

Recommended amendments to the Council-Staff Relations Policy

Proposed amendments are noted below using ~~strikethrough~~ for deletions and **bold, underlined** for additions.

Council-Staff Relations Policy

Approved By: City Council

Category: City Clerk

Approval Date: November 22, 2017

Effective Date: January 1, 2018

Revision Dates: February 1, 2021 (Housekeeping revisions); December 7, 2022;

January XX, 2025

Policy statement

The City of Ottawa promotes a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the corporation, guided by the Code of Conduct for Members of Council, the Employee Code of Conduct, the Workplace Violence and Harassment Policy, and the *Procedure By-law*.

Purpose

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

Subsection 270(1)(2.1) of the *Municipal Act, 2001* provides that a municipality shall adopt and maintain policies with respect to the “relationship between members of council and the officers and employees of the municipality.”

This policy acknowledges that under Part VI.1 of the *Municipal Act, 2001*, the Mayor, as head of council, has the authority to direct staff in writing to:

- (a) **undertake research and provide advice to the head of council and the municipality on policies and programs of the municipality or of the head of council as they relate to the powers and duties under Part VI.1; and**

(b) carry out duties related to the exercise of the power or performance of the duty, including implementing any decisions made by the head of council under Part VI.1.

Application

This policy applies to all Members of Council and officers and employees of the corporation.

Policy requirements

The relationships between Members of Council and the officers and employees of the corporation are guided by the following City policies:

1. Code of Conduct for Members of Council

The Code of Conduct for Members of Council establishes the ethical behaviour expected of Members of Ottawa City Council. Separate ~~C~~codes of ~~C~~conduct are also in place for the ~~Citizen Members~~ **public members** of the Built Heritage Committee and ~~M~~members of **local boards**. ~~Advisory Committees~~. Subsections 10(5) and (6) of the Code of Conduct for Members of Council, titled, "Conduct Respecting Staff," state as follows:

(5) "Members of Council shall be respectful of the role of the municipal administration to provide advice based on political neutrality and objectivity and without undue influence from an individual Member or group of Members of Council.

(6) Members of Council should not:

- (a) Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of municipal staff;
- (b) Compel municipal staff to engage in partisan political activities or be subjected to threat or discrimination for refusing to engage in such activities; or
- (c) Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any municipal staff member with the intent of interfering in staff's duties."

The Code of Conduct for Members of Council defines municipal staff as follows:

"Municipal staff" includes all employees, dependent contractors and volunteers of the City of Ottawa and, for purposes of certainty, extends to employees, dependent contractors and volunteers engaged to support Members' offices."

Section 6 of the Code of Conduct for Members of Council, titled “Conduct at Council/Committee meetings,” state as follows:

- 1) Members of Council shall conduct themselves with decorum at all City Council and Committee meetings in accordance with the provisions of the *Procedure By-law* (Section 42) being:
- 2) No member shall:
 - (a) Speak disrespectfully of the Reigning Sovereign, **or of any Member of the Royal Family, or of the Governor General** or the Lieutenant-Governor of any province, or of a fellow member of Council or staff;
 - (b) Use offensive words or unparliamentary language;
 - (c) Speak on any subject other than the subject in debate;
 - (d) Where a matter has been discussed *in camera*, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the in camera meeting;
 - (e) Disobey the Rules of Procedure, or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the Rules of Procedure.

As noted in the Interpretation Bulletin on the Use of Social Media, the Code of Conduct for Members of Council applies to Members’ social media activity.

2. Employee Code of Conduct

The Employee Code of Conduct is founded on the notion of ensuring integrity in public service through the recognition and promotion of the fundamental principles of transparency, impartiality, respect and accountability.

The Impartiality section of the Employee Code of Conduct states as follows:

“Ottawa City Council is the elected voice of the citizens of the City of Ottawa. Its members have been elected to set the policy direction of the municipality. The public has an interest in ensuring that City of Ottawa employees are committed to carrying out the will and decisions of City Council, and that public servants are, and are perceived to be, impartial in carrying out their duties. Given the public interest in an impartial public service, employees must exercise restraint in any criticism of City of Ottawa policy and consider how their public comments may affect the public perception of the City.

What We Do

- We recognize that City Council is the elected voice of the citizens of the City of Ottawa and we respect the decisions of City Council; and
- We distinguish between our personal comments or opinions and our jobs with the City.

We Do Not

- Make comments that disparage or harm the reputation of the City, Council or our co-workers;
- Claim to speak on behalf of the City unless we have been authorized to do so; and
- Make personal comments using City letterhead, our City e-mail address or anything else that implies a connection between our personal comments or opinions and the City.”

3. Workplace Violence and Harassment Policy

The Workplace Violence and Harassment Policy states as follows:

“The City of Ottawa is committed to **preventing, protecting against and addressing workplace violence and harassment to ensure** ensuring a safe, healthy and respectful **workplace** ~~work environment~~ free from all forms of violence and harassment.

The City of Ottawa prohibits workplace violence and harassment directed at employees **by anyone who comes into contact with City of Ottawa employees in the workplace, including, but not limited to,** by members of the public, **customers, contractors, volunteers, elected officials or** ~~between other employees, or by an employee towards a member of the public.~~

This **includes a prohibition of workplace violence and workplace harassment on the grounds of** ~~policy prohibits violence, harassment and discrimination under any of the categories defined in the *Ontario Occupational Health and Safety Act*, the *Canada Labour Code*, the *Ontario Human Rights Code*, and the *Canadian Human Rights Act*.”~~

4. Procedure By-law

The *Procedure By-law* establishes rules, procedure and conduct within Council and Standing Committee meetings. Specifically, Subsection 42**(2)(a)** ~~(1)(a)~~, titled, “Conduct of Members in Council,” states as follows:

(2) “No Member shall: **(a)** Speak disrespectfully of the Reigning Sovereign, or of any Member of the Royal Family, or of the Governor General or the Lieutenant-Governor of any province, or of a fellow Member of Council or staff.”

The Code of Conduct for Members of Council and the *Procedure By-law* govern the conduct of Members within the context of a committee and Council meeting. Elected Officials shall treat City staff fairly and with respect, [as will staff in their conduct with Members of Council].

Responsibilities

Members of Council and officers and employees of the corporation are required to adhere to this policy and its governing provisions, including the Code of Conduct for Members of Council, the Employee Code of Conduct, the Workplace Violence and Harassment Policy, and the *Procedure By-law*.

Monitoring/contraventions

The City Clerk shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the City Clerk shall notify the following who will investigate and respond to the complaint and/or concern accordingly:

1. In the case of officers and employees of the corporation, the Manager, Director or General Manager responsible for the employee and the Director, Human Resources;
or
2. In the case of Council or a Member 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 or the Employee Code of Conduct, the language of the Code prevails.

References

Code of Conduct for Members of Council
Interpretation Bulletin on the Use of Social Media
Employee Code of Conduct
Workplace Violence and Harassment Policy
Procedure By-law

Legislative and administrative authorities

Section 270 of the *Municipal Act, 2001* requires City Council to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the corporation. The Council-Staff Relations Policy identifies the legislation, policies and practices that the City complies with in order to promote a respectful relationship between Members of Council and the officers and employees of the City of Ottawa.

Recordkeeping requirements

In accordance with As per the Records Management Policy, Official Business Records generated as a result of the execution of this policy must be declared as such in the

appropriate SharePoint site, RMS (Records Management System) or approved business system.

Enquiries

City Clerk

City of Ottawa

Telephone: 3-1-1 (TTY: 613-580-2401)