

CORPORATE POLICY



Policy Title: **Respectful Behaviour Policy**
Policy Category: **Administration Policy**
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Department: Corporate Services
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Author: Geoff Daley, Legal Services
Attachments: N/A

Related Documents/Legislation:

Occupational Health and Safety Act, R.S.O. 1990, c. O.1
Human Rights Code, R.S.O. 1990, c. H.19
Trespass to Property Act, R.S.O. 1990, c. T.21
Municipal Parks Bylaw – 2014-077
Trespass to Property and Service Suspension Procedure
Trespass to Property Notice
Service Suspension Notice

POLICY STATEMENT

The City of Waterloo (the City) has an obligation to provide employees with a safe, healthy, respectful and positive workplace which is free from discrimination, harassment and violence.

The City is also committed to providing those person(s) that visit or make use of City Facilities with an accessible, inclusive, welcoming and comfortable environment that respects all customers, visitors and City Staff.

To this end, this Policy is meant to clearly communicate and establish expectations of Members of the Public when making use of City Facilities and when interacting with other Members of the Public using City Facilities as well as City Staff.

This Policy is designed to identify behaviours that are inappropriate and which may result in the City imposing limitations and restrictions on a person's use of City Facilities as well as a person's interactions with City Staff.

PURPOSE

The purpose of this Policy is to promote a safe, healthy, respectful, and positive environment for everyone accessing or making use of City Facilities and to ensure that the City meets its obligations to provide City Staff with a safe, healthy, respectful and positive workplace which is free from discrimination, harassment and violence.

Included in this commitment is an understanding that organizations using City Facilities should manage the behaviour of all participants, volunteers, officials, spectators, patrons, parents, guests and the general public which access City Facilities while in use by those organizations.

The City encourages all organizations using City Facilities to develop and implement their own behaviour management policies which are consistent with this Policy and which promote a safe, healthy, respectful and positive environment for all.

DEFINITIONS

City Facility: includes any land, structure or building owned, leased, rented or operated by The Corporation of the City of Waterloo or any other place including a City Employee's private residence (but only to the extent that the employee is working from home and is carrying out their regular duties) where City Staff regularly carry out their work duties or provide programming to Members of the Public, but does not include public sidewalks/highways unless the sidewalk/highway constitutes a worksite where City Staff are carrying out their regular job duties.

City Staff: all of the City's employees, contractors, volunteers, students, elected officials and task force/committee members.

Member(s) of the Public: Any person that visits, attends or makes use of a City Facility.

Supervisor: is a person who has charge of a workplace or authority over a worker. For the purpose of this Policy, 'Supervisor' includes employees with the titles of Supervisor, Manager, Assistant Deputy Chief, Deputy Chief, Director, Fire Chief, Deputy Commissioner, Commissioner, CAO or equivalent.

SCOPE

This Policy only applies to interactions between:

- Members of the Public and City Staff at City Facilities or where City Staff are carrying out their regular duties.
- Between Members of the Public attending at or using City Facilities.

This Policy applies to all forms of interactions described above regardless of whether the interaction is in person, written, virtual or by telephone.

Where Inappropriate Behaviour occurs between one or more Members of the Public the City will only apply this Policy if City Staff receive a complaint from a Member of the Public requesting that the City investigate an alleged incident or City Staff witness Inappropriate Behaviour, and in their discretion, feel comfortable addressing the Inappropriate Behaviour with the Member of the Public that engaged in the Inappropriate Behaviour. Whether, and the extent to which the City elects to enforce this Policy in these circumstances will depend on whether City Staff witnessed the incident, the amount and reliability of available evidence and the likelihood that City involvement will reduce the likelihood of similar incidents in the future.

This Policy is intended to align with the City of Waterloo's Violence in the Workplace Policy, Code of Conduct Policy, Respectful Workplace Policy and Program, and the Health and Safety Policy.

This Policy will not be used independently to remove or disband encampments at City Facilities.

This Policy is not intended to unjustifiably restrict a person's constitutionally protected right to freedom of expression at City Facilities.

POLICY COMMUNICATION

A copy of this Policy will be made available on the City's website.

At a minimum, related signage will be posted at City Hall, City of Waterloo Service Centre and major recreation facilities.

Members of the Public who sign contracts or acquire permits from the City will, at a minimum, be notified of the Policy and its location on the City's website.

City Staff will receive training on the Policy as part of the onboarding process. Supervisors will review the Policy with City Staff on an annual basis and additional training will be provided as needed. In the case of elected officials and task force/committee members this Policy may only be reviewed once per term.

POLICY

Fostering Respectful Interactions

Members of the Public are expected to interact with each other and with City Staff as follows:

- Using courteous language in each interaction.
- Restrain from using abusive, harassing or violent language and conduct during all interactions.
- Explaining the nature of a concern or inquiry without yelling, screaming, making demonstrative gestures or accusing staff.
- Posing questions or concerns to staff in a calm and respectful manner.
- Accepting the City's response and/or resolution of the matter if new materials/information are not provided to alter the City's response.

The list of examples set out above is not exhaustive. It is meant to be instructive and should serve as a reference to types of behaviour which foster mutually respectful interactions.

Inappropriate Behaviours

Inappropriate Behaviours by Members of the Public, when in a City Facility or when interacting with City Staff will not be tolerated.

Consistent with the *Ontario Human Rights Code*, the City will not tolerate discrimination or harassment of any kind, whether based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

In addition to the above, harassment may include but is not limited to unsolicited or unwelcome remarks, arbitrarily denying access to City Facilities or services/programs, unwelcome gestures or physical contact, as well as the display or circulation of inappropriate or derogatory written materials or pictures.

Behaviours that obstruct or hinder the ability of others to use and enjoy City Facilities, or participate in City services, programs/events, or compromise the health and safety of others, including staff, are also Inappropriate Behaviours for the purposes of this Policy.

Additional examples of behaviours which may constitute Inappropriate Behaviour for the purpose of this Policy include, but are not limited to, the following:

- Verbally or physically intimidating, harassing, or threatening others.
- Utilizing hostile, abusive, obscene, offensive, explicit, or vulgar language.
- Touching, or inflicting unwanted physical contact upon another person.
- Behaviour(s) that pose a health or safety risk to City Staff or to person(s) at City Facilities.
- Engaging in sexual activity.
- Refusing to follow the terms and conditions of any rental permit and all other related City Policies, Procedures/By-laws which apply to City Facilities or violating any Provincial or Federal Statutes, including the Criminal Code.
- Disobeying or disregarding lawful instructions from City Staff.

- Creating unsanitary conditions at City Facilities (e.g. littering, spitting chewing tobacco, expulsion of bodily fluids, etc.).
- Theft of personal and/or City property.
- Causing damage to any personal or City property located at City Facilities.
- Illegal consumption or possession of drugs and alcohol or possession/use of any other dangerous or unauthorized material.
- The use of cell phones, cameras, video recording devices, personal digital devices, or any other equipment with video or photographic abilities in change rooms and public washrooms.
- Displays of lewd or illegal material including pornography or material that includes violent acts, indecency, racism or other forms of hate directed at a specific group, illegal gambling or profanity, as well as material with text or imagery that has explicit or malicious intent.
- Repeatedly challenging or confronting City Staff.
- Knowingly making untrue, incorrect, malicious or harmful statements about others.
- Public disclosure of another's private information (i.e. personal financial information, unique identifiers such as SIN numbers, a person's sexual preferences or gender identity).
- Engaging in any behaviour that is designed to intimidate City Staff or any other person(s) using City Facilities.
- Persistently contacting City Staff or sending an unreasonably large volume/frequency of correspondence/accusations regarding a matter that has already been considered and dealt with.
- Frequently or repeatedly questioning the morality, decency or ethics of City Staff, excluding elected officials.
- Repeatedly sending phone calls, voicemail messages, visits, letters and/or emails after being directed not to do so.

Responding to Inappropriate Behaviours

The City's primary concern is the health, safety and security of City Staff and Members of the Public. To that end, non-compliance with this Policy will result in corrective measures being taken that are designed to prevent ongoing and future violations of this Policy while still permitting Members of the Public to access City Facilities/services. If at any time, Members of the Public or City Staff, acting reasonably, feel threatened, they may immediately end any interaction, report the incident, and may request assistance from security or police personnel. Staff and Members of the Public are not expected to put themselves in a position which may jeopardize their safety/security or the safety/security of others.

The decision to classify someone's behaviour as Inappropriate Behaviour can have consequences for the offending group or person, including restricting their access to City Facilities and services, including the manner in which a group or person is permitted to access City Facilities or services. To that end, City Staff empowered to

classify a person(s) behaviour as Inappropriate Behaviour should exercise sound judgement, and impose the least restrictive/intrusive consequence necessary to stop/correct the Inappropriate Behaviour and prevent similar behaviour from occurring in the future.

Any City Staff may determine that a Member of the Public has engaged in Inappropriate Behaviour and if that determination is made, may:

1. Ask a Supervisor for assistance to address the Inappropriate Behaviour;
2. Immediately terminate the interaction;
3. Ask the offending party to leave the City Facility;
4. Request assistance from a Supervisor, security or police to de-escalate the interaction or remove the offending party.

In addition, Members of the Public may be subject to additional consequences where appropriate, to ensure that the goals and objectives of this Policy are met. Additional consequences may include one or more of the following:

- Placing limits on the number and duration of contacts with City Staff per week or month.
- Offering a restricted time slot for necessary interactions with City Staff.
- Limiting a person to one method of contact (telephone, letter, email, etc.).
- Requiring a person to communicate only with one named member of City Staff.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location determined by City Staff.
- Limiting or regulating (including suspending) a person's use of municipal services (e.g. access to programming and/or technology systems).
- Refusing access to any City Facility except by appointment.
- Pursuing legal actions (e.g. issuance of Notice of Trespass).

Any decision to impose additional consequences must be approved by City Staff at the Director level or above. In cases where additional consequences are imposed based on Inappropriate Behaviour directed at a member of City Council or a member of a Task Force or Committee, the decision must be approved by the Chief Administrative Officer.

Any decision to suspend a Member of the Public's access to a City Facility or service/program, or to issue a Trespass to Property Notice in excess of six (6) months must be approved by a Commissioner or the Chief Administrative Officer. All other decisions may be made by City Staff in accordance with the City's Trespass to Property and Service Suspension Procedure.

To ensure the effective application of this Policy and to ensure accurate record keeping, City Staff are required to do the following any time this Policy is used to impose "additional consequences" in response to Inappropriate Behaviours:

1. Complete a Trespass to Property Notice or Service Suspension Notice.

2. Provide a copy of the Trespass to Property Notice or Service Suspension Notice to the individuals/entities prescribed by the Trespass to Property and Service Suspension Procedure.
3. Provide City Staff with the information necessary to enforce a Trespass to Property Notice or Service Suspension Notice as prescribed by the Trespass to Property and Service Suspension Procedure.
4. Where a person who has engaged in Inappropriate Behaviour is associated with a group or organization, the group or organization will receive notice of the incident and a status update regarding the incident within fourteen (14) days of the incident.
5. Where the person that is subject to a Trespass to Property Notice or Service Suspension Notice is under the age of eighteen (18) years old, the City will make reasonable attempts to notify the person's legal guardian, unless doing so would violate a court order or is likely to put said person at risk of harm.
6. City Staff that are exposed to Inappropriate Behaviour will be provided appropriate training or support at their request.

APPEALS

If an individual wishes to appeal any action taken by the City in response to Inappropriate Behaviour, the individual may present their case in writing to the Commissioner of the responding department, or should the occurrence involve the Commissioner, to the CAO or designate, within 30 days of the decision. An accommodated appeal process will be made available where an appellant demonstrates a legitimate need to conduct the appeal in a manner other than writing. Accommodation will be offered consistent with the City's obligations under the *Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act*.

The appeal will be reviewed by the Commissioner or CAO, whose decision shall be final.

A commissioner or the CAO may seek input from City staff when assessing an appeal.

Nothing in this Policy is meant to limit or restrict any Member of the Public from challenging the City's decision before an appropriate Court, Tribunal or administrative body.

REVIEW AND AMENDMENT

This Policy will be reviewed and revised (if necessary), at least once every four (4) years.