability of the CAO for the overall management and of the administration of the City.
  - Individual Members of Council and Staff must respect their professional boundaries and one another's roles.
  - Processes related to lines of communication and the accountability structure need to be followed by Members of Council and Staff.

## **3. Leadership and Professionalism**

Members of Council and Staff must demonstrate leadership and commit to a high degree of professionalism in their conduct.

- Members of Council will not deal with Staff in a way that is inconsistent with decisions of Council, regardless of opinion or belief.
- Staff will uphold and implement the decisions of Council, even if they are not in line with the advise of Staff.

#### **4. Cooperation and Effective Municipal Outcomes**

- a) Members of Council, and Staff work for the public good.
  - Members of Council and Staff must recognize their overarching goal is to serve the best interests of the Municipality and work together to achieve this shared purpose while fulfilling their distinct roles.
  - Staff must be sensitive to Council's role as the governing body for the Municipality and the elected voice of the citizens. Council must balance competing interests and priorities.
  - Staff must provide their professional advice and recommendations in good faith and based on complete information.
  - Staff should be mindful of Council time and present information in a succinct and user-friendly manner.
  - Members of Council should trust that Staff will perform their roles in good faith and in the best interests of the Municipality.
- b) Mutual cooperation and support are essential to a productive Council-Staff relationship and to producing the best outcomes for the Municipality.
  - Sound decision-making and direction-setting by Council relies on timely and sound advice and information from Staff as technical experts.
  - Members of Council and Staff must keep one another apprised of important information that may impact on their ability to fulfill their roles.
  - Council should seek input from and consult Staff as the technical experts prior to making policy decisions or public commitments.
  - Staff will support informed debate and evidence-based decision-making by Council by providing timely, complete, and unbiased advice and information.
  - Staff will ensure that information pertaining to Council business is proactively and consistently provided to all Members of Council.

#### **5. Communication and Accountability Structure**

- a) Communications between Members of Council and Staff related to municipal business will respect the City's accountability structure.
  - The CAO reports to Council through the CAO By-Law and is responsible for Staff.
  - Generally speaking, Staff report to and take their direction from the CAO and Senior Leadership. Some staff are directly accountable to Council in relation to their statutory or professional responsibilities.

- Municipal decisions are made by Council as a whole, as a collective governing body.
  - Each Member of Council, including the Head of Council, has one vote.
  - The Head of Council does not have any more power than any other Member of Council to make decisions on behalf of the municipality.
  - Only Council, as a whole, has the authority to direct Staff to carry out specific tasks or functions pursuant to a Council direction.
- b) The flow of information between Members of Council and Staff will be according to the following:
- Formal communication channels will be used for information related to Council business and decision-making.
  - Communications to or from Members of Council related to municipal business will be conducted through the CAO or appropriate Senior Leadership.
  - Senior Leadership work closely with Council portfolio Chairs but it is generally understood that staff serve Council as a whole, rather than any individual Member of Council
  - Information from the CAO or Senior Leadership will be communicated to all Members of Council.
  - Members of Council who need to engage Staff should do so through Senior Leadership, whether in-person, in writing, or through electronic messages.
  - Routine Enquiries from a Member of Council can be provided to the appropriate Staff member(s) the same way it would be provided by the public.

## **6. Trust and Respect**

- a) To build trust and confidence in the Municipality, Members of Council and Staff must conduct their roles in a respectful and professional manner. •
- The public expects that Council and Staff will work effectively together to achieve the best interests of the Municipality.
  - The public expects Members of Council to conduct their political role in good faith and in a professional and respectful manner.
  - Staff are expected and required under their employment contract to execute their responsibilities in good faith and in a professional and respectful manner.

- b) Members of Council and Staff will foster and promote an environment of mutual respect and trust, guided by values of respect, accountability, cooperation, diversity, and transparency.
- Members of Council and Staff are expected to show respect and professionalism toward one another.
  - Members of Council and Staff must understand and be respectful of the different roles, challenges, and responsibilities they each face.
  - Members of Council and Staff are to avoid discriminatory, disparaging, or vexatious comments, behaviour, or conduct toward one another.
  - Members of Council and Staff will refrain from publicly criticizing an individual Member of Council or Staff which could lead to public embarrassment or reputational damage.
  - Comments on Staff performance shall be directed through the CAO or respective Senior Leadership.

## 4.2 Clarifying Roles

### 1. Council

Council's role is Policy focused: Represent the Corporation, provide direction and create policy. Specifically, Section 224, 225, 226 of the **Municipal Act, 2001** states:

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;
- e) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality; and
- f) to maintain the financial integrity of the municipality; and
- g) to carry out the duties of council under this or any other Act.

### 2. Head of Council (Mayor)

It is the role of the Head of Council, to:

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

Section 226.1 It is the role of the chief executive officer which include:

- 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.

The Head of Council has a prominent and very public profile. Many citizens within the City of Peterborough will have high and often varied expectations for the Head of Council. The Head of Council must find a way to balance these expectations and special responsibilities.

### 3. Chief Administrative Officer

The CAO specific responsibilities are set out in Section 229 of the **Municipal Act, 2001**, and for the City are outlined in the CAO's By-Law 18-112.

The CAO is focused in three key areas:

- Council
- Staff
- Community

Generally, the CAO is responsible for:

- The overall management and administration of the City.
- Providing professional advice to Council.
- Leading and directing Staff in the implementation of Council's direction and policies.



#### **4. Senior Leadership**

The role of Senior Leadership is to lead and direct (Staff in carrying out) (activities related to) the responsibilities set out under Section 227 of the **Municipal Act, 2001**.

Generally, Senior Leadership is responsible for:

- Acting as the liaison between Council and Staff.
- Directing the implementation of Council's policies and decisions.
- Providing advice to Council on the policies and programs of the Municipality.
- Hiring, developing, and overseeing/managing a team of competent Staff.

#### **5. Staff**

The role of Staff is set out under Section 227 of the **Municipal Act, 2001**.

Generally, Staff is responsible to Senior Leadership for:


- Implementing decisions of Council.
- Establishing administrative practices and procedures to carry out Council's decisions.
- Researching and providing advice on the policies and programs of the Municipality.
- Fulfilling statutory duties.
- Following direction of the CAO and Senior Leadership to ensure the successful operation of the Corporation.

### **4.3 Complaints**

1. Complaints will be directed to:

- a) The CAO, if the Respondent is Staff, other than the CAO.
- b) The Mayor, if the Respondent is the CAO.
- c) The Integrity Commissioner, if the Respondent is a Member of Council.

2. The Council and Employee Code of Conducts, in addition to other applicable City policy, will guide the review and resolution of the complaints under this Policy.

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**5.0 Appendix, Related Documents & Links**

Note: All references refer to the current version, as may be amended from time to time.

**5.1. Related By-Laws:**

- [By-Law # 19-028](#) - Council Code of Conduct

**5.2. Relevant Legislation:**

- [Municipal Act, 2001](#)

**5.3. Related Policies:**

- [Policy # 0013](#) – Workplace Discrimination and Harassment Policy
- [Policy # 0023](#) – Workplace Violence Prevention Policy

**5.4. Related Procedures:**

- Procedure 0014-P23 - Employee Code of Conduct

**6.0 Amendments/Reviews**

Date (yyyy-mm-dd)	Section # Amended	Comments
2023-05-23		Policy approved by Council through Report# CLSHR23-007 on May 23, 2023

<b>Next Review Date:</b>	<b>2027-01-01</b>
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