



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 067-2019

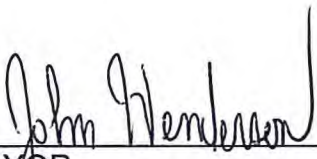
A BY-LAW TO ADOPT A STAFF COUNCIL RELATIONS POLICY FOR THE CORPORATION OF THE TOWN OF COBOURG.

WHEREAS subsection 270(1) of the Municipal Act, Chapter C.25, R.S.O. 2001, as amended, requires municipalities to adopt and maintain a policy with respect to relationship between members of Council and the officers and employees of the municipality;

NOW THEREFORE the Council of the Corporation of the Town of Cobourg enacts as follows:

1. **THAT** the "Council-Staff Relations Policy" is hereby adopted as set out in Schedule "A" attached hereto and forming part of this By-law
2. actions of the Council of the Town of Cobourg at its Regular meeting held on November 12, 2019, in respect to each report, motion, resolution or other action passed and taken by Council at its meeting, is hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this by-law;
3. **THAT** this by-law shall come into full force on the day it is passed.

Read and passed in Open Council this 2nd day of December, 2019.


MAYOR


MUNICIPAL CLERK



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Division: Corporate Services **Effective Date:** December 2, 2019
Department: Legislative Services **Approval Level:** Council
Policy Title: Staff/Council Relations Policy **Section #** 3-1
- Administration **Policy #** LEG-ADM23

Purpose

- 1.0 This Policy is a requirement of the *Municipal Act, 2001* and shall govern the relationship between Members of Council and Staff of the Town of Cobourg in accordance with paragraph 2.1 of subsection 270(1) of the *Municipal Act, 2001*.
- 1.1 The purpose of this Policy is to provide guidance on how the Town of Cobourg maintains and promotes respectful, tolerant and harassment-free workplace between Members of Council and all Officers and Employees of the Town guided by the Code of Conduct for Members of Council and Local Boards, the Discrimination & Harassment-Free Workplace Policy, and the Procedural By-Law.

Policy

2.0 Roles and Responsibilities

- 2.1 The relationship between Members of Council and the officers and employees of the Town of Cobourg is guided by this policy and the associated documents from which language is drawn. This Policy complements the existing legislation governing conduct of Members and Staff including but not limited to the *Municipal Act*, the *Ontario Human Rights Code*, and the *Criminal Code of Canada*.
- 2.2 The role of Municipal Council is to govern. The role of Staff is to advise, implement and manage public service delivery. Municipal Council and Staff work in partnership with one another, while performing their respective roles. Although the roles of Council and Staff are distinct, they are interdependent, each one requiring the other to fulfill the Town's mandate and purpose.

3.0 Joint Role of Council and Staff

- 3.1 Both Municipal Council and Staff are expected to do the following:
 1. Demonstrate commitment to accountability and transparency among Council and Staff and the general public.
 2. Demonstrate leadership by making sound decisions based on knowledge, expert advice and sound judgment;



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3. Maintain confidentiality in all matters where information is protected under law and/or during the course of business, as prescribed in the *Municipal Act*; and the *Municipal Freedom of Information and Protection of Privacy Act*.
 4. Understand and respect each other's respective roles and responsibilities;
 5. Truly, faithfully and impartially exercise their role to the best of their knowledge and ability;
 6. Enhance public understanding of the political process by providing information about decision making processes;
 7. Uphold decisions of Council as a whole, regardless of personal opinion or belief, and commit to the implementation of those decisions;
 8. Refrain from disparaging criticism of Council Members or Staff; and
 9. Seek to achieve and maintain an environment of mutual respect and trust, with respect and acknowledgement of the different roles in achieving Council's objectives.

The above statements are key principles that are intended to facilitate an understanding, application and interpretation of the Policy – these principles are not operative provisions of the Policy.

4.0 Town of Cobourg Governance

- 4.1 The Town of Cobourg's governance model is provided through a Council Coordinator System. All Council Service Coordinators have a corresponding Council Service Coordinator Meeting Group to report to Council on matters regarding their respective area of municipal service as defined and approved through By-law No.008-2019 being a By-Law to define the Terms of Reference for Internal Meeting Groups, Advisory Committees, Ad Hoc Committees, and Legislative Committees and Boards established by and/or involving the Corporation of the Town of Cobourg.
- 4.2 The purpose of the established Coordinator System is for Members of Council to meet with Senior Staff to consider policy matters, budget recommendations and action items for presentation to Council regarding the major areas of responsibility within the Municipality, being General Government, Public Works, Protection, Planning and



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Development, Arts, Culture and Tourism, and Parks and Recreation.

- 4.3 It shall be the responsibility of the Coordinator to report to Council on matters regarding their respective area(s) of responsibility or referred to them by Council. Each Coordinator, in a report prepared by the appropriate Municipal Staff, is to recommend such action(s) as they deem necessary to Council for approval.
- 4.4 As set out in the Town of Cobourg Procedural By-law, the respective Council Service Coordinator will assume the role of Chair for the portion of the Committee of the Whole meeting pertaining to their service area and will be responsible for announcements, presenting the items individually as listed in the agenda, for asking municipal staff to explain the reports, for reading out the motion, for facilitating the discussion, for dealing with amendments, for calling the vote and for announcing the status of the motion being carried, defeated or amended. Each Council Service Coordinator will be assigned a backup Council Member as approved by resolution of Council to fill this role and assume responsibility in their absence.

5.0 Role of Municipal Council

5.1 Section 224 of the *Municipal Act, 2001* defines the role of Council as:

1. To represent the public and to consider the well-being and interests of the municipality;
2. To develop and evaluate the policies and programs of the municipality;
3. To determine which services the municipality provides;
4. To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
5. To ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality; and
6. To maintain the financial integrity of the municipality



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5.2 In carrying out these defined roles, Members of Council shall adhere to the following, in addition to the relevant sections of the Council Code of Conduct:

1. Information or services that are readily available to the public shall be provided to Members in the same manner as they are provided to the public.
2. When addressing issues of service levels or complaints from residents/ratepayers, Members shall communicate with the appropriate Division Director and/or Chief Administrative Officer. Alternatively, Members should direct residents/ratepayers to utilize the Public Complaint Policy for complaints.
3. Member direction or requests to Staff to undertake an action, expend funds, commit resources beyond the normal course of public service delivery levels, or prepare a Staff report to Council or a committee, shall only be acted upon by Staff when authorized by the whole of Council through a resolution.
4. Members shall recognize Staff are not expected to provide information or respond to requests or take action in outside of regular administrative business hours, except in extenuating circumstances;
5. Members shall recognize that certain members of Staff are statutory officers and have specific statutory authorities, duties, powers and responsibilities that cannot be interfered with or derogated from;
6. The Mayor, an individual Member or informal groups of Members cannot make a decision on behalf of Council unless authorized by Council or statute.
7. Members are encouraged to:
 - a) request input from senior management prior to making policy decisions and may advise senior management of questions prior to Council meetings in order to facilitate informed debate and evidence-based decision making;
 - b) request advice from the Clerk about the appropriate wording of motions, amendments and formal staff directions in accordance with the Procedural By-law in advance of Council meetings whenever possible that will be placed before Council to consider and discuss.



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8. Members shall at all times comply with all policies relating to the Town and Council that the Council may implement from time to time.

6.0 Role of Staff

- 6.1 It is the role of Staff to provide advice, support and recommendations to Council collectively and to Members individually, and to implement Council decisions in keeping with legislation, and municipal policy and procedures.
- 6.2 Staff shall respond to Members' requests for information in writing in a timely manner (email or hard-copy).
- 6.3 All Members are equal and shall be treated as such and always with courtesy, respect and professionalism;
- 6.4 Staff shall provide impartial and objective advice, information, and reports to Members, and shall in no way seek to mobilize members of the public to lobby, influence or persuade Members in how they vote;
- 6.5 Staff shall not undertake significant new projects unless they have been directed to do so by Council through the CAO;
- 6.6 Staff shall not speak publicly on any matter respecting any Council decisions or policies without the authorization of the CAO, and without limiting the generality of the foregoing, shall not publicly criticize any decision or policy of Council;
- 6.7 Staff will:
- a) recognize that Council is the elected voice of the citizens of the Municipality and Council is the collective decision-making and governing body of the Town and is ultimately responsible to the electorate for the good governance of the Town;
 - b) diligently and impartially implement of Council approved policies, programs and directions.



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6.8 Staff will not:

- a) make comments that disparage or harm the professional or ethical reputation of Members;
- b) engage in partisan political activities when acting in their capacity as Staff;
- c) use, or attempt to use, their influence for the purpose of intimidating, threatening, coercing, commanding or influencing any Members with the intent of interfering in Member roles;

7.0 Code of Conduct for Members of Council and Local Boards

7.1 The Code of Conduct for Members of Council establishes common basis of acceptable behavior. Section 5.0 titled the 'Role of Staff' within By-law No.068-2019, being a by-law that establishes a Code of Conduct for Members of Council and Local Boards, states as follows:

- Council as a whole approves the budget, policies and governance of the Town through its by-laws and resolutions. An individual Member does not direct nor oversee the functions of the staff of the Town.
- Town staff serve Council and work for the Town as a body corporate under the direction of the CAO. Members shall acknowledge, respect and have regard for the administration, managerial and organizational structure of the Town when requesting information or advice from staff.
- A Member shall not publicly criticize staff. Should a Member have any issue with respect to any staff member, such issue shall be referred to the CAO who will direct the matter to the particular staff member's appropriate superior.
- A Member shall respect the role of staff in the administration of the business and governmental affairs of the Town, and acknowledge and appreciate that staff:
 - a) provide advice and make policy recommendations in accordance with their professional ethics, expertise and obligations and that a Member



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must not falsely or maliciously injure the reputation of staff members whether professional or ethical or otherwise;

- b) work within the administration of justice and that a Member must not make requests, statements or take actions which may be construed as an attempt to influence the independent administration of justice and, therefore, a Member shall not attempt to intimidate, threaten, or influence any staff member from carrying out that person's duties, including any duty to disclose improper activity; and
- c) carry out their duties based on political neutrality and without undue influence from any individual Member and, therefore, a Member must not invite or pressure any member of staff to engage in partisan political activities or be subjected to discrimination or reprisal for refusing to engage in such activities.

8.0 Employee Code of Conduct Human Resources Policy

8.1 The Staff Employee Conduct as presented in the Human Resources Policy Manual are designed to identify standards of behavior of which both the Municipality and prevailing legislation expect Staff to observe and maintain, such as:

- All employees of the Town of Cobourg are required to perform their duties with integrity, honesty and impartiality and to conduct themselves, at all times, in a manner that respects the dignity and rights of others. All employees are required to act professionally and be polite when communicating with the public, with other employees, with Members of Council, with board members and with public servants from other branches of government including other municipalities.
- Employees are expected to respect and promote the goals, objectives and policies of Council, senior management and their department.
- Employees shall acknowledge and respect the Corporation's organizational structure.
- In dealings with members of Council employees shall, at all times, conduct themselves in an objective and impartial manner.



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9.0 Discrimination and Harassment-Free Workplace Policy

9.1 The purpose of the Discrimination and Harassment Free Workplace Policy is to provide a discrimination-free and harassment-free workplace in which all persons can be treated with dignity and respect. The Policy states the following:

- The Town of Cobourg fully supports and adheres to the principles and practices set out in the *Ontario Human Rights Code* and the *Ontario Health and Safety Act* in all aspects of the employment relationship and therefore, it is the policy of the Town of Cobourg that every individual has the right to equal treatment in employment and will not be subject to acts of discrimination or harassment, including sexual harassment in the workplace.
- The *Ontario Health and Safety Act* further provides that individuals have the right to a workplace environment where measures are established to control risks of workplace violence; to summon immediate assistance when workplace violence occurs; for workers to report incidents of workplace violence; and to deal with incidents and complaints of workplace violence. The Town of Cobourg believes in the prevention of violence and promotes a violence-free workplace in which all people respect one another and work together to achieve common goals.
- That individuals be made aware of and understand that acts of workplace violence, acts of workplace harassment and acts of workplace discrimination are considered serious offences for which disciplinary action deemed appropriate will be imposed; and
- That those subjected to acts of workplace violence, harassment and/or discrimination are encouraged to access any assistance they may require in order to pursue a complaint; and
- That individuals be advised of available recourse if they are subjected to, or become aware of, situations involving workplace violence, harassment and/or discrimination



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10.0 Procedural By-law

10.1 The Procedural By-law establishes rules governing the order and procedure of the Council and its meetings. Section 38.0 – Rules of Conduct for Members' of By-law No. 009-2019 Council Procedural By-law shall be adhered to and followed.

11.0 COMPLAINT PROCESS

11.1 The Clerk shall be responsible for receiving complaints and/or concerns related to this policy. A complaint or concern with respect to an officer or an employee of the Town of Cobourg shall be submitted in writing on the attached Form 1. A formal complaint with respect to a Member shall be submitted in writing on the Council Code of Conduct - Formal Complaint Form. Upon receipt of a complaint and/or concern, the Clerk shall notify:

- a) In the case of an officer or an employee of the Town of Cobourg, the Chief Administrative Officer; and
- b) In case of Senior Management or the Chief Administrative Officer, the Mayor and Members of Council; and
- c) In the case of a Member of Council, the CAO or Integrity Commissioner.

Definitions:

The following terms shall have the following meanings in this Policy:

“CAO” means the Chief Administrative Officer of the Town;

“Clerk” means the person appointed by Council pursuant to Section 228 of the Municipal Act, 2001, in the Town of Cobourg.

“Council” means the council for the Town;

“Deputy Mayor” means the deputy mayor of the Town;

Mayor” means the head of Council;



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“Member” means a Member of Council;

“Officers” means certain Staff (e.g. CAO, Chief Building Official, Clerk, Fire Chief, Treasurer, etc) who have duties or accountability provisions set out in specific legislation.

“Policy” means this Council and Staff Relations Policy;

“Senior Management: means all Staff at a Director level or higher.

“Staff” means the CAO and all officers, directors, managers, supervisors and all non-union and union employees, whether full-time, part-time, contract, seasonal or volunteer employees, as well as agents and consultants acting in furtherance of the Town’s business and interests; and

Scope

Application and Purpose


This Council and Staff Relationship Policy applies to all Members of the Council of the Town of Cobourg, including the Mayor, Deputy Mayor, and all members of Staff of the Town of Cobourg.

Administration

The Chief Administrative Officer shall designate the Municipal Clerk to implement and administer the terms of this policy and shall establish related operating procedures as required.

Cross Reference

Policy

Resolution # 486-19	Revision Description:	Signature/Municipal Clerk: 	Council Approval Date: December 21, 2019
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Council / Staff Relations Policy

Notice of Concern or Complaint

Re: An Officer or Employee of the Town of Cobourg

Please submit this form to: Municipal Clerk, Brent Larmer
 55 King Street West
 Cobourg, ON K9A 2M2
 blarmer@cobourg.ca

Name of Office or Employee: _____

Officer or Employee Title: _____

Officer or Employee Department: _____

Nature of Concern / Complaint:

Print Name: _____ Signature: _____

Address: _____

Telephone Number: _____ E-mail: _____

Date: _____