

CITY OF NANAIMO



Operational Guideline

Guideline: Council – Staff Relations Protocol	Number:
Applies To: All Staff and Council	Effective Date: September 11, 2017

PREAMBLE

The relationship between the Council and Staff of a local government is one where there is a mutual understanding and respect of roles and responsibilities, open two-way communication, established reporting relationships, and clear direction from Council. Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct when members of Council interact with Staff.

PURPOSE

The purpose of the **City of Nanaimo Council-Staff Relations Protocol** is to set expectations for the behaviour of members of Council in carrying out their functions in the presence of Staff and provide guidance to Staff regarding those interactions.

Members of Council must treat Staff with respect and act in a respectful manner in the presence of Staff. This includes not using derogatory language towards others, respecting the rights of other people, treating people with courtesy and recognizing the different roles others play in local government decision-making.

This Protocol supplements, and does not replace, employees' rights under the City's Respectful Workplace Policy. Notwithstanding the procedures noted below, an employee may still file a complaint under the Respectful Workplace Policy as a result of any of the conduct identified in this Protocol.

RESPONSIBILITIES

Specific Guidelines for Respectful Behaviour

The City is responsible to ensure the work environment is free from discrimination, harassment and bullying. During interactions between Council members and Staff, the conduct of Council members can have an adverse impact on the work environment if there is disrespectful conduct toward Staff or others. Staff may be adversely affected by disrespectful conduct in Council meetings or other interactions with Council members even if such conduct does not directly target Staff. The City does not expect Staff to remain present at Council meetings or other interactions with Council members in circumstances in which they are exposed to disrespectful conduct.

The purpose of this protocol is to provide a work environment in which Staff are not subject to discrimination, harassment and bullying.

The following guidelines are provided to assist Council members to understand the expectations of the City with respect to their interactions with each other and with City Staff when City Staff are present.

The role of City Staff is to advise based on political neutrality and objectivity and without undue influence from any individual member of Council. Staff should be able to carry out their duties in an environment that demonstrates respect for their professional capacities and without fear of retaliation or injury to their dignity or professional reputation.

Staff are not expected to work in an environment in which individuals engage in any disrespectful behaviour which would cause them to feel intimidated or humiliated. This includes:

- yelling, verbal aggression, swearing, indecent or offensive words, or insulting expressions.
- making personal attacks based on an individual's private life and or personal traits
- speaking in a discriminatory manner based upon an individual's race, ancestry, place of origin, ethnic origin, gender, sexual orientation, age or family status.
- patronizing, condescending, sarcastic comments.
- exhibiting passive-aggressive behaviours such as sneering, sulking, snorting, eye rolling.
- making aggressive or threatening gestures.
- physical or verbal threats.

The City Manager is responsible for the efficient and effective operation of the City organization and for ensuring the implementation of the decisions of the Council. City Staff are directly responsible to the City Manager and their interactions with City Council should be at the direction of the City Manager.

Staff are expected to:

- seek the advice and approval of their Manager prior to responding to a direct request from Council officials, except where the request is minor or of a day-to-day operational nature.
- provide information and professional advice through regular City processes and are not to lobby Council members on any matter.
- refrain from making public statements attacking or reflecting negatively on the City of Nanaimo, City Council, individual Council members or Staff.

PROCEDURES

Procedure for Addressing Disrespectful Conduct Which Occurs in Council Meetings

In all City Council meetings, the Chair of the meeting is responsible for maintaining order and ensuring the meeting is conducted in a dignified and respectful manner. In carrying out this responsibility the Chair is expected to intervene when anyone present at the meeting (including members of the public and other Council members) engages in disrespectful conduct.

If the Chair is not able to stop the disrespectful conduct from occurring when City Staff are present, then the City Manager, and in the absence of the City Manager the most senior Staff person present at the meeting, will determine whether it is appropriate for them to direct Staff to leave

the meeting. If such a direction is given, after Staff have left the meeting, the reason for directing Staff to leave the meeting will be verbally explained to Council during the Council meeting by the person who gave the direction. There will be no negative employment consequences for any employee who follows a direction to leave a Council meeting.

In circumstances where Staff are not directed to leave a Council meeting and an employee has reasonable cause to believe that they are the direct or indirect target of disrespectful behaviour, then the employee may leave the Council meeting without negative employment consequences. If an employee leaves a Council meeting in these circumstances, the employee will, as soon as they are able, inform the City Manager and the Director, Human Resources in a confidential email of the conduct which caused the employee to leave the Council meeting.

The employee will then meet with the City Manager and the Director, Human Resources to discuss the reasons for leaving the meeting and the employee will follow the directions of the City Manager as to whether it would be appropriate to leave a Council meeting again in similar circumstances.

Procedure for Addressing Disrespectful Conduct Which Occurs During Interactions Between Council Members and Staff Outside Council Meetings

If Staff are present in an interaction with a member of Council in which disrespectful conduct occurs, then the City Manager, and in the absence of the City Manager the most senior staff person present at the interaction, will determine whether it is appropriate for them to direct Staff to leave the vicinity of the interaction. If such a direction is given, after Staff have left the vicinity of the interaction, the reason for directing Staff to leave will be explained to the member of Council involved by the person who gave the direction, both verbally immediately after Staff have left the vicinity and by confidential email copied to the members of Council. There will be no negative employment consequences for any employee who follows a direction to leave the vicinity of a disrespectful interaction.

In circumstances where Staff are not directed to leave the vicinity of an interaction with a member of Council, and an employee has reasonable cause to believe that they are the direct or indirect target of disrespectful behaviour during an interaction with a Council member, the employee may leave the vicinity of the disrespectful interaction without negative employment consequences. If an employee leaves an interaction with a Council member in these circumstances, the employee will, as soon as they are able, inform the City Manager and Director, Human Resources of the conduct which caused the employee to leave the interaction in a confidential email.

The employee will then meet with the City Manager and the Director, Human Resources to discuss the reasons for leaving the interaction and the employee will follow the direction of the City Manager as to whether it would be appropriate to leave an interaction with a Council member again in similar circumstances.

Procedure for the City Manager Reporting to Council

In circumstances where an employee has left a Council meeting or an interaction with a Council member without a direction to do so, and the City Manager, after meeting with the employee, decides that the employee had reasonable cause to believe that they were the direct or indirect target of disrespectful behaviour, the City Manager will report the matter to Council at an in-camera meeting of Council with an explanation as to:

- a. the reasons for the City Manager's decision; and
- b. what the City Manager may recommend to resolve the matter and prevent any future disrespectful behaviour.

Procedure for Addressing Disrespectful Conduct by Council Members Toward Staff Through Social Media or Other Electronic Means

If an employee has reasonable cause to believe that they are the direct or indirect target of disrespectful conduct by a member of Council as a result of communications made through social media or any other electronic means, the employee will inform the City Manager and Director, Human Resources of the details of the communication and what the employee believes to be disrespectful conduct in a confidential email.

The employee will meet with the City Manager and the Director, Human Resources to discuss the matter.

If, after meeting with the employee, the City Manager decides the employee had reasonable cause to believe that the communication in question was disrespectful, then the City Manager will report the matter to Council at an in-camera meeting of Council with an explanation as to:

- a. the reasons for the City Manager's decision; and
- b. what steps the City Manager may recommend to resolve the matter and prevent any future disrespectful behaviour.

Procedure for Meetings Between the Mayor and City Manager

The Acting Mayor, and at the option of the City Manager, another senior member of Staff, will attend all meetings between the Mayor and the City Manager unless the City Manager decides, in the City Manager's sole discretion, that such attendance is not required. The Mayor will communicate with the City Manager in a professional and courteous manner at all times. If the City Manager has reasonable cause to believe that the Mayor is engaging in disrespectful conduct directly or indirectly toward the City Manager then the City Manager may leave the meeting. The City Manager will then advise the Mayor and Acting Mayor of the reason for leaving the meeting in a confidential email. The Mayor, the Acting Mayor to whom the email was sent, and the City Manager will meet to discuss the concerns raised in the email and the Acting Mayor will attempt to resolve the matter in a manner mutually agreeable to the Mayor and City Manager.

If the Acting Mayor is not able to resolve the matter in a manner mutually agreeable to the Mayor and City Manager, then the Acting Mayor will report the matter to Council at an in-camera meeting of Council with an explanation of:

- a. the concerns raised by the City Manager in the email (along with a copy of the email); and
- b. what the Acting Mayor may recommend to resolve the matter and prevent any future disrespectful behaviour.

RELATED DOCUMENTS

- **Respectful Workplace Policy**