

Type of Decision									
Meeting Date	Tuesday, December 12, 2017				Report Date	Tuesday, December 5, 2017			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	x	Information Only			Type of Meeting	X	Open		Closed
REPORT TITLE – Professional/Courteous Conduct Policy									
Report #14/11/17/1002									

Subject:

Follow up to direction from Council from October 2016 in respect to Council approved behaviour on municipal property.

RECOMMENDATION:

That Council approve the attached process and remedies to check improper conduct of members of Council and/or members of the public on municipal property. Legislatively, council can control council members or members of the public, as has been determined in recent court cases identified below.

Resolution #1

WHEREAS By-Law #2017- 16 being a by-law to establish processes and policy to direct the expected professional and courteous conduct of attendees at municipal facilities or properties including Council members has been presented to Council for review.

THEREFORE BE IT RESOLVED THAT By-Law 2017-16 be read a first time short and passed this 12th day of December, 2017.

BACKGROUND/EXECUTIVE SUMMARY:

Policy attached.

Excerpt from the By-Law.

“AND WHEREAS the *Occupational Health and Safety Act Ontario* mandates that an employer shall take all steps necessary to provide a safe and healthy workplace free from violence and harassment;

AND WHEREAS occasionally members of the public and/or Council act in less than respectful manner towards Council and/or employees requiring Council intervention to provide a safe and healthy workplace;

AND WHEREAS a policy has been created for Council use where warranted;

NOW THEREFORE the Council of the United Townships of Head, Clara & Maria does hereby enact as follows:

1. **THAT** the “Professional/Courteous Conduct Policy” attached as appendix “A” to this by-law be adopted as drafted;

2. **THAT** the Professional/Courteous Conduct Policy become effective immediately.”

From the Ministry of Labour site...”One of the primary purposes of the Occupational Health and Safety Act (OHSA) is to promote a strong Internal Responsibility System (IRS). The IRS means that everyone in the workplace has a role to play in keeping workplaces safe and healthy. Workers in the workplace who see a health and safety problem such as a hazard or contravention of the OHSA in the workplace have a duty to report the situation to their employer or a supervisor. Employers and supervisors are, in turn, required to address those situations.

The employer, typically represented by senior management, has the greatest responsibilities with respect to health and safety in the workplace. The employer is responsible for ensuring that the IRS is established, promoted, and that it functions successfully. A strong IRS is an important element of a healthy and safe culture in a workplace.

This Code of Practice to address Workplace Harassment is designed to help employers meet their obligations with respect to the workplace harassment provisions under the OHSA.” From The Ministry of Labour site at <https://www.labour.gov.on.ca/english/hs/pubs/harassment/part3.php>.

As adopted at the November Council meeting; occasionally Council is required to take steps to address the conduct of members of Council, employees and/or members of the public in respect to the health and safety of employees under OHSA.

- Codes of Conduct exist in modifying employee behaviour.
- A Code of Conduct exists for outlining acceptable behaviour of members of Council and/or the public.

The proposed policy is based on recent court decisions where different Council's felt the need to take actions and in some cases take individuals to court.

The following is a process adopted by this Council in November. The new policy follows up and formalizes this process.

“Process:

1. *Identify inappropriate behaviour, normally as a result of complaints from fellow members of council, staff or members of the public.*
2. *List the behaviour which is inappropriate.*
3. *Request that the behaviour stops.*
4. *If, the behaviour continues, is not modified, Council shall consider implementing the measures most appropriate to the situation.*
 - a. *For example, if the issue is constant contact with the mayor, the measure would be to limit contact with the Mayor.*
 - b. *If the issue is being disruptive during committee, the measure would be to limit attendance in committees, etc.*
5. *The measures are not to be punitive in nature but instead are an attempt to remove the opportunity for repeated offenses. Eg. Through limiting participation on committee, contact with certain individuals etc.”*

Options/Discussion:

Financial Considerations/Budget Impact: - none

Policy Impact:

Others Consulted:

Municipal Solicitor

Town of Wawa resolution and reports

Direction of Council October 2016

Town of South Bruce Peninsula policy

Legal Decision - **CITATION:** Bracken v. Regional Municipality of Niagara Corporation, 2015 ONSC 6934. **COURT FILE NO.:** 10408/15. **DATE:** 2015 Nov 12

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

Melinda Reith