

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2023-042

BEING a by-law to adopt a Public Code of Conduct Policy.

WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS in many cases action that is taken or authorized to be taken by the Township of South Stormont does not lend itself to the passage of an individual by-law.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. That the Public Code of Conduct Policy attached hereto as Schedule "A" and forming part of this by-law, be adopted.
2. That any other by-law inconsistent with this by-law is hereby repealed.

READ AND PASSED in open Council, signed and sealed this 24th day of May, 2023.



Mayor



Clerk



TOWNSHIP OF SOUTH STORMONT

Title: Public Code of Conduct Policy, Schedule "A" to By-law No. 2023-042

Policy Category: Human Resources

Effective Date: May 24, 2023

Policy Statement

The Corporation of the Township of South Stormont **"the Township"** provides a variety of services, programs and facilities for use by its residents. All community members deserve access to, these offerings without being subjected to discriminatory or otherwise inappropriate behaviour. Similarly, all of its staff and volunteers deserve to be able to work free from discriminatory or otherwise inappropriate behaviour.

Purpose

The Corporation of the Township of South Stormont oversees a vibrant and diverse community which recognizes and affirms the rights of all people to be free from discrimination based on race, national or ethnic origin, colour, religion, sex (including intersex status), gender, gender identity, gender expression, age, mental or physical disability, or any other form of discrimination not captured in the aforementioned.

The Corporation of the Township of South Stormont will not tolerate discriminatory or inappropriate behaviour in any form for any reason.

The Corporation of the Township of South Stormont is committed to ensuring a respectful environment for all patrons, staff, and volunteers while attending or working at Township Properties or Events.

The purpose of this policy is to clearly define a Code of Conduct for community members accessing Township services, and outline procedures for dealing with inappropriate behaviour arising from the use of Township services and facilities.

Scope

This policy applies to all Township Properties and all Township Events.

This policy applies to all forms of inappropriate behaviour, including but not limited to behaviour that is verbal, physical, or written, and regardless of whether that behaviour is in person or not.

This policy applies to all staff and volunteers in a working capacity outside of Township Properties such as Building, By-law, Parks and Recreation and Public Works employees as well as Firefighters while out in the community.

Policy

Interpretation

This policy should be read and interpreted along with the Township's Health and Safety Policy, Workplace Violence and Harassment Policy, and any other relevant policies as may be in place from time to time. These policies are intended to work in tandem with one another.

Responsibilities and remedies contained in any of those policies may be imported and applied in situations arising from this policy.

This policy should also be read and interpreted along with the commentary on various concepts surrounding discrimination and harassment, which can be found in Appendix A to this policy.

Authority to Enforce

This policy may be enforced by any staff member while on-duty, except the power to expel a patron or prohibit a patron from returning.

The authority to expel a patron may only be exercised by a Supervisor or Director while on duty, and should only be exercised by the Supervisor or Director with authority over that Township Property or Event.

The Chief Administrative Officer may expel a patron from a Township Property or Event whether or not they are on-duty, and whether or not they are exercising a direct supervisory role at that time.

The authority to issue a Trespass Notice and to prohibit a patron from returning rests solely with the Chief Administrative Officer or designate.

Procedure

GENERAL PRINCIPLES

Staff, Supervisors, Directors and the Chief Administrative Officer are not to put themselves in harm's way in dealing with any issues arising out of a patron's inappropriate behaviour. If the situation requires it, they are directed to contact the appropriate authorities, including, but not limited to, the local police.

Staff should notify their direct Supervisor about any inappropriate behaviour on the part of a patron as soon as it is detected, or as soon as possible thereafter. Staff are encouraged to obtain assistance from their Supervisor in responding to inappropriate behaviour. Staff should not attempt to address inappropriate behaviour without the assistance of their Supervisor except as set out in the sections named "Where In-

Person Incident Arises Spontaneously” and “Where Incident Occurs In Writing or Over the Telephone”, below.

Immediately following the event, or as soon as practicable thereafter, the person responsible for resolving the issue shall make a record of the incident. This record shall include the names of those involved, a description of what happened, and the method(s) used to resolve the issue. The record shall also include the sanction imposed on the patron, where applicable.

The Human Resources Department shall be responsible for maintaining the records referred to in the paragraph above.

Where the inappropriate behaviour results in destruction of Township property or vandalism, the Township shall invoice the individual responsible for all costs incurred for repairing or replacement.

In responding to inappropriate behaviour, Staff, Supervisors, Directors and the Chief Administrative Officer are to conduct themselves in a manner that is above reproach. At no time may they treat a patron with disrespect, physical force, violence, or the threat of violence.

In all cases the Township shall respond to inappropriate behaviour in a manner that is proportionate to the harm caused by, or potential harm arising from, the behaviour. The Township shall employ a graduated system of warnings, suspensions, and prohibitions wherever possible to deal with inappropriate behaviour. The Township should attempt to impose the least onerous sanction that will achieve the objectives of public safety, inclusiveness, and freedom from harassment.

Upon resolution of an incident, the individual responsible for the inappropriate behaviour shall be given a written warning regarding the incident. This warning may be mailed, emailed, or hand delivered to the individual. A record of the warning shall be retained by the Township.

Vexatious, frivolous and/or unreasonably persistent requests may consume a disproportionate amount of staff time and resources and can compromise their ability to provide assistance or deliver good customer service efficiently and effectively. Such requests may also impede staff from attending to other essential issues. These situations and requests may require the Township to put restrictions on the contact that some individuals have with the Township. For the purposes of implementing this policy, Vexatious, frivolous and/or unreasonably persistent requests will be considered inappropriate behaviour.

WHERE FUTURE IN-PERSON INCIDENT SUSPECTED

Where an individual suspects that inappropriate behaviour may occur at a Township Property or Township Event, the individual with knowledge thereof shall contact the

Supervisor or Director with immediate authority over that Township Property or Township Event and provide details of the suspected behaviour.

Upon receipt of that information, the Supervisor or Director may choose to deal with the matter themselves but must notify the Chief Administrative Officer. The Supervisor, Director, or Chief Administrative Officer may, as one option, request the attendance of the police.

If a Staff member's direct Supervisor or Director is not available, staff should obtain assistance from any other Supervisor or Director or another staff member.

WHERE IN-PERSON INCIDENT ARISES SPONTANEOUSLY

When inappropriate behaviour is first detected, Staff will attempt to use de-escalation techniques outlined in Appendix B to resolve the situation. Where a Staff member is uncomfortable using such methods, they shall report the behaviour to their Supervisor or Director who will attempt to use de-escalation techniques to resolve the situation.

If de-escalation fails, the Staff member shall notify the individual that, if their inappropriate behaviour persists, they will be asked to leave the premises or event. Staff should not continue to engage the individual at this point. If Staff are working outside of a Township Property or Township Event (ex., public works employees working on a public road), Staff shall disengage with the individual, leave the area, and contact their Supervisor or Director. Staff of the Township Office can also use the internal notification system at the front desk to signal to others that assistance is required at the front counter or the panic button under the desk to alert officers of the Ontario Provincial Police at the station.

If the inappropriate behaviour ceases, the incident is concluded, no further action is necessary. If the inappropriate behaviour persists, the Staff member shall notify their Supervisor or Director.

The Supervisor or Director may attempt de-escalation methods again, warn the individual that continued inappropriate behaviour will result from their expulsion from the premises, or proceed to expel the individual, involving the police if necessary. The decision on how to move forward shall be in the sole discretion of the Supervisor or Director and shall be made with reference to the purposes of this policy.

Expulsion of an individual from a Township Property or Township Event shall be, in the case of Township Property, for the remainder of the day, and in the case of a Township Event, for the remainder of the day or event, whichever is longer. Where a Township Event is taking place on Township Property, it shall be left to the discretion of the expelling Supervisor or Director whether the expulsion is for the remainder of the day or remainder of the event.

WHERE INCIDENT OCCURS IN WRITING OR OVER THE TELEPHONE

When inappropriate behaviour is first detected, Staff will attempt to use de-escalation techniques outlined in Appendix B to resolve the situation. Where a Staff member is uncomfortable using such methods, they shall report the behaviour to their Supervisor or Director who will attempt to use de-escalation.

If de-escalation fails, the Staff member, Supervisor or Director shall inform the individual that, if inappropriate behaviour persists, the communication will be ended.

If inappropriate behaviour persists, the Staff member, Supervisor or Director shall inform the individual that the communication is being terminated. They shall not respond to any communications from the individual thereafter. Where a communication has been terminated, the person terminating the communication shall inform their direct supervisor of the termination.

Trespass Notices

Where an incident is particularly egregious, or inappropriate behaviour is prolonged or repeated, the Chief Administrative Officer may issue a Trespass Notice against the individual.

The Notice shall be in a form prescribed by the Chief Administrative Officer and shall be in compliance with the provisions of the *Trespass to Property Act, RSO 1990, c T.21*.

In addition to any details which may be required by those rules, the Trespass Notice shall include:

- a) The name of the person being notified;
- b) A brief description of the reason(s) for the issuance of the Notice;
- c) The precise details of which Township Properties or Township Events the individual is prohibited from attending;
- d) The length of time the Notice shall govern; and
- e) Information on how to appeal the Notice.

The Chief Administrative Officer may consult with the relevant Staff, Supervisor or Director, but the decision is ultimately theirs to apply. The Trespass Notice may include other rules such as requiring that the individual not attend Township Properties or Township Events without an appointment, that communication with the Township take place through the Township's Solicitor, or any other rules at the discretion of the Chief Administrative Officer. The decision to issue a Trespass Notice is subject to the sole discretion of the Chief Administrative Officer or designate.

The decision of whether to have the Notice apply to all Township Properties and Township Events or merely some Township Properties and Township Events shall be in the sole discretion of the Chief Administrative Officer or designate and shall be made with reference to the purposes and values underlying this policy.

Appeals

If an individual wishes to appeal any action taken under this policy, they shall submit a written appeal to the Chief Administrative Officer or designate within 14 days of the subject action.

The decision will be reviewed by the Chief Administrative Officer or designate and any decision made is final.

There will be no oral hearing on the appeal.

In making a decision, the Chief Administrative Officer or designate shall consider the written submissions of the complainant and the written report of the incident. The Chief Administrative Officer or designate may, in their sole discretion, seek additional information from any person involved.

The Chief Administrative Officer shall deliver a written decision to the complainant within 14 days of the complaint being received by the Chief Administrative Officer or designate.

That written decision shall contain reasons and shall be made with reference to the purposes and values underpinning this policy.

Communications Between Departments

In the event an individual is expelled from a Township Property or Township Event, or a Trespass Notice is issued, a memorandum will be circulated to all Directors, or designate with details of same. The Directors may share that information with Supervisors or Staff as directed, or as they find appropriate.

Beyond the name of the individual, the fact that they have been expelled or issued a Trespass Notice, and the areas the expulsion or Notice are to govern, the memorandum will contain only enough information to provide for the safety of Staff, Supervisors and Directors.

Monitoring and Compliance

In cases of policy violation, the Township may investigate and determine appropriate corrective action.

Authority and Related Policies

Related Policies:	Health and Safety Policy
	Workplace Violence and Harassment Policy

Definitions

"Chief Administrative Officer" means the Chief Administrative Officer of the Township of South Stormont, or a person delegated to act on their behalf;

"Township" means the Corporation of the Township of South Stormont;

"Township Event" means any event sponsored, organized, hosted, or delivered by the Township, and includes, but is not limited to, events such as the Canada Day Celebrations, Summer Events;

"Township Property" means any property owned or controlled by the Township, and includes, but is not limited to, Township Office, the Community Hall, Lost Villages, Long Sault Arena, the St. Andrews West Pool, the Splash Pads, Lakeview Beach, all Fire Halls, all local parks and playgrounds but excludes properties and businesses operating independently in Township owned facilities.

"Inappropriate Behaviour" includes, but is not limited to, behaviour that is:

- i. Violent, threatens the use of violence, or incites or attempts to incite violence against an identifiable group or person;
- ii. Vandalism or damage to Township Property;
- iii. Harassment, bullying, or intimidating behaviour, directed at a staff member, patron, or identifiable group or person;
- iv. Discriminatory in any way;
- v. Possession or mention of weapons;
- vi. Throwing of objects in a deliberate or aggressive manner;
- vii. Participating in any illegal activity while on Township Property or while attending a Township Event;
- viii. Vexatious or frivolous requests as defined below.
- ix. In contravention of any Township policy, by-law, or regulation; and
- x. Any other act deemed to be inappropriate by the Chief Administrative Officer, with reference to the principles and values of this policy and anti-discrimination including micro-aggressions as defined herein.

"Director" means any senior-level management official of the Township. For greater clarity, "Director" excludes a member of Council.

"Staff" means any employee of the Township, excluding Supervisors, Directors, and the Chief Administrative Officer;

"Supervisor" means any employee with supervisory duties over other employees, or over a Township Property or Township Event; without limiting the generality of the foregoing, a Supervisor includes a Leadhand, Deputy Director, District Chief, Senior Captain, or Supervisor.

"Trespass Notice" means a notice issued by the Township pursuant to the *Trespass to Property Act, RSO 1990, c T.21, s. 5* which prohibits and individual from

entering specific Township Properties or attending specific Township Events for a period of time;

“Vexatious or Frivolous Requests” means:

- 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;
- Where complying with the request would impose significant burden on the Township 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 Township, which could include very high volume and frequency of correspondence, or mingling 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:

1. Brings complaints concerning an issues that staff have already investigated and concluded;
2. Brings complaints concerning an issue that is substantially similar to an issue that staff have previously investigated and concluded and no new information is being introduced; and/or
3. Engages in unreasonable conduct which is abusive of the request for services or complaints process, including but not limited to the examples set out under the Application section of this policy.

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.

“Workplace Harassment” shall have the same definition as in the *Occupational Health and Safety Act, RSO 1990, c O.1*.

“Workplace Violence” shall have the same definition as in the *Occupational Health and Safety Act, RSO 1990, c O.1*.

Contact

For more information on this policy, contact: Chief Administrative Officer

APPENDIX A

DEFINITIONS AND CONCEPTS

1. **Prejudice** is the prejudgement of someone based on a social group to which that person belongs. Prejudice manifests itself in thoughts and feelings. A common example of prejudice is stereotyping. Prejudice is distinct from Racism. Racism relies on institutional power in order to impose dominance over a racial group. Prejudice, on the other hand, is a set of attitudes based on assumptions. Prejudice can be either conscious or unconscious.
2. **Discrimination** is the process by which our prejudices become activated by actions that include ignoring, excluding, threatening, ridiculing, slandering, and acting violently towards, individuals of another social group.
3. **Racism** is the historical accumulation and use of institutional power and authority to support prejudice and to enforce systematically discriminatory behaviours based on race. Racism occurs in both overt (ex., the Ku Klux Klan) and covert (ex., tone, demeanour, surveillance) ways.
4. **Systemic Racism** refers to the ways in which our laws, policies, and practices provide advantages to certain groups at the expense of others.
5. **Anti-Racism** is the active process of challenging one's own biases and prejudices as well as the racism inherent in our institutions. Anti-Racism accepts that racism exists and requires individuals to actively combat it.
6. **Sexism** refers to the ways in which institutional power, prejudice, and discrimination are used to oppress people based on their sex, gender, gender identity, or gender expression.
7. **Heterosexism** is the systemic bias that favours heterosexuals and heterosexuality.
8. **Homophobia and Transphobia** refer to the irrational fear, dislike, hatred, intolerance, and ignorance of homosexuality and diverse gender identities. The terms refer to prejudice toward 2SLGBTQIA+ persons.
9. **Micro-aggressions** are a form of covert or everyday discrimination. Microaggressions are brief, commonplace indignities that marginalized peoples are forced to deal with daily. Examples include asking racialized people where they really come from, complimenting an immigrant on their ability to speak English, or calling something "crazy" or "retarded." These actions are micro in the sense that they happen frequently and without much thought, but they can have a significant impact on individuals who have to face them daily.

10. **Intersectionality** is the way in which different identities combine to compound, and create unique forms of, oppression. For example, someone may face discrimination or oppression as a result of their race, religion, and sex.
11. **Diversity** refers to the official government policy of ensuring that workplaces have a certain number of women, Indigenous persons, persons with disabilities, and visible minorities.
12. **Inclusion** refers to the degree to which marginalized peoples participate within society.
13. **Equity** refers to the degree to which marginalized people have the ability to affect change in the structure, culture, and practices of the organization. It refers to the level of fairness in a given system, rather than the formal equality within it.

APPENDIX B

RECOGNIZING AGGRESSION

It's important for employees to be able to recognize signs of aggression. Below is a list of physical and behavioral changes that can indicate if a person is becoming escalated:

PHYSICAL	BEHAVIORAL
Flushed or pale face	Loud voice or yelling/shouting
Sweating or perspiring	Pointing or jabbing fingers
Clenched jaw or teeth	Swearing or verbal abuse
Shaking or trembling	Standing too close
Clenched fists	Aggressing posture
Rapid breathing	Throwing, hitting or kicking things
Fidgeting	Pacing and restlessness
Glaring eyes	Violent gestures
Rise in pitch of voice/change of tone	

DE-ESCALATION TECHNIQUES

If employees start to notice any of the above behaviour when interacting with a customer, apply these de-escalation techniques:

Maintain Composure

- Take a deep breath;
- Never argue with customers when they are angry, displeased, or complaining. If you become upset, it will only escalate the situation further
- Use a lower tone of voice, and don't get defensive if insults or anger are directed at you. Remind the customer that you are there to help

Become aware of your surroundings, if applicable

- Notice if there are others in the room, objects such as chairs, tables or items on a table; Take note of exits and openings and whether you are blocking the customer
- Listen
- Let the customer vent and avoid talking over them; maintain eye contact if applicable and be aware of your body language;
- Repeat or paraphrase what is heard to show you understand the situation;
- If unclear, ask open ended questions to get more clarification; also ask to take notes

Show Interest & Empathy

- Maintain a concerned, sincere and interested facial expression and/or tone of voice; Show or express understanding without passing judgment, even if you do not agree with their position

Acknowledge

- Acknowledging someone's feelings helps by validating their emotions; this confirms the legitimacy of the emotion but not the behavior
- Example: "I can see how that could have been frustrating"

Agree

- Find some truth to what is being said and agree with it; when you agree with some truth, you take away some resistance
- Example: "I agree Mr. Jones that would be difficult to deal with"

Apologize

- A sincere apology can build credibility and lets the customer know that you are empathetic to what they are going through
- Example: If there is a legitimate cause for anger - "I'm sorry we forgot to send your bill"
- Example: If there isn't anything to apologize for directly - "I'm sorry this situation has you so frustrated"

Try to solve the problem

- Ask the customer for their ideas on how they would like the situation resolved; If you are not able to help them, seek the assistance of someone who can

Clarify next steps

- Summarize the next steps and let the customer know what to expect and when
- Do not make promises you cannot keep; if you say you will call back – make sure you call back even if you do not have an update

If these de-escalation techniques do not work, be prepared to either ask the customer to leave the premises if in-person or advise them that the communication will be terminated if over the phone or by email.