



POLICY No. (Provided by Clerks) Respectful Conduct Policy

Originating Department Corporate and Social Services

SMT Approval: 2024-10-10

Council in Committee: 2024-11-19

Recommendation #:

Council Approval:

Click here to enter a
date.

Resolution #:

Revision History:

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1. Policy Statement

Haldimand County is committed to providing a positive customer service experience, ensuring fair and consistent treatment for all County service interactions, regardless of communication channel or location, while promoting respectful, tolerant, and harassment-free spaces for members of the public, employees, officers, and volunteers of the Corporation.

In order to achieve these objectives, unreasonable behaviour and/or frivolous and vexatious actions from some members of the public who require services or access to County premises may need to be limited in a manner that is clear, consistent, reasonable, and proportional to the individual's action(s).

2. Definitions

“County” means the Corporation of Haldimand County.

“Chief Administrative Officer” holds the position for Haldimand County.

“Council” is the Council of the Corporation of Haldimand County.

“Frivolous” means being of little or no weight, lacking in substance or fact or not brought forward in good faith; about a matter so trivial or one so meritless on its face that investigation would be disproportionate in terms of time and cost.

“Individual” refers to any person accessing any Haldimand County service or facility as a customer, participant, spectator, or visitor.

“Loitering” means to move slowly around or stand in a public place without an obvious reason.

“Vexatious” means without sufficient grounds, instituted on the basis of improper motives and serving to cause annoyance, frustration or worry; that the complaint is initiated with the intent to embarrass or

annoy the recipient, or is part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.

“Volunteer” is a person who is not an employee of Haldimand County, and who donated his or her work and acts at the direction of and within the scope of duties determined by Haldimand County, and is not paid a fee, salary or other compensation by Haldimand County or anyone else for their work.

“Volunteer Firefighter” refers to those who to perform fire services, emergency services, and non-emergency duties for a Haldimand County.

3. Purpose

The purpose of the policy is to promote a positive, safe, and supportive environment for members of the public, employees, volunteers (including Volunteer Fire Fighters), Members of Council and Members of Local Boards and Committees of Council.

Some situations arising from unreasonable behaviour by members of the public may cause concern for the safety of other members of the public, employees, volunteers, and Members of Council or may compromise the enjoyment of County facilities and/or programs for users.

Vexatious, frivolous and/or unreasonably persistent requests may consume a disproportionate amount of time and resources and can compromise the ability of employees to provide assistance or deliver good customer service efficiently and effectively. These situations and requests may require the County to put restrictions on the contact that some individuals have with the County.

The policy is not intended to deal with occasionally difficult customers who are respectfully challenging or expressing frustration or dissatisfaction with municipal services. All circumstances must be considered to determine whether a customer’s conduct has a negative impact on the County’s ability to provide programs and services to others, or impacts the safety of members of the public, employees, volunteers, or Members of Council.

The decision to classify an individual’s behaviour as unreasonable, or to classify a request as vexatious or frivolous, could have serious consequences for the individual, including restricting their access to County employees, services and/or property. As such, this policy provides examples of behaviours and actions, as well as steps to follow to adequately report unacceptable behaviour by a member of the public towards other members of the public or County representatives.

Haldimand County is committed to ensuring the physical and mental safety of members of the public, employees, volunteers, and members of Council in accordance with the Occupiers’ Liability Act, the Ontario Human Rights Code, the Occupational Health and Safety Act, the Trespass to Property Act, the Criminal Code, municipal by-laws and policies, and other provincial legislation.

4. Scope

This policy, and the related Corporate Service Restriction and Trespass – Procedures (Appendix A), serves to provide notice of what constitutes unacceptable behaviour and sets expectations for all persons when interacting with municipal employees, volunteers (including Volunteer Firefighters), Members of Council, Local Boards and Committees of Council, and other members of the public within any County-owned or operated property, park or facility, program and/or on any online environment managed by the County.

The policy applies to all interactions including, but not limited to, one of the following:

- a) In-person communications;
- b) Telephone communications;
- c) Written communications;
- d) Electronic communications, including online environments or accounts managed by the County, email, text, and social media; and/or
- e) Public meetings.

This policy is meant to complement, not replace, the policies, codes of conduct, or other documents noted in the Reference section of this policy.

Staff conduct is addressed within the Employee Code of Conduct. Conduct of Members of Council, Local Boards and Committees is addressed within the Council Code of Conduct Policy.

5. Unacceptable Conduct

Unacceptable conduct is any action by an individual, which because of its nature or frequency, has a disproportionate and unreasonable impact on other customers/users, employees, volunteers, County services, facilities/properties, employee/Council Member time and/or resources.

The decision to deem an individual's behaviour or request as unacceptable could have significant consequences for the individual, including restricting their access to specific or all County programs, services, and/or properties/facilities. Each situation will be reviewed on a case-by-case basis, taking into consideration all relevant facts and circumstances. One single action on its own may not necessarily imply that the customer will be considered to be engaging in unacceptable conduct.

Before deciding to apply any restrictions, the following criteria will be applied:

- The request for information or complaint has been dealt with properly and in line with relevant procedures and guidelines, and
- Employees have made every effort to satisfy the request or resolve the complaint.

The decision may be as a result of a repeated pattern of conduct when, on several occasions, a person engages in one or more behaviours or actions identified as unreasonable, frivolous and/or vexatious, or it may be a single significant incident that requires invocation of this policy.

Any illegal behaviour will be communicated to the proper authorities in addition to the other steps we may be taking.

If an incident presents an immediate threat, an employee will contact 9-1-1.

5.1 Examples of Unacceptable Conduct

Unacceptable conduct means behaviour that is inappropriate in all circumstances, regardless how stressed, angry or frustrated an individual is, because it compromises the health, safety, and security of others or themselves.

Examples of what may be considered unacceptable behaviour may include, but is not limited to, the following:

- Refusing to specify the grounds of a complaint, despite offers of assistance;
- Changing the basis of the complaint/request as the matter proceeds;
- Submitting falsified documents from themselves or others;
- Making excessive demands on the time and resources of employees with lengthy phone calls, emails to numerous employees, or detailed letters every few days, and expecting immediate responses;
- Refusing to accept the decision/repeatedly arguing points with no new evidence;
- Persistently approaching the Corporation through different routes about the same issue;
- Causing distress to an employee, which could include use of hostile, abusive or offensive language, or an unreasonable fixation on an individual member of staff;
- Making unjustified complaints about an employee;
- Engaging in aggressive, disrespectful or intimidating behaviour, bullying, harassment or using coarse or profane language while accessing a County program, service, event or facility;
- Loitering (where not permitted), causing a disturbance, or acting under the influence of drugs and alcohol while attending County premises,
- Committing any act of violence;
- Carrying or concealment of illegal weapons of any type; and/or
- Engaging in any intentional activity that violates federal, provincial, local or other laws and policies.

5.2 Examples of Vexatious or Frivolous Requests

Upholding both the letter and the spirit of the laws, by-laws and policies established by the Federal Parliament, Ontario Legislature, and the County, examples of what might be considered to be vexatious or frivolous are provided below. The list is not exhaustive, and for a request to be considered as vexatious or frivolous it is likely that more than one of the examples is relevant:

- Submission of obsessive requests with very high volume and frequency of correspondence;
- Requests for information the requester has already seen, or clear intention to reopen issues that have already been considered and/or resolved;
- Where complying with the request would impose significant burden on the Corporation in terms of expense, and negatively impact the ability to provide service to others;
- Where the requester states that the request is actually meant to cause maximum inconvenience, disruption or annoyance;
- Where the request lacks any serious purpose or value. An apparent lack of value would not usually be enough on its own to make a request vexatious, but may when considered with other examples; and/or

- Harassing the Corporation, which could include very high volume and frequency of correspondence, or excessive mingling of requests with accusations and complaints.

Furthermore, a pattern of conduct occurs when, on several occasions, an individual engages in one or more of the following:

- Brings complaints concerning issues that staff have already investigated and resolved;
- Brings complaints concerning an issue that is substantially similar to an issue that an employee has previously investigated and concluded and no new information is being introduced; and/or
- Is abusive of the request for services or complaints process including, but not limited to, the examples set out under Section 4: Scope of this policy.

6. Responsibilities

All employees and Members of Council who apply this policy are required to document their own actions and the actions of the individual against whom the policy is being applied, in as much detail as possible.

Certain situations involving unreasonable conduct on County property, parks or facilities or while receiving services from Haldimand County employees who are working with the public, may require immediate action by way of a Notice of Service Restriction or a Trespass Notice, after all reasonable alternative measures have been considered and/or implemented. In such cases, reference should be made to responsibilities set out in the Corporate Service Restriction and Trespass – Procedures.

For situations involving unreasonable behaviour that does not require such immediate action, as well as those circumstances that involve frivolous and vexatious requests, specific responsibilities include as follows:

6.1 Staff

- If an employee experiences or witnesses any incident or behaviour that makes the employee uncomfortable or unsafe, the employee should report the matter to their Supervisor, Manager or General Manager, providing any supporting material;
- If an employee believes that a request or a complaint is unreasonable, frivolous or vexatious, the employee should consult with their Supervisor, Manager or General Manager, providing any supporting material.
- Staff are responsible for advising their Supervisor, Manager or General Manager of the steps that have been taken to resolve the issue, which may include the following:
 - Length of time that the employee has been in contact with the individual and the history of interactions;
 - Amount of correspondence that has been exchanged with the individual;
 - Nature of the individual's behaviour and the amount of time that has been consumed;
 - Number of requests that the individual has brought and the status of each; and
 - Maintaining detailed records of all employee interactions with individuals in order to justify any actions taken to restrict the individual's access to employee or services.

- Ensure compliance with any relevant duties and procedures outlined in the Corporate Service Restriction and Trespass – Procedures.

6.2 Supervisors and Managers

- If a public conduct complaint is received, review the information provided by an employee and determine if the individual's behaviour warrants the application of the policy;
- If the behaviour warrants application of the policy, reference the Corporate Public Conduct – Procedures to determine level of response required for the behaviour documented;
- Where applicable, determine the appropriate restriction(s) and propose a date for removing, modifying or continuing the restriction(s), including how to inform the individual of the restriction(s);
- Maintain all documentation related to the review and determination of restriction(s);
- Meet with the General Manager and outline the situation, including the proposed restriction(s) and length of restrictions(s); and/or escalate the situation to the General Manager to resolve as necessary; and
- Ensure compliance with any relevant duties and procedures outlined in the Corporate Service Restriction and Trespass – Procedures.

6.3 General Managers and/or CAO

- Conduct reviews of any restriction(s) as required;
- If a public conduct complaint is escalated to the General Manager or CAO level, determine the restriction(s) to be imposed on the individual, in consultation with the County Solicitor as necessary, and communicate the restrictions to the individual;
- Maintain all documentation related to the review and determination of restriction(s);
- Conduct appeal review as requested; and
- Ensure compliance with any relevant duties and procedures outlined in the Corporate Service Restriction and Trespass – Procedures.

6.4 Members of Council

- Consult with the Municipal Clerk, CAO, and County Solicitor regarding cases of unreasonable behaviour and/or frivolous and vexatious action by a member of the public that the Member of Council wishes to address, as described in this policy.

6.5 Municipal Clerk

- Review any appeals received and commence the appeals process, forwarding the appeal to the appropriate employee member as outlined in Section 9.
- Ensure compliance with any relevant duties and procedures outlined in the Corporate Service Restriction and Trespass – Procedures.

7. Course of Action

7.1 Conduct Review

Based on the information provided by an employee, a review shall be conducted by the applicable management team within a timely manner to determine if an individual's behaviour warrants the application of restriction. Each case should be considered on an individual basis. This determination, or any restrictions, shall consider the specific circumstances of the matter as well as the following:

- A consideration of whether the conduct in question is unacceptable as defined in 5.1 above, or the requests in question meet the definition of vexatious or frivolous requests in 5.2 above;
- If applicable, whether the request or complaint has been dealt with appropriately and in line with the relevant procedures and statutory guidelines;
- If applicable, whether the employee has made reasonable efforts to satisfy or resolve the request or complaint;
- If applicable, whether the individual is presenting new material or information about the situation or making a new request or complaint.

7.2 Determine Potential Restrictions

Upon determination that an individual's behaviour constitutes unacceptable conduct, or to classify a request or complaint as frivolous or vexatious, and depending on the severity of the incident, the applicable Manager may propose service restrictions to the respective member of the senior management team. Proposed restrictions should be proportionate to the conduct and appropriate to deal with the specific circumstances.

Potential actions available to the applicable Manager to restrict the individual may include, but are not limited, to any one or combination of the following:

- Limiting the number of complaints, inquiries or requests that the individual may submit to one or more County departments or individual staff members;
- Limiting the number of responses County employees shall provide with respect to further complaints or inquiries regarding one or more specific matters;
- Requiring any in-person interaction with a County employee to be in the presence of another County employee, or other representatives of the County;
- Limiting the individual to a particular point of contact;
- Limiting correspondence to a particular format, time, or duration;
- Instructing employees not to respond to further correspondence from the individual regarding the complaint or a substantially similar issue;
- Informing the individual that further contact on the matter will not be acknowledged or replied to;
- Instructing employees not to investigate any complaints regarding an issue that has already been investigated or which is substantially similar to an issue that has already been investigated unless new information is brought forward;

- Instructing employees to severely reduce or completely cease responses to further complaints or requests and correspondence from the individual;
- Requiring correspondence to be directed only to specific County employees, solicitor, or third parties;
- Closing any active complaints, inquiries or requests for service related to a specific matter;
- Limiting the individual's use of County services at one or more specific County properties;
- Refusing the individual access to a County facility/program/service except by appointment or specific permission; and
- Pursuing legal action including issuance of a Notice of Service Restriction in accordance with the Corporate Service Restriction and Trespass Procedures or applicable legislation.

Should the restriction imposed prevent the individual from accessing necessary services, any alternatives to access that services and/or exceptions to the restriction should be clearly communicated to them.

7.3 Notice

If a decision has been made to apply consequences for unacceptable conduct, or vexatious or frivolous requests, including the restrictions in Section 7.2, the management team shall notify the individual. Notification may be provided in one of the following manners depending on the severity of the unacceptable conduct and/or the consequences of their actions:

- Provide a verbal warning and if necessary, send a follow-up letter outlining the verbal warning to the individual indicating that the behaviour/requests are a violation of this policy and that restrictions may be imposed should they continue; or
- Send a notification of service restrictions or a trespass notice to the individual indicating that the matter has been reviewed and that restrictions are to be imposed; and
- If restrictions are imposed, advise person of appeal rights.

8. Appeals

The individual shall have the ability to appeal any decision to impose restrictions that limit or prohibit the individual's access to County property or services for an aggregate period longer than one month by contacting the Municipal Clerk in writing within ten (10) business days from the date the restriction was issued. The individual shall provide the Municipal Clerk with all relevant information and material relating to the matter under appeal, and the Clerk shall distribute such information and material for response to:

- the related Departmental General Manager; or
- in the event that the General Manager made the original decision to impose restrictions or has been involved in the decision to impose restrictions, the CAO or delegate; and
- in the event that the CAO has made the decision to impose restrictions, or has been involved in the decision to impose restrictions, the County Solicitor.

The General Manager, CAO or County Solicitor, as the case may be, shall review all relevant information regarding the restrictions and the appeal within ten (10) business days from the date the appeal was received by the Clerk.

The General Manager, CAO or County Solicitor may confirm, rescind or amend the restrictions.

The decision of the General Manager, CAO or County Solicitor is final.

9. References

- Policy 2001-19 Code of Conduct All Staff
- Policy 2008-02 Council Code of Conduct
- Policy 2001-18 Respect in the Workplace Policy
- Policy HS-02 Workplace Violence
- Policy 2014-02 Public Conduct on Haldimand County Recreation, Culture, Community and Parks Properties
- Corporate Service Restriction and Trespass - Procedures

REVISION HISTORY					
REPORT	CIC		COUNCIL		DETAILS
	Date	Rec#	Date	Res#	
	Date	Rec#	Date	Res#	
	Date	Rec#	Date	Res#	
	Date	Rec#	Date	Res#	
	Date	Rec#	Date	Res#	
	Date	Rec#	Date	Res#	