

**THE CORPORATION OF  
THE NORTH ALGONA WILBERFORCE TOWNSHIP  
BY-LAW NUMBER 2020 – 31**

**BEING A BY-LAW TO ESTABLISH A POLICY TO HUMAN RESOURCES  
UNREASONABLE BEHAVIOUR**

**AND WHEREAS** Section 5 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council.

**AND WHEREAS** the Municipal Act, 2001, S.O. 2001, c. 25, provided that the powers of every Council are to be exercised by By-law;

**AND WHEREAS**, the Council for the Corporation of the Township of North Algona Wilberforce deems it advisable to pass this By-law.

**NOW THEREFORE** the Council of the Corporation of the Township of North Algona Wilberforce enacts as follows:


1. **SCHEDULES:**
    - 1.1. That the Human Resources Unreasonable Behaviour Policy, attached hereto and forming part of this By-law be hereby adopted and marked as Schedule One (1)
  2. **EFFECTIVE DATE:**
    - 2.1. This Policy shall come into effect on the date the By-law is passed by Council.
  3. **REPEAL:**
    - 3.1. Any By-law inconsistent with this By-law is hereby repealed.
- Read a first, second and third time and finally passed this 3<sup>rd</sup> Day of March 2020.



**MAYOR**



**CLERK**

		The Corporation of the North Algona Wilberforce Township	
By-law No.	2020-31	Approval Date: March 3, 2020	
Authority:	Chief Administrative Officer	Effective Date: March 3, 2020	
SUBJECT	Human Resources, Unreasonable Behaviour		

**PURPOSE:**

The Corporation of the Township of North Algona Wilberforce endeavors to provide exemplary service to all members of the public, The Township aims to address service requests and complaints equitably, comprehensively, and in a timely manner. It is the Townships mandate to respect all customers and to be helpful and respectful to all.

The implementation of this policy protects workers as required under provincial legislation and also to ensure that reasonable customers are provided access to Township services and property. This is not a policy to limit or control reasonable persons in expressing their opinions or concerns to their elected municipal councillors.

Vexatious, frivolous and/or unreasonably persistent requests may compromise the Township’s ability to deliver quality customer service in an equitable, efficient and effective manner. These situations may require the Township to put limits on the contact, which customers have with the Corporation. These actions will ensure that Township resources are used effectively and efficiently, while still maintaining a high level of customer service and responsiveness.

The Policy will guide staff to identify situations that meet the criteria of vexatious, frivolous and/or unreasonably persistent and the associated actions that may be undertaken in such circumstances. The aim of the Policy is to contribute to the overall intent of dealing with all customers in ways, which are consistent, fair and reasonable while acknowledging that there may be a need to shield staff from unreasonable behavior,

For immediate threats to persons or property, 911 systems should be activated and follow the Workplace Violence and Workplace Harassment Policy.

This Policy is not intended to deal with generally difficult customers. This Policy applies to unreasonable customer behaviour and unreasonably persistent customers. Deciding whether a request is vexatious or frivolous is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or criteria in deciding whether a request is vexatious or frivolous. The key question is whether the request is likely to cause distress, disruption or irritation, without proper or justified cause.

The decision to classify someone'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 Township services

**Customer is a person that interacts or makes contact with Township staff, this includes but is not limited to residents, non residents, salespersons, delivery persons, contractors, service providers, tourists, visitors, and tradespeople.**

**Examples of Unreasonable Behaviour** Examples of what might be considered unreasonable behaviour are shown below. The list is not exhaustive, nor does one single feature on its own necessarily imply that the customer will be considered as being in this category:

- Refusing to specify the grounds of a complaint, despite offers of assistance
- Changing the basis of the complaint/request as the matter proceeds
- Denying of changing statements made at an earlier stage
- Recording meetings and conversations without all parties’ acknowledgement
- Submitting falsified documents from themselves or others
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, 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 staff. This could include use of hostile, abusive or offensive language, or an unreasonable fixation on an individual member of staff
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced

When the decision, by the CAO, has been taken to classify a customer's behaviour as unreasonable, or to classify a request as frivolous or vexatious, the customer (where possible and appropriate) will receive written notification that:

- Details what action staff have taken and why
- Explains what it means for the customer's contacts with the Corporation
- Advises how long the restrictions will last and when the decision will be reviewed
- Advises the customer on how they could appeal the restrictions

### **Application of Restrictions**

Restrictions will be tailored to deal with the individual circumstances and may include one or more of the following (the list is not exhaustive).

- Placing limits on the number and duration of contacts with staff per week or month
- Offering a restricted time slot for necessary calls
- Limiting the customer to one (1) method of contact (telephone, letter, email, etc)
- Requiring the customer to communicate only with one (1) named member of staff
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location
- Requiring the customer to make contact by telephone only through a third party (i.e. solicitor/counsellor/friend acting on their behalf)
- Limiting or regulating the customer's use of North Algona Wilberforce Township's services (i.e. Community centres, Access to technology systems). Limitations would be directly related to the facility/system where the infringement occurred
- Refusing the customer access to any North Algona Wilberforce Township's building except by appointment
- Informing the customer that further contact on the matter of the complaint/request will not be acknowledged or replied to
- Pursuing legal action (i.e. issuance to Notice of Trespass)
- Where efforts to resolve matters with the customer have not been successful, the case or request may be closed
- Other actions as deemed appropriate

### **Review of Restrictions**

When any restrictions are put in place, a review date will be set. This will be based on the circumstances of the case and could be for a period of three (3) months or longer depending on the severity of the situation. The status of a customer will be reviewed by the relevant Manager on or before the review date. The customer (where possible) will be informed of the outcome of the review.

### **Dispute**

The customer shall have the ability to appeal directly to the Corporation, regarding the decision to impose restrictions, by addressing their concerns in writing to the Clerk. The Clerk will forward the relevant information to Council who shall act as an appeal body in Closed Session and shall review the appeal and may confirm, rescind or amend the restrictions.

In the event complaints cannot be resolved through this Policy, they may be submitted to the Provincial Ombudsman's office.

### **POLICY ADMINISTRATION AND REVIEW**

This Policy shall be administered by the Chief Administrative Officer and will be reviewed every two (2) years or as required based on revisions to corporate practices or Provincial legislation.