

CITY OF THOROLD POLICY AND PROCEDURE MANUAL

ADMINISTRATION		
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PURPOSE

The Corporation of the City of Thorold oversees a diverse community which recognizes and supports the rights of all people to be free from discrimination based on race, national or ethnic origin, colour, religion, sex, gender, gender identity, gender expression, age, mental or physical disability or any other prohibited ground of discrimination.

The City is proud to provide a variety of services, programs and facilities for use by its residents. All community members should expect to use these offerings without being subjected to discriminatory or other inappropriate behaviour. Similarly, all City staff as well as members of Council, local boards and advisory committees deserve to be able to work free from discriminatory or other inappropriate behavior, including harassment, bullying, intimidation and disparagement.

The City will not tolerate for any reason, discriminatory or inappropriate behaviour in any form including on social media against staff or Council while they are performing their regular job duties in the community.

The City is committed to ensuring a respectful environment for all users while attending or working at municipal facilities or events.

The purpose of this Public Code of Conduct is to outline procedures for dealing with inappropriate behaviour arising from the use of a City service or facility, and direct or indirect interactions with City staff and members of Council and of local boards.

City staff and members of Council and of local boards deserve to be treated with dignity and respect while on duty and providing services to the public. This Code establishes minimum behavioural requirements and outlines consequences for violation of the behavioural requirements.

DEFINITIONS:

Chief Administrative Officer – means the Chief Administrative Officer of the City of Thorold, or a person delegated to act on their behalf.

City – means The Corporation of the City of Thorold.

City Property – means any real property owned or controlled by the City.

Code – means this Public Code of Conduct.

Council – means the municipal council of the City.

Director – means any senior-level management official for the City but does not include a member of Council.

Event – means any event sponsored, organized, hosted or delivered by the City.

Human Resources – means the City’s Human Resources Department.

Inappropriate Behaviour – includes but is not limited to, conduct that:

- I. is violent, threatens the use of violence, or incites or attempts to incite violence against an identifiable group or person;
- II. constitutes vandalism or damage to City property;
- III. constitutes harassment, bullying, ridicule or intimidating behaviour, whether in person, on phone, email or on social media;
- IV. refuses to follow health and safety policies and practices, including but not limited to those designed to inhibit the spread of Covid-19, established by the City or any other level of government or public health;
- V. is discriminatory;
- VI. includes the illegal possession or threat of weapons;
- VII. includes throwing of objects in a deliberate or aggressive manner;
- VIII. participation in an illegal activity while on City Property or while attending an Event; and
- IX. is in contravention of any City by-law;

Local Board – means a “local board” as defined in s. 1 of the Municipal Act, 2001, S.O. 2001, c. 25.

Member – means the Mayor and any member of the Council of the City, of a local board of the City and of an advisory committee of the City.

Staff – means any employee of the City, including a contract worker and a volunteer.

Supervisor – means any staff person having supervisory duties or responsibility for other employees or over a City Property or Event.

Workplace Harassment – means “workplace harassment” as defined as in the Occupational Health and Safety Act, R.S.O. 1990, c. O.1.

Workplace Violence – means “workplace violence” as defined as in the Occupational Health and Safety Act, R.S.O. 1990, c. O.1.

INTREPRETATION

This Code should be read and interpreted along with the Workplace Health & Safety Policy, Workplace Violence & Harassment Policy and any other relevant or applicable policies of the City as may be in place from time to time. These policies are intended to

work together in tandem with one another. Responsibilities and remedies contained in any of those polices may be imported and applied in situations arising from this Code.

This Code should be read and interpreted in conjunction with City policies regarding discrimination and harassment and the definitions that can be found in Appendix A to this Code.

AUTHORITY TO ENFORCE

This Code may be enforced by any Staff while on-duty, except the power to expel a member of the public from or to prohibit a member of the public from returning to City Property. The authority to expel a member of the public may only be exercised by the Chief Administrative Officer or designate.

PROCEDURE FOR STAFF

Staff is not to knowingly put themselves in harm's way while dealing with any issues arising out of a person's Inappropriate Behaviour. If warranted by the circumstances, a Supervisor, Director or the Chief Administrative Officer is to contact the police and request immediate assistance to prohibit any Inappropriate Behaviour.

Staff should notify their direct Supervisor concerning any Inappropriate Behaviour on the part of a member of the public as soon as it is detected, or as soon as possible thereafter. Staff are encouraged to obtain assistance from their Supervisor in responding to Inappropriate Behaviour. Staff should not attempt to address Inappropriate Behaviour without the assistance of their Supervisor except as set out in the Sections "Where In-Person Incident Arises Spontaneously or Where Incident Occurs in Writing, by Electronic Communications or Over the Telephone," below.

Immediately following the occurrence, or as soon as practicable, any Staff affected shall make a record of the incident using the City's Violence and/or Harassment Incident Report form. This record shall include the names of those involved (if known), a description of what happened and methods used to resolve the issue. The record shall also include the result of dealing with the member of the public regarding the reported Inappropriate Behaviour. The form will then be submitted to the Staff's immediate Supervisor for further action. The Human Resources Department shall be responsible for maintaining the records in accordance with the City's Records Management Policy and Records Retention Schedule.

In all cases, the City shall respond to Inappropriate Behaviour in a manner that is proportionate to the harm caused by, or potential harm arising from, the conduct. The City shall employ a graduated system of warnings, denial of service, short term and long term prohibitions, if possible, to deal with any Inappropriate Behaviour. The City will attempt to achieve the objectives of public safety, inclusiveness and freedom from Inappropriate Behaviour with the most reasonable and least onerous resolution.

Upon resolution of an incident, the individual responsible for the Inappropriate Behaviour shall be provided a written warning regarding the incident, where practicable.

This warning may be mailed, emailed or hand delivered to the individual. A record of the warning will be kept by Human Resources.

Where the Inappropriate Behaviour results in destruction of City Property or any vandalism, the City shall invoice and or commence legal proceedings against the individual responsible for the cost of repairing or replacing same.

WHERE FUTURE IN-PERSON INCIDENT SUSPECTED

Where Staff suspects that Inappropriate Behaviour may occur at a City Property or Event, the person with knowledge shall inform a Supervisor or Director with immediate authority over the City Property or Event and provide details of the suspected Inappropriate Behaviour.

Upon receipt of the information, the Supervisor or Director may choose to deal with the matter themselves or involve the Chief Administrative Officer or the police, as appropriate in the circumstances.

WHERE IN-PERSON INCIDENT ARISES SPONTANEOUSLY

When Inappropriate Behaviour is first detected, Staff will attempt to use de-escalation techniques as outlined in Appendix B to resolve the situation. Where Staff is uncomfortable using such methods, they shall report the Inappropriate Behaviour to their Supervisor or Director who will attempt to use de-escalation techniques to resolve the situation.

If de-escalation fails, Staff shall notify the individual that, if their Inappropriate Behaviour persists, they will be asked to leave the City Property or Event. Staff should not continue to engage the individual at this point. If Staff are working outside, Staff shall disengage with the individual, leave the area and immediately contact their Supervisor or Director.

If the Inappropriate Behaviour ceases, the incident is concluded and no further action is necessary, other than filling out the Violence and/or Harassment Incident Report form. If the Inappropriate Behaviour persists, the Supervisor or Director may attempt de-escalation methods again, warn the individual that continued Inappropriate Behaviour will result in their expulsion from the City Property or Event and may involve the police if necessary. The decision on how to proceed shall be in the sole discretion of the Supervisor or Director and shall be made with reference to the purposes of this Code.

For a first occurrence, unless violence or threat of violence is involved the expulsion of an individual from City Property or Event shall be for the remainder of the day, and in the case of an Event, the remainder of the day or the duration of the Event, whichever is longer. Where a City Event is taking place on City Property, it shall be left to the discretion of the Supervisor or Director whether the expulsion is for the remainder of the day or remainder of the Event.

WHERE INCIDENT OCCURS IN WRITING, ELECTRONICALLY OR BY TELEPHONE

When Inappropriate Behaviour is first detected, Staff will attempt to use de-escalation techniques outlined in Appendix B to resolve the situation. Where Staff is uncomfortable using such methods, they shall report the Inappropriate Behaviour to their Supervisor or Director who will attempt to use de-escalation.

If de-escalation fails, Staff, or the Supervisor or Director shall inform the individual that, if the Inappropriate Behaviour persists, the communication will be ended.

If Inappropriate Behaviour persists, Staff, or the Supervisor or Director shall inform the individual that the communication is being terminated. Where communication has been terminated, Staff shall inform their direct Supervisor of such action.

Where a member of the public engages in Inappropriate Behaviour such as harassment or discrimination against Staff on social media, the City will take reasonable and necessary steps to ensure a safe workplace free of bullying or abuse. The Supervisor or Director will bring the matter to the attention of Human Resources. Human Resources, in consultation with the Chief Administrative Officer will contact the individual and/or the site moderator to request that the individual cease and remove the statements considered to be Inappropriate Behaviour, if they fail to do so they will be held liable. Should the individual not comply with the request, the City reserves the right to take legal action (which may include civil action and/or criminal prosecution).

Where a member of the public engages in an ongoing pattern Inappropriate Behaviour such as bullying, harassment, threats, ridicule or similar behavior in writing, by telephone or through social media, Staff shall not respond to any such communications from the individual on that subject matter thereafter.

PROCEDURE FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

When Inappropriate Behaviour is first detected, a Member will attempt to use de-escalation techniques outlined in Appendix B to resolve the situation. If de-escalation fails, the Member should consult with the City Clerk or the Integrity Commissioner regarding any cases of Inappropriate Behaviour on the part of the public that the Member wishes to address. The Member is entitled to seek the written advice of the Integrity Commissioner.

APPEALS

If an individual wishes to appeal any action taken under this Code, they shall submit a written appeal to the Chief Administrative Officer within fourteen (14) days of the action.

The decision will be reviewed by the Chief Administrative Officer and any decision made is final. There will be no written or oral hearing on the appeal.

In making a decision, the Chief Administrative Officer shall consider the written submissions of the person filing the appeal and the written report of the incident. The Chief Administrative Officer may, in their sole discretion, seek additional information

from any person involved. The Chief Administrative Officer is entitled to seek legal advice.

The Chief Administrative Officer shall deliver a written decision to the person filing the appeal within fourteen (14) days of the appeal having been received by the Chief Administrative Officer. That written decision shall contain reasons and shall be made with reference to the purposes and values of this Code.

COMMUNICATIONS BETWEEN DEPARTMENTS

In the event that a member of the public is expelled from a City Property or Event, a memorandum will be circulated to all Supervisors and Directors with details of the matter. The Supervisors and Directors may share that information with Staff as directed, or deemed appropriate.

GENERAL PROVISIONS

This Code applies to all City Property and any Event. This Code not only applies to physical spaces but also virtual spaces (i.e., social media).

This Code applies to all forms of Inappropriate Behaviour, including, but not limited to conduct that is verbal, physical or written, and regardless of whether that conduct is in person or not.

This Code intends to protect all Staff and Members in carrying out their respective roles on behalf of the City, including when outside of City Property (such as Building Inspectors at job sites, or Public Works Staff and By-law Officers while performing tasks in the community).

Reference: Report CAO2021-04, March 23, 2021
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APPENDIX A

DEFINITIONS

(include but not limited to)

1. **Anti-Racism** – the active process of challenging one’s own biases and prejudices as well as the racism inherent in our institutions. Anti-Racism accepts that racism exists and requires individuals to actively combat it.
2. **Discrimination** – the process by which our prejudices become activated by actions that include ignoring, excluding, threatening, ridiculing, slandering and acting violently towards individuals or another social group.
3. **Equity** – the degree to which marginalized people have the ability to affect change in the structure, culture and practices of the organization. It refers to the level of fairness in a given system, rather than the formal equality within in.
4. **Heterosexism** – systems bias that favours heterosexuals and heterosexuality.
5. **Homophobia and Transphobia** – irrational fear, dislike, hatred, intolerance and ignorance of homosexuality and diverse gender identities. The terms refer to prejudice toward LGBTQ2+ persons.
6. **Inclusion** – the degree to which marginalized people participate within society.
7. **Intersectionality** – the way in which different identities combine to compound and create unique forms of oppression. For example, someone may face discrimination or oppression as a result of their race, religion and sex.
8. **Micro-aggressions** – form of covert or everyday discrimination. Micro-aggressions are brief, commonplace indignities that marginalized people are forced to deal with daily. For example, complimenting an immigrant on their ability to speak English or calling something “crazy” or “retarded”. These actions are micro as they happen frequently and without much thought, but they can have a significant impact on individuals who have to face them daily.
9. **Prejudice** – the prejudgment of someone based on a social group to which that person belongs. Prejudice manifests itself in thoughts and feelings. A common example of prejudice is stereotyping and it is different from racism. Racism relies on institutional power in order to impose dominance over a racial group. Prejudice is a set of attitudes based on assumptions. Prejudice can be either conscious or unconscious.
10. **Racism** – the historical accumulation and use of institutional power and authority to support prejudice and to enforce systematically discriminatory behaviours based on race.

11. **Sexism** – the ways which institutional power, prejudice and discrimination are used to oppress people based on their sex, gender, gender identity or gender expression.
12. **Systemic Racism** – the ways in which our laws, policies and practices provide advantages to certain groups at the expense of others.

APPENDIX B

RECOGNIZING AGGRESSION

It is important to recognize the signs of aggression. Below is a list of physical and behavioural changes that can indicate if a person is becoming escalated:

PHYSICAL

Flushed or pale face
Sweating or perspiring
Clenched jaw or teeth
Shaking or trembling
Clenched fists
Rapid breathing
Fidgeting

BEHAVIOURAL

Loud voice or yelling/shouting
Pointing or jabbing fingers
Swearing or verbal abuse
Standing too close
Throwing, hitting or kicking things
Pacing and restlessness
Violent gestures
Inappropriate language, verbal or written
Rise in pitch of voice/change of tone
Bullying tactics

DE-ESCALATION TECHNIQUES

If employees start to notice any of the above behaviour when interacting with a customer, apply these de-escalation techniques:

Maintain Composure:

Take a deep breath

Avoid arguing when they are angry, displeased or complaining. If you become upset, it will only escalate the situation further.

Use a lower tone of voice, and try not to get defensive if insults or anger are directed at you (within reason). Remind the public that you are there to help.

Become Aware of your Surroundings:

Notice if there are others in the room, objects such as chairs, tables or items on a table; take note of exits and openings and whether you are blocking the customer.

Listen:

Let the member of the public vent (within reason) and avoid talking over them; maintain eye contact if applicable and be aware of your body language;

Repeat or paraphrase what is heard to show you understand the situation;

If unclear, ask open ended questions to get more clarification; also ask to take notes

Show Interest & Empathy:

Maintain a concerned, sincere and interested facial expression and/or tone of voice;

Show or express understanding without passing judgement, even if you do not agree with their position

Acknowledge:

Acknowledging someone's feelings helps by validating their emotions; this confirms the legitimacy of the emotion but not the behaviour, example "I can see how that could have been frustrating"

Apologize:

A sincere apology can build credibility and lets the customer know what you are empathetic to what they are going through, example, "I'm sorry this situation has you frustrated"

Try to Solve the Problem:

Ask the customer for their ideas on how they would like the situation resolved; if you are not able to help them, seek the assistance of someone who can

Clarify Next Steps:

Summarize the next steps and let the customer know what to expect and when

Do not make promises you cannot keep; if you say you will call back – make sure you call back even if you don't have an update

If these de-escalation techniques do not work, be prepared to either ask the customer to leave the premises if in-person or advise them that the communication will be terminated if over the phone or by email.