

Corporate Policy

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POLICY TYPE:	Working Conditions and Programs
SUBSECTION:	Working Conditions
POLICY TITLE:	Council-Staff Relations
POLICY #:	E12
POLICY APPROVED BY:	Council
EFFECTIVE DATE:	February 25, 2019
REVISED:	
APPLICABLE TO:	All Employees and All Members of Council

1. Purpose Statement

This policy provides guidance on how the Municipality of Clarington will promote a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the corporation.

2. Scope

In accordance with Section 270 of the *Municipal Act, 2001*, this policy applies to all employees and Members of Council.

3. Definitions

Member is a Member of the Municipality of Clarington's Council.

4. Policies

Guidance

Members acknowledge that only Council, as a whole, has the capacity to direct employees.

Members will direct any concerns, respecting employees, through the Chief Administrative Officer.

The relationship between Members of Council and the officers and employees of the corporation is guided by the following:

1. Code of Conduct for Members of Council

The Code of Conduct for Members of Council establishes the ethical behavior expected of Members. The Code of Conduct for Members of Council states as follows:

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Section 7 Conduct Respecting Others

- 7.1 Every member has the duty and responsibility to treat all members of the public, other Members of Council, and all staff appropriately and without abuse, bullying or intimidation, and to ensure that the work environment is free from discrimination and harassment.
- 7.2 No member shall use indecent, abusive or insulting-words or expressions toward any other member, any member of staff or any member of the public.
- 7.3 No member shall engage in Harassment of anyone. The Human Rights Code defines Harassment as “engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.”
- 7.4 No member shall engage in Discrimination against anyone on the basis or race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability (the list of prohibited grounds of discrimination in the Human Rights Code).
- 7.5 Sections 7.3 and 7.4 shall be interpreted in a manner consistent with the Human Rights Code.
- 7.6 The following examples of Harassment are illustrative only and not exhaustive:
- (a) Examples of Harassment in the workplace include:
- X Physically abusive or aggressive behavior such as pushing, hitting, finger pointing or standing close to the victim in an aggressive manner
 - X Using intimidating or disrespectful body language
 - X Verbally abusive behavior such as yelling, insults, intimidating comments and name calling
 - X Spreading malicious rumours
 - X Excluding or ignoring the victim

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- X Making little or no eye contact with the victim and refusing to engage in common pleasantries
- X Sabotaging the victim's work or claiming credit for it
- X Repeatedly blaming another for mistakes
- X Making false allegations in memos or other documents
- X Undermining the victim's efforts by setting impossible goals and deadlines and impeding an employee's efforts at promotions or transfers
- X Persistent excessive and unjustified criticism and constant scrutiny
- X Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome
- X Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome
- X Reprisal or threat of reprisal by a person in a position to grant or deny a benefit to a person who has rejected his or her sexual proposition
- X Unnecessary or unwanted physical contact, ranging from touching, patting or pinching to physical assault
- X Leering or other suggestive gestures
- X Displaying, sending or communicating electronically or by any other means pornographic pictures or other offensive, sexually explicit materials

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- X Practical jokes or a sexual nature, which cause awkwardness or embarrassment
 - X Compromising invitations
 - X Unwelcome remarks, jokes or insults about a person's physical appearance, attire, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability
 - X The displaying of racist, derogatory or otherwise offensive material
 - X Insulting gestures or practical jokes, or other action that causes embarrassment, based on grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability
 - X A refusal to converse or work with an individual because of his or her race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability
- (b) The following examples, relative to employees who report directly to Council, do not constitute Harassment, providing they are undertaken without malice or intent to intimidate or undermine:
- X Performance reviews
 - X Work assignments
 - X Work evaluation
 - X Disciplinary measures taken by the employer for valid reasons

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- X Reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment

7.7 In the course of investigating a complaint the alleges Harassment or Discrimination, the Integrity Commissioner may make interim reports to Council, including interim reports that recommend measures to protect the complainant or to maintain the integrity of the investigation.

Section 8 - Conduct Respecting Staff

8.1 Every member acknowledges that staff operate under the direction of the senior municipal administration, and in accordance with the decisions of Council, and are required to serve the Municipality as a whole and not the needs or desires of any individual member.

8.2 Every member shall:

- (a) be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from any member or faction of the Council; and
- (b) show respect for staff, and for their professional capacities and responsibilities.

8.3 No member shall,

- (a) maliciously or falsely injure or impugn the professional or ethical reputation of any member of staff;
- (b) compel any member of staff to engage in partisan political activities, or subject any member of staff to threat or discrimination for refusing to engage in any such activity; or
- (c) use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or influencing improperly any staff member or interfering with that staff person's duties, including the duty to disclose improper activity.

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2. Employee Code of Ethics

The Employee Code of Ethics is founded on the notion of ensuring integrity in public services through the recognition and promotion of the fundamental principles of transparency, impartiality, respect and accountability, including interactions with Members of Council. As such, these general principles are detailed in the prevailing Employee Code of Ethics Policy.

3. Harassment Policy

The Corporation of the Municipality of Clarington is dedicated to providing a healthy and safe work environment. Acts of workplace harassment by staff, volunteers, visitors, contractors or vendors will not be tolerated. The Municipality of Clarington has a zero tolerance policy regarding workplace harassment.

The Harassment Policy provides a standard of conduct for employees of the Corporation in the carrying out of their work assignments and their relationships with the public, elected officials and each other. Any complaints related to Members of Council and employees must follow the process outlined in the prevailing Harassment Policy, which indicates that matter will be addressed through the Council Code of Conduct Complaint Procedure and the complaint submitted to the Integrity Commissioner. The Integrity Commissioner will report to Council in accordance with governing protocol of that Office.

4. Accountability and Transparent Policy

The Accountability and Transparent Policy states that:

The Council of the Municipality acknowledges that it is responsible to provide good government for its stakeholders in an accountable and transparent manner by:

- Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- Delivering high quality services to our citizens; and
- Promoting the efficient use of public resources.

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the Municipality adopting measures ensuring, to the best of its ability, that all

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activities and services are undertaken utilizing a process that is open and accessible to its stakeholders.

5. Procedural By-law

The Procedural By-law establishes rules, procedure and conduct within Council and Committee meetings. Specifically, Section 10.1.1 states:

No member shall use offensive words or unparliamentarily language or speak disrespectfully against the Council, against any Member, or against any officer or employee of the Municipality.

Responsibilities

Members of Council and officers and employees of the corporation are required to adhere to this policy and its governing provisions.