

## Council Policy

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<b>Number:</b>	<b>CP-018</b>
<b>Title:</b>	<b>Respectful Conduct</b>
<b>Type:</b>	<b>Community Relations</b>
<b>Owner:</b>	<b>Public Services</b>
<b>Approved By:</b>	<b>Council</b>
<b>Approval Date:</b>	<b>January 13, 2025</b>
<b>Effective Date:</b>	<b>January 27, 2025</b>
<b>Revised Date:</b>	Click or tap to enter a date.
<b>Applicable to:</b>	<b>All Staff and Departments</b>

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### 1. Legislative or Administrative Authority:

- 1.1. The Municipality of Clarington is committed to providing a safe and respectful environment for everyone. Municipal Facilities are available to everyone for a variety of purposes, such as work, recreation, programs, service and learning and cultural events. Everyone's right to have access and participate on Municipal Facilities is protected under the Canadian [Charter of Rights and Freedoms](#).
- 1.2. The Municipality has duty to take care in all reasonable circumstances that all persons that enter Municipal Facilities are reasonably safe under the [Occupiers' Liability Act](#).
- 1.3. As the owner or occupier of Municipal Facilities and employer of a workplace, the Municipality can exclude persons from Municipal Premises by issuing a Trespass to Property Notice in accordance with the [Trespass to Property Act](#).
- 1.4. The Municipality has a duty under the [Occupational Health and Safety Act](#) to create policies with respect to workplace violence and harassment.

### 2. Purpose:

- 2.1. This Policy is in place to promote a respectful, tolerant environment within Municipal Facilities, and to provide a framework for Employees to respond appropriately to instances of Disrespectful Conduct.
- 2.2. This Policy provides examples of behaviours that constitute Disrespectful Conduct and provides Employees with the authority to place a restriction on an individual that does not comply with the rules of a Facility, Commitment of Respect and this Policy.

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## 3. **Scope:**

- 3.1. This policy applies to all Municipal Facilities and any person at a Municipal Facility, including customers attending programs conducted by the Municipality.

## 4. **Definitions:**

- 4.1. **Alternative Measures** means a restriction identified in section 7.3 that may be issued against an individual for displaying Disrespectful Behaviour. The Municipality will consider imposing Alternative Measures before imposing a Temporary Ban or Trespass to Property Notices.
- 4.2. **Commitment of Respect** means the Municipality's commitment to all Customers for a safe being at Municipal Premises. See Appendix B.
- 4.3. **Disrespectful Conduct** means any action or behaviour reasonably deemed by an Employee to be contrary to the objectives of this Policy, the Commitment of Respect, or rules of Municipal Premises or the law. It includes, but not limited to frivolous and vexatious complaints, unreasonable behaviour, harassment, vandalism and violent behaviours.
- 4.4. **Employee(s)** means full-time, part-time, permanent, temporary, seasonal, volunteers, students and employees hired on a contract basis for a defined period, including service providers contracted to provide service on behalf of the Municipality.
- 4.5. **Frivolous** means a complaint, or request for service, that has no serious purpose or merit.
- 4.6. **Harassment** means engaging in a course of vexatious comments, which is intimidating, annoying or malicious and may relate to race, ancestry, place of origin, colour, ethnic origin, citizenship, religion/creed, sex, sexual orientation, age, record of offences (provincial offences and pardoned federal offences), marital status, family status or handicap that is known or ought reasonably to be known to be unwelcome whether intended or not.

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- 4.7. **Municipality** means the Corporation of the Municipality of Clarington.
- 4.8. **Municipal Facilities or Municipal Facility** means all property owned and operated by the Municipality, including but not limited to buildings, facilities, adjacent municipal property attached to the building, playgrounds, trails, parking lots, parks and all land owned or occupied by the Municipality.
- 4.9. **Temporary Ban** means a 72-hour prohibition of entering a specific Municipal Facility to allow for an investigation to take place.
- 4.10. **Trespass to Property Notice** means as authorized under the Trespass to Property Act, a written notice prohibiting an individual from entering a specific Municipal Facility for a specific duration and is issued to an individual by Municipal Employee or law enforcement.
- 4.11. **Vexatious** means a complaint or request for service initiated with the intent to embarrass or annoy an Employee or a pattern of conduct that amounts to an abuse of the complaint and/or request for service process.

### 5. Identifying Disrespectful Conduct

- 5.1. When responding under this Policy, Employees will be guided by a progressive approach to the application of restrictions and will escalate a response in proportion to the persistence and severity of the Disrespectful Conduct. Employees are to consider the circumstances of each case in its entirety before determining their actions in response to a potential occurrence of Disrespectful Conduct.
- 5.2. Examples of Disrespectful Conduct are provided below to aid Employees in identification of behaviours that should not be tolerated by the Municipality. The list is not exhaustive of all behaviours that can be classified as Disrespectful Conduct.

#### Disrespectful Conduct

- 5.3. Examples of Disrespectful Conduct include, but are not limited to the following:
  - 5.3.1. any activity that obstructs, prevents, or hinders the rights of others to use, and enjoy Municipal Facilities,
  - 5.3.2. any activity that obstructs, prevents, or hinders the operations of the Municipality, its Employees in the delivery of a service,

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- 5.3.3. any acts towards any person that are reasonably perceived to be threatening, intimidating, harmful or harassing
- 5.3.4. any use of profanity, obscene or derogatory language.
- 5.3.5. any racial, ethnic slurs, or slurs related to disability or gender and sexuality.
- 5.3.6. committing any nuisance, disturbing the peace, or acting contrary to public order.
- 5.3.7. vandalism.
- 5.3.8. intentionally or recklessly damaging Municipal Facilities.
- 5.3.9. invasions of privacy.
- 5.3.10. loitering or causing a disturbance.
- 5.3.11. consumption of alcohol unless it is under the authority of a licensed special event.
- 5.3.12. consumption of controlled drugs or substances without a prescription.
- 5.3.13. drug or alcohol intoxication.
- 5.3.14. viewing or exhibiting any sexually explicit print or digital imagery.

## **Frivolous or Vexatious Requests**

- 5.4. Examples of a Frivolous or Vexatious request include, but are not limited to, the following:
  - 5.4.1. refusing to specify the grounds of a complaint, despite offers of assistance.
  - 5.4.2. making excessive demands on the time and resources of Employees with lengthy requests through several service channels every few days and demanding immediate response.
  - 5.4.3. requests for information that the individual has already seen or has clear intent to reopen issues that have already been considered and concluded.
  - 5.4.4. refusing to accept the decision of the Municipality, repeatedly arguing points with no new information.

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- 5.4.5. where the individual states that the request is meant to cause maximum inconvenience, disruption, or annoyance.
- 5.4.6. the individual is retaliatory or is initiated with the intent to embarrass or annoy another member of the public or to use Municipal services or by-laws as a tool in an ongoing neighbour dispute.
- 5.4.7. making unjustified complaints about Employees who are trying to deal with the issues and threatening to negatively affect their employment status with the Municipality.

## **6. Application**

- 6.1. Employees have the discretion to act on this Policy when an incident of Disrespectful Conduct is encountered through any of our service channels, including, but not limited to in-person communication, written communication, public meetings, telephone communication, email communication, social media; and/or interactions at Municipal Facilities.

## **7. Restrictions**

- 7.1. In accordance with this Policy, the Municipality may impose a restriction against an individual displaying Disrespectful Conduct or not adhering to the Municipality's facility rules, Commitment of Respect. The Municipality takes this Policy seriously and can impose a restriction in a manner that is clear, consistent, reasonable, and proportional to the individual's action(s).
- 7.2. Employees must abide by this Policy and refer to management directive that outlines the practices and procedures for enforcing a restriction.

### **Imposition of Restrictions**

- 7.3. Employees have the discretion to impose restrictions in response to Disrespectful Conduct, including but not limited to, the following:
  - 7.3.1. limit the individual's correspondence with Employees to a particular format such as email only, or telephone call at specific times and specific durations.
  - 7.3.2. limit the individual to an established point of contact at the Municipality. The individual will not be able to interact with any Employee outside of the point of contact.

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- 7.3.3. require any face-to-face interactions between the individual and the established point of contact to take place in the presence of an appropriate witness and in a suitable location.
- 7.3.4. require that the individual produce full disclosure of documentation or information before Employees will investigate any new complaints.
- 7.3.5. instruct Employees not to investigate any complaints regarding an issue that has already been investigated, or which is substantially like an issue which has already been investigated.
- 7.3.6. inform the individual that further contact on the matter of the complaint or request will not be acknowledged or replied to, and,
- 7.3.7. in extreme circumstances, instructing Employees to severely reduce or completely cease responses to further complaints and correspondence from the individual; or
- 7.3.8. limiting or regulating the individual's use of or access to Municipal Property.

## **Temporary Ban**

- 7.4. Employees have the authority to enforce a 72-hour Temporary Ban against an individual found to have engaged in Disrespectful Conduct.

## **Trespass to Property Notice**

- 7.5. When all other possible measures have been implemented, the Municipality may impose a Trespass to Property Notice against an individual.
- 7.6. Appendix A, Enforcement Guidelines have been provided to Employees to support the decision and consequences for a Trespass to Property Notice. The examples contained in Appendix A are not exhaustive of all forms of Disrespectful Conduct. Each incident will be evaluated based on all available information, and the consequences outlined below may be adjusted to reflect case-by-case circumstances.
- 7.7. Any persons issued a Trespass to Property Notice will not be subjected to undue hardships. The individual may arrange for a third party, such as a friend or family member to access a service on their behalf through an appointed Municipal contact.

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- 7.8. These guidelines apply to all customers who breach any Municipal Policy, Code of Conduct or Commitment of Respect.

## **8. Request for Reconsideration**

- 8.1. All decisions made under this Policy are final.

## **9. Roles and Responsibilities:**

### **9.1. Council is responsible for:**

- 9.1.1. Adopting, reviewing and amending this Policy as appropriate.

### **9.2. Chief Administrative Officer (CAO) is responsible for:**

- 9.2.1. Ensuring staff compliance with this Policy.

### **9.3. Directors / Managers are responsible for the following within their scope of authority:**

- 9.3.1. Ensuring that the procedure for enforcement of this Policy is managed in accordance with the Respectful Conduct Enforcement Practices and Procedures.

### **9.4. All Staff are responsible for:**

- 9.4.1. Following this policy.

## **10. Appendices**

- 10.1. The following Appendices are attached to and form a part of this policy:

Appendix A – Enforcement Guidelines; and

Appendix B – Commitment of Respect.

## **11. Related Documents:**

- 11.1. Public Complaint Handling Management Directive.
- 11.2. Respectful Conduct Enforcement Practices and Procedures Management Directive.

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## **12. Policy Inquiries:**

12.1. The CAO or designate is responsible for inquiries regarding this policy.

## **13. Revision History:**

Date	Description of Changes	Approved By



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## Appendix A Enforcement Guidelines

Disrespectful Conduct	Consequence of 1 <sup>ST</sup> Occurrence	Consequence of 2 <sup>ND</sup> Occurrence	Consequence of 3 <sup>RD</sup> Occurrence	Consequence of any Subsequent Occurrence
<b>Harassment:</b> Verbal abuse	Minimum 1-month ban.	Minimum 3-month ban.	Minimum 1-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.
<b>Harassment:</b> Threats and attempts to intimidate. Attempts to provoke or incite violence in others.	Minimum 3-month ban.	Minimum 6-month ban.	Minimum 2-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.
<b>Violence:</b> Throwing of articles in an aggressive manner.	Minimum 6-month ban.	Minimum 1-year ban.	Minimum 3-year ban.	Minimum 3-year ban, and a review to determine if further consequences are warranted.
<b>Violence:</b> Physical striking of another individual	Minimum 6-month ban.	Minimum 1-year ban.	Minimum 3-year ban.	Minimum 3-year ban and a review to determine if further consequences are warranted.
<b>Vandalism:</b> vandalism to City property, vandalism to private property on City property or theft.	Minimum 6-month ban.	Minimum 1-year ban.	Minimum 3-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.

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Disrespectful Conduct	Consequence of 1 <sup>ST</sup> Occurrence	Consequence of 2 <sup>ND</sup> Occurrence	Consequence of 3 <sup>RD</sup> Occurrence	Consequence of any Subsequent Occurrence
<b>Discrimination:</b> Racial, ethnic slurs, or slurs related to disability or gender and sexuality.	Minimum 6-month ban.	Minimum 1-year ban.	Minimum 3-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.
<b>Unacceptable Behaviour:</b> Consumption of alcohol or of legal or illegal drugs. Appearance of impaired judgment on Municipal property due to consumption of alcohol or drugs.	Minimum 6-month ban.	Minimum 1-year ban.	Minimum 3-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted
<b>Inappropriate Internet Usage and Abuse of Technology:</b> Use of wireless internet connectivity to view, produce or exhibit lewd or offensive materials.	Minimum 1-month ban.	Minimum 3-month ban.	Minimum 1-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.

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Disrespectful Conduct	Consequence of 1 <sup>ST</sup> Occurrence	Consequence of 2 <sup>ND</sup> Occurrence	Consequence of 3 <sup>RD</sup> Occurrence	Consequence of any Subsequent Occurrence
<b>Inappropriate Internet Usage and Abuse of Technology:</b> Use of wireless internet connectivity to view, produce or exhibit illegal materials, such as child pornography or hate propaganda.	Minimum 6-month ban.	Minimum 1-year ban.	Minimum 3-year ban	Minimum 3-year ban and review to determine if further consequences are warranted.
<b>Inappropriate Internet Usage and Abuse of Technology:</b> Use of technology devices to photograph images without Municipal authorization in advance.	Minimum 1-month ban.	Minimum 3-month ban.	Minimum 1-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.

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## **Appendix B: Commitment of Respect**

### **Commitment of Respect**

The Municipality of Clarington and its employees are committed to providing clean, safe, welcoming and inclusive facilities to our customers and guests.

If you see a problem, please approach any member of our staff team and they would be happy to assist.

To support this safe and welcoming environment, customers and guests are expected to:

#### **Respect Other Customers and Guests**

- Respect people's personal space.
- Respect people's differences.
- Support other customers and guests by identifying challenges to staff.
- Respectful Interactions, free from harassment, bullying, racism or threatening behaviour.
- Respect the use of service animals.

#### **Respect Staff**

- Respect staff in their role and direction provided.
- Respectful interactions, free from harassment, bullying, racism or threatening behaviour.

#### **Respect the environment.**

- Respect the rules of the facility, including but not limited to:
  - No smoking By-Law 028-2019.
  - Prohibited use of recording devices in washrooms and changerooms.
- Respect the condition of the facility, assist in keeping it clean and vandalism free.

Interactions and behaviours that are seen to break this commitment to respect may lead to your removal and restriction of access to our facilities and services under the Respectful Conduct Policy.