

**THE CORPORATION OF THE MUNICIPALITY OF TWEED**

**BY-LAW NO. 2021-65**

**BEING** a By-law to Adopt a Respectful Conduct Policy for the Corporation of the Municipality of Tweed.

**WHEREAS** Subsection 5(3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that the powers of a municipality shall be exercised by by-law unless the municipality is specifically authorized to do so otherwise;

**AND WHEREAS** Section 8 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that the powers of a municipality under statute shall be interpreted so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Subsection 11(2) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, empowers a municipality to pass by-laws respecting the health, safety, and well-being of persons;

**AND WHEREAS** Section 434.1 (1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that, without limiting Sections 9, 10 and 11, a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws;

**AND WHEREAS** the Council of the Corporation of the Municipality of Tweed deems it desirable to adopt a Respectful Conduct Policy to ensure the Municipality provides a healthy, safe, and supportive workplace for all Municipality Employees;

**NOW THEREFORE BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF TWEED AS FOLLOWS:**

1. That Council adopt the Respectful Conduct Policy attached to this By-law as Schedule 'A'.
2. That where a restriction is imposed on a Customer, that Customer shall comply with the terms of the restriction for the duration stated in the notice of restriction. Any Customer who fails to comply with the restriction, or any one of the restrictions where more than one restriction is imposed, shall be in breach of this By-law and subject to a maximum fine of \$200.00 on conviction under the Provincial Offences Act.
3. That the Municipality may also issue a notice of an Administrative Monetary Penalty to any person deemed by the CAO to be in breach of this By-law, in accordance with the Administrative Monetary Penalty By-law.
4. That this By-law shall come into force and effect on the date of its final passing by the Council of the Corporation of the Municipality of Tweed.

Read a first, second, and third and final time, passed, signed, and sealed in open Council this 13th day of October, 2021.

  
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MAYOR

  
\_\_\_\_\_  
CLERK

I hereby certify that the forgoing is a true copy of By-law No. 2021-65, duly adopted by the Council of the Corporation of the Municipality of Tweed on the 13th day of October, 2021.

\_\_\_\_\_  
Date Certified

\_\_\_\_\_  
Clerk/Deputy Treasurer

**SCHEDULE 'A'**  
**TO BY-LAW NO. 2021-65**

**RESPECTFUL CONDUCT POLICY**

**1. PURPOSE**

The Municipality of Tweed is committed to providing a healthy, safe, and supportive workplace for all municipal Employees that is free from discrimination, harassment, and conflict. In addition, the Municipality endeavors to provide excellent customer service to the members of the public in an efficient, effective, and competent manner.

This policy will guide Employees, Managers, and Directors on identifying vexatious, frivolous, and/or unreasonably persistent behaviour and the steps they can take to rectify the situation. This will ensure that an Employee's working environment is safe, and that staff can provide good customer service to all residents.

**2. DEFINITIONS**

"CAO" means the individual appointed by by-law to the position of Chief Administrative Officer (CAO) to generally manage the corporate affairs of the Municipality.

"Clerk" means the Clerk and Deputy Clerk of the Municipality and/or designate.

"Council" means the Council of the Corporation of the Municipality acting as per the Municipal Act, 2001 as the governing body of the Municipality, comprised of five members; Mayor, Deputy Mayor and three Councillors.

"Customer" means a member of the public who is in the workplace and/or accessing services who is not an Employee.

"Department Head" means Municipality Management Staff reporting to the CAO.

"Employee or Staff" means all full-time staff, part-time staff, students, interns, volunteers, casual staff, and temporary staff.

"Municipality" means the Corporation of the Municipality of Tweed.

**3. POLICY APPLICATION AND EXCLUSIONS**

**3.1 General Provisions**

The Municipality, as an employer, is committed to:

- Zero tolerance of discrimination, harassment, and conflict in the workplace;
- Resolution of discrimination, harassment, and conflict as soon as possible; and
- Proactive communication and education regarding the Employee's rights and responsibilities.

Customers are responsible for:

- Communicating and interacting with Employees in a manner that is respectful to all;
- Being clear and concise with their requests; and
- Awareness of the zero-tolerance policy for discrimination, harassment and conflict adopted by the Municipality through this Respectful Conduct Policy.

Employees are responsible for:

- Working in a manner that is respectful to all;

- Informing the alleged offender about inappropriate behaviour or actions, if possible;
- Notifying the next level of supervisor/management as soon as possible about the alleged violation; and
- Keeping any information regarding the complaint and/or investigation confidential.

Department Heads, Supervisors, and Managers are responsible for:

- Being aware of potential harassment, violence, and conflict and proactively intervening before problems arise;
- Acting quickly and appropriately as soon as becoming aware of possible policy violations in consultation with the CAO;
- Being sensitive to the nature of the complaint and implementing recommended changes in the workplace;
- Keeping any information regarding the complaint and/or investigation confidential.

The Chief Administrative Officer is responsible for:

- Training and educating all Employees on the Respectful Conduct Policy;
- Acting quickly and appropriately as soon as receiving a complaint under the policy;
- Providing guidance on the policy to Department Heads, Supervisors, Managers, and Employees;
- Keeping any information regarding the complaint and/or investigation confidential.

### **3.2 Scope**

This policy applies to all Municipality Employees, Elected Officials, as well as any person accessing Municipality property, services, events and programs. It is expected that all Employees and Customers will interact with each other in a respectful manner.

This policy applies to unreasonable Customer behaviour and unreasonably persistent Customers.

The decision to classify someone's behaviour as unreasonable, or to classify a request as unreasonably persistent or vexatious or frivolous, can have serious consequences for the individual, including restricting their access to the Municipality's services. Therefore, careful consideration should be taken in identifying the behaviour as unreasonable.

Examples of what might be considered unreasonable behaviour are shown below (this is not an exhaustive list):

- Causing distress to staff. This could include hostile, abusive or offensive language, or an unreasonable fixation on an individual member of staff;
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails, or frequent letters, and expecting responses in an unrealistic timeframe;
- Refusing to accept the decision and/or repeatedly arguing points with no new evidence or unpersuasive evidence;
- Persistently approaching the Municipality about the same issue;
- Making unjustified complaints about staff;
- Covertly recording meetings and conversations; and
- Submitting falsified documents from themselves or others.

Examples of what might be considered unreasonably persistent or vexatious or frivolous requests are shown below (this is not an exhaustive list):

- Submitting requests with a high volume and frequency of correspondence;
- Requesting information that the requester has already seen;
- Demonstrating an intention to reopen issues that have already been considered by the Municipality;
- Making requests that would impose a significant burden on the Municipality in terms of expense, and negatively impact its ability to provide service to others; and
- Stating or implying that the intent of the request is to cause inconvenience, disruption or annoyance.

### **3.3 Procedure**

#### **Employee**

If an Employee believes that in an interaction with a Customer, either in person, on the phone or via electronic communication, the Customer has violated the Respectful Conduct Policy, the Employee shall:

- a) If possible, tell the offending person that their behaviour is offensive and against the respectful conduct policy and attempt to resolve the situation to avoid a repetition;
- b) Make notes about the incident including when it happened and who was present and any resolution. If the interaction was via electronic communication, the correspondence should be kept securely; and
- c) If at any time during the interaction with the Customer the Employee feels they are in danger, the Employee is to alert the police.

If an Employee believes that a Customer's requests or interactions have become unreasonable, frivolous or vexatious, the Employee shall consult with their Department Head, provide any supporting materials and advise the Department Head of the steps that have been taken to resolve the issue, including as appropriate:

- a) The length of time that staff have been in contact with the Customer, history of the interactions and the amount of correspondence that has been exchanged with the Customer;
- b) The nature of the Customer's behaviour; and
- c) Amount of time that has been consumed and the impact.

#### **Department Head**

The Department Head is responsible for reviewing the information provided by staff in a timely manner and considering whether it constitutes unreasonable, frivolous or vexatious behaviour as identified in this policy. The Department Head will:

- a) Meet with the staff member to review the information provided and gain insight into the history of the Customer and staff interaction;
- b) Determine whether staff have acted in a respectful manner in dealing with the Customer or have made reasonable efforts to satisfy and resolve their requests;
- c) Compare the information provided to the Respectful Conduct Policy to determine if the behaviour is unreasonable, frivolous, or vexatious;
- d) Determine what, if any, restrictions may be placed on the Customer in future interactions with staff; and

- e) Meet with the CAO and outline the situation, including proposed restrictions, how to inform the Customer of the restrictions and determine a review date for removing, modifying or continuing restrictions.

#### Chief Administrative Officer

The CAO is responsible for determining, through review of the information provided by the Department Head and Employee, if the behaviour is unreasonable, frivolous or vexatious. The CAO will:

- a) Verify whether the information provided by the Department Head is in violation of the Respectful Conduct Policy and determine if the behaviour is unreasonable, frivolous, or vexatious;
- b) Review the suggested proposed restrictions provided by the Department Head. If they are determined to be fair and will protect the Employee from further unreasonable conduct, the CAO will send written notice to the Customer indicating:
  - i. What behaviour has been investigated;
  - ii. That it has been determined that their conduct was unreasonable, frivolous or vexatious;
  - iii. What restrictions have been put in place as a result of this determination;
  - iv. How these restrictions may impact their contact with the Municipality and how they may communicate in the future with Employees;
  - v. How long the restrictions will be put in place and when the decision will be reviewed;
  - vi. How the Customer may appeal the restriction; and
  - vii. Explain what it means for the Customer's contacts with the Municipality;
- c) Provide a copy of the written restriction notice to the Employee and Department Head for their information purposes; and
- d) Notify all other Department Heads of the restrictions placed on the Customer so that the Employees of that Department may implement the restrictions uniformly across the Municipality.

#### Examples of Restrictions

Restrictions will vary depending on the department and the situation. The following is a non-exhaustive list of possible restrictions:

1. Placing limits on the number and duration of contacts (in-person or electronically) with staff per week or per month;
2. Offering a restricted time slot for necessary calls;
3. Requiring the Customer to communicate only with one or more named members of staff;
4. Limiting the Customer to one method of contact, e.g. in writing;
5. Limiting or regulating the Customer's use of the Municipality's services;
6. Refusing the Customer access to the Municipality's buildings except by appointment;
7. Informing the Customer that further contact on the matter of the complaint/request will not be acknowledged or replied to;
8. Pursuing legal action such as a notice to trespass; and
9. Other actions as deemed appropriate.

#### Review of Restrictions

When any restrictions are put in place, a review date will be set. This will be based on the circumstances of the case and could be for a period of 3 months or longer

depending on the severity of the situation. The status of any restriction will be reviewed by the relevant Department Head on or before the review date. The Customer, where possible, will be informed of the outcome of the review. Where the Department Head, in consultation with the CAO, has reason to believe that the restrictions should continue, the Customer will be notified of the reasons and a new review date will be set.

### Dispute

The Customer shall have the ability to appeal directly to the Municipality, regarding the decision to impose restrictions, by addressing the concerns in writing to the CAO.

Any Customer who wishes to appeal the restriction must submit a written request to the CAO within fourteen (14) days of receipt of notice of the restriction. The CAO shall review the appeal and may confirm, rescind or amend the restrictions.

### Policy Review and Administration

This policy shall be administered by the CAO and will be reviewed every three (3) years or as required based on revisions to other policies, practices, or legislation.