

Town of Witless Bay
Policies and Procedures Manual



June 9, 2020

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POLICY NUMBER ONE (1) – ALOCHOL AND DRUG WORKPLACE POLICY AND PROCEDURES

Policy

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No employee shall consume alcohol or use drugs while in the normal course of his or her duties. This prohibition includes lunch hours and/or rest periods. The Chief Administrative Officer will monitor all employees visually on an ongoing basis for behaviours which indicate alcohol or drug impairment on the job.

No employee shall consume alcohol or use drugs on the premises of the Town of Witless Bay (Town) unless the consumption of alcohol is authorized as part of a social event sponsored by the Town for employees and/or clients.

While attending any work-related function, on or off premises, no employee shall drive after the consumption of alcoholic beverages or the use of drugs. All employees attending authorized work-related functions, on or off the premises, where alcoholic beverages are served will be provided transportation to and from such events.

No employee shall attend work in an impaired or “hung over” condition.

Purpose

The Town is committed to ensuring the safety of all employees and the public at large and to ensure the integrity of the Town.

Scope

This Statement of Policy and Procedure applies to all employees.

Responsibility

The Chief Administrative Officer is responsible for ensuring the consistent administration of this policy.

Everyone is responsible for his or her own consumption of alcohol and the consequences that may flow from the consumption.

If the Chief Administrative Officer becomes aware that anyone has consumed alcoholic beverages, the Chief Administrative Officer shall ensure the individual departs from the event by Taxi.

If the Chief Administrative Officer becomes aware that an employee has violated this policy, the employee shall be subject to discipline.

Procedure

In the judgment of the Chief Administrative Officer, if an employee attends work in an impaired or “hung over” condition, the Chief Administrative Officer shall take such steps as are necessary to prevent the person from causing injury including, if necessary, placing the employee on a suspension.

The Town will periodically remind employees that consuming alcohol or using drugs "on the job" or on company premises will not be tolerated. Employees are not permitted to consume alcoholic beverages or use drugs during lunch or rest periods.

An employee who is discovered to be consuming alcohol or using drugs while on duty, during a lunch period or a rest period or who reports for work intoxicated or impaired will be subject to discipline.

All work-related functions at which alcoholic beverages may be served must have the advance and written approval of the Chief Administrative Officer. Under some circumstances, the Town

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may sponsor special events at which alcoholic beverages may be available.

The Town will advise employees in advance of a function which includes the service of alcohol with the statement that each employee will be responsible for his or her own consumption of alcohol and that "drinking and driving" will not be tolerated.

Disciplinary Procedure

The Town strives to create a long-term relationship with its employees. Its primary goal is to provide a positive environment through training, development and strong management that will allow both the employee and the Town to achieve excellence. For those employees that do not meet this expectation, a fair and constructive discipline procedure has been developed that encourages improved performance in the workplace.

The authority to discipline is entrusted to the Chief Administrative Officer. Discipline is intended to be constructive in correcting an employee's unacceptable conduct or habits.

Any deficiency in performance or conduct will be reported to the Chief Administrative Officer who will investigate and obtain all pertinent facts concerning the deficiency before disciplinary action is taken. The individual will be informed of the problem and given a chance to discuss it with the Chief Administrative Officer. Depending on the severity of the problem and its history, one of several actions may be taken:

- Verbal reprimand
- Written reprimand
- Suspension (with or without pay)
- Dismissal

Effective Date

This Alcohol and Drug Workplace Policy and Procedures shall become effective upon the 9th day of June, 2020.

Repeal of Previous Alcohol and Drug Workplace Policy and Procedures

All previous Alcohol and Drug Workplace Policy and Procedures, either formal or informal, of the Town of Witless Bay are hereby repealed.

POLICY NUMBER TWO (2) - COMPUTER, EMAIL AND INTERNET USE POLICY AND PROCEDURES

Policy

The Town of Witless Bay's (Town) Electronic Resources are business systems for use by authorized employees to conduct legitimate Town business only. Use of the Town's Electronic Resources for any purpose that is not specifically related to Town business is prohibited during working hours. Some incidental and occasional personal use of the Town's Electronic Resources is permitted outside of working hours subject to the sections below.

Although the Town respects the privacy of its employees, employee privacy does not extend to the employee's use of the Town's Electronic Resources, whether situated at the workplace or on a mobile device. No person using the Town's Electronic Resources can expect privacy in their communications, business or private. All e-mail communications and information downloaded from the Internet constitute company property.

All users of the Town's Electronic Resources must adhere to the terms of this policy. A copy of this policy shall be provided to each user.

Purpose

The Town seeks to promote a high level of responsible behaviour in connection with the use of its Electronic Resources and has formulated this policy to accomplish the following goals:

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- (a) to protect the reputation and resources of Town, its clients, and the Internet/e-mail communities at large, from irresponsible or illegal activities;
- (b) to ensure privacy, security and reliability of the Town's network and systems as well as the systems of the Town's clients;
- (c) to establish guidelines for the acceptable use of the Town's Electronic Resources;
- (d) to define generally those actions which are considered abusive and prohibited; and
- (e) to outline procedures for reporting and handling abuse by an employee.

Scope

All users of the Town's Electronic Resources must comply with this policy, as well as applicable laws and regulations.

Responsibility

Users of the Town's Electronic Resources are strictly prohibited from creating, transmitting, distributing, forwarding, downloading and/or storing anything which:

- (i) infringes any copyright, trademark, trade secret, or other intellectual property right;
- (ii) is obscene, immoral, unethical or pornographic;
- (iii) is libellous, defamatory, hateful, or constitutes a threat or abuse;
- (iv) encourages conduct that would constitute a criminal offense or give rise to liability;
- (v) harasses the receiver, whether through language, frequency, or size of messages;
- (vi) is considered junk, spam or chain e-mail;
- (vii) forges or misleads the sender's identity;
- (viii) divulges private and/or confidential information related to the Town's business, its clients and/or its employees; and
- (ix) violates any of the Town's policies including policies related to Conduct and Behaviour or Workplace Harassment.

Users of the Town's Electronic Resources must protect themselves and the Town from entering into unintended or unauthorized legal obligations and contracts. This includes downloading from the Internet unauthorized programs and/or software.

Users of the Town's Electronic Resources are required to take appropriate steps to ensure the security of the system by adhering to all Town security measures, including using and safeguarding all necessary passwords. Users are required to provide passwords to the Chief Administrative Officer and to update any changes to them. Users are required to use only the browser software and e-mail programs installed by the Town. No connection to the Internet is permitted except via established company procedures.

The Chief Administrative Officer is responsible for authorizing the use of Electronic Resources, providing appropriate training to users, issuing and recording system passwords and monitoring the use of Electronics Resources as necessary or as requested. This includes auditing and logging Internet and e-mail use for compliance with this policy. Additionally, the Chief Administrative Officer is responsible for investigating any allegations or concerns regarding the misuse of these systems.

Definitions

"Electronic Resources" include, but are not limited to, e-mail accounts, mobile and smart phones, computers, personal storage devices, Internet connections and network systems.

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Procedures

Use of Electronic Resources may be monitored from time to time, without notice, to monitor compliance with this policy, evaluate customer service and to determine how the system is being used. Employees cannot expect privacy when using e-mail or Internet resources. All monitoring of electronic systems shall be conducted by the Chief Administrative Officer who will log and audit use of Electronic Resources.

When necessary, due to vacations and other absences, the Town may request access to an employee's passwords, e-mail and Internet accounts in order to properly continue work. Employees are required to provide this access upon request.

Downloading of any programs, software or data from the Internet or e-mail directly to a user's computer terminal is prohibited unless advance written authorization is obtained from the Chief Administrative Officer. Such material must first be screened through the Town's computer security systems including virus scans.

Upon the termination of any Electronic Resources user(s)' employment, the Chief Administrative Officer is required to immediately deactivate the user password(s) and the user access to any Electronic Resources or other electronic systems. Employees who have been provided a mobile device are required to return the device to the Town immediately.

The contents of a Town supplied computer, mobile device, smart phone or personal storage device are the property of Town and under no circumstances should any data be altered or deleted prior to returning the device to the Town.

In circumstances where employees have remote access to the Town's system from home or on personally owned devices, upon termination of the employee's employment with the Town, the employee's access to the Town's system shall be discontinued immediately. All work produced by the employee on behalf of the Town shall remain the property of the Town, unless the contract of employment between the employee and the Town states otherwise.

Employees are expected to respect the privacy of customers, clients and employees whose personal information may be stored in the Town's Electronic Resources. Employees may only access such data, if duly authorized.

In the event any individual feels the Electronic Resources of the Town are being misused or used in an abusive manner, that individual shall report the alleged abuse directly to the Chief Administrative Officer, in confidence. The Chief Administrative Officer shall, within [forty-eight (48) hours], investigate such allegations which may include monitoring usage of Electronic Resources.

If usage is deemed unusual and it is believed that monitoring computer usage, Internet sites visited and/or reviewing e-mail message contents will help the investigation, the Chief Administrative Officer shall commence such monitoring.

The complainant shall be advised by the Chief Administrative Officer of the outcome of the investigation.

Disciplinary Procedure

The Town strives to create a long-term relationship with its employees. Its primary goal is to provide a positive environment through training, development and strong management that will allow both the employee and the Town to achieve excellence. For those employees that

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do not meet this expectation, a fair and constructive discipline procedure has been developed that encourages improved performance in the workplace.

The authority to discipline is entrusted to the Chief Administrative Officer. Discipline is intended to be constructive in correcting an employee's unacceptable conduct or habits.

Any deficiency in performance or conduct will be reported to the Chief Administrative Officer who will investigate and obtain all pertinent facts concerning the deficiency before disciplinary action is taken. The individual will be informed of the problem and given a chance to discuss it with the Chief Administrative Officer. Depending on the severity of the problem and its history, one of several actions may be taken:

- Verbal reprimand
- Written reprimand
- Suspension (with or without pay)
- Dismissal

Effective Date

This Computer, Email and Internet Use Policy and Procedures shall become effective upon the 9th day of June 2020.

Repeal of Previous Computer, Email and Internet Use Policy and Procedures

All previous Computer, Email and Internet Use Policy and Procedures, either formal or informal, of the Town of Witless Bay are hereby repealed.

POLICY NUMBER THREE (3) - COUNCIL CODE OF CONDUCT POLICY

Purpose

The public expects the highest standards of professional conduct from Councillors elected to their municipal government. The purpose of this code is to establish guidelines for the ethical and interpersonal conduct of Council Members and to improve the quality of public administration and governance. Council is answerable to the community through democratic processes and this Code will assist in providing for the good government of the Town of Witless Bay (Town).

Definitions

“General Committee of the Whole Meetings” means meetings with attendance limited to Councillors and at their discretion, the Chief Administrative Officer and/or specified staff called by the Mayor, an individual Councillor, or the Chief Administrative Officer upon verbal or written request of the Mayor.

“Council” means the Council of the Town of Witless Bay;

“Council Members” means the Mayor, Deputy Mayor or Councillor

Standard of Conduct

Council Members shall uphold this Code of Conduct as a means of promoting the standards of behaviour expected of Council Members and enhancing the credibility and integrity of Council in the community. Council Members shall;

- a) Perform the functions of their office truly, faithfully and impartially to the best of their knowledge;
- b) Act with reasonable care and exercise due diligence in the performance and discharge of official functions and duties;
- c) Not make improper use of information acquired as a result of their position;
- d) Shall, always, seek to advance the common good of the community which they serve and act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality is not compromised; and
- e) Shall perform the functions of their office in good faith, honestly and in a transparent manner.

Duty of Council

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Attaining an elected position within one's community is a privilege which carries significant responsibilities and obligations. Council Members are held to a high standard as leaders of the community and they are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent and professional manner.

The following obligations are expected of Council Members:

- a) That they solemnly promise, declare and carry out their responsibilities as prescribed in the oath of office;
- b) That they familiarize themselves with and follow Rules of Procedures for Council and Committees;
- c) That they follow the provisions of the Municipalities Act, 1999 (Act), as amended;
- d) That they follow the provisions of the Municipal Conflict of Interest as contained in Sections 207-209 of the Act;
- e) That they file Disclosure Statements as required under Section 210 of the Act.
- f) That they review this Code of Conduct as required and make any amendments considered appropriate; and
- g) That they review, consider or take other action concerning any violation of the Code of Conduct which is referred to Council for consideration.

Where there is any conflict between this Code of Conduct and the requirements of any statute of the provincial or federal government, provincial or federal statutes shall take precedence.

Council Members Responsibilities

Conduct to be observed

Council Members are representatives of the public whose primary objective is to address the needs of the residents of their community. As such, they're entrusted with upholding and adhering to the provisions of the Municipalities Act, 1999, as amended, the by-laws of the municipality, and all applicable provincial and federal laws.

Dedicated Service

Council Members shall faithfully work towards developing programs and services to address the needs of all residents as well as business owners and operators within their community in the course of their duties.

Council Members should strive to perform at a level which is expected of those who work in the public's interest.

Council Members shall make every effort to participate diligently in the activities of the committees, agencies and organizations to which they are appointed by the Town.

Conduct at Meetings

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Council Members shall respect and treat with dignity and understanding the Mayor (chairperson), colleagues, staff and members of the public present during Council meetings or other proceedings of the municipality. Meetings shall provide an environment for transparent and healthy debate on matters requiring decision-making.

Confidentiality

Council Members shall not disclose or release to any member of the public any confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by Council to do so.

Council Members shall not use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

Council Members shall not disclose, either directly or indirectly, release, make public or in any way divulge any such information (verbal or written) or any aspect of the “Privileged Meeting” deliberations to anyone, unless expressly authorized by Council or required by law to do so.

Council Members shall always comply with the Access to Information and Protection of Privacy Act, 2015 (ATIPP Act).

Respect for the Decision-Making Process

Council Members shall communicate accurately the decisions of Council in such a manner that shows respect for the decision-making process of Council whether they agree with a decision or not.

Conduct Respecting Staff

Council Members shall be respectful of the role of staff to provide advice based on their professional opinion, fairness and objectivity, and without undue influence from any individual member or group of the Council

Council Members shall not compel staff to engage in partisan political activities or be the subject of threats or discrimination for refusing such activities.

Council Members shall not use or attempt to use their authority or influence for the purpose of intimidating or influencing any staff member with the intent of interfering with the person’s duties including the duty to disclose improper activity.

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Gifts and other Benefits

Council Members shall not:

- a) Accept any gift or favour from any person, firm or corporation that might reasonably tend to influence them in the discharge of their official duties, or grant in the discharge of their official duties, any improper favour, service or thing of value.
- b) Accept items from any random draw or contest won at a Council sponsored event unless it's suggested retail value is less than \$500.00. Any item with the value over \$500.00 shall be declared and ownership transferred to the Town, unless otherwise approved by Council.

Use of Public Property

Council Members shall not request or permit the use of municipal-owned vehicles, equipment, materials or property for personal convenience or profit, except where such privileges are granted to the general public.

Council Members shall ensure that the business of the municipality is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resources.

Obligations to Citizens

Council Members shall not grant any special consideration, treatment or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.

Government Relationships

Council Members recognize the importance of working constructively with other levels of government and organizations in Newfoundland and Labrador and beyond to achieve the goals of the municipality.

Reporting Breaches

Persons who have reason to believe that this Code has been breached in any way are encouraged to bring their concerns forward. No adverse action shall be taken against any Member or staff who, acting in good faith, brings forward such information.

Breach of Policy

Any member, including the Mayor may submit a confidential written allegation of a breach of the Code of Conduct to the Mayor or Deputy Mayor, as appropriate.

The written allegation shall be placed on the next "Privileged Meeting Agenda".

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All allegations of breaches of the Code of Conduct will be investigated and decided on by a majority of the Council Members (excluding the member who has been alleged to have breached the Code of Conduct) in a Privileged Meeting of Council, where decisions shall be final in the absence of bias, prejudice, or fraud.

If the Member in question is found to be in violation of the Code of Conduct, the following corrective action may be taken:

- a) **1st Instance:** A verbal reprimand issued by the Mayor, (or by the Chairperson of the Committee of the Whole, if the Mayor is the offending person).
- b) **2nd Instance:** A written reprimand issued by the Mayor (or by the Chairperson of the Committee of the Whole, if the Mayor is the offending person).
- c) **3rd Instance:** A public statement of censure shall be issued at a regular public meeting of Council reprimanding the offending person for their conduct.

Effective Date

This Council Code of Conduct Policy shall become effective upon the 9th day of June, 2020.

Repeal of Previous Council Code of Conduct Policy

All previous Council Code of Conduct Policy, either formal or informal, of the Town of Witless Bay are hereby repealed.

POLICY NUMBER FOUR (4) - COUNCIL RULES OF PROCEDURE

Whereas section 24 of the *Municipalities Act (Act) 1999* requires that Council shall adopt Rules of Procedure for its meetings, therefore, the Town of Witless Bay enacts the following Rules of Procedure:

1. Types of Council Meetings

Regular Public Meetings of Council

Regular Public Meetings of Council shall be held at 7:30 pm on the second Tuesday of every month in the Council Chambers in accordance with the schedule of Public Council Meetings approved annually by motion of Council, unless otherwise approved by Council with public notice being provided forty-eight (48) hours prior to the meeting via social media, Public Service Announcement (PSA) on VOCM and posted at the Town Office.

a. Committee of the Whole Council Meetings

General Committee of the Whole Meetings, with attendance limited to Councillors and at their discretion, the Chief Administrative Officer and/or specified staff may be called by the Mayor, an individual Councillor, or the Chief Administrative Officer upon verbal or written request to the Mayor.

In Camera Committee of the Whole Meetings of Council, with attendance limited to Councillors may be called by the Mayor or an individual Councillor upon verbal or written request to the Mayor.

b. Special or Privileged Meetings of Council

Special or Privileged Meetings of Council may be called by either the Mayor or any two (2) Councillors by giving written notice to the Town Clerk or designate.

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2. Notice of Meetings

Notice for all meetings shall be by way of the schedule of meetings approved annually by motion of Council.

When the day ordinarily fixed for a meeting of Council falls upon a legal holiday, the meeting shall be held upon such day as the Council may decide and included in the annual schedule of meetings.

In the event of meetings requested to be held outside the approved schedule of meetings notice shall be provided to all Councillors via email or telephone call forty-eight (48) hours prior to such a meeting by the Town Clerk or designate unless otherwise approved by Council. The failure of any Councillor to have received notice shall not invalidate a meeting of Council.

3. Business of Special, Privileged and General or In Camera Committee of the Whole Meetings

No business may be conducted at a Special, Privileged and General or In Camera Committee of the Whole Meetings of Council other than that specified in the Notice of such meeting, unless otherwise decided by majority vote.

4. Meeting Decorum

a. Order and Decorum

The Presiding Officer at any meeting shall always preserve order during debate and maintain decorum.

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When a Councillor, at any type of Council Meeting, is guilty of unacceptable conduct, or unparliamentary behaviour, the Councillor may be named by the Presiding Officer and warned to desist. Such warning shall be recorded in the minutes, and if the offence warrants, in the opinion of the Presiding Officer, the offending Councillor may be requested to leave the Council Chambers or the place where the meeting is held by the Presiding Officer without vote of the Council and should the offending Councillor refuse to leave the Council Chamber or the place where the meeting is held, the Presiding Officer may request the assistance of Royal Canadian Mounted Police (RCMP) to enforce the order to leave.

b. Disorderly Persons

The Presiding Officer may expel and exclude from a meeting any Councillor or other person who is guilty of improper conduct at the meeting. In the case of the exclusion of a Councillor, an entry shall be made in the minutes of the reason for such exclusion. Any Councillor expelled from a meeting may be permitted, by majority vote of Councillors at the meeting in progress, to resume his place after making an apology to the Presiding Officer.

c. Use of Cell Telephones

All cell telephones or other communication devices except for computer equipment provided for the conduct of meetings must be turned off prior to the commencement of all meetings.

5. Presiding Officer

The Mayor shall preside at all public meetings of Council. In the absence of the Mayor the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor,

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and if a quorum is present, the other Councillors shall appoint a temporary chairperson who has and may exercise the powers and carry out the duties of the Mayor at the meeting or until the arrival of the Mayor or Deputy Mayor.

The Mayor, Deputy Mayor or Councillor presiding at a public meeting of Council, where he or she wants to enter debate, may be replaced as the Presiding Officer by a temporary chairperson for the time during which the Mayor, Deputy Mayor or Councillor presiding is speaking.

6. Quorum

A quorum shall consist of a majority of the number of Councillors that may be elected or appointed (except for a youth representative) or otherwise approved by the Minister of Municipal Affairs and Environment (Minister). If a quorum is not present within fifteen (15) minutes after the time fixed for a Regular, Special, General or In Camera Meetings Committee of the Whole, the Town Clerk or designate, as appropriate, shall record the Councillors present and the meeting shall stand adjourned until the next meeting or to such date as Council may decide.

A Councillor is permitted to participate in meetings by electronic means provided the electronic means enables the Councillor to listen to the proceeding and to be heard and is counted to form a quorum.

A youth representative if appointed by Council is not counted for the purposes of deciding a quorum.

7. Attendance

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In addition to the Mayor and Councillors, the Chief Administrative Officer or designate, the Town Clerk or designate shall attend all public meetings of Council. Other staff shall attend meetings of Council when requested to do so by Council or the Chief Administrative Officer.

A Councillor attends a meeting when they participate by an electronic means that enables the Councillor to listen to the proceedings and to be heard.

One or more youth representatives, less than eighteen (18) years of age, may be appointed by Council for a term on conditions the Council may decide and to set with Council and participate in their deliberations but are not members of the Council and shall not be counted for the purposes of deciding a vote of Council.

8. Meetings Open to the Public

All regular Public Meetings of Council shall be open to the public, unless it is held as a Special, Privileged, General or In Camera Committee of the Whole Meeting or declared by a vote of the Councillors present at the meeting to be a Special, Privileged, General or In Camera Committee of the Whole Meeting. Where a meeting is held or declared to be a Special, Privileged, General or In Camera Committee of the Whole Meeting, all members of the public present at the meeting shall leave unless their attendance is requested by the Presiding Officer.

Where a decision is made at a Special, Privileged, General or In Camera Committee of the Whole Meeting, and the decision is required to be ratified in order to be valid; it shall be ratified at a subsequent Public Meeting of Council.

9. Conflict of interest

A Councillor shall not vote on or speak to a matter before the Council or a committee of the Council where

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- a. The Councillor has a monetary interest in the matter distinct from an interest arising from his or her functions as a Councillor;
- b. The Councillor has a monetary interest directly or indirectly in that matter;
- c. A relative of the Councillor has a monetary interest in the matter; or
- d. The Councillor is an officer, employee or agent of an incorporated or unincorporated company, or other association of persons, that has a monetary interest in that matter.

For the purposes of this section a relative of a Councillor means a father, mother, spouse, cohabiting partner, sister, brother, child, stepchild, ward, mother-in-law, father-in-law, sister-in-law or brother-in-law of the Councillor

For an interest to be considered as one falling within the prohibition set out herein it shall be an interest distinct from an interest held in common with the other citizens or classes of citizens of the municipality.

Where a Councillor has an interest as set out herein, the Councillor shall state that he or she has that interest and state the nature of the interest at the beginning of discussion on the matter in which he or she has that interest and that statement respecting his or her interest shall be recorded in the minutes of the Council, or a committee of the Council, where that statement was made at a committee meeting. Where a Councillor declaring a conflict of interest is the Presiding Officer, he or she shall vacate the chair and shall leave the meeting while the matter on which he or she has a conflict of interest is being discussed. Where a Councillor declares a conflict of interest, he or she shall leave the meeting while the matter on which he or she has a conflict of interest is being discussed.

Where one or more Councillors declare a conflict of interest and there is no longer a quorum to vote on the matter, the Minister may direct that the remaining Councillors to decide on the matter as if those remaining Councillors constituted a quorum.

Where all Councillors have declared a conflict of interest the Minister may require that an official of his or her department prepare a report respecting the matter and where the report indicates that the Councillors should proceed with making a decision, the Minister may exempt the Council and the Councillors may vote on the matter.

Where a Councillor is in doubt as to whether he or she is in conflict or has a monetary interest that is a conflict of interest, he or she shall make a disclosure and the Council may decide the question by majority vote and its decision on the matter is final. A Councillor whose possible conflict of interest is being voted on is not entitled to vote.

10. Minutes

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Minutes of all public meetings of Council shall be recorded by the Town Clerk or designate as appropriate. Such minutes shall contain:

- All those in attendance at the meeting.
- All motions and resolutions coming before Council, including the names of the movers and seconders.
- The names of all Councillors voting for, against or abstaining from voting on the motions.
- The names of all Councillors declaring a conflict of interest and the details of the conflict of interest.
- A brief description of comments, reports, petitions, presentations or documents submitted to Council for the purpose of providing the reader of the minutes with an understanding of the decisions of Council and not for the purposes of recording lengthy descriptions of what was said or presented and by whom.

Minutes should reflect what was *done* in the meeting, not what individual Councillors or staff *said*. Unanimous consent or a majority vote is required to include individual comments.

Copies of minutes will be distributed to Councillors via the approved Council Meeting Distribution System (Council Kit or electronic format) prior to the next meeting.

Minutes of the Public Council Meeting will be placed on the municipalities Website within five (5) working days following its completion with a statement to the effect that such minutes are not the official transcript which can only be provided following their adoption at the next Public Council Meeting.

If any Councillor objects to any portion of the minutes of the preceding meeting, in the Public Council Meeting Council adopting them, he or she shall state the grounds of objection, and if Council agrees, the motion adopting the minutes shall contain the necessary corrections.

11. **Agenda – Public Council Meetings**

Prior to each regular Public Council Meeting the Town Clerk shall prepare an agenda of all business to be brought before the Public Meeting. Any Councillor, until 12:00 noon of the Thursday preceding the meeting, may submit to the Town Clerk or designate an

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item for inclusion on the agenda. Items may be submitted after this time for inclusion on the Agenda at the discretion of the applicable Committee Chairperson.

The format of the agenda for the Public Meeting shall be as follows:

- Calling to order.
- Approval of the Agenda.
- Adoption of Minutes and Action Report.
- Business arising from minutes.
- Proclamations/Presentations/Delegations.
- Correspondence.
- Committee Reports by the Name of each Committee.
- Notice of Motions.
- New Business.
- Adjournment.

12. Agenda – Special, Privileged and General or In Camera Committee of the Whole Meetings

When Special, Privileged and General or In Camera Committee of the Whole Meetings are called for the consideration of some matter, the order of business shall be in accordance with the items specified in the Notice for that meeting. Council shall proceed immediately to consider the business for which the meeting was called, and only the business specified in the Notice calling the meeting shall be dealt with, unless otherwise decided by unanimous consent or by majority vote.

13. New Business – Public Council Meeting

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New business during the Public Council Meeting is limited to items of information, attendance at previous events, notice of upcoming events, congratulatory items and is not intended for substantive items or those which require decisions of Council unless otherwise decided by unanimous consent. New business is limited to a maximum of five (5) minutes per Councillor unless otherwise decided by unanimous consent.

14. Notice of Motion

Prior to Council's consideration of the introduction of any Regulation or amendment to a Regulation, a Notice of Motion, in writing, shall be tabled at a regular Public Council Meeting.

15. Motions

The word *motion* refers to a formal proposal by a Councillor, in a meeting, that the Council take certain action. Before a subject can be considered, it must be placed before the Council in the form of a motion.

There are five (5) classes of motions:

- a. **Main motions** – introduces new business;
- b. **Subsidiary motions** – assist in treating or disposing of a main motion;
- c. **Privileged motions** – do not relate to the pending business but have a high priority;
- d. **Incidental motions** - change the procedure for handling the pending business but do not change what is being considered;
- e. **Motions that bring a question again before the Council** – bring business already decided back before the assembly.

16. Main Motion

The main motion is the lowest ranking motion and can be made only when no other motion is pending. When adopted, it becomes the officially recorded statement of an

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action taken by the Council. Every motion or resolution should be in writing and should be worded in a concise, unambiguous, and complete form and should be stated or read by the mover (who alone can make introductory remarks thereon) and when duly moved and seconded, and stated by the Presiding Officer, shall be open for consideration and discussion. Motions, wherever possible, should be stated in the positive, so that when the vote is taken yes means yes and no means no. One example of an exception is to deny a development application.

17. Subsidiary Motions

The following subsidiary motions are listed in order of rank and take precedence over or ranks over, the main motion._

- **Lay on the Table:** This motion is designed to be used to set aside the pending business *temporarily* without setting a time for resuming its consideration in order to take up something more urgent.

An example of its use is when a member of the public is in attendance and Council wishes to consider a committee report, in which the member of the public has an interest, prior to its scheduled order in the approved Agenda. Another appropriate use of the motion to lay on the table is to temporarily set aside agenda items in order to consider an item.

- **Previous question:** The purpose of this motion is to close debate and is sometimes referred to as Call the Question.

A Councillor must be recognized by the Presiding Officer to make this motion and unless unanimous consent is provided, a seconder is required, and a two-thirds vote is necessary for adoption.

Whenever a motion infringes on the rights of a Councillor, a two-thirds vote is required for adoption.

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- **Limit or Extend the Limits of Debate:** If it appears that debate is consuming too much time, if additional time is needed, or if one or more Councillors need to speak more than once to adequately debate a motion, a Councillor may make a motion to Limit or Extend the Limits of Debate.

Since this motion affects the basic rights of Councillors and unless unanimous consent is provided, a two-thirds vote is necessary for adoption.

- **Postpone to a Certain Time (or Definitely):** If the Council is not ready to take a final vote on a motion, it can be postponed until later in the same or to the next meeting. If it is postponed to the next meeting, it will be included on the agenda.
- **Commit or Refer:** When it is beneficial to have a committee or staff review a proposed motion or to provide additional information, a motion to commit or refer can be proposed. In either case, the Council should provide suggested deadlines for the committee or staff so that the business will be handled in a timely manner. The only method to temporarily dispose of a motion beyond the next regular meeting is to commit or refer.
- **Friendly Amendment:** If the Presiding Officer has not yet stated the motion, the mover of the motion has the ability to modify the original motion or to accept the proposed change that may be suggested by another Councillor by way of a “Friendly Amendment”. The seconder of the motion is not consulted.

If the Presiding Officer has stated the motion, the mover of the motion cannot individually accept or deny the “Friendly Amendment”. The proposed change should be offered, and voted on, as any other amendment unless unanimous consent is provided.

- **Amend:** If the main motion would be more suitable in an altered form, a motion to amend can be made. Motions to amend must be germane to the main motions; that is, they must relate to the business at hand.

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There are three ways to amend:

1 To insert or add

- a) insert within the motion
- b) add at the end of the motion.

2 Strike out words or a paragraph.

3. Strike out and insert words or substitute a paragraph (strike out the entire text and insert another in its place).

A proposal to amend is a primary amendment and can be amended by a secondary amendment.

The amendments are voted on in reverse order, Council first voting on the secondary amendment, next the primary amendment (perhaps as amended), and finally the main motion (or main motion as amended).

If there is general agreement, the amendments may be approved by unanimous consent.

- **Postpone Indefinitely:** This motion kills, or disposes of, the main motion for the remainder of the meeting without bringing it to a direct vote. It is used if an embarrassing main motion has been proposed or Councillors wish to defeat the proposal without going on the record as having voted “no” on the motion.

18. Privileged Motions

This class of motions does not relate to the pending business but rather to special matters of immediate importance that should be allowed to interrupt business. None of these motions are debatable when a main motion or subsidiary motion is under consideration.

These motions are listed in order of rank and their rank begins above the highest-ranking subsidiary motion.

- **Fix the Time to Which to Adjourn:** This is the motion to set an adjourned meeting. By majority vote, the Council establishes the date, time, and place for

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the continuance of the present meeting. Adoption of this motion does not immediately or necessarily adjourn the current meeting.

- **Adjourn:** The motion to adjourn is a proposal to close the meeting entirely. Even if the adopted agenda or order of business has not been completed, by majority vote the Council may adjourn the meeting.

Uncompleted items of business are listed as unfinished business at the next meeting.

A motion to adjourn requires a seconder and is always in order except when:

- A Councillor is addressing the Presiding Officer.
- A vote is being taken, and it has been decided that the previous question shall be taken.

A motion to adjourn cannot be amended and is not debatable. No second motion to adjourn shall be made until some intermediate proceedings have transpired.

- **Recess:** To take a short intermission in the meeting, a Councillor may make a motion to recess and a seconder is required. It is amendable as to the amount of time for the recess or the time to reconvene the meeting and requires a majority vote unless unanimous consent is provided.
- **Raise a Question of Privilege:** Any Councillor has the right to request certain privileges for themselves or for Council. This request usually has to do with the Councillor's comfort level (excessive noise, inadequate lighting, uncomfortable temperature, etc.) or affecting the Councillor's ability to make an informed decision (cannot hear the speaker, doesn't have the report, can't see the illustrations, etc.). No recognition by the Presiding Officer is needed to make this motion, and the Presiding Officer takes the appropriate action without vote of Council.

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- **Call for the Orders of the Day:** If the adopted agenda or order of business is not being followed, any Councillor may bring this to the attention of the Presiding Officer. If the wrong item was announced, the Councillor does not need to be recognized and may interrupt business to bring it to the Presiding Officer's attention. If a motion has been made, however, the Councillor must wait until the motion has been disposed of. The agenda must be followed unless Council decides by a two-thirds vote not to proceed to the orders of day or unless unanimous consent is provided.

19. Incidental Motions

This class of motions relates to the pending question in such a way that it must be decided immediately before any other business intervenes. The listing of motions does not indicate rank, merely the order of the motions as found in *Robert's Rules of Order*.

- **Point of Order:** Whenever a Councillor believes that the rules are being violated; it is the Councillor's duty to raise a point of order at the time of the breach. The motion effectively requires the Presiding Officer to rule on the question involved. Unless the breach is of a continuing nature, the point of order must be made immediately after the infraction; otherwise, it is too late.
- **Appeal:** If a Councillor disagrees with the ruling of the Presiding Officer, an appeal from the decision of the Presiding Officer can be made. This motion must be seconded, and the rules of debate change. The Presiding Officer can speak first to explain the reason for the ruling. Each Councillor is then allowed to speak once in debate. After all who wish to speak have done so, the Presiding Officer may explain again the reason for the ruling. These rules hold even if the Presiding Officer normally does not have the right to speak in debate from the chair. The vote is taken not on the appeal but rather on the Presiding Officer's decision. A majority or a tie vote sustains the decision of the chair on the principle that the chair's decision stands until reversed by a majority.
- **Suspend the Rules:** When the Council wishes to do something that its rules prohibit, a motion to suspend the rules may be made, so long as the rule may be

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suspended. Bylaws, statutory law, or rules that embody basic parliamentary law, such as only Councillors can vote, cannot be suspended. The vote required for passage depends on the type of rule, and the rule is only suspended for that meeting.

- **Objection to the Consideration of a Question:** Councillors may object to the consideration of a question for any original main motion that they think would do harm for the Council to even consider. This motion must be made before any discussion begins or any subsidiary motion has been stated. If there are two-thirds against consideration, the question is dropped; otherwise, the question is considered.
- **Division of a Question:** If the motion has several parts that can stand as separate motions, a Councillor may move to divide the question. If a division of the question is adopted, the vote is then taken individually on each part.
- **Consideration by Paragraph or Seriatim:** A Councillor may move to consider a long motion (consisting of a series of paragraphs, articles, or sections) by paragraph or seriatim rather than the motion in its entirety. Each part is opened for debate and amendment separately, and then the entire document is considered for adoption.
- **Division of the Assembly:** A Councillor who doubts the result of a voice vote can call for a division of the assembly. No seconder is required. Making this motion requires that the vote be retaken by a roll call vote (each Councillor is named, and his vote is announced and recorded).
- **Request to be excused from a Duty:** If a Councillor wishes to be relieved from an obligation imposed by virtue of office or position (such as appointed to a committee) a request to be excused from this duty can be made.

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- **Parliamentary Inquiry:** This is a request from a Councillor for the Presiding Officer's guidance on a matter of parliamentary procedure. The Presiding Officer does not rule on this motion, but rather provides the answer to the Councillor's question.
- **Point of Information:** This motion is an inquiry regarding facts affecting the pending business. The Presiding Officer may choose to answer or direct another Councillor or staff member to provide the requested information.
- **Withdraw or Modify a Motion:** After the Presiding Officer states a motion; the Councillor who made the motion must request permission to withdraw it or modify it in any manner. A majority vote, or unanimous consent, is required to grant such permission.
- **Request to Read Papers:** No Councillor may read from papers, books, magazines, etc., without the permission of the Council. This is usually granted by unanimous Consent.
- **Request for Any Other Privilege:** A Councillor may request any other privilege (not covered by the previous four types of motion), such as to make a presentation when no motion is pending. Permission is usually granted by unanimous consent.

20. Motions That Bring a Question Again before the Council

This class of motions brings back before the Council, business that has already been adopted. There is no ranking among the motions, and their order is as listed in *Robert's Rules of Order*.

- **Take from the Table:** At the same or next meeting after a question has been laid on the table, any Councillor may move to take it from the table. When a motion is

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taken from the table by majority vote, it is before the Council at exactly the point when it was laid on the table. If not taken from the table by the end of the next regular meeting, the motion dies.

- **Rescind: Amend Something Previously Approved:** To entirely strike out a main motion, section, paragraph or rule that has previously been adopted, a motion to rescind can be made. If it is desired instead to change the previously adopted business, the motion to amend something previously adopted can be made. Approval of either form of the motion requires

(a) a two-thirds vote, or

(b) a majority vote when notice of intent was given at the previous meeting or in the call of the meeting.

When something has been done as a result of the initial vote that is impossible to undo, these motions are not in order.

- **Discharge a Committee:** If a question was referred to a committee that has not yet reported and the Council wishes to take it out of the committee's hands so that the Council can consider it or drop it altogether, a motion to Discharge the committee is in order. A Standing Committee is discharged from considering the referred business, whereas a Special Committee that is discharged ceases to exist. The necessary vote to approve this motion is the same as to rescind or amend something previously adopted. However, if the committee fails to report in the time prescribed or if the Council is considering a partial committee report, only a majority vote is required to discharge the committee.
- **Reconsideration during a Council Meeting:** If a Councillor voted on the prevailing side on a question – that is, yes if it was adopted or no if it was lost – and had a change of mind, a motion to reconsider may be made during the meeting in which the original vote was taken. If the question receives a majority vote, then the original motion is back before the assembly at the point just before the initial vote was taken – as if it had not been previously considered.
- **Reconsideration after a Council Meeting:** Any question, except one of indefinite postponement may be reconsidered, providing a notice of motion of reconsideration is given by a Councillor who voted on the prevailing side (if the

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vote was passed a Councillor who voted in favour or if the vote was lost or tied by a Councillor who voted against the motion). If the motion to reconsider is carried by a majority of Councillors present and voting, the main question shall then be read and will be open to debate the same as an original motion. A motion shall not be reconsidered more than once.

21. Motions during Debate

When a question is under debate, the following motions shall be in order:

- To extend the time of the meeting where the time of the meeting has been established.
- To refer or commit a matter being considered by Council.
- To amend a motion being considered by Council.
- To lay a motion on the table.
- To postpone a motion indefinitely.
- To move the previous question.

Every motion shall be seconded before being put to the body or debated.

22. Withdrawal of Motion

When a motion has been moved and seconded, it cannot be withdrawn except with the unanimous consent of the Councillors in attendance and then only before a decision has been taken or an amendment made.

23. Addressing the Motion

Councillors and staff where appropriate shall stand and address their remarks to the Presiding Officer by referring to him or her as “Your Worship”, wait to be recognized

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and keep their remarks to the question at hand. Councillors may not speak against a motion they made but may vote against it.

24. Entitlement to Speak

If two (2) or more Councillors speak at the same time, the Presiding Officer shall determine which Councillor is entitled to speak.

25. Order During Consideration of Motion

When the Presiding Officer is putting a question no Councillor shall walk out of or across the Council Chambers and when a Councillor is speaking or a question is being put, no Councillor shall hold any private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain, or ask a question.

26. Debate Procedure and Length of Debate

During debate, Councillors shall confine themselves to the question and avoid personalities. No Councillor, without the consent of Council, shall speak longer than five (5) minutes at any one time, or more than once on any motion or amendment thereto, except in explanation of a material part of their remarks, which may have been misunderstood, but then they shall not be permitted to introduce a new matter. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

27. Rereading of Motion

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Any Councillor may require the question or motion under discussion to be read for information at any period during the debate, but not to interrupt a Councillor speaking.

28. Voting

- 1) All decisions of Council, unless otherwise specified either under the *Act* or under these Rules, shall be by majority vote of the Councillors present, inclusive of the Presiding Officer.
- 2) A Councillor shall not abstain from voting on a motion or resolution before the Council unless he or she is required to abstain from voting because of a conflict of interest or he or she has been permitted to abstain by a majority vote of the other Councillors in attendance at the meeting.
- 3) Where a Councillor abstains from voting on a motion or resolution, a decision shall not be made on that motion or resolution unless the number of Councillors in favour of the motion or resolution is equivalent to or more than a majority of the Councillors in attendance at the meeting.

29. Recorded Vote

Whenever a decision of Council is taken for any purpose, each Councillor, including the Mayor, present and voting, shall announce their vote on the question, openly and individually, and the Town Clerk or designate shall record the names of those voting for, against, and abstaining on every motion. Those who are silent when the vote is being taken are agreeing to whatever decision is made by those who vote and will be recorded as voting with the prevailing side as announced by the Presiding Officer as the motion being carried or defeated.

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30. No Secret Ballot

No vote shall be taken in Council by ballot or by any other method of secret voting with the exception of a vote for the Mayor where there is no separate election for the Mayor or for the Deputy Mayor which shall be determined by secret ballot and will be conducted by the Town Clerk or designate where there is more than one nomination for the position.

31. Tie Vote

Where there is a tie vote on a motion or resolution that motion or resolution shall be defeated.

32. Committees

a. Authority to Form

Council may from time to time appoint committees and the Mayor shall be an ex-officio member of all committees. When the Mayor attends a Committee as an ex-officio member, he can participate in discussions, however only the views of the remaining members shall be considered in arriving at a recommendation to be forwarded to the Public Council Meeting for their consideration and decision.

b. Standing Committees

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Standing Committees of Council shall consist of two (2) regular Councillors and one (1) alternate Councillor who may attend in the event of the absence of one (1) of the regular Councillor and shall remain in effect for the life of the Council.

The Mayor shall hold all reasonable discourse with Councillors prior to their appointment to committees.

Councillors shall be appointed by the Mayor at the first Council Meeting following a general election and changed by the Mayor on or before December 31st of the second year of Council's term of office and the committee structure shall be ratified by Council following their appointment by the Mayor.

The duties of Standing Committees shall be in accordance with their approved Terms of Reference and which may be changed subject to the approval of Council.

Each committee shall set the day and place for its meeting.

c. Special Committees

Special Committees of Council shall consist of at least one (1) Councillor and other members as appointed by the Mayor and ratified by Council and shall remain in effect only until the purpose for which they were set up has been accomplished.

Special Committees will automatically expire at the end of each year, unless struck again by Council.

d. Other Committee Representation

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The Mayor shall appoint Councillors to Committees and other organization(s) as deemed appropriate and such appointments shall be ratified at the first Council Meeting following a general election and any changes on or before December 31st of the second year of Council's term of office.

e. **Committee of the Whole**

Council will meet as a Committee of the Whole in accordance with the provisions of these Rules of Procedure. The Mayor will assume the chair and if absent the Deputy Mayor will assume the chair and if the Deputy Mayor is absent, another Councillor shall be elected as Chairperson.

f. **Committee Membership**

Membership on all Standing Committees and the In-Camera Committee of the Whole is limited to Councillors.

g. **Quorum of Committees**

A majority of the Councillors at a Committee of the Whole shall constitute a quorum.

Standing Committees shall convene with its two (2) regular Councillors or its alternate Councillor if one (1) of the regular Councillors cannot attend.

h. **Committee Chairman**

When Council appoints a committee, it shall also appoint one of its Councillors to be chairman of that committee.

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i. Committee Resources

A staff person may be appointed as a resource to each Standing Committee.

j. Committee Notes

Prior to the next meeting of the committee, the staff person assigned to that committee shall prepare notes of the previous meeting for submission to and confirmation by the committee.

Following every committee meeting the staff person assigned to that committee shall prepare a report for submission to the Council or the General Committee of the Whole, as required, on all matters which require Council action.

k. Conduct of Business in Committees

The following rules and procedures shall apply to the proceedings in committees:

- The Chairperson shall preside at every meeting. In the absence of the Chairperson, the other Councillor on the committee shall act as Chairperson during the Chairperson's absence.
- There shall be no limit on the number of times a Councillor may speak.
- There shall be no voting during committee meetings, its purpose is only to arrive at a consensus to present to Council.
- During General Committee of the Whole Meetings there shall be no limit on the number of times a Councillor may speak and there shall be no voting, its purpose is only to arrive at a position to be referred to the Public Council Meeting for consideration and ratification.

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33. Clarification and Amendment Procedure

a. Clarification of Rules

In all cases where these Rules of Procedure do not make provision or adequate provision, then *Robert's Rules of Order* shall apply.

b. Amendment of Rules

Any motion to amend these Rules of Procedure requires a Notice of Motion and must be approved by a majority of Council.

34. Effective Date

These Rules of Procedure shall become effective upon the 9th day of June, 2020.

35. Copy to Minister

A copy of these Rules of Procedure was sent to the Minister of Municipal Affairs on the 22nd day of July, 2020.

36. Repeal of Previous Rules of Procedure

All previous Town of Witless Bay Rules of Procedure and amendments are hereby repealed.

POLICY NUMBER FIVE (5) - EMPLOYEE CODE OF CONDUCT POLICY

Policy Statement

Acceptable behaviour of municipal employees differs from employees in the private sector as they work for a public institution that answers to the public. It is important to have a Code of Conduct in place for municipal employees to ensure their work is performed with integrity, to manage public perceptions, avoid favoritism, protect confidential information, and avoid personal gain from the use of one's position, while protecting the rights of individual employees, residents and business owners and operators within the municipality.

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Purpose

This policy is to assist municipal employees to understand the ethical implications of the decisions they make daily and to promote high standards of professional conduct and values among them.

Where there is any conflict between the policies adopted by the Town of Witless Bay (Town) and the policies and procedures set forth in a statute of the Provincial or Federal Government the Provincial or Federal statute shall supersede these policies or procedures.

Definitions

Chief Administrative Officer means the person appointed by Council under Sections 53 of the *Municipalities Act, 1999* to be the Chief Administrative Officer for the Town.

Council means the Council of the Town of Witless Bay;

Fraud means a wrongful or criminal deception intended to result in financial or personal gain, including theft;

Family Member means a spouse, common law spouse or same-sex partner, child or parent of an employee;

Relative means a spouse, common law spouse or same-sex partner, parent, grandparent, grandson, granddaughter, child, sister, brother, daughter, son, aunt, uncle, niece, nephew, cousin or in-laws; and

Town Clerk means the person appointed by Council under Sections 59 of the *Municipalities Act, 1999* to be the Town Clerk for the Town.

Conflict of Interest

Every municipal employee, whether paid or otherwise, shall avoid situations in which they have a personal interest enough to influence or appear to influence the objective exercise of their authority. When an employee is, or believes he or she may be, in a position of conflict of interest regarding the Town, the employee should disclose this to the Chief Administrative Officer and refrain from exercising his or her authority relevant to the conflict until duly authorized.

A municipal employee must refrain from accepting gifts and benefits from firms or individuals that is greater than \$50.00 in value.

Any random draw or contest won at events where attendance has been approved by Council shall remain the property of the municipal employee if the suggested retail value is less than \$100.00. Any item with a value above this amount shall be declared and ownership transferred to the Town unless otherwise approved.

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Municipal employees must not place themselves in a position where they are under an obligation to favor an individual or firm.

Employees shall reveal and not participate in any decision or promotion or make any recommendations to the Chief Administrative Officer, Committee or Council in which they or their family has a direct financial interest, except as a resident of the Town.

Use of Municipal Property

An employee must not use the Town property, equipment, supplies or services for activities not associated with the discharge of official duties unless the Chief Administrative Officer has granted proper authorization.

Employees shall not use property, equipment, and supplies or services owned or leased by the Town for personal gain.

Preferential Treatment of Relatives

An employee shall not improperly use his or her influence in order to obtain appointment, promotion, advancement, transfer or any other advantage within the Town on behalf of a family member or relative, or to affect the proper outcome of any procedure established by the Town.

An employee shall disclose to the Chief Administrative Officer in writing, any situation where they may be able to influence the hiring or advancement of a family member or relative.

Fraud/Theft

All employees shall exercise honesty, integrity, objectivity and diligence and shall not knowingly be a party to any fraudulent activity, including theft. Each employee is encouraged to report, in writing, any knowledge or suspicion of fraud to the Chief Administrative Officer.

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All confirmed incidents of fraud or theft committed against the Town will be viewed as acts of criminal activities and will be treated accordingly.

Outside Activities or Employment

An employee will use his/her position with the Town solely for the gain and service of the Town and not to secure advantage, benefit, favour, or services directly, or indirectly for any family member.

Without restricting the scope of this rule, the following shall be considered breaches of the Town's Code of Conduct Policy:

- Where outside employment or activities reduce to an unacceptable level the interest or energy an employee devotes to his or her duties.
- Where outside employment is performed in direct competition with services provided by the Town.
- Where an employee uses his or her position to solicit business for personal gain during regular working hours for the Town.

Employees are expected to report to work in a fit condition to carry out their work duties. Employees reporting for work in an unfit condition will be sent home without pay. The Town considers as being unfit if an employee is under the influence of alcohol or other substances which may cause them to be otherwise unfit. This may include legal medications which impair one's effectiveness and/or judgment and those other substances which are illegal. Consumption of alcohol or illegal substances during working hours and on Town property is strictly forbidden.

Employees having left the employment of the Town shall not use or cause to be used any privileged or sensitive information gained or otherwise obtained by their employment for personal gain or advantage to gain other employment. The Town will take whatever action is deemed appropriate in such instances.

Financial Transactions

Every Town employee must adhere to Town's regulations and policies regarding any financial transaction. Employees shall reveal and not participate in any decision or promotion or make any recommendation to the Chief Administrative Officer, Committee or Council in which they or their family has direct financial interest, except as a resident of the Town.

Disposal of Town property, assets or services shall follow Town policies. At no time shall this benefit any individual employee or group of employees.

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Political Activity

Town employees are to be allowed as great a measure of political rights as can be reconciled with the need to ensure the fact and appearance of impartiality in the performance of their duties with the Town. The point at which an appropriate balance can be struck in any case depends primarily on the nature and level of the employee's responsibilities.

Without restricting the scope of this rule, the following shall be considered breaches of the Town's Code of Conduct Policy:

- Using the authority or influence of his or her position with the Town on behalf of a political party or candidate.
- Engaging during working hours in any activity for or against a political candidate.

Public Comment

Queries from the public and the media are to be referred to the Chief Administrative Officer.

Employees should not assume that any unethical activities not covered by or specifically prohibited by the Town's Code of Conduct Policy are permissible.

Violation of the Town's Code of Conduct Policy

Employees are encouraged to seek clarification from the Chief Administrative Officer if they are uncertain as to the appropriateness of their existing or contemplated conduct.

Complaints or inquiries concerning the ethical conduct of any employee shall be made in writing to the Chief Administrative Officer. All complaints or inquiries will be treated as confidential.

Employees will be expected to resolve any determined non-compliance with the Town's Code of Conduct Policy to the satisfaction of the Council. Employees may promote any unresolved dispute arising out of this code through the Chief Administrative Officer or failing that to the appropriate Committee of Council dealing with administration issues for the Town.

Where it has been determined that the conduct referred to the appropriate Committee of Council does breach the Town's Code of Conduct Policy, the complainant and the employee shall be so advised in writing. Council may also instruct the employee to divest himself or herself of the outside interest or transfer it to a trust or take disciplinary action.

Disciplinary Procedure

The Town strives to create a long-term relationship with its employees. Its primary goal is to provide a positive environment through training, development and strong management that will allow both the employee and the Town to achieve excellence. For those employees that do not meet this expectation, a fair and constructive discipline procedure has been developed that encourages improved performance in the workplace.

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The authority to discipline is entrusted to the Chief Administrative Officer. Discipline is intended to be constructive in correcting an employee's unacceptable conduct or habits.

Any deficiency in performance or conduct will be reported to the Chief Administrative Officer who will investigate and obtain all pertinent facts concerning the deficiency before disciplinary action is taken. The individual will be informed of the problem and given a chance to discuss it with the Chief Administrative Officer. Depending on the severity of the problem and its history, one of several actions may be taken:

- Verbal reprimand
- Written reprimand
- Suspension (with or without pay)
- Dismissal

Acute offences are those that are clearly identifiable and call for immediate action. An example of an acute offence is a misappropriation of funds. For these, the penalty may be applied without delay, up to and including dismissal. Chronic offences involve a continuing pattern of less serious infractions, such as persistent lateness or substandard work. These offences may be more appropriately handled by working through the various levels of discipline.

Effective Date

This Employee Code of Conduct Policy shall become effective upon the 9th day of June, 2020.

Repeal of Previous Employee Code of Conduct Policy

All previous Employee Code of Conduct Policy, either formal or informal, of the Town of Witless Bay are hereby repealed.

POLICY NUMBER SIX (6) – EMPLOYEE CONFIDENTIALITY POLICY

Purpose

The Town of Witless Bay (Town) has been entrusted by Council with highly confidential information on residents, commercial businesses and employees. To safeguard this trust, the

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Town insists on strict confidentiality as well as physical and systems security in the processing and use of such information for the purpose it was intended by our employees.

Definitions

“Council” means the Council of the Town of Witless Bay.

“Confidential Information” means any and all information acquired during an employee’s employment with the Town that would reasonably be personal or confidential. Confidential information means information that is not part of the public domain, information designated by the Council as confidential, such as personal information, internal policies, items under any legal proceeding, etc. and confidential information obtained from third parties.

Scope

An employee shall not use information that is obtained as a result of their employment and that is not available to the public to:

- Further, or seek to further, their private interests or those of their family, or
- Seek to improperly further another person’s private interest.

Employees are personally responsible for the protection of confidential information to which they have access. The responsibility for the protection of confidential information entrusted to you is defined as follows:

1. Treat all Town information as confidential unless the information has been explicitly provided for general access.
2. Treat all electronic and paper files, mail and documentation containing personal information as confidential, examining or disclosing the contents only when authorized by the owner, approved by the appropriate Town official, or required by law.
3. Do not access, alter or in any way change confidential Town information except as required in the performance of one’s duties.
4. Do not divulge confidential Town information to any person without proper authorization.
5. Report any breaches of this policy immediately to the Chief Administrative Officer or Mayor, as applicable.

Disciplinary Procedure

The Town strives to create a long-term relationship with its employees. Its primary goal is to provide a positive environment through training, development and strong management that will allow both the employee and the Town to achieve excellence. For those employees that do not meet this expectation, a fair and constructive discipline procedure has been developed that encourages improved performance in the workplace.

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The authority to discipline is entrusted to the Chief Administrative Officer. Discipline is intended to be constructive in correcting an employee's unacceptable conduct or habits.

Any deficiency in performance or conduct will be reported to the Chief Administrative Officer who will investigate and obtain all pertinent facts concerning the deficiency before disciplinary action is taken. The individual will be informed of the problem and given a chance to discuss it with the Chief Administrative Officer. Depending on the severity of the problem and its history, one of several actions may be taken:

- Verbal reprimand
- Written reprimand
- Suspension (with or without pay)
- Dismissal

Effective Date

This Employee Confidentiality Policy shall become effective upon the 9th day of June, 2020.

Repeal of Previous Employee Confidentiality Policy

All previous Employee Confidentiality Policy, either formal or informal, of the Town of Witless Bay are hereby repealed.

POLICY NUMBER SEVEN (7) – PROCUREMENT POLICY AND PROCEDURES

Policy

Employees of the Town of Witless Bay (Town) will always abide by the *Public Procurement Act 2018 and Regulations* and the Town's Procurement Policy and Procedures for all purchases.

Purpose

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To ensure that goods and services acquired by the Town are done in the most efficient and cost-effective manner while ensuring the best value is obtained.

To outline the expenditure control and approval processes required by Council and the Chief Administrative Officer.

To establish internal controls over the authorization of expenses.

Scope

This policy applies to all individuals making purchases on behalf of the Town.

Responsibility

The Chief Administrative Officer is responsible for ensuring that expenditures made on behalf of the Town represents best value and provides a benefit to the Town.

The Chief Administrative Officer is responsible for ensuring that no payments are made without appropriate authorization.

Definitions

“**Petty cash**” means a small amount of cash kept on hand at a work site to be used for necessary minor purchases;

“**Cheque requisition**” means a form requesting a cheque be prepared for payment of a Town expense; and

“**Budget**” means the annual Operating and Capital Budget approved by the Town Council.

Authority

Municipalities Act, 1999

Public Procurement Act

Public Procurement Regulations

Public Procurement Policies

Procedure

Open Call for Bids Required

The *Public Procurement Act* of the Province of Newfoundland and Labrador shall be followed and an open call for bids is required for:

1. Goods with an estimated value of \$10,000 or greater;

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2. Services with an estimated value of \$50,000 or greater;
3. Engineering services and architectural services with an estimated value of \$100,000 or greater;
4. Public works with an estimated value of \$100,000 or greater; and
5. Leases of space with an estimated value of \$100,000 or greater.

All thresholds are exclusive of harmonized sales tax.

Open Call for Bids Not Required

The Town may, in its discretion, issue an open call for bids for commodities and services where the estimated value of those commodities is below the thresholds referred to above.

For goods and services or public works that do not require an open call for bids and cost less than the thresholds noted above, the Town may request quotes from three (3) legitimate suppliers and the best value determined from this process may be accepted. The Town may choose to formally request standing offer pricing for a fiscal year.

Goods or Services less than \$100

Goods or services costing less than \$100 required in the normal course of business may be paid for from petty cash.

All withdrawals from petty cash and all expenditures using petty cash must be authorized by the Chief Administrative Officer.

Goods or Services greater than \$100

For individual goods or services costing more than \$100 required in the normal course of business, the purchase order process must be used, except in the case of regular predictable expenses such as payroll or utilities.

Purchase order authorizations are as follows:

1. All expenditures shall be approved by Council through approval of the cheque registers.
2. The Chief Administrative Officer (or Council approved designate) may approve expenditures up to \$500 without the approval of Council and expenditures in excess of \$500 with the prior approval of Council.
3. In the event of an emergency, the Chief Administrative Officer (or Council approved designate) may approve any amount without the approval of Council and shall report such expenditures to Council at its next meeting.
4. Any proposed expenditure in excess of \$500 shall not be presented for Council approval without the recommendation of the Chief Administrative Officer (or Council approved designate).

This is applicable to normal operational items; however, any discretionary items including all travel advances or claims or items that may have potential political implications requires the approval of the Town Council.

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Authorization for any activity, unless specified otherwise in another policy, shall be made by Council.

All purchases in excess of \$500, following approval by the Chief Administrative Officer, shall be submitted to Council for approval during the regular Public Council Meeting. This process will not be applicable to invoices for which a motion of Council has already been approved or for routine expenditures involving payroll, telephone or hydro charges, standing orders, contracts, assessment services, insurance and other similar purchases which have been included in the approved budget or approved by separate motion of Council.

Purchases Initiated by Management

All purchases made on behalf of the Town must have an authorizing signature from the Chief Administrative Officer. This applies to purchases made by purchase order.

HST

In this policy, for the purpose of determining authorization and approval levels, the amount of a purchase (“gross value”) excludes HST but includes any other taxes or charges.

Authorization by Council

Council authorizes the annual expenditures of the Town by approving the annual budget.

The Chief Administrative Officer is authorized to purchase items within the budget without prior approval provided the purchase adheres to this policy.

For major purchases not reflected in the budget, Council approval is required.

Effective Date

This Procurement Policy and Procedures shall become effective upon the 9th day of June, 2020.

Repeal of Previous Procurement Policy and Procedures

All previous Procurement Policy and Procedures, of the Town of Witless Bay are hereby repealed.

POLICY NUMBER EIGHT (8) - RESPECTFUL WORKPLACE POLICY AND PROCEDURES

Introduction

The Town of Witless Bay (Town) believes in providing and maintaining a work environment in which Councillors and employees are free from workplace harassment, sexual harassment and discrimination and is committed to offering Councillors and employees a workplace that treats people with dignity and respect. Any actions contrary to this principle will not be tolerated and, where possible, will be appropriately addressed.

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This Policy is designed and intended to achieve the desired respectful workplace environment.

Policy

Councillors and employees are entitled to perform their duties in a harassment-free work environment. The Town, in collaboration with all employees, is responsible for fostering a harassment-free work environment. The Mayor, Council and the Chief Administrative Officer are responsible for taking reasonable measures to ensure this requirement is met, regardless of whether a complaint has been filed. Failing to respond adequately to issues of harassment and/or discrimination is a violation of the Policy. Everyone shares in the collective responsibility for a harassment-free work environment.

All individuals are entitled to a safe and accessible resolution process for complaints under this Policy. The principles of justice, confidentiality, fairness, integrity, and impartiality will be applied in any resolution and/or investigation of situations that arise under this Policy to ensure that the rights, responsibilities, and obligations of all individuals are respected.

Retaliation or reprisals are prohibited against anyone who has complained under this Policy or has provided information regarding a complaint. Any retaliation or reprisals are subject to immediate corrective action, up to and including termination for employees and the action as outlined herein for Councillors. Alleged retaliation or reprisals are subject to the same complaint procedures and penalties as complaints of discrimination and/or harassment.

The Town recognizes that individuals may find it difficult to come forward with a complaint under this Policy because of concerns of confidentiality. Therefore, all complaints concerning workplace harassment and/or discrimination or sexual harassment, as well as the names of parties involved, shall be treated as confidential. The Town's obligation to investigate the alleged complaint may require limited disclosure. No record of the complaint will be maintained on the personnel file of the complainant. If there is a finding of improper conduct that results in disciplinary action, it will be reflected only on the file of the person who engaged in such conduct, in the same way as any other disciplinary action.

This Policy does not restrict the Town's right to manage the workplace. Harassment does not include supervisory and management actions, such as assignment of work, performance reviews, coaching, and/or disciplinary or corrective action, when conducted in a respectful manner, in good faith, and for valid reasons.

All individuals in the workplace are expected and required to conduct themselves in accordance with the standards and principles established by this Policy, even in the absence of a complaint of harassment and/or discrimination. Harassment and/or discrimination in any form will not be tolerated.

Purpose

This Policy defines inappropriate behaviour and outlines the Procedures to be followed regarding workplace harassment and/or discrimination and sexual harassment so that employees

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reporting alleged incidents know the matter will be treated confidentially and that incidents may be reported without fear of retaliation or reprisal.

Scope

This Policy applies to Councillors and employees.

This Policy applies not only during working time, but to any activities on or off the Town's premises which could reasonably be associated with the Town (e. g. social events) including the use of email, social media, instant messaging and the internet.

Responsibility

Councillors are responsible to:

- Lead by example and act responsible in dealings with fellow Councillors and employees;
- Participate in available training related to harassment and/or discrimination and ensure all employees have opportunities for such training; and
- Ensure everyone is aware of this Policy for preventing and addressing harassment and/or discrimination.

Employees are responsible to:

- Carry out their duties in a respectful manner;
- Treat all employees with respect and dignity;
- Challenge inappropriate/objectionable conduct when it happens and refuse to participate in that behaviour;
- Make their objections known to the alleged harasser or another appropriate person;
- Report inappropriate behaviour/objectionable conduct to someone in authority; and
- Cooperate and share openly and honestly in workplace investigations.

The Mayor and Chief Administrative Officer have a primary responsibility in their positions of authority to ensure that all form of harassment and discrimination are never tolerated and if such acts take place that they are immediately addressed. Employees also share this responsibility by challenging inappropriate behavior/objectionable conduct when it happens and refuse to participate in such behaviour.

Everyone is requested to report promptly when they become aware of, or hear of, alleged actions or complaints of harassment and/or discrimination.

The Mayor and Chief Administrative Officer are responsible for providing a work environment that is free from harassment and/or discrimination. This responsibility includes actively

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promoting a positive, harassment-free work environment and intervening when problems occur. Additionally, they are responsible for dealing with the inappropriate actions of others that come to their attention.

Definitions

“Bullying” means a form of harassment which often consists of actions or verbal comments that are intended to intimidate, offend, or humiliate a person or groups of people.

“Chief Administrative Officer” means the person appointed by Council under Sections 53 of the *Municipalities Act, 1999* to be the Chief Administrative Officer for the Town.

“Complainant” means any Councillor or employee who has brought forward or filed a complaint under this Policy alleging harassment.

“Council” means the Town Council of the Town of Witless Bay.

“Discrimination” means the refusal to employ or continue to employ, or to intentionally or unintentionally deny a right, benefit or opportunity based on an actual or perceived prohibited ground of discrimination as outlined in the *Human Rights Act, 2010*. Discrimination imposes burdens, obligations, or disadvantages on an individual or group not imposed upon others.

“Harassment” means engaging in a course or vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome. It may include unwelcome, unwanted, offensive, or objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment; inappropriate communication through social media, email, instant messaging or internet; interfering with an individual’s work performance; adversely affecting an individual’s employment relationship; and/or denying an individual’s dignity and respect. Harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups.

“Respondent” means any Councillor or employee whom allegations of harassment or discrimination is made.

“Sexual harassment” is any unsolicited conduct, comment, or physical contact of a sexual nature that is unwelcome by the recipient. It includes, but is not limited to, any unwelcome sexual advances (oral, written or physical), requests for sexual favours, sexual and sexist jokes, racial, homophobic, sexist or ethnic slurs; written or verbal abuse or threats; unwelcome remarks, jokes, taunts, or suggestions about a person’s body, a person’s physical or mental disabilities, attire, or on other prohibited grounds of discrimination; unnecessary physical contact such as patting, touching, pinching, hitting or leering; patronizing or condescending behaviour; displays of degrading, offensive or derogatory material such as graffiti or pictures; physical or sexual assault.

“Town” means the Town of Witless Bay.

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“Workplace” means any place or location where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises (office or other buildings), work sites, work related social functions (parties, golf games, etc.), work assignments outside the Town’s offices or other buildings, work-related travel, and work-related conferences or training sessions.

References

Human Rights Act, 2010

Procedure

The most effective way to deal with workplace harassment and discrimination is to prevent such an occurrence from happening in the first place. Through training and awareness, the Town will inform Councillors, management and employees of this Policy and promote a respectful workplace. The following steps will be taken to address issues of harassment and/or discrimination:

a) Step 1 – Self-help

Councillors, management and employees are encouraged to attempt to resolve their concerns by direct communication, either in person or in writing, with the person(s) engaging in the unwelcome conduct. Where the Councillor, the Chief Administrative Officer or employee feels confident or comfortable in doing so, communicate disapproval in clear terms to the person(s) whose conduct or comments are offensive. Keep a written record of the date, time, details of the conduct, and witnesses, if any. They may also discuss the behaviour with the Chief Administrative Officer, or the Mayor.

b) Step 2 – Management Support and Intervention

Councillors, management and employees who are not confident or comfortable with Step 1 and who believe they are victims of harassment and/or discrimination, or become aware of situations where such conduct may be occurring, are encouraged to report these matters to any of the following: the Mayor, the Chief Administrative Officer or designate, or any person designated to deal with harassment complaints from time to time by the Town. Complaints should be in writing; verbal complaints will be accepted only where they are subsequently confirmed in writing. Councillors, management and employees should be prepared to provide details such as what happened, when it

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happened, where it happened, how often, and who else was present (if applicable). The person to whom the complaint is made shall provide or facilitate any reasonable assistance that may be required for the completion of a complaint.

Incidents involving allegations against the Mayor, Councillors or the Chief Administrative Officer shall be referred to an external investigator (appointed by Council for such purposes) for investigation and recommendation to the Mayor or Deputy Mayor, as appropriate.

Council may establish a Committee to investigate incidents of harassment and/or discrimination involving employees wherein a formal complaint has been received with representatives from both Council and management serving on the Committee.

c) Step 3 – Formal Complaint

If informal attempts at resolving the issue are not appropriate, or proving to be ineffective, a formal complaint may be filed. To file a formal complaint, the individual shall:

- I. Provide a letter of complaint that contains a brief account of the offensive incident (i.e. when it occurred, the persons involved, names of witnesses, if any). The letter shall also include the remedy sought and be signed and dated by the person complaining;
- II. File the complaint with the Chief Administrative Officer, the Mayor, or any person designated by the Town to deal with harassment and/or discrimination complaints;
- III. Cooperate with those responsible for investigating the complaint.

d) Step 4 – Reporting of Harassment and/or discrimination and Time to Decide

Anyone who becomes aware of situations in which harassment and/or discrimination may be occurring is requested to notify the Chief Administrative Officer, the Mayor, or to any person designated by the Town to deal with harassment and/or discrimination complaints.

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Formal complaints must be investigated. The investigation process shall involve interviews with the complainant, the alleged respondent and any witnesses named by either. Within **{fourteen (14)}** working days of the incident or notice thereof, the person designated to conduct the investigation shall investigate the incident and prepare a written report of the investigation findings. The report shall be provided along with recommendations, if any, to the Mayor, Deputy Mayor or Chief Administrative Officer, as appropriate, for action. In the event the Chief Administrative Officer is the subject of the allegation of harassment, the report shall be provided to the Mayor.

Confidentiality

Respect for privacy is an important aspect of a respectful workplace. Issues related to harassment and/or discrimination should be treated confidentially; however, there are limitations to confidentiality. When the Chief Administrative Officer, Mayor or any person designated by the Town to deal with harassment and/or discrimination complaints become informed of situations involving harassment and/or discrimination, they may be obligated to intervene. Such incidences could include concerns for the health and safety of employees or the public or a requirement in law to report the matter.

Complaints of harassment and/or discrimination will be received and managed in a confidential manner. Information will be used for its intended purpose only. Absolute confidentiality cannot be guaranteed as the resolution process must involve others. Only those people involved in the process, including the complainant, respondent, witnesses, and others involved in resolving the complaint, will have access to the information collected. Further, they will receive only as much information as they need to receive. These individuals will be required to maintain confidentiality throughout the investigation process. Those who are found to have breach confidentiality may be subject to disciplinary action.

The person appointed by the Town to investigate potential infractions of the Policy will have access to all information required to fully investigate any complaints referred to him/her. The report, when completed, will be provided to the person from the Town, who filed the complaint, and that person will determine what information should be provided and to whom it should be provided.

To ensure confidentiality is protected, Section 33 of the *Access to Information and Protection of Privacy Act, 2015*, (ATIPPA), will be followed for the provision of information pertaining to an investigation of any infraction of this Policy. This section specifies that only the complainant and the respondent will have access to all relevant information created or gathered for such an investigation and such information will only be provided upon written request. A witness in such an investigation will only have access to information which relates to the witness' statements provided during the investigation and such information will only be provided upon written request.

e) Action for Breaches of this Policy by Employees

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Disciplinary action for employees for violations of this Policy will take into consideration the nature and impact of the violations, and may include a verbal or written reprimand, suspension (with or without pay) or termination (with or without notice). Similarly, deliberate false accusations are of equally serious nature and will also result in disciplinary action up to and including termination without notice for just cause.

f) Action for Breaches of this Policy by Councillors

Any Councillor, including the Mayor may submit a confidential written allegation of a breach of this policy to the Mayor or Deputy Mayor, as appropriate.

Incidents involving allegations against the Mayor or Councillors shall be referred to an external investigator (appointed by Council for such purposes) for investigation and recommendation to the Mayor or Deputy Mayor, as appropriate.

Following receipt of the Report from the person assigned to investigate such an allegation it shall be placed on the next "Privileged Meeting Agenda".

This Report shall be received, considered and any recommendations contained within the Report approved by a majority of Councillors (excluding the Councillor who has been alleged to have breached this Policy) in a Privileged Meeting of Council, shall be final in the absence of bias, prejudice, or fraud.

The person assigned to investigate such incidents will be bound by the following corrective action for any infraction deemed to require corrective action, as follows:

- a) 1st Instance: A verbal reprimand issued by the Mayor, (or by the Chairperson of the Council-as-a-Whole, if the Mayor is the offending person).
- b) 2nd Instance: A written reprimand issued by the Mayor (or by the Chairperson of the Council-as-a-Whole, if the Mayor is the offending person).

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- c) 3rd Instance: A public statement of censure shall be issued at a regular Public meeting of Council reprimanding the offending person for their conduct.

Similarly, deliberate false accusations are of equally serious nature and will also result in action as outlined above.

g) Other

An unproven allegation does not mean that harassment and/or discrimination did not occur or that there was a deliberate false allegation. It simply means that there is insufficient evidentiary basis to proceed or that while the complainant may have genuinely had reason to believe that there was harassment and/or discrimination, the investigation has not borne out the complaint.

At least once each year, the Mayor and Chief Administrative Officer are required to ensure that everyone under their direction are made aware of this Policy.

An employee who has filed a complaint under this Policy and who is not satisfied with the disposition of the complaint may seek redress under the *Human Rights Act, 2010*.

Effective Date

This Respectful Workplace Policy and Procedures shall become effective upon the 9th day of June, 2020.

Repeal of Previous Respectful Workplace Policy and Procedures

All previous Respectful Workplace Policy and Procedures of the Town of Witless Bay are hereby repealed.

POLICY NUMBER NINE (9) - SCENTED PRODUCTS IN THE WORKPLACE

1Policy

The use of scented products and fragrances by an individual is a matter of personal choice; however, the Town of Witless Bay (Town) reserves the right to require an employee to discontinue the use of a particular scented product or products in order to accommodate another employee's sensitivity to such products.

Employees are expected to minimize their use of and to be courteous and respectful in their use of scented products and fragrances while attending at the workplace.

The Town shall endeavour to use only unscented cleaning products, where possible, and where not possible, to use the scented product only in places or at times when few people will be exposed to the product's scent.

Purpose

The purpose of this policy is to establish a procedure to deal with accommodation issues that may arise when an employee shows adverse symptoms from exposure to scented products in the workplace.

Scope

This policy applies to all employees.

Responsibility

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The Chief Administrative Officer is responsible for:

- (a) communicating this policy to employees and ensuring employees understand the expectations arising from the policy;
- (b) responding to employee complaints about scents and fragrances and to employee requests for accommodation; and
- (c) mediating disputes between employees, as they arise, encouraging employees to resolve disputes co-operatively, and when necessary to resolve a dispute, giving employees directions with respect to the application of the policy. In the event a dispute cannot be resolved co-operatively, the wishes of the complainant shall take precedence.

Each employee is expected to be sensitive to the concerns and needs of fellow employees with respect to the employee's use of scented products and fragrances.

References

Human Rights Act, 2010 (Newfoundland and Labrador)

Occupational Health and Safety Act (Newfoundland and Labrador)

Procedure

Employees suffering from scent-related symptoms should bring the issue to the attention of the Chief Administrative Officer. Scent-related symptoms may include, but are not limited to headaches, dizziness, light-headedness, nausea, fatigue, weakness, insomnia, malaise, confusion, loss of appetite, depression, anxiety, numbness, upper respiratory symptoms, shortness of breath, difficulty with concentration, and skin irritation.

The Chief Administrative Officer will attempt to alleviate the effect of the scent(s) on the employee, either by removing the scented product(s) from the employee's work area, requiring a fellow employee to cease using a scented product, or by implementing some other solution to accommodate the needs of the scent-sensitive employee.

All employees and visitors are expected to adhere to this policy and procedure.

Effective Date

This Scented Products in the Workplace shall become effective upon the 9th day of June, 2020.

Repeal of Previous Scented Products in the Workplace

All previous Scented Products in the Workplace of the Town of Witless Bay are hereby repealed.

POLICY NUMBER TEN (10) - SMOKING IN THE WORKPLACE POLICY AND PROCEDURE

Policy

Smoking is not permitted in all building owned or operated by the Town of Witless Bay (Town) or in vehicles owned or leased by the Town. Smoking is permitted outside only in an area designated as a “Smoking Area”.

In a designated Smoking Area, designated receptacles must be used to dispose of cigarettes, matches and related paraphernalia. Littering is strictly forbidden.

Smoking can only occur before and after working hours, during lunch periods, and designated rest or break periods. Smokers are not permitted additional “smoke breaks”.

In the event a non-smoker has a complaint about tobacco smoke in or around the workplace, the concern of the non-smoker shall prevail.

An employee who smokes in any building owned or operated by the Town or in vehicles owned or leased by the Town is in contravention of this policy and will be required to comply immediately with this policy or be required to leave the premises.

Purpose

The Town is committed to promoting and protecting the health of its employees. Accordingly, the Town promotes and maintains a smoke-free workplace in accordance with provincial legislation.

Scope

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This Policy and Procedure applies to all employees.

Responsibility

The Chief Administrative Officer is responsible for ensuring the consistent administration of this policy.

The Chief Administrative Officer will ensure appropriate signage is in place.

Employees are responsible for respecting their co-worker's wishes, this policy and applicable laws related to smoking in the workplace.

Definitions

"Indoor workplace" means an indoor or other enclosed place, including a Town vehicle, in which employees perform the duties of their employment and includes an adjacent corridor, lobby, stairwell, elevator, cafeteria, washroom, rest room or other common area frequented by employees during the course of their employment.

References

Smoke-free Environment Act, 2005

Procedure

To accommodate those who smoke, specific designated smoking areas are available outside each location. These are the only areas where smoking is permitted; and may be used by staff during their regular rest or lunch periods.

Employees are prohibited from littering. Designated receptacles in outside smoking areas must be used to dispose of cigarettes, matches and related items safely and cleanly. Failure to use designated receptacles may result in the discontinuance of any or all outside smoking areas.

The Town will work with the Joint Occupational Health and Safety Committee to review and revise this policy as necessary.

Effective Date

This Smoking in the Workplace Policy and Procedure shall become effective upon the 9th day of June, 2020.

Repeal of Previous Smoking in the Workplace Policy and Procedure

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All previous Smoking in the Workplace Policy and Procedure of the Town of Witless Bay are hereby repealed.

POLICY NUMBER ELEVEN (11) - TAX COLLECTION POLICY AND PROCEDURES

To ensure that the Town of Witless Bay's (Town) municipal taxes and fees are collected within the prescribed timeframe established by the Town Council as outlined herein, subject to any subsequent amendment.

Definitions

- i. "Act" means the Municipalities Act, 1999;
- ii. "Council" means the Town Council of the Town of Witless Bay;
- iii. "Taxpayer" means any person, individual, business, owner of real property, or direct seller that is subject to pay a tax, other fees and charges to the municipality as authorized by the "Act";
- iv. "Delinquent Account" means an account with taxes, permits, interest, and other fees and charges outstanding for a period of thirty (30) days following the date on which a Notice of Arrears was issued;
- v. "Monthly Equal Payment Plan" means a written arrangement for the monthly payment of property taxes by seniors;
- vi. "Notice of Arrears" means a statement issued by the Town listing outstanding taxes, permits, interest, and other fees and charges;
- vii. "Senior" means a resident of Witless Bay eligible for the payment of property taxes and meets the criteria for such designation as defined by the Town Council; and
- viii. "Town" means the Town of Witless Bay.

Purpose

- i. To establish fair and equitable processes for the collection of overdue municipal taxes and fees in a transparent, timely, and effective manner.
- ii. To ensure that all taxpayers are treated fairly and equitably and to provide staff guidance in the collection of municipal taxes and fees

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- iii. To streamline activities and eliminate questions as to the appropriate steps required for collection of overdue taxes and fees.
- iv. To set out consistent guidelines about the collection of overdue taxes and fees.
- v. To outline procedures to be followed by staff in the collection of overdue taxes and fees.
- vi. To ensure all activities conform to the Act.

Scope

This policy covers all aspects of the collection of property taxes (residential and commercial), business taxes, water and sewer taxes, permits, interest, and other fees and charges, authorized under the Act and approved by the Town Council as authorized by:

- a) Disconnection of service (Section 132 of the Act);
- b) Collection as civil debt (Section 133 of the Act);
- c) Tax sale of property (Sections 137 – 147 of the Act) and
- d) Any other method authorized by the Act.

Legislative Authority

This policy is written in compliance with the Municipalities Act, 1999 (Act) and subsequent amendments to the Act.

Accountability

- a) The Town Clerk for the Town of shall:
 - i. Act as “Accounts Receivable Clerk”.
 - ii. Invoice and receipt applicable taxes, permits, interest, and other fees and charges.
 - iii. Apply interest charges at a rate approved in accordance with the fees and charges approved on an annual basis during the annual budget process.
 - iv. Monitor all accounts.
 - v. Immediately notify the Chief Administrative Officer when payment on an overdue account has been received.
 - vi. Within five (5) working days following each quarter, mail a statement outlining the taxes, permits, interest, and other fees and charges due to the Town.

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- vii. On April 1st of each calendar year, or the first business day thereafter, prepare and provide to the Chief Administrative Officer a list of unpaid taxes, permits, interest, and other fees and charges levied for the previous year.
 - viii. When directed by the Chief Administrative Officer, issue Notice of Arrears and associated correspondence.
 - ix. In the absence of the Chief Administrative Officer, assume the responsibilities of the Chief Administrative Officer as outlined herein.
- b) The Chief Administrative Officer for the Town shall:
- i. Be responsible for the interpretation and administration of the Collection of Tax Arrears Policy.
 - ii. Monitor all accounts in arrears and ensure all collection procedures are being applied as required under this policy.
 - iii. Direct that a Notice of Arrears, in the prescribed form, is issued by the Town Clerk for all taxes, permits, interest, and other fees and charges for the previous year that are outstanding as of April 1st as referenced in Section a (vii).
 - iv. Designate any account as a Delinquent Account that remains unpaid for a period of thirty (30) days following the issuance of a Notice of Arrears as referenced in Section b (iii).
 - v. Prepare a report for presentation to Council at their next scheduled regular Council meeting following designation as a Delinquent Account. This report will be prepared in a manner so that the names of any individual taxpayers are not identifiable in accordance with the Access to Information and Privacy (ATIPP) Act.

Procedures

- a) The Town will issue tax invoices on an annual basis for each calendar year with a due date of May 31st.
- b) The Town will charge compound interest at the rate of 1.5% per month on all past due accounts, in accordance with the fees and charges approved on an annual basis during the annual budget process.
- c) Quarterly statements will be issued for all outstanding taxes, permits, interest, and other fees and charges.

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- d) A monthly equal payment plan for property owners will be provided subject to the receipt of postdated cheques or written authorization for the withdrawal of taxes from a banking institution and will not be subject to the levying of interest charges. The monthly payment plan will be such that all taxes are paid in full by Nov 30th.
- e) Notice of Arrears, in the prescribed form, will be issued for all taxes, permits, interest, and other fees and charges for the previous year that remains outstanding as of June 1st.
- f) The First Notice of Arrears, in the prescribed form, shall be completed and sent on or before June 1st of each year. Correspondence will be included requiring a written response within thirty (30) days of the date contained in the Notice of Arrears and outline any collection action that may be taken by the Town to collect outstanding taxes, permits, interest, and other fees and charges.
- g) The Second Notice of Arrears, in the prescribed form, shall be completed and sent on or before August 31st of each year. Correspondence will be included indicating the specific collection action and the date by which it will be taken without further notice to collect outstanding taxes, permits, interest, and other fees and charges. In the event water turn-off is specified as a collection option, information must be included specifying any applicable water reconnection fee.
- h) Property taxes (tax, fee, levy, assessment or other charges authorized under Section 132 of the Act) may be collected by turning off water service to the applicable property within thirty (30) days of the date specified within the Second Notice of Arrears. In the event a water turn-off is utilized as a collection method, a reconnection fee, in accordance with the fees and charges approved on an annual basis during the annual budget process will be levied and such information will be included in the Second Notice of Arrears. Prior to turning off water service a phone call will be made to the applicable homeowner providing a twenty-four (24) hour notice for water turn-off if applicable taxes, fees, interest and other charges are not paid or satisfactory written repayment arrangements have not been entered into with the Town within this twenty-four (24) hour period. In the event payment or satisfactory repayment arrangements have not been made water will be turned off. Where water turn-off is not available, any unpaid applicable taxes, fees, interest and other charges will be submitted to the Town's approved Collection Agency for collection or collected through the Small Claims Court process.
- i) Property tax, business tax and water and sewer tax may be collected from the tenants of the real property that are subject to such taxes by the serving of a written notice signed by the Town Clerk requiring the tenant to pay his or her rent to the Council instead of the tenant's landlord. The Town Clerk shall deliver or mail to the landlord a duplicate copy of the notice served before the date of service of the notice on the tenant. A receipt for

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the rent will be provided to the tenant and copied to the landlord and this amount will be credited to the outstanding account of the landlord. The tenant is required to continue payment of rent due to the landlord to the Council until the landlord's liability has been completely discharged.

- j) Where collection efforts, as outlined herein, have not been successful, provisions of the Act (Sections 137 – 147), may be utilized to auction off the property that is subject to the unpaid taxes to recover the amount of outstanding taxes, interest and the expenses of and incidental to the arrears.
- k) A small balance of \$5.00 or less that remains on the account after payment is received will be automatically written off on or before December 31st of each year.

Effective Date

This Collection of Tax Arrears Policy and Procedures shall become effective upon the 9th day of June, 2020.

Repeal of Previous Collection of Tax Arrears Policy and Procedures

All previous Tax Collections policies or Procedures, either formal or informal, of the Town of Witless Bay are hereby repealed.