

CITY OF CHESTERMERE
POLICY HANDBOOK

EFFECTIVE DATE: February 16, 2021	POLICY: 654
APPROVED BY: COUNCIL	SUBJECT: PUBLIC CONDUCT AND CIVIL DISCOURSE POLICY
REVISED DATE:	PAGE No.: 1 of 8
	POLICY TYPE: ADMINISTRATION

CONTENTS

SECTION:	1
1. PURPOSE	1
2. SCOPE	2
3. DEFINITIONS.....	2
4. RECOGNIZING UNREASONABLE BEHAVIOUR.....	3
5. COMPLEMENTARY TO EXISTING POLICIES, PROCEDURES AND BYLAWS.....	4
6. RESPONSIBILITY OF STAFF	4
7. RESPONSIBILITIES OF DEPARTMENT DIRECTOR.....	4
8. RESPONSIBILITIES OF COUNCIL MEMBERS.....	5
9. RESPONSIBILITIES OF CAO	5
10. RESPONSIBILITIES OF HUMAN RESOURCES	7
11. RESTRICTIONS	7
12. RIGHT OF REVIEW	8
13. AUTHORIZATION.....	8
14. COMING INTO FORCE AND TERM	8

The Council of the City of Chestermere, in the Province of Alberta, adopts the within policy:

SECTION:

1. PURPOSE

The purpose of this Policy is to address unreasonable conduct and uncivil discourse by members of the public in dealing with the City, Council and staff. It aims to establish a respectful, safe and supportive workplace for Council and staff, and to protect Council, staff and other members of the public from unreasonable conduct and uncivil discourse. Without

limiting Council's discretion and authority under the *Municipal Government Act*, RSA 2000, c M-26, this Policy sets out the Public Conduct and Civil Discourse Policy that will apply to all members of the public in their interaction with the City, Council and staff.

2. SCOPE

This Policy applies to all members of Council, staff, members of committees and volunteers acting on behalf of the City. This Policy applies to all City workplaces.

All persons who attend at a City workplace are expected to adhere to this policy and contribute to creating a respectful, safe and supportive workplace by not engaging in unreasonable behaviour.

3. DEFINITIONS

In this Policy,

- a) **“CAO”** means the City of Chestermere's chief administrative officer.
- b) **“City”** means the City of Chestermere.
- c) **“Council”** means the council of the City of Chestermere.
- d) **“communication”** or **“communicating”** means any form of expressive contact, including verbal, non-verbal, and written communications, whether in person, at public meetings, or by way of letter, e-mail, voicemail, telephone call, text, chat, social media or other form of communication.
- e) **“department director”** means a director of one of the City's departments.
- f) **“frivolous”** means trivial, groundless, without substance, having no merit, unnecessary or lacking good faith.
- g) **“harassment”** means any single incident or repeated incidents of objectionable or unwelcome communication, behaviour or action by a person that causes or is intended to cause offence, intimidation or humiliation to a member of Council or staff member, or adversely affects the health or safety of a member of Council or staff member, including, but not limited to: (i) comment, conduct, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and (ii) a sexual solicitation or advance.
- h) **“staff”** includes City staff, consultants, contractors, subcontractors, members of committees and volunteers acting on behalf of the City.
- i) **“unreasonable behaviour”** includes, but is not limited to:
 - i) the use of threatening, abusive, offensive, insulting or profane language in any form of communication;
 - ii) workplace violence;
 - iii) abuse of the emotional, mental or physical well-being of Council or staff;
 - iv) abuse or misuse of the City's resources or processes, or Council or staff time;
 - v) harassment;
 - vi) obsessive, persistent, or repetitive behaviour or actions; or
 - vii) frivolous or vexatious communications, complaints, requests or inquiries.
- j) **“vexatious”** means, in the context of a communication, complaint, request or inquiry, a

communication, complaint, request or inquiry that is initiated with the intent to distress, disrupt, embarrass, annoy, irritate, bother or hurt, or amounts to abuse or misuse of the City's communications, complaints, requests or inquiry process.

- k) **“workplace”** means any land, premises, vehicles or things at, upon, in or near which a member of Council or staff member works, whether on a permanent or temporary basis. This includes all locations where a member of Council or staff member conducts City business or social activities, including a residence, where the person works remotely. For the purposes of this Policy, communication received at the workplace from a person engaged in unreasonable behaviour is deemed to have been conducted at the workplace.
- l) **“workplace violence”** means (i) the threatened, attempted or actual conduct of a person against a member of Council or staff member, in a workplace or that is work-related, that causes or is likely to cause physical or psychological injury or harm to a member of Council or staff member, and includes domestic or sexual violence; or (ii) a communication, behaviour or action that may be reasonably interpreted as a threat to cause physical or psychological injury or harm against a member of Council or staff member.

4. RECOGNIZING UNREASONABLE BEHAVIOUR

Examples of behaviours which might be considered unreasonable behaviour for the purposes of this Policy are provided below.

- a) Submitting repeated communications for the same thing, or refusing to accept that an issue has been dealt with by Council or staff;
- b) Changing the basis of the complaint or request or introducing trivial or irrelevant new information after staff have commenced investigating the complaint or fulfilling the request;
- c) Insisting that a complaint or request will be dealt with in a manner which is incompatible with the City's bylaws, policies, procedures or practices;
- d) Making excessive or multiple lines of communication, such as pursuing a complaint or request with several departments of the City or contacting several members of Council, staff, or others, such as elected officials, the judiciary, the Federal or Provincial government or governmental agencies, ombudsman or law enforcement agencies, with the same issue;
- e) Complaining about or challenging a matter based on a prior irreversible or final decision or persisting in seeking an outcome which is unrealistic for legal or policy reasons;
- f) Making unnecessarily excessive or multiple demands on the time and resources of Council or staff, or hindering their ability to carry out their duties;
- g) Repeated, frequent or simultaneous requests for information, whether or not those requests are made under *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25;
- h) Electronically recording meetings or conversations without the prior knowledge and written consent of the other parties involved;
- i) Contacting former City staff in an attempt to undermine current Council or staff;
- j) Loitering, causing a disturbance while accessing a City program, service, event or facility, or acting under the influence of an intoxicating substance while attending a workplace;
- k) Threatening the employment, reputation or private life of staff; or

- l) Using social media or other media to directly or indirectly carry out or conspire to carry out any of the above.

This is not an exhaustive list. Each situation must be considered in context. While a single significant incident may require application of this Policy, it is also possible that a single or a few incidents may not be sufficient for one's behaviour to constitute unreasonable behaviour for the purposes of this Policy. In such situations, this Policy does not need to be invoked.

Caution: The decision to classify someone's communications and conduct as unreasonable behaviour, or to classify their communication, complaint, request or inquiry as frivolous or vexatious can have serious consequences for the individual, including their ability to access City programs and services. In most situations, reasonable attempts should be made to de-escalate the behaviour. In some situations, including where there is threat to person or property, it may be appropriate to seek support from the RCMP (Please dial 911 for emergencies and 403-204-8900 for non-emergencies).

5. COMPLEMENTARY TO EXISTING POLICIES, PROCEDURES AND BYLAWS

This Policy is meant to complement, not replace, the City's existing bylaws, policies, procedures or practices, including but not limited to the Social Media Policy, the Public Policy and Engagement Policy, the Company Health & Safety Policy, and the Chestermere Anti-Bullying Bylaw.

6. RESPONSIBILITY OF STAFF

If a staff member reasonably believes that a person is engaging in or has engaged in unreasonable behaviour in the workplace or that is work-related, the staff member should promptly advise and consult with the staff member's department director. The staff member ought to document and provide to their department director the following:

- details of the person's identity, personal circumstances and level of competency;
- history of contact with the person, if any;
- efforts made by staff to address or resolve the communication, complaint, request or inquiry, where applicable;
- particulars of the unreasonable behaviour experienced or witnessed; and
- the impact of the unreasonable behaviour (to themselves, others and the City).

7. RESPONSIBILITIES OF DEPARTMENT DIRECTOR

The department director is responsible for reviewing the information provided by the reporting staff member in a timely manner and to confirm whether this Policy is applicable. If this Policy is applicable, the department director shall in a timely manner act as follows:

- a) Review the information and may, in the discretion of the department director, request information from any person and contact members of Council, other department directors or staff to determine whether the person has engaged in or is engaging in communications with members of Council, other departments or staff or other incidents of unreasonable behaviour, and then determine whether the person's behaviour constitutes unreasonable behaviour for the purposes of this Policy.
- b) If it is determined that the person has engaged in unreasonable behaviour:

- Work with staff to determine the appropriate restrictions to be placed on the person engaged in unreasonable behaviour and the appropriate time period of the restrictions;
 - Inform the person, if possible, in writing, of the restrictions, the time period of the restrictions, and their right to seek a review by the CAO of the restrictions and time period imposed within 7 days;
 - Promptly inform, in writing, the CAO of (i) the information provided by the staff member, (ii) any other information obtained by the department director including any unreasonable behaviour observed by the department director, (iii) the restrictions and time period of the restrictions imposed, and (iv) the method of informing the person of the restrictions, time period and their right of review; and
 - Reassess the restrictions and time period of the restrictions imposed at least every six months, including requesting and considering information provided by the affected person or additional information from any member of Council, staff or other person, to determine whether the restrictions and time period of the restrictions remains appropriate. The department director shall consider factors such as whether the person has complied with the restrictions, whether the person put forward information or arguments as part of the review, the impact to the person of continuing the restrictions, and any other information that may be relevant in the circumstances. Following such reassessment, the person shall be informed of the outcome of the reassessment within 7 days of its completion and be given another date for reassessment if any restrictions remain.
- c) If it is determined that the person has not engaged in unreasonable behaviour, at the discretion of the department director, the person may be informed by way of a warning letter, telephone call or other correspondence that if the person's behaviour continues, such behaviour may constitute unreasonable behaviour for the purposes of this Policy and the City reserves the right to impose restrictions on the person in the future.

8. RESPONSIBILITIES OF COUNCIL MEMBERS

If a member of Council reasonably believes that a person is engaging in or has engaged in unreasonable behaviour in the workplace or that is work-related, the member of Council should promptly advise and consult with the CAO. The member of Council ought to document and provide to the CAO the following:

- details of the person's identity, personal circumstances and level of competency;
- history of contact with the person, if any;
- efforts made by Council to address or resolve the communication, complaint, request or inquiry, where applicable;
- particulars of the unreasonable behaviour experienced or witnessed; and
- the impact of the unreasonable behaviour (to themselves, others and the City).

9. RESPONSIBILITIES OF CAO

Upon receipt of information provided by a department director (in accordance with Section 7 above) or from a member of Council (in accordance with Section 8 above) or upon the CAO's initiative, the CAO shall in a timely manner act as follows:

- a) Review the information provided, and may request information from any person and

contact any member of Council, department director, or staff to determine whether a person has engaged in or is engaging in communications with members of Council, departments or staff, or other incidents of unreasonable behaviour, and, if an independent investigator has not been appointed, determine whether the person's behaviour constitutes unreasonable behaviour for the purposes of this Policy.

- b) If the CAO considers it appropriate, the CAO may take one or any combination of actions to preserve the integrity of the City and facilitate the resolution or cessation of the behaviour, including, but not limited to:
- appointing an independent investigator to conduct an investigation of the communications or behavior, determine whether the communications or behavior, in isolation or aggregate, constitute unreasonable behavior under this Policy and recommend an appropriate remedy, including any restriction and length of the restriction;
 - appointing a mediator or facilitator to resolve issues arising from the communications or other behaviour and with respect to future interactions with Council and staff, provided that all parties agree to openly and honestly participate in the mediation or facilitation process; or
 - consulting, coordinating and collaborating with the City's Human Resources team for the purpose of protecting the health and safety of impacted and potentially impacted staff.
- c) If it is determined that the person has engaged in unreasonable behaviour:
- Where a member of Council is involved, work with the member of Council to determine the appropriate restrictions to be placed on the person engaged in unreasonable behaviour and the appropriate time period of the restrictions or, where it is upon the CAO's initiative, determine the appropriate restrictions to be placed on the person engaged in unreasonable behaviour and the appropriate time period of the restrictions;
 - Inform the person, if possible, in writing, of the restrictions, the time period of the restrictions, and their right to seek a review by Council of the restrictions and time period imposed within 7 days;
 - Inform Council of the restrictions and time period of the restrictions imposed upon the person, and the grounds for doing so; and
 - Reassess the restrictions and time period of the restrictions imposed at least every six months, including requesting and considering information provided by the affected person or additional information from any member of Council, staff or other person, to determine whether the restrictions and time period of the restrictions remains appropriate. The CAO shall consider factors such as whether the person has complied with the restrictions, whether the person put forward information or arguments as part of the review, the impact to the person of continuing the restrictions, and any other information that may be relevant in the circumstances. Following such reassessment, the person shall be informed of the outcome of the reassessment within 7 days of its completion and be given another date for reassessment if any restrictions remain.
- d) If it is determined that the person has not engaged in unreasonable behaviour, at the discretion of the CAO, the person may be informed by way of a warning letter, telephone call or other correspondence that if the person's behaviour continues, such behaviour may constitute unreasonable behaviour for the purposes of this Policy and

the City reserves the right to impose restrictions on the person in the future.

- e) If a person upon whom restrictions have been placed by a department director seeks a review of the restrictions or time period, or both, within 7 days of being informed of the decision, the CAO shall review the matter and make a final determination as to whether the person's behaviour constituted unreasonable behaviour and, if so determined, whether the restrictions and time period are reasonable in the circumstances. In conducting the review, the CAO may request and consider information provided by the person seeking the review and may request and consider additional information from any member of Council, staff, department director or other person. Following such review, the CAO may rescind, uphold or modify the restrictions and/or time period, and shall notify the person in writing of the CAO's review decision.
- f) The CAO is responsible for ensuring that Council and staff are aware of and trained on this Policy and any accompanying guidelines and protocols.
- g) The CAO may take reasonable preventative and proactive measures to protect members of Council and staff from unreasonable behaviour.

10. RESPONSIBILITIES OF HUMAN RESOURCES

The City's People Operations – Human Resources team may be notified, as appropriate, by a department director, a member of Council, or the CAO, regarding communications or other incidents of unreasonable behaviour, so that the Human Resources team can consult and collaborate with the department director, Council and the CAO, as appropriate, to provide any necessary supports to ensure the health and safety of impacted staff.

11. RESTRICTIONS

Restrictions shall be tailored to effectively deal with the circumstances and competencies of the person, the nature of the unreasonable behaviour, the likelihood of repeated or continued unreasonable behaviour, and the impact on the City, Council, staff and other members of the public. Restrictions may include, but are not limited to, any one or combination of the following:

- a) Placing limits on the person's contact with members of Council and/or staff to a particular format, time, frequency and duration.
- b) Prohibiting in-person attendance at any City workplace or specified City workplaces, or providing a limited time period or appointment for necessary contact, and specifying the person with whom they may contact.
- c) Providing any face-to-face interactions take place in the presence of another member of Council, staff member or supervisor.
- d) Limiting the person to a single method of communication.
- e) Requiring the person to communicate through a competent third party such as a lawyer, guardian, counsellor or friend acting on their behalf.
- f) Limiting or regulating the person's use of the City's programs and services, including access to City property, parks and facilities.
- g) Informing the person that further contact on the matter of the communication, complaint, request or inquiry will not be acknowledged or replied to.
- h) Instructing staff to close the complaint, request or inquiry, or to reduce or cease responses to further communications, complaints, requests or inquiries.
- i) Pursuing legal action, including providing a trespass notice prohibiting entry under the

Petty Trespass Act, RSA 2000, c P-11 to prevent future reoccurrences.

- j) Any other restrictions as may be considered appropriate in the circumstances.

12. RIGHT OF REVIEW

If it is determined that a person has engaged in unreasonable behaviour, and they have been informed of restrictions and the time period of the restrictions imposed, they have the following right of review:

- a) Upon receipt of the decision by a department director, the person may seek a review of the decision by submitting in writing the decision to be reviewed, the date of the decision, and grounds for the review, stating the specific reasons, to the CAO within 7 days of the decision.
- b) Upon receipt of the CAO's review decision, the person may seek a review of the CAO's decision by submitting in writing the decision to be reviewed, the date of the decision, and grounds for the review, stating the specific reasons, to Council within 7 days of the decision. Council's decision is final and the person shall have no further right of review.

13. AUTHORIZATION

The CAO is authorized to develop and provide guidelines and protocols in dealing with unreasonable behaviour and those members of the public who engage in unreasonable behaviour.

14. COMING INTO FORCE AND TERM

This Policy shall come into force and take effect upon the date of the adoption thereof.

Adopted by Council: February 16, 2021

Resolution No. _____



Mayor



Chief Administrative Officer