



# Policy

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POL.COR.22.07

## Respectful Public Interactions Policy

**Policy Type:** Corporate Policy (Approved by Council)

**Date Approved:** June 6, 2022

**Department:** Administration

**Staff Report:** FAF.22.104

**By-Law No.:** N/A

### Policy Statement

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The Town of The Blue Mountains (the Town) is committed to fostering an environment of respect and responsibility while providing exemplary service to all members of the public. The purpose of this policy is to establish a guideline of expectations for the public in all interactions with the Town either online, in person or on the phone. The Town discourages any form of Inappropriate Behaviour in all interactions with members of the public and other community stakeholders.

### Purpose

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The purpose of policy is to guide staff in identifying situations that meet the criteria of Inappropriate Behaviour, and the associated actions that may be taken in such circumstances. The goal of this policy is to promote a positive, safe, and supportive environment for interactions between members of the public and Town staff that will encourage respect, commitment, and considerate relationships. This policy also aims to provide measures that may be taken when behaviour or actions become inappropriate.

### Application

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This policy applies to all members of the public, and other community stakeholders interacting with Town staff:

- at all Town facilities and properties;
- at all Town sponsored events and programs;
- in all verbal or written communications (including email, phone and via social media).

This policy is designed to provide members of the public and staff with a positive approach to promoting productive communication and appropriate behaviour and actions. The decision to

classify a person's behaviour as Inappropriate may have serious consequences for the Subject Person, including restricting their access to municipal services or limiting their right to express themselves as they choose. All decisions made under this policy are made with due regard to the Subject Person's rights under the *Canadian Charter of Rights and Freedoms*, the Town's obligations to its citizens and its staff.

Staff are not expected to put themselves at risk or jeopardize anyone's safety when dealing with any real or perceived situation. If at any time staff feel threatened, they are to call 9-1-1 for assistance. If the nature and severity of an issue are known in advance to be contentious (at a meeting, event, or any other location where Town staff is present) staff may request the attendance of the police, or another staff member.

## Definitions

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**C.A.O.** means Chief Administrative Officer of the Town of The Blue Mountains.

**Harassment** means "engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome" as defined by the Ontario *Human Rights Code* and more broadly in the *Occupational Health and Safety Act*.

**Inappropriate Behaviour** means conduct that is unacceptable in all circumstances – regardless of how stressed, angry or frustrated an individual is, because it unacceptably compromises the health, safety and security of others or the Subject Person themselves.

**Ombudsman** means the Ombudsman of Ontario.

**Subject Person** means the person who committed the act (i.e., the Inappropriate Behaviour or conduct).

**Vandalism** means the deliberate destruction, damage or defacing of property owned or leased through the town;

## Procedures

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Although each case must be determined in light of its own circumstances, below are examples meant to help staff identify inappropriate conduct. It is understood that these examples are not determinative; the list is not exhaustive, nor does any action set out in the list necessitate application of this policy.

### 1. Identifying the Conduct or Behaviour

Inappropriate Behaviour or actions for the purpose of this policy include, but are not limited to, the following:

- Aggressive or intimidating physical approaches directed at another individual;

- Aggressive or offensive language, content, or tone, meant to intimidate, harass, incite, insult, or disparage others;
- Implied or expressed threats of violence or harm;
- Attempts to goad or incite anger in others;
- Physical striking or throwing of objects or articles in a deliberate or aggressive manner;
- Physical striking of another individual;
- Covertly recording meetings and conversations with the Town;
- Theft of property;
- Possession of weapons;
- Under the influence of alcohol or drugs (legal or otherwise);
- Vandalism;
- Harassment; or
- Making unjustified complaints about Town staff in an effort to see them disciplined.

Deciding whether a Subject Person's behaviour is Inappropriate requires considering each situation on a case-by-case basis, taking into account all circumstances. The key question is whether the Subject Person's behaviour or actions are unacceptable in all circumstances as defined in this policy.

The decision may be made as a result of the Subject Person engaging in one or more behaviours identified as Inappropriate. Staff must be able to establish, through documented words and/or actions of the Subject Person (i.e., emails, letters, posts on social media, photographs, voicemails, and staff notes reporting a conversation or incident), that the conduct of the Subject Person is Inappropriate, before applying the Restrictions outlined in this policy. This does not preclude staff from taking immediate action in any real or perceived situation where they feel their safety, or anybody else's, is in jeopardy.

## **2. Addressing the Conduct or Behaviour**

In the event of an incident involving Inappropriate Behaviour or actions in-person, staff will:

- i. Without jeopardizing anyone's safety, issue a verbal warning by advising the Subject Person their behaviour or actions are Inappropriate and needs to stop or they may be asked to leave the premises.
- ii. If the Subject Person's behaviour or actions continue to be Inappropriate, advise the Subject Person their behaviour or actions are Inappropriate and need to stop immediately or they will be asked to leave the premises.
- iii. If the circumstances demand asking the Subject Person to leave the premises and they refuse, advise them that they are now trespassing, and the police will be called.
- iv. If the Subject Person still refuses to leave, ensure themselves and others are in a safe location initiate internal protocols. Call the police and do not engage further with the Subject Person.
- v. Report the Inappropriate Behaviour or actions to the Manager/Supervisor or their designate immediately.

- vi. The Manager/Supervisor or designate will report the incident to the Director or designate(s) immediately to ensure the safety of all staff.
- vii. Within 24 hours of the incident, an Incident Report is prepared by the staff involved and the Manager/Supervisor, thoroughly documenting the interaction, for review and consideration by the Director and Senior Management Team.

When dealing with Inappropriate Behaviour or actions, the Town's primary concern is the safety of members of the public and staff. If at any time members of the public or staff feel personally threatened, they are to call the police immediately. It is not the expectation that members of the public or staff put themselves at risk or jeopardize anyone's safety when dealing with any perceived or real situation.

In the event of an incident involving Inappropriate Behaviour or actions by phone, email or social media, staff will:

- i. Respectfully issue a warning to advise the Subject Person that their behaviour or actions are Inappropriate, and communication may end if the Inappropriate Behaviour or actions continue.
- ii. If the Subject Person's behaviour continues to be Inappropriate, staff will advise the Subject Person that communication will end, and the interaction will be reported to the Manager/Supervisor.
- iii. If the Subject Person's behaviour continues to be Inappropriate, staff will advise the Subject Person that communication has concluded until such time the interaction has been reviewed by the Manager/Supervisor.
- iv. The Inappropriate Behaviour or actions and verbal warning issued are reported to the Manager/Supervisor or their designate immediately.
- v. Within 24 hours of the interaction, an Incident Report is prepared by the staff involved, filed with the Manager/Supervisor, thoroughly documenting the interaction, for review and consideration by the Director and Senior Management Team.

The Manager/Supervisor will review the Incident Report and engage with the Subject Person (where possible and appropriate) to investigate the incident. Where the Manager/Supervisor determines that the Subject Person's conduct was Inappropriate the Manager/Supervisor may issue Restrictions pursuant to this policy. Restrictions issued pursuant to this policy are to be documented in CityView and communicated to the appropriate staff and departments.

### **3. Application of Restrictions and Notice**

When a decision has been made to classify the Subject Person's conduct as Inappropriate, the Subject Person (where possible and appropriate) will receive written notification from the Manager/Supervisor detailing:

- The reasons for the decision;
- The restrictions to be applied;
- The review date; and

- What it means for the Subject Person's contact with the Town.

Restrictions available under this policy for Inappropriate Behaviour shall be tailored to deal with the individual circumstances of each case and may include, but are not limited to:

**a) In-Person Interactions**

- Immediate expulsion or removal from the premises;
- A ban from specified Town facilities, properties, events, or programs for a specified period of time;
- Request for reimbursement of any damages caused by the Subject Person's Inappropriate Behaviour or actions;
- Limiting or regulating the Subject Person's use of municipal services (i.e. Community centre, library, registration in programs, access to technology systems, etc.);
- Refusing the Subject Person access to any municipal buildings except by appointment or scheduled delegations at public meetings of Council;
- A letter of warning may be issued to the Subject Person for any behaviour that is in violation of this policy;
- Requiring any face-to face interactions between the Subject Person and staff to take place in the presence of an appropriate witness and/or police;
- Pursuing legal action; and/or
- Any other actions deemed appropriate by the Manager/Supervisor.

**b) Phone, Email or Social Media Interactions**

- A letter of warning may be issued to the Subject Person for any behaviour that is in violation of this policy;
- Limiting the Subject Person to a particular point of contact at the Town (where possible, other staff members should be advised not to respond to the Subject Person, but to refer them to the point of contact);
- Limiting the Subject Person's correspondence with staff to a particular format only (i.e. email only), time (i.e. Phone calls only at specific times and days of the week) or duration (i.e. Conversations may last no longer than 10 minutes). This may include technological or electronic limiters, such as muting or blocking on social media, email filters, and automatic telephone redirects;
- Requiring that the Subject Person only contact the Town through a third-party agent, such as a solicitor, counsellor, family member or friend;
- Requiring any face-to face interactions between the Subject Person and staff to take place in the presence of an appropriate witness and/or police;
- Informing the Subject Person that further contact on the matter will not be acknowledged or replied to;
- Pursuing legal action; and/or
- Any other actions deemed appropriate by the Manager/Supervisor.

#### **4. Review of Restrictions**

Any Restrictions made under this policy shall contain a review date. This date is set at the discretion of the Manager/Supervisor or their designate, having considered the circumstances of the case. A review date may be in ninety (90) days or longer from the date on which the Restrictions were put in place where the conduct or behaviour has been deemed severe or where the Subject Person's conduct or behaviour has established a pattern of behaviour necessitating a longer period of Restriction.

The status of the Subject Person will be reviewed by the relevant Manager/Supervisor or their designate on or before the review date, the outcome of which shall be communicated to the Subject Person in writing. The Manager/Supervisor or their designate, in consultation with Senior Management Team, may extend the Restrictions beyond the Review Date where appropriate, in which case the Subject Person shall be notified of the extension, the reasons for the extension and provided a new review date.

The Subject Person shall have thirty (30) days from the date upon which notice is received of either Restrictions or extension/modification thereof, to appeal the decision by providing to the C.A.O. a written letter outlining the reasons for the appeal. The C.A.O. may confirm, rescind, or amend the Restrictions, Review Date, extension, or modifications.

In the event that complaints cannot be resolved under this policy, they may be submitted to the Ombudsman's office.

#### **5. Record Retention**

Staff are responsible for maintaining detailed records of their interactions (emails, notes of telephone conversations, and notes of in-person discussions) in order to justify any action being taken to restrict the Subject Person's access to the Town. Records must be retained in accordance with the Town's Records Retention Policy.

#### **Exclusions**

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Where a meeting is covered under the Procedural By-law, the procedures established under that By-law take precedence over this Policy.

Complaints made to the Town's Integrity Commissioner under the Town's Council Code of Conduct are not subject to this policy.

Nothing in this policy is meant to conflict with the Town's Workplace Violence and Harassment Policy POL.COR.18.08.

#### **References and Related Policies**

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- POL.COR.07.01 Accountability and Transparency of Town Actions to the Public Policy

- POL.COR.13.16 Integrated Accessibility Standards Regulation Policy
- POL.COR.16.05 Town Complaint Resolution Policy
- POL.17.04 Accessibility Standards for Customer Services Policy
- POL.COR.18.08 Workplace Violence and Harassment Policy
- POL.COR.18.10 Social Media Policy
- POL.COR.21.06 Code of Conduct for Members of Council, Local Boards, and Advisory Committees Policy
- POL.COR.22.08 Frivolous Vexatious or Unreasonable Complaints
- Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended
- Occupational Health and Safety Act, R.S.O. 1990, c 0.1
- [Ontario Ombudsman - Tips for Municipal Complaint Resolution Policies](#)

### **Consequences of Non-Compliance**

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- Non-compliance with the Town Respectful Public Interactions Policy may result in the Complaint being filed with the Ontario Ombudsman for investigation;
- Consequence to commensurate with severity of non-compliance.

### **Review Cycle**

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This policy will be reviewed once per term of Council or as required based on revisions to corporate practices or governing legislation.