



Staff Report

Administration – Chief Administrative Officer

Report To: Committee of the Whole Meeting
Meeting Date: May 24, 2022
Report Number: FAF.22.104
Title: Town Complaint Resolution and Respectful Public Interactions Policies
Prepared by: Shawn Everitt, Chief Administrative Officer

A. Recommendations

THAT Council receive Staff Report FAF.22.104, entitled “Town Complaint Resolution and Respectful Public Interactions Policies”;

AND THAT Council approve the revised Corporate Policy entitled “Town Complaint Resolution Policy, POL.COR.16.05” as attached to this report;

AND THAT Council approve two (2) new Corporate Policies entitled “Respectful Public Interactions” and “Frivolous, Vexatious or Unreasonable Complaints” as attached to this report.

B. Overview

This report outlines requested revisions to the current “Town Complaint Resolution Policy POL.COR.16.05” and requests approval for two (2) new Corporate Policies each dealing with respectful interactions with and between the public. The Town intends, by these policies, to ensure that all interactions with the public are dealt with consistently, fairly, and reasonably and that staff are protected from inappropriate behaviour.

C. Background

The Town is committed to providing exemplary service to all members of the public and aims to respond to service requests and complaints in an equitable, comprehensive, and timely manner.

With the passage of [Bill 8, the Public Sector and MPP Accountability and Transparency Act, 2014 \(“Bill 8”\)](#), the Ontario Ombudsman’s oversight authority was expanded to investigate complaints at the municipal level, only after local investigations have been completed. In 2016, the Town established the [Town Complaint Resolution Policy POL.COR.16.05](#) in response to Bill 8. The policy provides a mechanism for the municipality to respond to any complaints received. The policy has been updated to add definitions, clarify responsibilities, and the complaint

management process. The revised draft Town Complaint Resolution Policy POL.COR.16.05 has been included as Attachment 1 to this report.

In addition, this report seeks Council's approval of two new policies each dealing with respectful interactions, either between the public and staff or between the public themselves. The first policy relates to respectful public interactions, while the second policy is meant to deal with interactions that are deemed to be **frivolous, vexatious or unreasonable**. These terms are defined in the policy, however, for ease of reference, they are understood generally as complaints that unreasonably consume a disproportionate amount of staff time/resources, or that might be intended to embarrass, annoy, or abuse.

Staff understand the unique role that the Town has in balancing respect for its residents' *Charter* rights to freedom of thought, belief, opinion, and expression, with its obligations to staff under the *Occupational Health and Safety Act* and Common Law to provide a safe work environment free from harassment and discrimination. At the same time, the Town recognizes that dealing with frivolous, vexatious and unreasonable conduct from the public consumes a disproportionate amount of staff's time and resources and may compromise the Town's ability to:

- govern effectively;
- spend fair and equitable time and resources on other essential issues and projects; and
- deliver excellence in customer service in an equitable, efficient, and effective manner.

Frivolous, Vexatious and Unreasonable Complaints Policies have been adopted by other municipalities in recent years. Municipalities such as Mississauga (2014), Wasaga Beach (2016), Vaughan (2017), Aurora (2018), Bruce County (2018), Innisfil (2019), Saugeen Shores (2019), Muskoka Lakes (2020) and Oshawa (2021) have enacted similar policies, which were reviewed to be certain the proposed policy is in line with how our municipal partners are managing this component of their business. All of these policies are consistent in identifying the components of what constitutes **frivolous, vexatious and unreasonable** behaviour as well as the restrictions available to deal with the behaviour.

As a result of the competing interests involved, it is important to provide a framework for staff and the public to understand acceptable limits to engagement and determine appropriate responses, recognizing that limits placed on an individual's fundamental freedoms must be justified, rationally connected to their objective, and minimally impairing.

D. Analysis

The Respectful Public Interactions Policy

The Respectful Public Interactions Policy (Attachment 2) is intended to guide staff in identifying situations that meet the criteria of inappropriate behaviour and the associated actions that may be taken in such circumstances.

The aim of the policy is to promote a positive, safe, and supportive environment for interactions between members of the public and Town staff that will encourage respect,

commitment, and considerate relationships. The policy aims to provide measures to be taken when behaviour becomes inappropriate as defined in the policy.

The Frivolous, Vexatious and Unreasonable Complaint Policy

The Frivolous, Vexatious and Unreasonable Complaint Policy (Attachment 3) is intended to guide staff in identifying situations that are consuming a disproportionate amount of staff time and resources and meet the criteria of frivolous, vexatious, or unreasonable. Some examples of this include (but not limited to):

- unreasonable expectations for Town engagement in neighbour disputes;
- multiple lines of inquiry regarding the same issue (i.e., circumventing our Complaint Resolution Policy and pursuing a complaint with Town staff in multiple departments and/or elected officials simultaneously);
- repeated engagement for the purpose of challenging the findings of an investigation and/or denying that an adequate response was given; (i.e., continued engagement on an issue staff have investigated and deemed that the complainants' issues are not related to activity on a neighbouring property); or
- refusal to accept that an issue falls outside of the scope of the Town's jurisdiction (i.e. matters of a civil nature or within the jurisdiction of another governing body).

The policy outlines the associated actions that may be taken in such circumstances to ensure municipal resources are used effectively and efficiently for all members of the public. The policies are meant to prevent arbitrariness, while also permitting enough fluidity to allow each case to be dealt with in its own circumstances so that where restrictions are found to be justified, they can be tailored as appropriate.

Consideration Given to Policy Examples Provided by the Ontario Ombudsman

These policies take into consideration policy examples provided by the Ontario Ombudsman and review of [Ombudsman Ontario - Tips for Municipal Complaint Resolution Policies](#). The policies are structured in such a way that both Town staff and the public can understand their purpose and scope. These new policies are intended to work with Town's Complaint Resolution Policy and the Town's [Workplace Violence and Harassment Policy](#), while not applying to matters covered by the Town's Procedural By-Law, or complaints made to the Integrity Commissioner under the Council Code of Conduct.

In accordance with recommendations made by the Ontario Ombudsman, examples of inappropriate behaviour and frivolous, vexatious, or unreasonable conduct are given in the policies, without reliance on a strict definition in order to allow some flexibility. The policies outline a procedure for addressing the conduct or behaviour that includes proper documentation and reporting. In the event of inappropriate conduct, the Manager of the reporting staff member's division or their designate will review the information provided by staff and determine whether restrictions are warranted. In the event of frivolous, vexatious, or unreasonable conduct, the decision will be made by a panel of Senior Management Team members who will be asked to consider the information provided by staff and

recommendations of the Manager to determine whether restrictions are warranted. Where restrictions are imposed, written notice is provided to the member of the public with a date of review, at which time the restrictions may be removed, extended, or modified. Should the member of the public wish to appeal the decision, they may do so in writing to the Chief Administrative Officer.

While the Town does not presently have a Corporate Policy for the handling of either inappropriate behaviour for members of the public when dealing with staff, or for the handling of frivolous, vexatious, and unreasonable complaints, the Town does have a [Workplace Violence and Harassment Policy](#) in support of a supportive, inclusive, welcoming, and respectful environment and which clearly communicates to all workplace parties shared responsibilities and expectations under the policy. The proposed external facing policies express the same sentiments and outlines expectations of all parties.

Conclusion

It is important to note that staff make every effort to meet and exceed the expectations of members of the public. It is rare that an interaction escalates to one warranting the application of these two (2) new policies. However, having these policies in place, in addition to the Town's Complaint Resolution Policy, ensures that any restriction of the rights of the public is done fairly and in accordance with due process and the law. It is staff's view that these policies not only provide guidance to staff, but also to the public, in determining what is considered acceptable behaviour when interacting with staff or other members of the public, and what steps may be taken when behaviour is deemed to fall below those standards. It also provides any person subject to restrictions made under those policies clear avenues of review and appeal.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

None.

G. Financial Impacts

There are no direct financial impacts as a result of the approval of these policies. As noted in this report, staff do not expect to have to apply these new policies except in rare circumstances, and for a large part these policies formalize and improve what has generally been informal practice that has been taken for many years. Staff would expect that the policies should reduce the amount of staff time that is taken up by the scenarios identified above, but it would be very difficult to determine just exactly how much time that would equate to.

H. In Consultation With

Service Area Managers

Senior Management Team

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Shawn Everitt, cao@thebluemountains.ca.

J. Attached

1. Revised Draft Town Complaint Resolution Policy POL.COR.16.05
2. Draft Respectful Public Interactions Policy
3. Draft Frivolous, Vexatious or Unreasonable Complaints Policy

Respectfully submitted,

Shawn Everitt
Chief Administrative Officer

For more information, please contact:
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Report Approval Details

Document Title:	FAF.22.104 Town Complaint Resolution and Respectful Public Interactions Policies.docx
Attachments:	<ul style="list-style-type: none">- Attachment-1-Revised-Draft-Town-Complaint-Resolution-Policy-POL-COR-16-05.pdf- Attachment-2-Draft-Respectful-Public-Interactions-Policy.pdf- Attachment-3-Draft-Frivolous-Vexatious-or-Unreasonable-Complaints-Policy.pdf
Final Approval Date:	May 10, 2022

This report and all of its attachments were approved and signed as outlined below:

Shawn Everitt - May 10, 2022 - 12:02 PM