

County of Essex Policy and Procedures Manual

Council/Staff Relations Policy

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Approval Authority:	Essex County Council
Office of Responsibility:	Legislative and Legal Services
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Replaces Policy:	N/A

1.0 Introduction

The Corporation of the County of Essex (the "**County**") recognizes the importance of relations between Council and Administration and encourages communication between Council and Administration. Council and Administration have complementary but exclusive roles in maintaining good governance and the provision of services to the public. The County will promote a respectful, tolerant and harassment-free relationship and workplace between Members of Council and Administration, guided by the Code of Conduct for Council Members, and Members of Local Boards, the Employee Code of Conduct, the employee Workplace Violence and Harassment Policy and Program, and the County's Procedure By-law; all of which may be updated and/or revised from time to time.

2.0 Scope

- 2.1 Section 270(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, requires that municipalities enact certain policies, and, specifically, provides at subsection 2.1 that "a policy related to the relationship between members of council and the officers and employees of the municipality" be adopted and maintained.

- 2.2 This Council/Staff Relations Policy (the "**Policy**") applies to all Members of Council and Administration.

3.0 Definitions

- 3.1 "**Administration**" means the officers and employees of the County, including the CAO and individuals providing services to the County under contracts for services. As provided for in Section 227 of the *Municipal Act*, it is the role of Administration (a) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions; (b) to undertake research and provide advice to Council on the policies and programs of the County; and (c) to carry out other duties required under the *Municipal Act*, or any other legislation, and such other duties assigned by the County, from time to time.
- 3.2 "**CAO**" means the County's Chief Administrative Officer. As provided for in Section 229 of the *Municipal Act*, the County may appoint a CAO who shall be responsible for, (a) exercising general control and management of the affairs of the County for the purpose of ensuring the efficient and effective operation of the County; and (b) performing such other duties as are assigned by the County, from time to time.
- 3.3 "**Clerk**" means the Clerk, duly appointed by Council pursuant to a by-law. As provided for in Section 228 of the *Municipal Act*, the County must appoint a Clerk whose duty it is, (a) to record, without note or comment, all resolutions, decisions and other proceedings of Council; (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question; (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of Council; (d) to perform the other duties required under the *Municipal Act*, or under any other legislation; and (e) to perform such other duties as are assigned by the County, from time to time.
- 3.4 "**Code of Conduct**" means Appendix A to By-law 2023-48, being the current Code of Conduct for Council Members, and Members of Local Boards, and any successor by-law setting out a code of conduct for Council Members. As provided for in Section 223.2(1) of the *Municipal Act*, the County must establish codes of conduct for Members of Council and of its local boards.

- 3.5 **"County"** means the upper tier municipality of the Corporation of the County of Essex.
- 3.6 **"Council Member"** means a member of the Council of the County. As provided for in Section 224 of the *Municipal Act*, it is the role of Council, (a) to represent the public and to consider the well-being and interests of the County; (b) to develop and evaluate the policies and programs of the County; (c) to determine which services the County provides; (d) to ensure that administrative policies, practices, and procedures and controllership policies, practices, and procedures are in place to implement the decisions of Council; (d.1) to ensure the accountability and transparency of the operations of the County, including the activities of the senior management of the County; (e) to maintain the financial integrity of the County; and (f) to carry out the duties of Council under the *Municipal Act*, or any other legislation.
- 3.7 **"County Council"** means the entire elected body of the County, comprised of the 7 Mayors and 7 Deputy Mayors of the County's 7 lower tier municipalities, being the lower-tier municipalities of Amherstburg, Essex, Kingsville, Lakeshore, LaSalle, Leamington and Tecumseh.
- 3.8 **"Local Board"** means a municipal service board, transportation commission, public library board, board of health, police service board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority;
- 3.9 **"Municipal Act"** means the *Municipal Act, 2001*, S.O. 2001, c. 25.
- 3.10 **"Senior Leadership Team"** means those members of Administration that the CAO, from time to time, determines are to serve as members of the County's senior management team, and includes, but is not limited to, the Directors of the various Departments of the County.
- 3.11 **"Warden"** means the head of County Council as elected by Council from time to time. As provided for in Section 225 of the *Municipal Act*, it is the role of the Warden as head of Council, (a) to act as chief executive officer of the County; (b) to preside over meetings of Council so that its business can be carried out efficiently and

effectively; (c) to provide leadership to Council; (c.1) without limiting clause (c), to provide information and recommendations to Council with respect to the role of Council described in clauses 224 (d) and (d.1) of the *Municipal Act*; (d) to represent the County at official functions; and (e) to carry out the duties of the head of Council under the *Municipal Act*, or any other legislation.

4.0 Purpose

- 4.1 This Policy provides direction on how the County ensures a respectful, tolerant, and harassment-free relationship and workplace between Council Members and Administration.
- 4.2 Council Members and Administration are expected to work together collaboratively to execute the goals and objectives of the County in accordance with the service levels, priorities, and direction set by Council.

5.0 Policy

The relationship between Council Members and Administration is guided by the following:

5.1 **Code of Conduct for Council Members, and Members of Local Boards**

- 5.1.1 The Code of Conduct establishes the ethical behaviour expected of Council Members and citizen members appointed by Council to serve on Committees, Boards, and/or Agencies of the County.
- 5.1.2 Section 5.0 of the Code of Conduct, entitled "Respectful Conduct" states:

5.1 A Member shall always act civilly, respectfully and professionally when dealing with or communicating with any persons, including a member of the public and other Members as well as staff of the County.

5.2 An individual Member neither directs nor oversees the functions of the staff of the County. Council as a whole approves the budget, policies and governance of the County and provides direction and instruction through its by-laws and resolutions.

- 5.3 *Staff serve Council and work for the County as a body corporate under the specific direction of the CAO. Members shall acknowledge, respect and have regard for the administration, managerial and organizational structure of the County when requesting information, advice or services from staff.*
- 5.4 *A Member shall comply with the County's Council and Staff Relations Policy.*
- 5.5 *A Member shall not publicly criticize staff and any issue with respect to any staff member shall be referred to the CAO who will direct the matter to the particular staff member's appropriate superior (if not the CAO).*
- 5.6 *A Member shall respect the role of staff in the administration of the business and governmental affairs of the County, 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 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 municipal duties based on political neutrality and without undue influence from any individual Member and, therefore, a Member must not invite nor request or pressure any staff to act in furtherance of any Member's individual direction, to engage in partisan political activities or be subjected to any reprisal for refusing to engage in such activities.*

- 5.1.3 Section 9.0 of the Code of Conduct, entitled “Discrimination and Harassment” states:

- 9.1 *A Member shall treat all members of the public, one another and staff with respect and without abuse, bullying or intimidation and ensure that their work environment is free from discrimination and harassment.*
- 9.2 *A Member shall not use indecent, abusive, demeaning or insulting words, phrases or expressions toward any member of the public, another Member or staff.*
- 9.3 *A Member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual’s race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, gender identity, gender expression, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted.*
- 9.4 *A Member shall comply with the County’s Workplace Violence and Harassment Policy and Program.*

- 5.1.4 Section 16.0 of the Code of Conduct, entitled “Respect for the Code of Conduct” states:

- 16.5 *Staff shall remain neutral and impartial, and not seek to interfere with or attempt to subvert or obstruct the Integrity Commissioner in any way in carrying out its responsibilities and functions. Staff shall comply with any requests from the Integrity Commissioner for any assistance or information.*

5.2 Employee Code of Conduct

- 5.2.1 The Employee Code of Conduct is founded on the notion of ensuring public confidence and trust in the integrity, objectivity, and impartiality of the County through the recognition and promotion of fundamental principles of transparency, accountability, impartiality, and respect.
- 5.2.2 Council expectation of Administration is outlined in Section 23.0 of the Employee Code of Conduct, entitled “Council’s Expectations of Staff in Support of Council”, which states:

23.0 To act with integrity and be honest in their dealings with Members of Council, Officers of the Corporation, other County employees, clients and the public. No employee shall withhold information from (save and except applicable information protected under laws and regulations), or willfully mislead Members of Council, officers, employees, clients, or the public about any issue of corporate concern.

5.2.3 Administration is expected to:

- Recognize that Council is the elected voice of the residents of its seven lower-tier member municipalities;
- respect the decisions of Council; and
- Distinguish between their own personal comments or opinions and those related to their employment with the County.

5.2.4 Administration is further expected to:

- Not make comments that disparage or harm the reputation of the County, its Council, and/or other members of Administration;
- Not claim to speak on behalf of the County unless they have been authorized to do so; and
- Not make personal comments using County letterhead, County email addresses, or anything else that implies a connection between their personal comments or opinions and the County.

5.3 Harassment in the Workplace Policy

5.3.1 The County's Employee Harassment in the Workplace policy states that its purpose is:

"To promote and maintain a working environment that is free from all types of harassment. To establish procedures for employees of the Corporation who believe that they are being harassed by the Corporation, or by customers, clients, other employees, supervisors, workers, elected officials, vendors,

supplier, contractors and members of the public as applicable. To adhere to and enforce applicable legislation including the Ontario Human Rights Code and the Occupational Health and Safety Act."

5.4 Workplace Violence Policy

5.4.1 The County's Workplace Violence Policy states as follows:

"The Corporation is committed to early identification and prevention of violence in the workplace, and to respond swiftly to actual incidents of violence. Any form or manner of threatening remark or gesture made to an employee of the Corporation, while the employee is carrying out his/her duties, will not be tolerated".

5.5 Procedure By-law

The Procedure By-law establishes the rules, procedures, and conduct for meetings of Council and Committees. Specifically, Section 15.5 of the Procedure By-law states as follows:

15.5 No Member shall:

- 15.5.1 *speak disrespectfully of the Reigning Sovereign or of any member of the Royal Family, or of the Governor-General, Lieutenant-Governor, or person administering the government of the Dominion of Canada or of this Province or any Province, or of a fellow Member of Council or staff;*
- 15.5.2 *Use offensive words or unparliamentary language; nor speak on any subject other than the subject from the motion in debate;*
- 15.5.3 *reflect upon any vote of Council except for the purpose of moving that such vote be reconsidered;*
- 15.5.4 *resist the rules of Council, or disobey the decision of the Chair on questions of order or practice or upon the interpretation of the rules of Council*

15.6 Where a Member has been called to order by the Chair for failing to observe the provision of Section 15.4, and the Member persists in any such conduct, such Member may be ordered by Council to leave their seat for that Meeting, and in case of refusing to do so, may, on the order of the Chair, be removed by the police, but in case of ample apology being made by the offender, may by vote of Council be permitted forthwith to take their seat.

6.0 Responsibility

- 6.1 It is the responsibility of the CAO and other members of Administration to fully research the issues being put before Council, to provide Council with the information required for Council to make a decision, to give Council professional advice within their area of expertise (including viable policy options), to make recommendations to Council, and, once Council has rendered a decision or otherwise provide direction on a matter, to implement Council's decision.
- 6.1.1 The CAO reports to Council, while all other members of Administration report to the CAO.
- 6.1.2 Council Members shall report any concerns regarding the CAO to the Warden and shall report any concerns regarding other members of Administration to the CAO.
- 6.2 It is the responsibility of Council Members and members of Administration to adhere to this Policy and any applicable legislation, governing by-laws, codes of conduct, policies, and procedures.
- 6.3 The members of the Senior Leadership Team are responsible for directing operations under their supervision and leading other members of Administration that report to them to carry out the strategic objectives and directions set by Council. Generally, Senior Leadership is responsible for:
- 6.3.1 Acting as the liaison between Council and the members of Administration that report to them;
- 6.3.2 Directing the implementation of Council's stated objectives and decisions related to operations under their supervision;

- 6.3.3 Providing information and advice to Council as needed; and
- 6.3.4 Hiring, developing, and overseeing/managing a team of competent individuals.
- 6.4 Generally, County Administration is responsible for:
 - 6.4.1 Implementing decisions of Council, as directed by the CAO and/or the applicable member of the Senior Leadership Team;
 - 6.4.2 Establishing administrative practices and procedures to carry out Council's decisions, as directed by the CAO and/or the applicable member of the Senior Leadership Team;
 - 6.4.3 Researching and providing advice to Council as needed;
 - 6.4.4 Fulfilling any applicable statutory duties; and
 - 6.4.5 Following direction of the CAO and/or Senior Leadership Team to ensure the successful operation of the County.
- 6.5 The Clerk is responsible for receiving complaints and/or concerns related to this Policy, and, upon receipt of a complaint and/or concern, the Clerk shall notify:
 - 6.5.1 In the case of a complaint or concern related to the CAO, the Clerk shall notify the Warden;
 - 6.5.2 In the case of a complaint or concern related to a member of the Senior Leadership Team, the Clerk shall notify the CAO;
 - 6.5.3 In the case of a complaint or concern related to a member of Administration, but not the CAO or a member of the Senior Leadership Team, the Clerk shall notify the Director, Human Resources and the member of the Senior Leadership Team responsible for the member of Administration in question;
 - 6.5.4 In the case of a complaint or concern related to a Council Member, the Clerk shall direct the complainant to follow the procedures set out by the County's Integrity Commissioner, and will provide the complainant with the resources and contact information for this purpose;

- 6.5.5 In the case of a complaint or concern related to the Clerk, the CAO shall be responsible for receiving the complaint and shall address the complaint with the Clerk.
- 6.6 Where there is a discrepancy between this Policy, and the Code of Conduct for Council Members, and Members of Local Boards or Employee Code of Conduct, the language of the Codes of Conduct prevails.
- 6.7 This Policy shall be reviewed, at minimum, once per term of Council.

7.0 Related Policies and/or Legislation

- *Municipal Act*
- *Municipal Conflict of Interest Act*
- Code of Conduct for Council Members, and Members of Local Boards
- Employee Code of Conduct
- Workplace Violence and Harassment Policy and Program
- Procedure By-law

8.0 Summary of Amendments

Date	Amendment(s)
2019-02-20	Council Report 2019-0220-CCS-R001-MB introduces Policy per Bill 68. Approved by Council Resolution 28-2019.
2025-03-05	Update sections pertaining to Workplace Violence and Harassment Policy and Program to reflect new merged policy 2024-015. Update sections pertaining to Procedure By-law to reflect most recent version 2024-26. Report 2025-0305-LLS-R08-KH provided updates to Council. Essex County Council (insert decision) under Resolution XX-2025.

Appendices

None