

Unethical Dismissal

Location: British Columbia

Topic(s): Council Ethics, Council & CAO Relationship, Council & Staff Relationships

Please describe the situation.

After a Council meeting was adjourned I was leaving Council chambers when I noted that the five members of Council were remaining at the table. I inquired as to what was going on and was informed that Council was going to have a meeting to make a decision on a matter. I was told not to worry that the decision was not about my employment.

A while later, the Mayor came into my office and told me that they were “firing” an employee. The Mayor informed me that he was comfortable with carrying out the “firing”.

What was the current political environment? What factors led to the situation? What were the events that unfolded in this particular scenario?

The political climate or relationship with the administration could best be described as intrusive and demanding. Council wanted to “make decisions” however, they were not focussed on making policy decisions, their focus was on day-to-day administrative matters.

The Mayor had a persona that exhibited the need to exert power and illustrate to people in the community and in the organization that he had authority. Another member of Council had worked in the role of an Executive Director and he thrived on making administrative decisions. A third member of Council was very new and easily influenced by the Mayor. Two members of Council met regularly with the Mayor to discuss town matters outside of Council and were often a bloc vote.

The staff member unknowingly got on the mayor bad side due to a personal conflict or “small-town politics”. The wife of a member of council was on an advisory committee and wasn’t happy with the advisory role. She wanted the committee to have an operational and project function because of her expertise in the subject matter. The staff member was the communication conduit that had to communicate the committee role which placed him in a difficult situation. To the best of my knowledge, the wife of the Council member passed on misleading information about the expertise and the character of the staff member to her husband. These actions and the conflict with the Mayor led to Council wanting to fire this staff member.

How did you respond to or address the situation?

Once I was told that Council was going to have a decision-making meeting I informed Council that their actions were contrary to the BC Community Charter of needing to advertise a legal special meeting. This information didn't deter Council as I was told to leave the meeting. Once I was told of the results from the meeting I reaffirmed to the Mayor that the meeting wasn't legal and the decision had no foundation to me or the organization. I also informed the Mayor that their methodology was unethical in the scope of local government operations, as the CAO or the employee had no opportunity to speak to the allegations that led to the decision and that Council was opening the Town to a legal action. As result of this discussion, the Mayor requested that a special meeting be advertised next day. At this meeting, I was given details of the decision and an opportunity to defend the person and the position.

My information had no impact on Council and the position was cut from the organizational chart. On my advice Council, made a decision to cut the position rather than "fire" the employee. This recommendation was made to avoid a constructive dismissal lawsuit, having to explain a "firing" in the community and a feeble attempt to decrease the negative impacts on organization morale. I made three requests of Council all of which were granted. First, I was to carry the message to the employee because it was part of my role and not that of the Mayor. Second, I requested that Council take a more ethical approach with the employee and provide a generous compensation package. Third, I requested that the Mayor come to a manager's meeting and tell the managers that this was a Council decision and that they didn't have the support of the CAO.

What lessons did you learn from this scenario?

Looking back on this situation I could have taken a more proactive role in explaining the role of the committee to the members and try to diffuse the situation with the wife of the council member. Having that second voice with more authority may have assisted in working through the issues.

Trust is a foundation of the relationship between the CAO and Council. Trust takes time to develop and a single ill-conceived decision can destroy years of relationship development. I can honestly say that I never trusted the members of that Council from that day forward and Council's actions were viewed very negatively in the community. I also know that taking the stance I did sent Council a strong message that I was working in the best interests of the community and the organization.

What advice would you give to someone going through a similar situation?

Your strength as an individual and as a professional will be tested and you will have to know "what hill to die on". In this situation, standing by ethical processes and practises served me well in the long-term in developing relationships with key individuals in the community, my staff and the members of council which I experienced conflict. Use a professional approach that is backed by knowledge of the legal environment, your authorities, and look after your staff.