

Category: Governance

Title: Council Staff Relations Policy

Policy Number: GOV-140

Approved by: Council Resolution C052-2019

Administered by: City Clerk's Office

Effective: March 1, 2019

1. Background

The Municipal Act, 2001 S.O. 2001, c.25, s.270(1) requires that all municipalities adopt and maintain a policy regarding the relationship between Members of Council and staff.

The Act also sets out the core responsibilities of the Mayor in s.225 and s.226, Members of Council in s.224, and staff in s.227.

This Policy is part of a broader framework of policies that support productive working relationships between Members of Council and staff. These policies include the:

- Accountability and Transparency Policy;
- Code of Conduct for Members of Council;
- Conflict of Interest Policy;
- Lobbyist Registry By-law;
- Employee Code of the Conduct;
- Respectful Workplace Policy;
- Workplace Violence Policy;
- Use of Corporate Resources Policy;
- Corporate Fraud Prevention Policy; and
- Procedure By-law.

2. Purpose

The purpose of this Policy is to promote productive and respectful interactions and relationships between Members of Council and staff and to provide a mechanism to address workplace matters between the parties.

3. Application and Scope

3.1 This Policy applies to all Members of Council and all staff of the City of Brampton.

- 3.2 This Policy is to be applied wherever and whenever interactions occur - onsite at City facilities or external to City facilities, during or outside of regular hours of work.

4. Outcomes

- 4.1 A framework for information flow and interactions between Members of Council and staff that leads to productive working relationships.

5. Principles

- 5.1 **All Members of Council are Equal** – Only Council as a whole has the authority to direct staff to carry out specific tasks or functions. The City administration under the direction of the Chief Administrative Officer serves the Council as a whole and the combined interests of all Members of Council as expressed through the resolutions of Council. An individual Member of Council should refrain from requesting staff to undertake work, to prepare reports, or seek preferred outcomes other than pursuant to a Council approved direction.

- 5.2 **Mutual Respect** – Council as a whole exercises fiduciary and representative responsibilities concerning the operations of the City in partnership with an administration that is neutral, objective, and professional. City staff acknowledges the representative, direction-setting and policy-making role of Council while maintaining responsibility for management of daily operations. No Member of Council or staff member shall make comments that disparage or harm the reputation of the City, Council or co-workers.

- 5.3 **Open and Clear Communication** – Open lines of communication are essential. Members of Council and staff should feel comfortable speaking to one another about their work both formally and informally. However, formal communication channels exist to raise and manage operational and administrative issues and should be respected.

- 5.4 **Respectful Workplace** - The City is committed to a positive, healthy, and safe workplace in which every person is treated with respect and dignity. Incivility, harassment and discrimination is not tolerated, condoned or ignored.

6. Policy Statements

- 6.1 The flow of information between staff and Members of Council should promote the principles of transparency, accountability and when appropriate, confidentiality.

- 6.2 Members of Council have the same rights of access to information as members of the community.

- 6.3 It is expected that Members of Council will:

- a) Request Senior Leadership input prior to making policy decisions;

- b) Discuss issues with Senior Leadership and advise them of questions prior to Committee and Council meetings, whenever possible, for better informed debate and evidence based decision making;
- c) Understand their discussions with staff may be communicated to others within the organization and that a Member of Council cannot compel City staff to confidentiality;
- d) Request advice from the City Clerk about the appropriate wording of motions, amendments, and formal directions to staff in accordance with the Procedure By-law; and,
- e) Consult with the appropriate member of management staff prior to responding to constituents concerns or requests to ensure accurate information regarding city policies, service levels, budgets and work plans.

6.4 Members of Council should refrain from:

- a) Directing, instructing, or influencing staff other than by giving appropriate direction by way of a Council or committee resolution;
- b) Contacting staff below the level of manager on Council related business prior to consulting with Senior Leadership of that department;
- c) Expecting or requesting a waiver of standard process in their dealings with staff;
- d) Attending technical meetings between staff and consultants, applicants, contractors or legal advisors; or
- e) Issuing instructions to the same parties as noted above.

6.5 It is expected that staff will:

- a) Ensure that Council is apprised of known issues that may impact upon their decision-making process in a timely manner;
- b) Provide advice based on political neutrality and objectivity utilizing their professional expertise;
- c) Notify Council in a timely fashion of changes to legislation and any unintended or unexpected impacts of policy decisions through written reports or presentations;
- d) Provide Committee and/or Council with the implications of recommendations which may impact on services or corporate wide work plans and related capacity issues;

- e) Give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them;
- f) Provide all Members of Council with the briefing materials, reports and information requested by individual Members of Council; and,
- g) Provide a written response to inquiries from Members of Council in one working day with, at minimum, an acknowledgement of receipt and a time-line for receiving the requested information.

6. Roles and Responsibilities

- 7.1 Members of Council and staff are required to adhere to this Policy and its governing provisions.
- 7.2 The City Clerk and Chief Administrative Officer are responsible for receiving complaints and/or concerns related to this Policy and initiating processes and remedies according to section 8 of this Policy – “Monitoring and Compliance”.

8. Monitoring and Compliance

- 8.1 Upon receipt of a complaint, the City Clerk or Chief Administrative Officer shall determine which policy, code, by-law, or protocol is alleged to have been breached and follow the respective process, standard operating procedures and remedies defined in those instruments.

9. Definitions

- 9.1 ‘Act’ refers to the Municipal Act, 2001 S.O. 2001, which for the purposes of this Policy, outlines the roles and responsibilities of Members of Council and officers and outlines the requirement for such a Policy.
- 9.2 ‘City Administration’ means employees of the City of Brampton, led by the CAO and supported by the Corporate Leadership Team.
- 9.3 ‘Member of Council’ means any member of the legislative body of the City, including the Mayor. For the purposes of this Policy, responsibilities under this Policy are also held by representatives from their Offices.
- 9.4 “Officers” means the CAO, Clerk and Treasurer of the municipality.
- 9.5 ‘Staff’ means people employed by the City of Brampton including the CAO, the officers of the municipality, the City Clerk and Treasurer as defined by the Act.
- 9.6 ‘Senior Leadership’ means the CAO, Commissioners, Directors and General Managers or their designates.
- 9.7 ‘Integrity Commissioner’ means the independent key advisor to Council on a range of important issues, as defined in the *Municipal Act, 2001*. The Integrity

Commissioner is responsible for providing education and advice to Members of Council, and presiding over complaints investigations.

10. References and Resources

This Policy should be read and applied in conjunction with the following references and resources as updated from time to time:

External references

- *Municipal Act, 2001*
- *Municipal Freedom of Information and Protection of Privacy Act*

References to related bylaws, Council policies, and administrative directives

- Conflict of Interest Policy
- Corporate Fraud Prevention Policy
- Employee Code of Conduct
- Lobbyist Registry By-law 149-2015
- Members of Council Code of Conduct
- Procedure By-law, 160-2004
- Respectful Workplace Policy
- Use of Corporate Resources Policy
- Workplace Violence Policy

References to related corporate-wide procedures, forms, and resources

- City Council Handbook
- Code of Conduct Complaint Protocol

Revision History

Date	Description
2019/02/20	New - Approved by Council Resolution C052-2019 on February 20 2019
2019/06/05	Amended by Council Resolution C208-2019 to include an appendix on the management of political records and information sharing
2019/06/18	Minor administrative edits by the Clerk's Department to the appendix to revise language to reflect the new council office political model
2022/02/20	Next Scheduled Review

Appendix: Further Clarification on the Political Records of a Councillor and Information Sharing attached

Appendix 1

Further Clarification on the Political Records of a Councillor and Information Sharing

Records in the Custody or Control of a Councillor

Under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), Councillors are not considered to be officers or employees of the corporation and records related to interactions with their constituents as elected officials (**political records**) are not covered by MFIPPA and therefore are not accessible under the Act. These records are considered the personal property of the Councillor. However, in the spirit of transparency and accountability, Members of Council may wish to disclose their records to their shared Ward Councillor, staff or the public (upon request) provided they do not contain personal information (unless consent has been provided).

Corporate records in the custody or control of a Member of Council are covered by MFIPPA and access provisions apply. Council Office staff members are considered City employees, so access provisions likewise apply to any records in their custody or under their control.

What are Political Records?

All records of a Councillor acting on behalf of a constituent and representing their interests are considered political records. This includes all content, opinions, and personal information contained in any correspondence to and from a constituent.

Examples of political records include:

- Correspondence from a constituent concerning a pothole in the neighbourhood;
- Email from a constituent requesting that the Member of Council attend a community event; and,
- Correspondence between a Councillor and a private sector company.

Obtain Consent Prior to Forwarding a Political Complaint/Concern to Staff

Personal information contained in meeting notes, emails, voicemails, and correspondence to and from constituents cannot be forwarded to staff for action without the consent of the affected person.

What are Corporate Records?

Corporate records include information that is related to the business of the City. A key factor in determining whether a record held by a Member of Council is considered a corporate record is whether the record is in the custody or under the control of the municipality. The Ontario Information and Privacy Commissioner (IPC) has issued a number of Orders concerning this determination and numerous factors must be considered. When in doubt, contact the Freedom of Information Coordinator.

Examples of corporate records that may be held by a Member of Council include:

- Emails sent to both city staff and Members of Council;
- Communication from a constituent to a Member of Council which is then forwarded by the Council Member to a member of staff for action or follow-up (such as an email or voicemail reporting a pothole that is forwarded to Operations for action);
- Email between a Member of Council and staff; and, records related to a Council Member's involvement with a City agency, when acting on behalf of the City

The following guide can be used to help determine Councillor ownership for constituency records obtained during the course of the Councillor's duties and information sharing:

Method of Constituent Contact with Councillor	Who's information is it?	Comment
Constituent emails directly to Councillor or their support staff	The Councillor who received the constituent email.	If consent provided by constituent, information can be shared by Councillor. Councillor decides whether to share the information with other Ward Councillor.
Constituent telephones directly to Councillor or their support staff	The Councillor who received the constituent telephone call.	If consent provided by constituent, information can be shared by Councillor. Councillor decides whether to share the information with other Ward Councillor.
Constituent in-person contact with Councillor (at or outside City Hall)	The Councillor who made the constituent contact.	If consent provided by constituent, information can be shared by Councillor.

Method of Constituent Contact with Councillor	Who's information is it?	Comment
		Councillor decides whether to share the information with other Ward Councillor.
Constituent completing “ Contact Councillor ” Web Form online to Councillor	The Councillor who received the constituent “Contact Councillor” Form.	If consent provided by constituent, information can be shared by Councillor. Councillor decides whether to share the information with other Ward Councillor.
Constituent telephone call directly to Councillor (e.g., after hours) transferred to Service Brampton	The Councillor who received the constituent information via Service Brampton.	If consent provided by constituent, information can be shared by Councillor. Councillor decides whether to share the information with other Ward Councillor.
Constituent telephones or emails Service Brampton (or completes 311 Contact Us Form) about Ward issue/request (e.g., a service request)	Both Ward Councillors, unless constituent is specific to only provide to one Councillor.	Councillors (or their support staff) decide who leads on matter.

Exceptions:

Service Request Contacts to the City:

All service requests filed with the City through Corporate staff, including Service Brampton, are to be shared with both affected Ward Councillors and their support staff.

Regional Matters:

If the matter is a Regional matter, regardless of whether one or both Councillors are identified, it will be sent to the Regional Councillor and their support staff for follow-up. Regional Councillors should keep City Councillors informed about regional issues within shared ward pairings.

Information shared with Corporate Staff:

Once information is shared with Corporate Staff, it becomes corporate information and staff responses need to be shared with affected Ward Councillors. One particular Councillor may still take the lead on the matter, but Corporate staff provide the same information to both Ward Councillors.