



<b>Code Name: Public Code of Conduct</b>	<b>Code No: S100-12</b>
Committee approval date:	-
Council approval date:	October 19, 2020
Revision date(s):	-
Department/Division:	Administration Services– Corporate Wide

## 1. Purpose

- 1.1. The Corporation of the Town of Pelham oversees a vibrant and diverse community which recognizes and affirms the rights of all people to be free from discrimination, particularly discrimination based on race, national or ethnic origin, colour, religion, sex (including intersex status), gender, gender identity, gender expression, age, mental or physical disability, or any other prohibited ground of discrimination.
- 1.2. The Corporation of the Town of Pelham provides a variety of services, programs and facilities for use by its residents. All community members deserve to enjoy the use of, and access to these offerings without being subjected to discriminatory or otherwise inappropriate behaviour. Similarly, all Town of Pelham staff and volunteers deserve to be able to work free from discriminatory or otherwise inappropriate behaviour.
- 1.3. The Corporation of the Town of Pelham will not tolerate discriminatory or inappropriate behaviour in Town facilities, in any form, for any reason.
- 1.4. The Corporation of the Town of Pelham is committed to ensuring a respectful environment for all patrons, staff, and volunteers while attending or working at Town Properties or Events.
- 1.5. The purpose of this Code is to clearly define a Code of Conduct for members of the public who are accessing Town services. This Code outlines procedures for dealing with inappropriate behaviour arising from the use of Town services or facilities.



## 2. Code Statement

Town of Pelham staff and volunteers deserve to be treated with dignity and respect while on duty and providing services to the public. This Code establishes minimum behavioural requirements and creates a clear range of consequences for violation of the aforementioned behavioural requirements.

## 3. Definitions

In this Code:

- a. **“Chief Administrative Officer”** means the Chief Administrative Officer of the Town of Pelham, or a person delegated to act on their behalf;
- b. **“Communications Ban”** means the prohibition of direct communication through telephone, email or Town of Pelham operated social media. In most cases a Communications Ban will permit either one email address or the Public Service Response system to remain accessible to a member of the public who is subject to a Communications Ban. A Communications Ban requires the approval of the Chief Administrative Officer and is to be reviewed on an annual basis by the Chief Administrative Officer.
- c. **“Director”** means any senior-level management official of the Town. For greater clarity, “Director” excludes any member of Town Council.
- d. **“Inappropriate Behaviour”** includes, but is not limited to, behaviour that is:
  - i. Violent, threatens the use of violence, or incites or attempts to incite violence against an identifiable group or person;
  - ii. Vandalism or damage to Town Property;
  - iii. Harassment, bullying, ridicule, disparagement or intimidating behaviour directed at a staff member, volunteer, patron, or identifiable group or person;
  - iv. Refusal to follow health policies and practices, including but not limited to those designed to inhibit the spread of Coronavirus, established by the Town or any responsible order of government or public health authority;
  - v. Discriminatory in any way;
  - vi. Possession or mention of weapons;



- vii. Throwing of objects in a deliberate or aggressive manner;
  - viii. Participating in any illegal activity while on Town Property or while attending a Town Event;
  - ix. In a contravention of any Town Code, by-law, or regulation; and
  - x. Any other act deemed to be inappropriate by the Chief Administrative Officer or designate, with reference to the principles and values of this Code and anti-discrimination including micro-aggressions as defined herein.
- e. **“Staff”** means any employee of the Town, excluding Supervisors, Directors, and the Chief Administrative Officer;
- f. **“Supervisor”** means any employee with the supervisory duties or responsibility for other employees, or over a Town Property or Town Event; without limiting the generality of the foregoing, and for the purpose of this Code only, includes a Bylaw Officer, a Parks/Facilities/supervising lifeguard, or lead hand.
- g. **“Town”** means the Corporation of the Town of Pelham;
- h. **“Town Event”** means any event sponsored, organized, hosted, or delivered by the Town, and includes, but is not limited to, events such as Summerfest, the Supper Market, the Thursday Night Experience, Christmas Market, etc.
- i. **“Town Property”** means any real property owned or controlled by the Town, and includes, but is not limited to, Town Hall, Old Pelham Town Hall, the Meridian Community Centre, Fire Stations, Municipal Pool, Operations Centre, all local parks and playgrounds, but excludes properties and businesses operating in partnership with the Town.
- j. **“Trespass Notice”** means a notice issued by the Town pursuant to the *Trespass to Property Act*, RSO 1990, c T.21, s. 2 which prohibits an individual from entering specific Town Properties or attending Town Events for a period of time;
- k. **“Workplace Harassment”** shall have the same definition as in the *Occupational Health and Safety Act*, RSO 1990, c 0.1.



- I. **“Workplace Violence”** shall have the same definition as in the *Occupational Health and Safety Act*, RSO 1990, c 0.1.

### **3.1. Interpretation**

- 3.1.1. This Code should be read and interpreted along with the Town’s Workplace Health & Safety Policy [S101-01](#), Workplace Violence Harassment Policy [S101-16](#), Respectful Workplace Policy [S101-03](#) and any other relevant or applicable policies as may be in place from time-to-time. These policies are intended to work in tandem with one another. Responsibilities and remedies contained in any of those policies may be imported and applied in situations arising from this Code.
- 3.1.2. This Code should also be read and interpreted in conjunction with the commentary on concepts surrounding discrimination and harassment, which can be found in Appendix A to this Code.

### **3.2. Authority to Enforce**

- 3.2.1. This Code may be enforced by any staff member while on-duty, except the power to expel a member of the public or prohibit a member of the public from returning. The authority to expel a member of the public may only be exercised by the Fire Chief, a Bylaw Officer or a Supervisor or Director with the authority over that Town Property or Event.
- 3.2.2. The Fire Chief, a Bylaw Enforcement Officer or the Chief Administrative Officer may expel a patron from a Town Property or Event whether or not they are on-duty, and whether or not they are exercising a direct supervisory role at that time.
- 3.2.3. The authority to issue a Trespass Notice and to prohibit a patron from returning rests solely with the Fire Chief, a designated Bylaw Officer, Chief Administrative Officer or designate.



### 3.3. Procedure

- 3.3.1. No employee of the Town of Pelham is to knowingly put themselves in harm's way while dealing with any issues arising out of a patron's inappropriate behaviour. If the situation requires it, Town staff are to contact Bylaw Enforcement and/or police and request immediate assistance.
- 3.3.2. Town Staff should notify their direct supervisor about 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 sections "Where In-Person Incident Arises Spontaneously or Where Incident Occurs in Writing, by Electronic Communications or Over the Telephone," below.
- 3.3.3. Immediately following the event, or as soon as practicable thereafter, the person affected shall make a record of the incident using the Town's [Violence/Harassment Incident Report Form](#). This record shall include the names of those involved (if known), a description of what happened, and the method(s) used to resolve the issue. The record shall also include the sanction imposed on the member of the public, where applicable. The form will then be submitted to the employee's immediate supervisor for further action. The Human Resources Department shall be responsible for maintaining said records for a period of three years.
- 3.3.4. In all cases the Town shall respond to inappropriate behaviour in a manner that is proportionate to the harm caused by, or potential harm arising from, the behaviour. The Town shall employ a graduated system of warnings, denial of service, short term and long term prohibitions (Trespass or Electronic Communications Ban) wherever possible to deal with inappropriate behaviour. The Town will attempt to impose the least onerous sanction that will achieve the objectives of public safety, inclusiveness, and freedom from harassment or abusive behaviour.



3.3.5. Upon resolution of an incident, the individual responsible for the inappropriate behaviour shall be given 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 shall be retained by Human Resources.

3.3.6. Where the inappropriate behaviour results in destruction of Town property or vandalism, the Town shall invoice and/or commence legal proceedings against the individual responsible for the cost of repairing or replacing same as per the Town's Fee Schedule.

#### **3.4 Where Future In-Person Incident Suspected**

3.4.1 Where staff suspects that inappropriate behaviour may occur at a Town Property or Town Event, the person with knowledge thereof shall inform a member of the management team with immediate authority over the Town Property or Town Event and provide details of that suspected behaviour.

3.4.2 Upon receipt of the information, the member of the management team may choose to deal with the matter themselves or involve the Fire Chief, a Bylaw Officer or police, as appropriate in the circumstances.

#### **3.5 Where In-Person Incident Arises Spontaneously**

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

3.5.2 If de-escalation fails, the Staff member shall notify the individual that, if their inappropriate behaviour persists, they will be asked to leave the premises or event. Staff should not continue to engage the individual at this point. If Staff are working outside of a Town Property or Town Event (example: public works employees working on a road), Staff shall



disengage with the individual, leave the area, and contact their Supervisor or Director.

3.5.3 If the inappropriate behaviour ceases, the incident is concluded and no further action is necessary, other than filling out a report as per section 3.3.3. of this Code. If the inappropriate behaviour persists, the Staff member shall notify their Supervisor or Director.

3.5.4 The Supervisor or Director may attempt de-escalation methods again, warn the individual that continued inappropriate behaviour will result in their expulsion from the premises, or proceed to expel the individual, involving 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.

3.5.5 For a first occurrence, unless violence or threat of violence is involved (in which case a Trespass Order is mandatory, pursuant to section 3.7.1), expulsion of an individual from a Town Property or Town Event shall be, in the case of Town Property, for the remainder of the day, and in the case of a Town Event, for the remainder of the day or event, whichever is longer. Where a Town Event is taking place on Town Property, it shall be left to the discretion of the expelling Supervisor or Director whether the expulsion is for the remainder of the day or remainder of the event.

3.5.6 Violence, or threat of violence by a member of the public shall result in a Trespass order for a duration of at least one year, at the discretion of the Fire Chief, Bylaw Officer or Chief Administrative Officer.

### **3.6 Where Incident Occurs In Writing, Electronically Or By Telephone**

3.6.1 When inappropriate behaviour is first detected, Staff will attempt to use de-escalation techniques outlined in Appendix A to resolve the situation. Where a Staff member is uncomfortable using such methods, they shall report the behaviour to their Supervisor or Director who will attempt to use de-escalation.



- 3.6.2 If de-escalation fails, the Staff member, Supervisor or Director shall inform the individual that, if inappropriate behaviour persists, the communication will be ended.
- 3.6.3 If inappropriate behaviour persists, the Staff member, Supervisor or Director shall inform the individual that the communication is being terminated. They shall not respond to any communications from the individual thereafter.
- 3.6.4 Where a communication has been terminated, the person terminating the communication shall inform their direct supervisor of the termination.
- 3.6.5 Where a member of the public engages in an ongoing pattern of bullying, harassment, threats, ridicule or similar behaviour in writing, by telephone or through social media, they shall be subject to a Communications Ban.

### **3.7 Trespass Notices**

- 3.7.1 Where there is a threat of violence, violence occurs or where an incident is otherwise particularly egregious, or inappropriate behaviour is prolonged or repeated, the Fire Chief, a Bylaw Officer or a Police Officer shall issue a Trespass Notice against the individual.
- 3.7.2 The Notice shall be in a form prescribed by the Fire Chief and shall be in compliance with the provisions of the *Trespass to Property Act*, RSO 1990, c T.21. In addition to any details which may be required by those rules, the Trespass Notice shall include:
- a. The name of the person being notified;
  - b. A brief description of the reason(s) for the issuance of the Notice;
  - c. The precise details of which Town Properties or Town Events the individual is prohibited from attending;
  - d. The length of time the Notice shall govern; and
  - e. Information on how to appeal the Notice.
- 3.7.3 The decision to issue a Trespass Notice is subject to the sole discretion of the Fire Chief or Chief Administrative Officer. The decision of whether to have the Notice apply to all Town Properties and Town Events or merely





some Town Properties and Town Events shall be in the sole discretion of the Fire Chief or Chief Administrative Officer and shall be made with reference to the purposes and values underlying this Code.

### **3.8 Appeals**

- 3.8.1 If an individual wishes to appeal any action taken under this Code, they shall submit a written appeal to the Chief Administrative Officer within 14 days of the subject action.
- 3.8.2 The decision will be reviewed by the Chief Administrative Officer and any decision made is final.
- 3.8.3 There will be no oral hearing on the appeal.
- 3.8.4 In making a decision, the Chief Administrative Officer shall consider the written submissions of the complainant and the written report of the incident. The Chief Administrative Officer may, in their sole discretion, seek additional information from any person involved, or legal advice to assist in making the decision.
- 3.8.5 The Chief Administrative Officer shall deliver a written decision to the complainant within 14 days of the complaint being received by the Chief Administrative Officer. That written decision shall contain reasons and shall be made with reference to the purposes and values underpinning this Code.

### **3.9 Communications Between Departments**

- 3.9.1 In the event that a member of the public is expelled from a Town Property or Town Event, or a Trespass Notice is issued, a memorandum will be circulated to all Supervisors and Directors with details of same. The Supervisors and Directors may share that information with Staff as directed, or as they find appropriate.
- 3.9.2 Beyond the name of the individual, the fact that they have been expelled or issued a Trespass Notice, and the areas the expulsion or Notice are to



govern, the memorandum will contain only enough information to provide for the safety of Staff, Supervisors and Directors.

#### **4. General Provisions**

**4.1.** This Code applies to all Town Properties and all Town Events.

**4.2.** This Code applies to all forms of inappropriate behaviour, including, but not limited to behaviour that is verbal, physical, or written, and regardless of whether that behaviour is in person or not.

This Code applies to protect all staff and volunteers while on duty, including when outside of Town Properties such as building inspectors at job sites, or recreation or public works staff while performing employment tasks in the community-at-large.



## APPENDIX A

### DEFINITIONS AND CONCEPTS

1. **Anti-Racism** is 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** is the process by which our prejudices become activated by actions that include ignoring, excluding, threatening, ridiculing, slandering, and acting violently towards, individuals of another social group.
3. **Diversity** refers to the policy of ensuring that Town of Pelham operations and facilities are welcoming spaces for historically disadvantaged groups and those likely to suffer discrimination on Human Rights Code protected grounds.
4. **Equity** refers to 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 it.
5. **Heterosexism** is the systemic bias that favours heterosexuals and heterosexuality.
6. **Homophobia and Transphobia** refer to the irrational fear, dislike, hatred, intolerance, and ignorance of homosexuality and diverse gender identities. The terms refer to prejudice toward LGBTQ2+ persons.
7. **Inclusion** refers to the degree to which marginalized people participate within society.
8. **Intersectionality** is 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.
9. **Micro-aggressions** are a form of covert or everyday discrimination. Micro-aggressions are brief, commonplace indignities that marginalized peoples are forced to deal with daily. Examples include asking racialized people where they really come from, complimenting an immigrant on their ability to speak English, or calling something "crazy" or "retarded." These actions are micro in the sense that they happen frequently and without much thought, but they can have a significant impact on individuals who have to face them daily.
10. **Prejudice** is the prejudgement 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. Prejudice is distinct from Racism. Racism relies



on institutional power in order to impose dominance over a racial group. Prejudice, on the other hand, is a set of attitudes based on assumptions. Prejudice can be either conscious or unconscious.

11. **Racism** is the historical accumulation and use of institutional power and authority to support prejudice and to enforce systematically discriminatory behaviours based on race. Racism occurs in both overt (ex., the Ku Klux Klan) and covert (ex., tone, demeanour, surveillance) ways.
12. **Sexism** refers to the ways in which institutional power, prejudice, and discrimination are used to oppress people based on their sex, gender, gender identity, or gender expression.
13. **Systemic Racism** refers to the ways in which our laws, policies, and practices provide advantages to certain groups at the expense of others.



## APPENDIX B

### RECOGNIZING AGGRESSION

It's important for staff to be able to recognize signs of aggression. Below is a list of physical and behavioural changes that can be indicated 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  
 Glaring eyes  
 Rise in pitch of voice/change of tone

#### BEHAVIOURAL

Loud voice or yelling/shouting  
 Pointing or jabbing fingers  
 Swearing or verbal abuse  
 Standing too close  
 Aggressing posture  
 Throwing, hitting or kicking things  
 Pacing and restlessness  
 Violent gestures  
 Inappropriate language, verbal or written  
 Disparaging comments, verbal or written  
 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;
- If possible, avoid arguing with the public 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, if applicable

- 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 judgment, 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"

### **Agree**

- Find some truth to what is being said and agree with it; when you agree with some truth, you take away some resistance
- Example: "I agree Mr. Jones that would be difficult to deal with"

### **Apologize**

- A sincere apology can build credibility and lets the customer know what you are empathetic to what they are going through
- Example: If there is a legitimate cause for anger – "I'm sorry we forgot to send your bill"
- Example: If there isn't anything to apologize for directly – "I'm sorry this situation has you so 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 do not 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.