



Haldimand
County

Corporate Service Restriction and Trespass – Procedures

Originating Department CEC

SMT Approval: 2024-10-10

Council in Committee: [Click here to enter a date.](#)

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1. Objective

The purpose of this procedure is to provide employees of Haldimand County clear direction and guidelines around the issuance of any required service restrictions to members of the public as provided in as defined in Policy 2024-XX Respectful Conduct.

2. Background

Haldimand County is committed to promoting a respectful, tolerant, and harassment-free workplace between employees, officers, and volunteers of the corporation and the public in order to provide a positive customer service experience ensuring fair and consistent treatment for all within all municipally-owned facilities and for all County services and programs.

The County has a general duty under the Occupiers' Liability Act to take such care as in all the circumstances is reasonable to see that persons entering on its premises are reasonably safe. The County has further duties under the Occupational Health and Safety Act and the Criminal Code of Canada to address workplace violence and harassment.

Individuals who fail to abide by County policies, including Policy 2024-XX Respectful Conduct, or who otherwise engage in aggressive, disrespectful or intimidating behaviour, bullying, harassment, who use coarse language or engage in criminal behaviour while accessing a County program, service, event or facility may be refused service and asked to leave the premises immediately.

For non-violent incidents, issuance of a written warning may be considered to prevent future reoccurrences.

Staff shall not jeopardize anyone's safety, including their own, when dealing with a real or perceived breaches of the Respectful Conduct Policy. If at any time staff fear for their safety, they should follow internal protocols, when applicable, or immediately dial 9-1-1 for assistance.

3. Staff Guidelines to Address Unacceptable Conduct

Staff shall take the following steps when dealing with a member of the public exhibiting unacceptable conduct.

3.1. Addressing an In Person Incident on or in a Municipally-Owned Property

In the event of an incident involving unacceptable conduct in person at a County-owned facility or property, staff will:

1. Without jeopardizing one's safety, advise the individual(s) that their conduct or actions are unacceptable and need to stop immediately or they will be asked to leave the premises and/or you will end the interaction.
2. If the individual does not cooperate, ask the individual(s) to leave, and advise that, should they choose not to leave, the police will be called.
3. If individual refuses to leave the premises, call the police (911) and report individual(s) immediately. If you are in a facility where a panic button is installed, press the panic button that will notify the police to come.
4. Ensure you and others move to a safe location away from the area, and do not engage further with the customer behaving in unacceptable manner.
5. Report the inappropriate conduct or actions to your immediate supervisor or designate immediately.
6. Complete a Public Conduct Incident Report Form as soon as possible, at maximum, within two business days of the incident, and submit it to your Supervisor for review.

3.2. Addressing an In Person Incident While Providing Service in the Public

In the event of an incident involving unacceptable conduct occurring in person while performing duties and/or delivering a service out in public, staff will:

1. Without jeopardizing one's safety, advise the individual(s) that their conduct or actions are unacceptable and need to stop immediately or you will end the interaction.
2. If the individual does not cooperate, ensure you and others move to a safe location away from the area, and do not engage further with the customer behaving in unacceptable manner.
3. If individual continues to engage inappropriately and there is concern of immediate danger, call the police (911) and report individual(s) immediately.
4. Report the inappropriate conduct or actions to your immediate supervisor or designate immediately.
5. Complete a Public Conduct Incident Report Form as soon as possible, at maximum, within two business days of the incident, and submit it to your Supervisor for review.

3.3. Addressing a Telephone or Digital Communication Incident

In the event of an incident involving unacceptable conduct or actions over the telephone, or through a means of digital communications (example: email or social media), staff will:

- Respectfully, advise the individual that their conduct or actions are inappropriate, and need to stop for them to continue to engage in the interaction.
- If the individual does not cooperate, staff will advise them that communication will end.
- If the individual's inappropriate conduct continues, staff will advise them that communication has concluded and will hang up the phone or cease responding to the email chain.
- Report the inappropriate behaviour or actions to your immediate supervisor or designate

immediately.

- If the subject person continues to call, email, or interact via social media inappropriately, within two business days of the incident, a Public Conduct Incident Report Form is prepared by staff involved and issued to their Supervisor for review.

4. Community Volunteer or Contract Holders

A community volunteer is defined as:

- a representative of a community hall group;
- a representative of a field management group; or
- a representative of a community group sponsoring a recognized Haldimand County special event.
- Throughout Haldimand County, many programs, services and facilities are also operated and/or managed by community volunteers. The County endeavours to ensure that they, too, have the ability to volunteer in a safe and positive environment.

A contract or permit holder is defined as:

- an individual who assumes personal responsibility for the contract or permit;
- designated representative of a recognized minor or junior sports association;
- Resident or non-resident sport organizations, that rent facilities on a weekly basis for their applicable sport season; or
- legal entity or corporation.

Any contract or permit holders or user groups utilizing Haldimand County's facilities and property must take primary responsibility for the behaviour of all individuals associated with their usage of the facility or property; this includes employees and subcontractors of the contract holder and the athletes, coaches, officials, attendees, volunteers, renters and users.

In accordance with the Occupiers' Liability Act, the Occupational Health and Safety Act, the Trespass to Property Act, the Criminal Code, municipal by-laws and policies and other provincial legislation, contract holders and community volunteers are authorized to initiate enforcement options detailed in this policy during County programs and where ever located.

4.1. Community Volunteer or Contract/Permit Holders' Guidelines to Address an Incident

In the event of an incident involving unacceptable behaviour, the community volunteer or contract/permit holder shall:

- Respectfully, advise the individual that their conduct or actions are inappropriate, and need to stop;
- When possible, request the assistance of Haldimand County facility staff; or
- In the event that Haldimand County facility staff are not available, the contract/permit holder and/or community volunteer may contact the Ontario Provincial Police (OPP) for assistance.
- Facility staff shall prepare a Public Conduct Incident Report Form and provide the report to their Supervisor for review. The form should be filled out in consultation with the community volunteer or contract/permit holder reporting the issue.
- If facility staff were not available to assist, it is the responsibility of the community volunteer or contract/permit holder to complete and submit to staff an online Public Conduct Incident Report Form, available on the website.

5. Enforcement Guidelines

Only non-physical, verbal and respectful intervention methods should be used to enforce this procedure.

Where instances of unacceptable behaviour are observed on County property, staff, volunteers or contract holders may issue a verbal warning or apply immediate restrictions to the individual(s) involved to address the current situation.

Should an incident of unacceptable behaviour due to vandalism result in damage to County property, those identified as perpetrating vandalism will be required to pay 100% cost of repairs or replacement (including but not limited to materials, equipment, labour and administrative costs).

6. Incident Review

This process will be administered by the associated Divisional Supervisor and/or Manager upon receipt of a Public Conduct Incident Report.

Each situation should be reviewed on a case-by-case basis, taking into consideration all relevant facts and circumstances

Upon receipt of a Public Conduct Incident Report, the Divisional Supervisor and/or Manager will:

- Review the submitted Public Conduct Incident Form;
- Consult with the staff member, volunteer or contract/permit holder who submitted the Form;
- Engage with the customer or member of the public (where possible and appropriate) to investigate the incident;
- Conduct any follow up with interviews if necessary with any person(s) associated with the incident;
- If applicable, view available video of the occurrence, in accordance to the “Security Video Surveillance Systems Policy”, if such review is deemed reasonably necessary;
- Where applicable, contact the Ontario Provincial Police (OPP) to determine if a report has been filed and obtain any further information or details related to the incident;
- Where the Divisional Supervisor and/or Manager determines that the individual’s conduct was inappropriate, they will report the incident to their General Manager(GM) or designate with proposed restrictions. The General Manager or designate shall determine if any service restriction(s) are to be imposed on the individual, and the length of those restrictions;
- If determined service restriction(s) are to be imposed, follow the Guidelines for Issuing Service Restrictions are to be followed.

7. Guidelines for Issuing Service Restrictions

These Guidelines provide direction to support decision-making on next steps once it has been determined there has been a violation of the 2024-xx Respectful Conduct Policy requiring the application of service restrictions on an individual.

All staff who have the authority to issue notices, in accordance with this procedure, shall consider all reasonable alternative measures before issuing a written Notice of Service Notice or a Trespass Notice. Examples of alternative measures to consider include:

- Service delivery through alternative means such as digital or by phone.
- Implementing time-of-day restrictions and/or scheduled supervised visits to allow for access to County services without compromising safety and security.

- Whether programs/services are available at another location or from another staff member.

8. Potential Restrictions

Restrictions should be tailored to deal with the individual circumstances. Actions available to the General Managers are listed within the 2024-xx Respectful Conduct Policy.

9. Levels of Response

The following chart represents potential consequences related to acts of inappropriate behaviour conducted in County programs and on County property. It is understood this list is not exhaustive and that each incident will be reviewed based upon the information available at the time. The consequences outlined below are guidelines and may be adjusted to reflect the severity of conduct and/or actions involved.

Subsequent acts of inappropriate conduct, violence, vandalism or inappropriate use of technology will result in increased level of consequences. Whenever warranted, incidents may be reported to the OPP (Haldimand County detachment), which could result in criminal charges being laid as appropriate.

9.1. Level 1 Response

Applies to: Individuals who have been identified as engaging in less severe unacceptable conduct for the first time. Examples of level 1 unacceptable conduct may include, but not limited to, the following:

- Making excessive demands on the time and resources of staff with lengthy and/or repeat communications;
- Causing a disturbance: use of profane language, noise disturbance, mischief, or inappropriate public internet usage;
- Harassment of others: abusive and/or unwelcome remarks, jokes, innuendoes, and leering;
- Attendance while under the influence of drugs and/or alcohol;
- Suspicious activity; and
- Loitering.

Method of Issue: Verbal Warning

Restriction Duration: Up to 7 days

Who may Issue: Managers, General Managers

9.2. Level 2 Response

Applies to: Individuals who have previously received a Level 1 Response in the last six months and engage in further unacceptable conduct, or in the opinion of the relevant Department General Manager or CAO, engage in one instance of unacceptable behaviour that is severe enough to warrant a Level 2 Response. Examples of severe unacceptable conduct include but are not limited to, the following:

- Harassment: unwelcome physical contact, verbal assault / threats, aggressive behaviour, altercation
- Suspicious activity resulting in police contact
- Theft: personal or County property

- Vandalism: minor

Method of Issue: Written Letter of Warning or Notice of Service Restriction

Restriction Duration: Up to 30 days

Who may Issue: Managers, General Managers

9.3. Level 3 Response

Applies to: Individuals who have previously received a Level 2 Response in the last six months and engage in further unacceptable conduct, or in the opinion of the relevant Department General Manager or CAO, engage in one instance of unacceptable conduct that is severe enough to warrant a Level 3 Response. Examples of level 3 unacceptable conduct may include, but are not limited to, the following:

- Violence / harassment: physical or verbal assault
- Indecent exposure
- Drug and/or alcohol sale
- Theft: personal and County property
- Vandalism: major

Method of Issue: Written Notice of Service Restrictions

Restriction Duration: Up to 90 days

Who may Issue: General Managers or the CAO

9.4. Level 4 Response

Applies to: Individuals who have previously received a Level 3 Response in the last six months and engage in further unacceptable conduct, or in the opinion of the CAO, engage in one instance of unacceptable conduct that is severe enough to warrant a Level 4 Response. Examples of level 4 unacceptable conduct may include, but are not limited to, the following:

- Violence / harassment: physical or verbal assault involving law enforcement
- Drug and/or alcohol trafficking

Method of Issue: Written Notice of Service Restrictions

Restriction Duration: Up to 1 year, or longer based on legal advice

Who may Issue: CAO or delegate

10. Notice of Service Restrictions

Due to the nature of incidents that precipitate the issuance of a Notice of Service Restrictions, two different formats are available:

10.1. Verbal Warnings

Issued immediately by staff working at a facility, volunteers, or contract holders. Verbal notices are not subject to review.

10.2. Written Notices

Often issued retroactively, by delegated County staff members. Written notices can be issued for a period of up to 1 year or more, and may be facility specific and/or County-wide in accordance with the written notification procedures detailed below.

10.3. Written Notification Procedures

Should it be deemed that an enforcement response is necessary, the Divisional Manager or their designate will:

1. Prepare written communication to the individual(s) responsible for any inappropriate conduct.
2. Should the incident involve damages to a County facility or result in increased maintenance, an invoice for recovery of repair of damages, including materials and labour and an administrative fee, will be charged.
3. For a Level 3 response or higher, provide the General Manager of the associated Department, or their designate, the letter to approve and sign, authorizing outlined enforcement actions to be taken.
4. Issue the notification to the individual receiving the Notice of Service Restrictions.
5. Where a mailing and/or email address is available to County staff, the written notice shall be delivered to the recipient via ordinary or registered mail, and/or email.
6. When an address is not available, the physical notice shall be prepared and delivered by delegated County staff, at the next time the recipient is seen on the premises, or in more serious cases, a process server may be utilized on behalf of the County.

11. Appeals

Appeals shall be conducted as outlined in the Respectful Conduct Policy.

The individual appealing will be given no fewer than ten days' notice of:

- I. the manner of the appeal hearing, whether in person, by phone, or in writing;
- II. the date, time, and place of the appeal hearing; and
- III. the applicable appeal procedures, if any.

12. Appeal Procedures

To be conducted as outlined in the Respectful Conduct Policy or any associated County public conduct policy (e.g. Public Conduct on Haldimand County Recreation, Culture, Community and Parks Properties Policy).

13. Corporate Communication

In instances when restrictions are imposed on an individual prohibiting them from visiting a County-owned property, facility, park and/or accessing service, the General Manager shall provide a notification to affected staff.

The notice shall contain the following information:

- The name of person with restrictions;
- A photo of the person, if necessary and available;
- Summary of restrictions imposed;
- Timeframe of restrictions imposed; and
- Action to take if that individual does not follow those restriction orders.

14. Handling of Corporate Records Relating to an Incident

After a situation occurs which requires issuing a service restriction, it is important that any County records created with relevancy to the situation are retained to protect both the individuals involved and the Corporation.

These records may include

- Physical written records (both printed and hand written);
- Electronic records (i.e. emails, text messages, social media);
- Multimedia (i.e. photographs, audio recording, surveillance footage); and
- Access Logs (i.e. digital access records, sign-in logs, punch cards).

The Office of the Municipal Clerk will advise, depending on the severity of the situation, the appropriate classification and/or reclassification of the above records which relate to an instance of service restriction. Additionally, they will work with the relevant holders of the above records to collect and retain relevant Corporate records until such time they are no longer relevant.

APPENDIX 1 – Notice of Service Restriction Letter Template



NOTICE OF TRESPASS

(Date)

Issued to:

Name:

Address:

This letter will serve as notice that you, as an individual, are hereby prohibited from (define service restrictions to be put in place including length of time) which is given pursuant to the Trespass to Property Act, R.S.O. 1990, c. T.21.

You are receiving this notice as your actions on (insert date - dd/mm/yyyy) at (insert location) were in contradiction to Haldimand County's Respectful Conduct Policy or related divisional conduct policy.

Should you again enter any of the aforementioned premises or property, within (insert length of notice) from the date of issuance, you may be charged with trespassing. Subsequent notices may result in a permanent ban.

Should you wish to appeal this notice, a written letter outlining the reason for appeal should be forwarded to the Municipal Clerk at:

Haldimand County Administration Building
53 Thorburn Street South
Cayuga, Ontario
NOA 1E0

Start date:

End date:

(Signature of Issuer)

(Name of Issuer)

(Position of Issuer)

APPENDIX 2 – Notice of Trespass Letter Template



NOTICE OF TRESPASS

(Date):

Issued to:

Name:

Address:

This letter will serve as notice that you, as an individual, are hereby prohibited from attending on the property and premises of (insert name of location and address of location) which is given pursuant to the Trespass to Property Act, R.S.O. 1990, c. T.21.

You are receiving this notice as your actions on (insert date - dd/mm/yyyy) at (insert location) were in contradiction to Haldimand County's Respectful Conduct Policy or related divisional conduct policy.

Should you again enter any of the aforementioned premises or property, within (insert length of notice) from the date of issuance, you may be charged with trespassing. Subsequent notices may result in a permanent ban.

Should you wish to appeal this notice, a written letter outlining the reason for appeal should be forwarded to the Municipal Clerk at:

Haldimand County Administration Building
53 Thorburn Street South
Cayuga, Ontario
N0A 1E0.

Start date:

End date:

(Signature of Issuer)

(Name of Issuer)

(Position of Issuer)