



**Policy No.:** H04 – Public Conduct Policy  
**Date Enacted:** July 11, 2023  
**Amended By:** #C-204-23

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## Subject

This Policy relates to public conduct and the consequences of Unreasonable Conduct by Members of the Public.

## Purpose

The Occupational Health and Safety Act, R.S.O. 1990, c. O.1 obligates the Municipality to take every precaution reasonable in the circumstances for the protection of a worker. Further, pursuant to the Occupiers' Liability Act, R.S.O. 1990, c. O.2, the Municipality as an occupier of premises owes a duty to take reasonable care in the circumstances to see that persons entering on the premises are reasonably safe.

In light of these obligations, the Municipality is committed to providing an environment where there is respect for oneself; respect for others and responsibility for one's actions. It is the expectation of the Municipality that Members of the Public will abide by these principles. The purpose of this Policy is to identify certain conduct that is not acceptable and to identify the consequences of the same.

## Scope

This Policy applies to interactions between Members of the Public and Employees; the conduct of Members of the Public in a municipal facility or at a municipal event generally; and certain interactions between Members of the Public and Council Members.

## Definitions

**“Bullying”** means conduct which is known, or ought reasonably to have been known would undermine a worker's self-esteem and damage a worker's self-confidence which conduct may include, but is limited to, the following behaviours when directed at another worker or group of workers:

- abusive, insulting or offensive language or comments;
- unjustified criticism of a person, especially in the presence of others;
- belittling a person's opinion, especially in the presence of others;
- spreading false and malicious rumours, gossip or innuendo; or
- purposefully excluding or isolating someone from normal work-related interactions required to perform the job.

**“Council Member”** means a member of Council of the Municipality;

**“Discrimination”** means the act of making unfair or prejudicial distinctions between people based on the groups, classes or other categories to which they belong, under the following protected grounds as described in the Ontario Human Rights Code, R.S.O. 1990, c. H.19, as may be amended from time to time:

- race;
- ancestry;
- place of origin;
- colour;
- ethnic origin;
- citizenship;
- creed;
- sex;
- sexual orientation;
- gender identity;
- gender expression;
- age;
- record of offences;
- marital status;
- family status;
- receipt of public assistance; or
- disability.

**“Employee”** means any employee of the Municipality and includes a “worker” as such is defined within the Occupational Health and Safety Act;

**“Member of the Public”** means any member of the public and includes, but is not limited to, any contractor retained to do work or provide a service to or on behalf the Municipality; and any applicant for any approval, licence or permit required to be issued by an Employee or by the Municipality pursuant to a by-law or any provincial or federal legislation;

**“Municipality”** means The Corporation of the Municipality of Leamington;

**“Rules”** means rules or public codes of conduct which may be posted or applicable in or around any Workplace, municipal facility or municipal event.

**“Unreasonable Conduct”** means:

- a) unreasonable persistence, being continued, incessant and unrelenting conduct by a Member of the Public that have a disproportionate and unreasonable impact on municipal services and/or resources;
- b) unreasonable demands, being demands (express or implied) that are made by a Member of the Public that has a disproportionate and unreasonable impact on municipal services and/or resources;
- c) unreasonable lack of cooperation, being an unwillingness and/or failure by a Member of the Public to provide relevant or organized information in order to resolve an issue that results in a disproportionate and unreasonable impact on municipal services and/or resources;
- d) unreasonable arguments including any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or incoherent and that results in a disproportionate and unreasonable impact on municipal services and/or resources; and/or
- e) unreasonable behaviour, being conduct that is unreasonable in all circumstances as it unreasonably compromises the health, safety, wellbeing and security of an Employee, Member of Council or other Members of the Public, including, but not limited to, using abusive language, yelling or making disparaging comments; engaging in argumentative, disrespectful, intimidating or otherwise disruptive behaviour; vandalism of any kind; or contravention of Rules;

**“Workplace”** means any land, premises, location or thing at, upon, in or near which a worker works;

**“Workplace Harassment”** means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome;
- b) Workplace Sexual Harassment;
- c) Bullying; or
- d) Discrimination;

Other examples of Workplace Harassment include:

- making remarks, jokes or innuendos that embarrass, humiliate, demean, ridicule, intimidate, or offend;
- displaying or circulating offensive pictures or materials in print or electronic form;  
or
- repeated offensive or intimidating phone calls or e-mails;

**“Workplace Sexual Harassment”** means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Examples of Workplace Sexual Harassment include:

- asking questions, talking, or writing about sexual activities;
- asking questions about someone’s gender identity or sexual orientation;
- rough or vulgar humour or language related to sexuality, sexual orientation or gender;
- displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form;
- leering or inappropriate staring;
- invading personal space;
- unnecessary physical contact, including inappropriate touching;
- demanding hugs, dates, or sexual favours;
- making gender-related comments about someone’s physical characteristics, mannerisms, or conformity to sex-role stereotypes;
- verbally abusing, threatening or taunting someone based on gender or sexual orientation; or
- threatening to penalize or otherwise punish a worker if they refuse a sexual advance.

**“Workplace Violence”** means:

- a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,

- b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Examples of Workplace Violence include:

- verbally threatening to attack a worker;
- leaving threatening notes at or sending threatening e-mails to a workplace;
- shaking a fist in a worker's face;
- wielding a weapon at work;
- hitting or trying to hit a worker;
- throwing an object at a worker;
- sexual violence against a worker;
- kicking an object the worker is standing on, such as a ladder; or
- trying to run down a worker using a vehicle or equipment such as a forklift; or
- an act of aggression.

## Policy

1. This Policy shall be read in conjunction with and does not supersede or replace the Workplace Violence and Workplace Harassment Policy; any other policy or Rule related to the conduct of any Employee, Council Member or Member of the Public; any obligation or duty of any party to any contract or as required by law.
2. In addition to any other proceedings which may be pursued at law, or any recommendation of an investigator appointed pursuant to the Workplace Violence and Workplace Harassment Program, a response to a Member of the Public who engages in Unreasonable Conduct, Workplace Harassment or Workplace Violence may be any of the following:
  - a) Verbal Warning – A Member of the Public may be provided with verbal notice and warned to cease the conduct and advised as to the consequences of engaging in further such conduct.
  - b) Written Warning – A Member of the Public may be provided with a written notice and warned to cease the conduct and advised as to the consequences of engaging in further such conduct.
  - c) Limitation on Communication – A Member of the Public may be limited in the manner in which they communicate as follows:

- Who - a Member of the Public may be limited to a single point of contact or may be prohibited from contact with certain Employees.
  - What - a Member of the Public may be limited in what topic they may communicate about.
  - When - a Member of the Public may be limited to when or for how long they may make contact, for example, a particular time, day, or length of time of contact.
- d) Limitation of Access to any Municipal Facility or Event – A Member of the Public may removed from a municipal facility and/or municipal event and/or have their access limited to any municipal facility and/or municipal event as follows:
- Where – a Member of the Public may be to limited to attending a municipal facility or municipal event to a set time or under certain circumstances. For example, a limitation of access to the municipal building (111 Erie Street North, Leamington) may include a condition that access to the facility may be granted for a specific purpose and only if arranged in advance; however, access to the recreation centre (249 Sherk Street, Leamington) may be prohibited entirely. Such limitation of access may be enforced through the issuance of a trespass notice pursuant to the Trespass to Property Act, R.S.O. c. T.21.
  - How – a Member of the Public may be limited to communicating only in writing with in-person or telephone contact prohibited.
3. A limitation of access to any municipal facility or municipal event shall include a time period for which the limitation of access shall be in effect.

## **Program and Procedure**

4. There is a Workplace Violence and Workplace Harassment Program that includes the following:
- a) measures to protect workers from Workplace Violence and Workplace Harassment; and
  - b) procedures for workers to report incidents and concerns related to Workplace Violence and Workplace Harassment.
5. There is an Unreasonable Conduct Procedure that includes the following:
- a) measures to protect Employees, Members of Council and Members of the Public from Unreasonable Conduct; and

- b) procedures for the reporting, reviewing and responding to incidents of Unreasonable Conduct.

## **Further Resources**

- 6. Employees may obtain further direction and information in connection with this Policy or the Workplace Violence and Workplace Harassment Program or the Unreasonable Conduct Procedure through the Municipality's Human Resources Department, a Union representative, any member of a Health and Safety Committee or the Employee's manager or supervisor.
- 7. Members of Council may obtain further direction and information in connection with this Policy or the Unreasonable Conduct Procedure through the Municipality's Human Resources Department.
- 8. This policy shall be posted on the Municipality's website and notices shall be posted in municipal facilities directing Member of the Public to the website to view this policy.

## **References and Related Policies**

Unreasonable Conduct Procedure  
Non-Employee Incident Report  
Workplace Violence and Workplace Harassment Policy  
Workplace Violence and Workplace Harassment Program and Safe Operating Practice  
Violence and Harassment Occurrence Report Form  
Social Media Policy  
Social Media Guidelines for Use  
Bomb Threat / Threatening Call Policy and Telephone Guideline  
Active Threat Guidelines (pending)  
Call Termination Procedures  
Procedural By-law

(Report CAO-16-23)