

The Corporation of the Township of North Kawartha

By-law 2024-0046

Being a by-law of the Corporation of the Township of North Kawartha to adopt a Customer Conduct Policy.

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, provides a Municipality has the capacity, rights, powers and privileges of a natural person;

And Whereas the Council of the Corporation of the Township of North Kawartha deems it necessary to adopt a Customer Conduct Policy to define situations that meet the criteria of Frivolous, Vexatious or Unreasonable, and the associated actions that may be taken in such circumstances.

Now Therefore the Council of the Corporation of the Township of North Kawartha enacts as follows:

1. That the Customer Conduct Policy attached hereto as 'Schedule A' be adopted.

This by-law shall come into effect on the 15th day of October, 2024.

Read and Adopted in open Council on the 15th day of October, 2024.

Carolyn Amyotte, Mayor

Connie Parent, Clerk

**The Corporation of the Township of North Kawartha
Corporate Policies and Procedures**

Subject: Customer Conduct Policy

Policy Number:

Approving Authority: Alana Solman, CAO

Date Approved:

Revised:

Associated Documents / Legislation:

1. Purpose

This policy is to guide and identify situations that meet the criteria of Frivolous, Vexatious or Unreasonable, and the associated actions that may be taken in such circumstances. Actions taken pursuant to this policy will ensure that municipal resources are used effectively and efficiently, while maintaining a high level of service excellence and responsiveness to all members of the public.

Also, this policy includes guidelines on Customer Conduct

The Township of North Kawartha's Strategic Plan identifies providing "effective, clear and transparent Township communication" as a strategic priority. The Corporation of the Township of North Kawartha strives to provide efficient service to all customers.

2. Scope

This policy applies to all employees (full-time, part-time, permanent, or temporary), Members of Council, Boards and Committees, interns, students, contractors, and volunteers while responding to North Kawartha customer service inquiries via telephone, email, written correspondence, in person, in meetings (virtual or live), online requests or responding to social media channels.

This policy applies to unreasonable customer behaviour and unreasonably persistent customers. Deciding whether a request is unreasonable, vexatious, or frivolous is a flexible balancing exercise, considering 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 consequences for the individual, including restricting their access to Township services. The decision may be because of a repeated pattern of conduct when, on several occasions, a complainant engages in one or more of the identified behaviours or actions identified as unreasonable, frivolous, or vexatious. This does not preclude a single significant incident being used to move a request to be dealt with under this policy.

This policy does not apply where legal action against the Township or a Township official has been threatened or commenced. Additionally, this policy

does not apply to typical complaints, which are addressed through the Township Complaint Process, which provides the public with an avenue for submitting complaints and provides a consistent practice for handling complaints. Internal staff complaints conducted by Managers, or the CAO are not included in this policy.

3. Definitions

C.A.O. means Chief Administrative Officer of the Township of North Kawartha

Committee Member means an individual appointed by Council to a specific Committee of Council.

Concern is any expression of dissatisfaction about the action taken by the Township or by a person or body acting on behalf of the Township.

Council means The Township of North Kawartha Council as a whole.

Council Member means an individual member of Council, including the Mayor.

Customer means residents, ratepayers, businesses, visitors, and service providers.

Employee means all full-time, part-time, temporary, seasonal and staff hired on a contract basis for a defined period, as well as students.

Frivolous means a Complaint /Request that has no serious purpose or value or may have little merit and be trivial and is part of a pattern of conduct that amounts to an abuse of the right of access, interferes with the operations of the institution, or is made in bad faith or for a purpose other than to obtain access.

Ombudsman means the Ombudsman of Ontario.

Request means the act of asking for something to be given, provided, or done, such as request made to the Township by a customer for a service or for information.

Township means the Township of North Kawartha

Unreasonable means a Complaint /Request that is likely to cause distress or disruption to the Township, its Employees, or other members of the public, without any proper or justified cause and can include behaviour that, is aggressive, inappropriate or of a frequent nature.

Vexatious means a Complaint /Request without merit, which is pursued in a manner that is malicious, intended to inconvenience, embarrass, or harass the recipient or is a pattern of conduct by the customer that amounts to the misuse of the processes and procedures.

4. Procedures

Customer Conduct Procedure

The decision to classify someone's behaviour as Unreasonable, or to classify a Request or Complaint as Frivolous and Vexatious, could have consequences for the customer, including restricting their access to Township services, facilities, and staff. The decision may be because of a repeated pattern of conduct when, on several occasions, a person engages in one or more behaviours or actions identified as Unreasonable, Frivolous, and/or Vexatious, or it may be a single

significant incident that requires the invocation of this policy. If an incident presents an immediate threat, contact 9-1-1. Harassment and violence toward any employee will not be tolerated.

Although each case must be determined considering its own circumstances, below are examples meant to help staff identify Frivolous, Vexatious or Unreasonable conduct. It is understood that these examples are not determinative; the list is not exhaustive, nor does any action set out in the list necessitate application of this policy.

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 or changing statements made at an earlier stage.
- Covertly recording meetings and conversations.
- Making untrue statements.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, on the same issue, 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 Township through different routes about the same issue.
- Causing distress to staff. This could include use of hostile, abusive or offensive language or statements, or an unreasonable fixation on an individual member of staff. Any discrimination related to the Ontario Human Rights Code
- Asking staff personal questions unrelated to municipal business.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Refusing to deal with the appropriate staff member.

Examples of Vexatious or Frivolous Requests

Examples of what might be vexatious requests are shown below. The list is not exhaustive, and for a request to be considered as vexatious it is likely that more than one of the examples is relevant:

- Submission of obsessive requests with high volume and frequency of correspondence.
- Comments designed to defame the reputation of the Township.
- 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 Corporation in terms of expense, and negatively impact our ability to provide service to others.
- Where the customer states that the request is 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.
- Harassing the Corporation. This could include high volume and frequency of correspondence, or mingling requests with accusations and complaints.

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 method of contact (telephone, letter, email, etc.).
- Requiring the customer to communicate only with one 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 e.g. solicitor/ counsellor/ friend acting on their behalf.
- Informing the customer that further contact on the matter of the complaint/request will not be acknowledged or replied to.
- Pursuing Legal actions e.g. issuance of 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 3 months or longer depending on the severity of the situation. The status of a customer will be reviewed by the relevant Department Manager on or before the review date. The customer (where possible) will be informed of the outcome of the review. Where the Department Manager, in consultation with the CAO feels the restrictions should continue, the customer will be notified of the reasons and given another date for review.

Dispute

Customers shall have the ability to appeal directly to the Township, regarding the decision to impose restrictions, by addressing their concerns in writing to the Clerk. The Clerk will review the relevant information and provide a summary to the CAO who shall review the appeal and may confirm, rescind, or amend the restrictions. In the event complaints cannot be resolved through the Township's complaint process and/or this policy, they may be submitted to the Provincial Ombudsman's office in accordance with the provisions of Bill 8.

5. Responsibilities

Clerk:

The Clerk is responsible to consult with the C.A.O. in the application of the policy.

Customers:

Customers / Members of the Public are asked to recognize that the Township must consider the needs of the whole community. They are to provide honest and respectful communication.

Employees:

Employees are to be aware of this policy and any accompanying guidelines and protocols.

Managers:

Managers are responsible for ensuring that Employees are aware of and trained on this policy and any accompanying guidelines and protocols.

Members of Council and Committees:

Members of Council and Committees will consult with the C.A.O. and the Integrity Commissioner, if necessary, regarding cases of Unreasonable behaviour and/or Frivolous and Vexatious action that the Member wishes to address, as described in this policy. Upon being consulted by a Member of Council or Committees, the Integrity Commissioner shall provide advice to the Member respecting any proposed action under this policy as it relates to the Member's obligations under the Code of Conduct for Members of Council.

6. Legislative and Policy Overview

- a) Municipal Freedom of Information and Protection of Privacy Act, R.S.O.1990, c.M. 56

The Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56, provides that a Request for information may be denied if, on reasonable grounds, it is found to be Frivolous or Vexatious.

- b) Occupiers' Liability Act and Occupational Health and Safety Act

The Township has a general legislated duty under the Occupiers' Liability Act, R.S.O. 1990, c 0.2, to take such care, as in all the circumstances is reasonable, for any persons entering on its premises, and the property brought on the premises are reasonably safe. The Township has further duties under the Occupational Health and Safety Act, R.S.O. 1990, c 0.1, to address workplace violence and harassment and to:

- make reasonable efforts to provide a safe, healthy working environment for its Employees.
- ensure that all persons on the property are reasonably safe while on the premises; and,
- make reasonable efforts to provide for the safety of all Council, Employees, and the public in Township operations and in public use of Township facilities.

- c) Related Policies

The Township is committed to ensuring a climate of understanding and mutual respect and to making reasonable efforts to provide a safe workplace, free from any form of discrimination, harassment, bullying or actual, attempted or threatened violence. The Corporate Workplace Violence and Harassment Policy, details the steps available to the Township to ensure that a respectful and safe workplace is maintained.

The Townships Customer Complaints Policy and Procedures, provides the public with an avenue for submitting complaints and provides Township Employees with consistent practices for handling complaints about Township programs and services.

Review Cycle:

This policy will be reviewed once a term of Council or when deemed necessary.