



The Corporation of the City of Stratford Policy Manual

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| Policy Section: | Council and Committees |
| Department: | Corporate Services |
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Public Conduct Policy

Policy Statement:

The Corporation of the City of Stratford (City) is committed to providing quality service in the delivery of City Services, and use of City Facilities, and addressing service requests and complaints equitably, comprehensively, and in a timely manner, while promoting a respectful, safe, and harassment-free environment between Council Members, City Staff, and Members of the Public.

City Staff and Council Members are required to follow the City's policies, procedures, by-laws, and applicable laws, and have a right to a Respectful Workplace free from Inappropriate Behavior, when performing their work on behalf of the City.

This policy contributes to the City's objective of dealing with all Members of the Public in ways that are respectful, consistent, and fair while acknowledging that there may be a need to protect City Staff, Members of Council, and other Members of the Public from Inappropriate Behavior in any form arising from the use of a City Facility or Service.

The City is responsible for providing a safe work environment for all City Staff and Council Members, and ensuring the workplace is free from harassment, discrimination, and violence in accordance with the **Occupational Health and Safety Act**. This includes providing a safe work environment within Council meetings.

A Member of the Public must not commit or engage in Inappropriate Behavior or contravene this policy when using City Facilities or requesting City Services.

A Member of the Public must not commit or engage in Inappropriate Behavior in any space in which City Services are provided.

Purpose:

The purpose of this policy is to outline procedures for dealing with Inappropriate Behavior by Members of the Public in their direct or indirect interactions with City Staff, Council Members, and other Members of the Public arising from the use of a City Facility or Service.

This policy establishes the minimum behavior requirements of Members of the Public and outlines the consequences for violations of the behavioral requirements.

Accordingly, this policy provides clear examples of the type of conduct that is prohibited, as well as clear steps for Members of the Public, City Staff, or Council Members to follow to report incidents of Inappropriate Behavior.

Any restrictions made under this policy will depend on the particular circumstances, and there is an opportunity for the affected individual to have any restrictions reviewed and/or appealed in accordance with the provisions of this policy.

Scope:

This policy and procedures shall apply to all Members of the Public use of City Facilities, in any space in which City Services are provided, and in any space where City programs or events are being held. It also applies to both in-person interactions and all forms of communication including social media, telephone, and written correspondence (electronic or hardcopy).

It applies to incidents between Members of the Public, Members of the Public and City Staff, and Members of the Public and Council Members.

This policy does not apply to incidents between City Staff, Council Members, or Council Members and City Staff.

This policy is not intended to deal with generally difficult clients and individuals. It applies to Members of the Public whose behaviors and actions contravene the minimum behavior requirements expected of them while using City Services or accessing City Facilities, as described in this policy.

This policy is intended to align with the City's Respectful Workplace Policy, Code of Conduct Policies, Health and Safety Policy, Facilities Code of Conduct Policy, and applicable laws.

Definitions:

"Abusive Language" - includes profane, obscene, threatening derogatory or discriminatory language, language that may be perceived as inciting violence, or words or language that are intended to are may be perceived as offensive, abusive, humiliating, or degrading to City Staff, Council Members, or Members of the Public

"CAO" - means the City's Chief Administrative Officer

"City" - is the Corporation of the City of Stratford

"City Business" - means all business activities related to the City's operations, whether conducted in, on or outside of City Facilities including programs and events offered or run by the City.

"City Facilities" - for the purpose of this policy means, but is not restricted to, all land, property, structures, installations, vehicles or equipment owned, leased, operated, used, or otherwise controlled by the City and includes all City worksites and premises, including off-site meetings/events, community engagement activities, and all locations where City Business is conducted.

"City Services" - means all services, programs, and events provided by the City, including waste collection, bylaw enforcement, building inspection, front counter, and volunteer events but excludes police services.

"City Staff" - means all Employees and volunteers engaged in City Business.

"Council" - is the municipal council of the City.

"Council Member" - includes the Mayor and any member of the Council of the City, of a local board of the City, and of an advisory committee of the City.

"Employee" - means all City unionized and non-unionized employees, whether full-time, part-time, regular, or casual.

"Inappropriate Behaviour" - means behavior that is unacceptable in all circumstances because it compromises the health, safety and security of City Staff, Members of Council or Members of the Public. It includes behavior that obstructs or interferes with the lawful, free use and enjoyment of City Facilities or use of City Services and includes:

- Violence of any kind or conduct that is frightening or threatens use of violence or attempts to incite violence against an identifiable group or person or is indecent, hateful, including use of material with text or imagery that has explicit or malicious intent, and includes any unwanted physical contact.
- Constitutes Vandalism, or damage to City Facilities
- Constitutes Harassment, bullying, ridicule or intimidating behaviour, whether in person, on phone, email or social media.
- Constitutes discrimination, including language, gestures including making derogatory, insensitive and offensive jokes, or demeaning comments towards others.
- Constitutes Abusive Language
- Threatens retaliation or constant criticism to intimidate, humiliate and demean
- Frivolous or Vexatious Requests
- Refusal to follow health and safety policies, and practices, City policies, City procedures, posted Facility Rules, by-laws, Rental Agreements, or applicable laws.

"Harassment" – means workplace harassment as defined in the **Occupational Health and Safety Act**, to be a course of vexatious conduct that is known or ought to be reasonable to be known as unwelcome.

"Frivolous or Vexatious Requests" - means an unreasonable complaint or request initiated with the intent to embarrass or annoy the recipient or is part of a pattern of conduct by the requestor that abuses the complaint process or service requests. A frivolous complaint has no

serious purpose or value, is about a matter that is trivial or without merit on its face, and for which an investigation would be disproportionate in terms of time and cost, and can include requests or complaints that are incomprehensible, inflammatory or based on conspiracy theories. Such requests consume a disproportional amount of Council Members and/ or City Staff time and resources and compromise their ability to provide assistance or deliver good customer services efficiently and effectively. Examples may include one or more of the following behaviors:

- submission of obsessive requests with a very high volume and frequency of correspondence,
- requests for information the requester has already been informed of or seen, or with a clear intention to reopen issues that have already been considered or determined,
- intended to cause maximum inconvenience, disruption or annoyance, including requests that lack any serious purpose of value, or are harassing of the City,
- intermingling requests with accusations and complaints.

"Violence" - means workplace violence as defined in the **Occupational Health and Safety Act** to be the exercise of physical force, or attempt to exercise physical force, by a person, against another, that causes or could cause physical injury. It includes a statement or behaviour that it is reasonable for a person to interpret as a threat to exercise physical force that could cause physical injury and includes:

- aggressive or intimidating Verbal Abuse.
- threats and/or attempts to intimidate.
- deliberate throwing of articles in an aggressive or disruptive manner.
- actual or attempted physical assaults of another person.
- sexual violence.
- attempts to goad or incite violence in others.
- possession of weapons.

"Members of the Public" - for the purpose of this policy means any person (s) who is not City Staff or a Council Member.

"Notice of Trespass" - means a written notice prohibiting a person from entering an identified City property for a specified duration under the **Trespass to Property Act**. It is issued to a person to impose a ban either outright or subject to various conditions.

"Vandalism" - is the malicious, willful and deliberate destruction, damage, or defacing of City Facilities, including causing unsanitary conditions (i.e. expulsion of bodily fluids).

"Respectful Workplace" - is characterized by courteous and considerate behaviour towards others; inclusion of all persons of different backgrounds, cultures or opinions; safety from inappropriate behaviour, and includes constructive resolution of disputes.

Incident Procedures - Reporting an Incident

If an incident presents an immediate threat, contact 9-1-1. The City's primary concern is the safety of Members of the Public and City Staff. City Staff are not expected to jeopardize their safety or that of others in responding to an incident.

Police should be called to respond to all occurrences of illegal or acts or potential acts of Violence. Other types of Inappropriate Behaviour may also be reported to the Stratford Police Services. Charges may follow.

Members of the Public are encouraged to notify a City Staff member on-premises to provide assistance when they experience or witness Inappropriate Behaviour towards City Staff, Council Members or other Members of the Public in receiving or using City Services or City Facilities.

In responding to an incident, City Staff are expected to consult with their supervisor and to act fairly and equitably in accordance with this policy, the **Occupiers Liability Act**, the **Occupational Health and Safety Act**, the **Trespass to Property Act**, **Criminal Code**, and any other relevant provincial legislation. City Staff are authorized to respond at City Facilities if Inappropriate Behaviours are observed or reported.

If appropriate, City Staff will attempt to explain to the person or persons engaging in Inappropriate Behavior that their behavior is unacceptable and ask the behavior to cease. City Staff may also attempt to de-escalate the situation, where appropriate.

If the Inappropriate Behavior continues, and depending on the severity of the Inappropriate Behavior, City Staff may require the person to leave the City Facility immediately. If the person refuses to leave the City Facility, they may request police assistance.

Disrespectful Behaviour Involving Minors

If the incident involves Inappropriate Behaviour involving minors, City Staff will make reasonable attempts to notify the parent or guardian as soon as reasonably possible, in particular, if a claim for costs will/may be made, and/or where a trespass notice is implemented.

Online Incident Report

A Member of the Public who witnesses or experiences Inappropriate Behavior is encouraged to complete an Online Incident Report form found on the City Respectful Workplace webpage under the Public Conduct Policy link.

Incident Reports should provide sufficient details, including:

- Details of the incident (length of time that City Staff or Member of Public have been in contact with the individual and history of interactions, frequency or duration of Inappropriate Behaviors)
- Names and contact information of the person(s) who engaged in the Inappropriate Behavior
- Names and contact information of any witnesses
- Any written statements provided by witnesses or other evidence (photos, video)

Once the Online Incident Report form and all other related documentation are received by the City, the Director of Human Resources and the CAO will assess the circumstances and determine if additional action should be taken in accordance with this policy.

City Staff

As soon as reasonably possible following the incident, City Staff will report the incident to their manager/director or the Director of Human Resources and will complete the Online Incident Report form found on the City Respectful Workplace Webpage under the Public Conduct Policy link.

Any hardcopy written incident report should be submitted to the respective manager/director.

Incident Reports are required to maintain a formal record of occurrences that are considered Inappropriate Behavior. Incident Reports also serve to identify repeat offenders and will be used to track an escalating situation.

Council Members

Council Members who encounter Inappropriate Behaviour as defined in this policy while conducting City Business shall also report incidents using the Online Incident Report form found on the City Respectful Workplace Webpage under the Public Conduct Policy link.

The completed form should be sent to the Integrity Commissioner for guidance and assistance.

Incident Consideration & Determination of Inappropriate Behaviour

The decision to classify a person's behavior as Inappropriate Behaviour could have serious consequences for the individual, including restricting their access to City Staff, Council Members, Services, and Facilities. This determination may be a result of a repeated pattern of conduct, or it may be a single significant incident that requires invocation of this policy. Determining whether particular behaviors are Inappropriate Behavior can require a flexible balancing exercise considering all circumstances of a particular case.

Before classifying a person's behaviour as Inappropriate Behavior, the assigned director and CAO must be satisfied that the incident has been thoroughly reviewed and investigated, including consultations with Members of the Public, City Staff, or Council Members who reported or were involved in the incidents or previous incidents and, that communication with the alleged offender has been adequate.

Each case will be considered on an individual case-by-case basis as deemed appropriate in the circumstances. The Director and CAO may consult with the City Solicitor to seek legal advice or refer the incident to an external third party at any time for investigation if deemed necessary.

Application of Restrictions

If the incident is found to be in contravention of this Policy to the point that restrictions or other actions are deemed appropriate, the Member of Public, where possible and appropriate, will receive written communication that:

1. Explains the decision the City has made in response to an interaction or event deemed Inappropriate Behavior in contravention of this policy.
2. Details the implication(s) of this decision on the person's future interactions with the City.
3. Sets out any restrictions being imposed.
4. Advises how long the restriction(s) will last.
5. Advises how the person may appeal the decision.

Such restrictions may include, but are not limited to the following:

- Pursuing legal action in consultation with the City Solicitor, including the issuance of a Notice of Trespass or pursuing cost recovery.
- Refusing the person(s) access to certain or all City Facilities indefinitely or for a specified period of time.
- Refusing the person(s) access to certain or all City Facilities except by appointment and/or with specific conditions.
- Issuing a warning letter outlining that any further incident will result in restrictions being applied.
- Limiting the number and duration of the person's interactions with City Staff, Council Members
- Limiting the person(s) to one method of contact (examples: telephone, e-mail, appointment-based service, etc.).
- Limiting the person(s) to one City point of contact for all interactions.
- Informing the person(s) that further complaints or requests regarding a matter, and/or just general contact will not be acknowledged by City Staff.

Appeal Process

If a person wishes to appeal any action taken by the City in response to Inappropriate Behaviour, the person may address their concerns in writing to:

1. The CAO, or should the occurrence involve the CAO, to the Director of Human Resources within 14 days of the decision.
2. The appeal will be reviewed by the assigned City Director and CAO. The review will result in confirming, rescinding, or amending the restriction. The CAO may consult with the City's Diversity Equity and Inclusion division to garner subject matter expertise. The CAO may seek legal advice or refer the incident to a consultant at any time for investigation if deemed necessary.
3. The person making the appeal will receive a letter outlining the outcome of the decision.
4. The CAO's decision will be final. If the appellant is not satisfied, all further inquiries regarding the incident shall be referred to the Ontario Ombudsman.

Evaluation of Occurrences

On an annual basis, an analysis of occurrences will be completed by the Corporate Leadership Team. This Policy will be evaluated and revised as needed.

Communication

A copy of this policy and procedures will be posted on the City's website. Signage will be posted at all facilities and public service areas. Facility users/tenants who sign contracts or acquire permits from the City will, at a minimum, be notified of the policy and its location on the City's

website. Employees will receive training on the policy. Management will review the policy with their employees and provide any additional site-specific training required.

Legislative Authority: The parameters of this policy adhere to the applicable policies and regulations:

Ontario Human Rights Code (OHRC)

Occupation Health and Safety Act (OHSA)

Accessibility for Ontarians with Disabilities Act (AODA)

Occupiers Liability Act

Trespass to Property Act (R.S. O. 1990, c.T.21)

Criminal Code (R.S.C., 1985, c. C-46)

Related Documents:

H.1.36 Respectful Workplace Policy

H.1.27 Employee Code of Conduct Policy

Code of Conduct – Council, Local Boards and Committees

C.1.13 Facilities Code of Conduct Policy

H.1.12 Health & Safety Policy

Health and Safety Manual