

The Corporation of the Municipality of Brockton



By-Law 2019-015

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Being a By-Law to Adopt a Council and Staff Relations Policy for the Municipality of Brockton.

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**Whereas** The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

**Whereas** the *Municipal Act S.O. 2001, c 25, Section 5(3)*, 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;

**And Whereas** the *Municipal Act S.O. 2001, c 25, Section 270(1)* as amended, requires municipalities to adopt and maintain a policy with respect to the relationship between members of council and the officers and employees of the municipality by March 1, 2019;

**Now Therefore** the Council of The Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That The Corporation of the Municipality of Brockton Council hereby adopts a Council and Staff Relations Policy as contained in the attached Schedule "A" to this By-Law.
- 2.0 This By-Law shall come into full force and effect upon final passage.
- 3.0 This By-Law may be cited as the "Adopt Council and Staff Relations Policy By-Law".

**Read, Enacted, Signed and Sealed this 12th day of February, 2019.**

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Mayor – Chris Peabody

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Clerk – Fiona Hamilton

**Council and Staff Relations Policy**

<b>Department:</b>	Council	<b>Policy Number:</b>	C13-0200-19
<b>Section:</b>	Council	<b>Effective Date:</b>	February 12, 2019
<b>Subject:</b>	Council and Staff Relations	<b>Revised Date:</b>	
<b>Authority:</b>	By-Law 2019-015		

**1. Purpose**

The Municipality of Brockton will promote a respectful, tolerant, and harassment-free relationship and workplace between Members of Council and the Officers and Employees of the Corporation of the Municipality of Brockton, guided by the Council Code of Conduct Policy, Employee Code of Conduct Policy, Respect in the Workplace Procedures, Workplace Harassment Policy, Workplace Violence Policy, and the Procedural By-Law.

This policy provides guidance on how the Municipality of Brockton ensures a respectful, tolerant, and harassment-free relationship between Members of Council and the Officers and Employees of the Corporation of the Municipality of Brockton.

**2. Legislative and Administrative Authorities**

Section 270(1)(2.1) of the *Municipal Act, 2001*, S.O 2001, c. 25, as amended, provides that a municipality requires Council to adopt and maintain a policy with respect to the relationship between Members of Council and the Officers and Employees of the Corporation.

**3. Guiding Principles**

**3.1 All Members of Council are Equal**

Regardless of how they interrelate with Members of Council, Officers and Employees of the Corporation must avoid favouritism and the appearance of favouritism. Differences in experience amongst Members of Council are irrelevant. Members of Council all must be treated equally and with respect.

**3.2 Professionalism**

Members of Council, Officers, and Employees must treat each other with professionalism. When Council requests that Officers and Employees appear before Council, they must comply and be prepared for any questions Council has. Advance notice of questions to Officers or Employees provides an opportunity for Officers or Employees to provide quality reports and advice.

**3.3 Respect**

Members of Council, Officers, and Employees shall work hard at fostering a climate of mutual respect. Each must be respectful of others' intelligence and professional duties. Members of Council, Officers, and Employees must understand that they all face different, often unique challenges and recognize their overarching goal is to serve the best interests of the Municipality of Brockton.

**4. Policy Requirements**

The relationship between Members of Council and the officers and employees of the Corporation of the

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Municipality of Brockton is governed by the following:

**4.1 By-Law 2018-076 Council Code of Conduct Policy**

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

Members of Council shall comply with all provisions of Section 7, but particularly Section 7.1 titled "Conduct Respecting Staff" contained in By-Law 2018-076, being the by-law that established a Code of Conduct for Members of Council, which states as follows:

"Members shall acknowledge the fact that staff work for the Municipality as a body corporate and are charged with making recommendations that reflect their professional expertise and corporate objectives. Council for the Municipality of Brockton have the authority to approve budget, policy, governance, and other such matters. Under the direction of the Chief Administrative Officer, Municipality staff serves Council as a whole and the combined interests of all members as evidenced through the decisions of Council as recorded in the minutes and resolutions. "

**4.2 Employee Code of Conduct Policy**

The purpose of the Employee Code of Conduct Policy is to provide guidelines on how all employees can contribute to a respectful and ethical professional organization that must be adhered to by all employees.

Section 1.1 of the Employee Code of Conduct Policy states employees are to adhere to the following guidelines to ensure effective teamwork and a harmonious working environment with Council.

- Conduct yourself in a friendly, courteous, professional and respectful manner with all colleagues.
- Maintain the highest ethical standards and refrain from gossip.
- Co-operate freely. Do your part to ensure the smooth operation of our business.
- Be honest, trustworthy, reliable and dependable in fulfilling all of your duties.
- Take direction from and work co-operatively with your supervisor(s).

**4.3 Respect in the Workplace Procedures**

The Respect in the Workplace Procedure states as follows:

"Brockton 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 Brockton's goal to provide a healthy and safe work environment that is free of any form of harassment or violence.

The Respect in the Workplace Procedure applies to all employees, contractors, consultants and Brockton Council. It applies in any location in which you are engaged in work-related activities. This includes, but is not limited to:

- The workplace
  - During work-related travel
  - At restaurants, hotels or meeting facilities that are being used for business purposes
  - In company owned or leased facilities
  - During telephone, email or other communications
  - At any work-related social event, whether or not it is company sponsored.
  - During use of the internet, including instant messaging, blogging and social networking sites
- This procedure also applies to situations in which you are harassed or subjected to

violence in the workplace from individuals who are not employees of the organization, such as customers and suppliers, although the available remedies may be constrained by the situation.

- The Council Chambers or Council Meetings.

The municipality will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace. This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures.

#### **4.4 Workplace Harassment Policy**

The Workplace Harassment Policy states as follows:

“The management of the Municipality of Brockton is committed to providing a work environment in which all individuals are treated with respect and dignity.”

Workplace harassment will not be tolerated from any person in the workplace, including Members of Council. Everyone in the workplace must be dedicated to preventing workplace harassment. This policy applies to all persons employed by, contracted or subcontracted by and/or visiting Brockton workplaces or Members of Council of the Municipality of Brockton. As such, they are expected to uphold this policy, and will be held accountable.

#### **4.5 Workplace Violence Policy**

The Workplace Violence Policy states as follows:

“The management of the Municipality of Brockton is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. We will take whatever steps are reasonable to protect our workers from workplace violence from all sources.”

Violent behaviour in the workplace is unacceptable from anyone. This policy applies to all persons employed by, contracted or subcontracted by and/or visiting Brockton workplaces, and includes Members of Council. Everyone is expected to uphold this policy and to work together toward the prevention of workplace violence.”

#### **4.6 Procedural By-Law 2018-092**

Members of Council shall comply with Section 5.14 titled “Conduct of Members” contained in By-Law 2018-092, being the Procedural By-Law that established the rules, procedure, and conduct within Council and Committee Meetings, which states as follows:

“No member shall:

- (a) Use offensive words, inappropriate actions or unparliamentary language in or against Council or against any Member of Council or any Staff member or any member of the public, or act against the Council Code of Conduct.
- (b) Speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor, the Head of Government of Canada and the Province of Ontario, Council, any municipality, any Member or any official or employee of Brockton;
- (c) Engage in private conversation while in the Council Meeting;
- (d) Leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- (e) Speak on any subject other than the subject under debate;

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- (f) Where a matter has been discussed in Closed Session, and where the matter remains confidential, disclose a confidential matter or the substance of deliberations at a Closed Session, except to the extent that Council has previously released or disclosed the matter in public;
  - (g) Criticize any decision of Council except for the purpose of moving that the question be reconsidered.
  - (h) Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council. In case a Member persists in any such disobedience, after having been called to order by the Chair, the Chair shall not recognize that Member, except for the purpose of receiving an apology from the Member tendered at that Meeting or any subsequent Meeting”

## 5. **Responsibilities**

Members of Council and Officers and Employees of the Corporation of the Municipality of Brockton are responsible for adhering to the parameters of this policy, and its governing provisions, including the Council Code of Conduct Policy, Employee Code of Conduct Policy, Respect in the Workplace Procedures, Workplace Harassment Policy, Workplace Violence Policy, and the Procedural By-Law as applicable.

## 6. **Monitoring/Contraventions**

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

- 6.1 In the case of Officers or Employees of the Corporation of the Municipality of Brockton, the Supervisor responsible for the employee; or
- 6.2 In the case of Members of Council, the appointed Integrity Commissioner.

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

## 7. **Policy Review**

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