

Subject: Respectful Public Conduct Policy

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Policy

The Corporation of the City of St. Catharines (the “City”) is committed to providing a safe work environment that considers the physical and mental well-being of all parties.

Purpose

This policy encourages appropriate and respectful behaviour amongst employees and members of the general public, extending beyond in-person interactions to virtual and electronic means of communication, including but not limited to social media, email, telephone calls, text messages, and written letters. It also provides a framework to support employees in instances of prohibited behaviours, providing direction on how to effectively address these behaviours and discouraging employees from tolerating inappropriate behaviours.

Scope

This policy shall apply to all City of St. Catharines employees and those conducting work with the City, including but not limited to full-time, part-time, temporary, volunteers, students, interns, independent consultants and contractors. It also applies to members of the general public, visitors to City facilities or individuals conducting business with the City either in-person or virtually through electronic means of communication, including but not limited to social media, email, telephone calls, text messages, and written letters.

Procedures

Introduction

The City recognizes that all employees and individuals visiting, communicating, or conducting business with the City have the right to be free from disruptive and inappropriate behaviour.

The City will not tolerate, ignore, or condone disruptive or inappropriate behaviour. Each individual involved in an interaction, whether in-person, written or by electronic means, is expected to behave in a manner that respects the rights of others.

In recognition of the impact of these types of situations on employees and the overall importance of our employees' good mental health, the City of St. Catharines is proud to offer the Employee and Family Assistance Plan (EFAP) benefits coverage to all employees. Information on these benefits is available through Managers/Supervisors and Human Resources.

Application

The following list provides examples of disruptive or inappropriate behaviours that the City considers unacceptable and prohibited, including, but not limited to:

- a) Sexual advances, comments, innuendo;
- b) Non-verbal lewd gestures;
- c) Yelling, screaming, or shouting in anger;
- d) Physical violence or threats of violence;
- e) Berating, belittling or insulting others;
- f) Bullying, intimidating or demeaning conversations and communications;
- g) Throwing of objects and/or damage or vandalism to City property;
- h) Cursing, profane or disrespectful language;
- i) Discriminatory behaviour;
- j) Acts in contravention of any law, City by-law, or policy;
- k) Videotaping personal information.

If disruptive and inappropriate behaviours occur and are not listed above, the individual circumstances of each situation will be considered. The overriding question is whether the behaviour is likely to cause, or has caused, an unjustified disruption or distress to an individual.

If any situation poses a hazard to a worker or if “workplace violence” or “workplace harassment”, as defined in the *Occupational Health and Safety Act (OHSA)*, occurs against a worker, the Human Resources Consultant, Health and Safety (or delegate) must be contacted to assess the hazard and ensure workplace risk is adequately controlled.

These behaviours extend beyond in-person interactions and includes electronic means of communication, including but not limited to, including but not limited to social media, email, telephone calls, text messages, and written letters.

Employees are **not** to put themselves at risk or jeopardize their safety or the safety of others at any time. If an employee feels threatened, or is concerned about their personal safety, they are to call 911 for police assistance and **not** attempt to de-escalate but instead disengage from the situation and get somewhere safe, and alert the employee's immediate supervisor of the situation.

Employees may attempt to verbally de-escalate mild inappropriate customer behaviours when comfortable in doing so. This may be done only if the employee has received City provided training on how to safely do so, and only where it does not put themselves or others in a dangerous situation. A guide on how to manage and de-escalate inappropriate or disruptive behaviours can be found in Appendix A of this policy.

If de-escalation is unsuccessful and inappropriate behaviour continues, an employee may advise an individual that if their behaviour continues, service may be ceased. Any employee ceasing service under this policy needs to advise their Manager/Supervisor immediately.

The following outlines strategies that may be used along with City provided training should an employee encounter inappropriate or disruptive behaviour towards themselves or another individual:

1. The employee should first assess the situation. If the behaviour is severe then their Manager or Supervisor should be notified as soon as possible, and **no** attempt to confront the individual should be made by the employee;
2. If the situation does not appear to be severe in nature, and if it is safe to do so, the employee should provide a verbal or written request that the individual refrain from the behaviour being exhibited as outlined in this policy;
3. If the individual does not respond to a request to refrain from the behaviour, the employee shall disengage and immediately notify their Manager or Supervisor of the situation;
4. The Manager or Supervisor may request that the individual leave the premises if the inappropriate behaviour does not stop. If the individual refuses to leave the premises, the Manager or Supervisor may call 911 for police assistance;
5. The Manager or Supervisor may cease any and all written or verbal communication to the individual engaging in the inappropriate behaviour.

Reporting

The employee, Manager or Supervisor are to complete the **Employee/Patron Incident Form** following the incident, and any other form necessary depending on the severity of the behaviour.

- If the incident took place in person, a report must be sent with specifics even when incidents are resolved quickly using the strategies above.
- If the incident took place electronically, the report must include the actual communication sent and received.
- Multiple incidents involving a single patron that continue throughout one interaction should be submitted as one incident.

Any individual who engages in prohibited behaviour and fails to refrain from such behaviour may be subject to temporary or permanent ban, restricted access to City premises, have their comments restricted, deleted or blocked/banned from the City's social media accounts, or other similar related measures deemed appropriate by the City to ensure the safety of employees and other members of the public.

For further information on the consequences for individuals, refer to Appendix B, and for the appeal process, refer to Appendix C.

Specific Procedure for Enforcement Divisions

It is understood that there may be situations where City staff (such as by-law enforcement officers, building officials and fire services personnel) are legally obligated to interact with members of the public who exhibit the inappropriate behaviours described in this policy. These staff have received enhanced training to handle these types of situations and are reminded that if needed to get to a place of safety and call 911 if necessary. These divisions, where appropriate may have additional standard operating procedures or guidelines to assist them in how to respond. Staff in this situation are reminded to inform their supervisor of every inappropriate interaction so that incidents are properly documented and evaluated.

Communication between Departments

In the event that any of the sanctions listed in Appendix B are implemented, notification will be given to the appropriate City staff and security personnel if needed. This information will not be circulated to additional staff unless deemed necessary for health and safety purposes; determination of which may involve input from the relevant City Joint Health and Safety Committee (JHSC). Additionally, as necessary the City may seek feedback from the JHSC on corrective actions in response to inappropriate behaviours.

Compliance

Individuals found in contravention of this policy, may be subject to enforcement measures outlined within this policy as well as within Appendix B, and may also be subject to other enforcement measures the City deems appropriate.

Related Policies

This policy works in conjunction with and does not replace the Respect in the Workplace Policy (Workplace Violence and Harassment Policy as required by the *Occupational Health and Safety Act*), Rzone Policy or the City's Code of Conduct.

Appendix A

Managing Inappropriate or Disruptive Behaviour

General Tips

- Make a personal connection. Something as simple as asking, “What’s your name?” can defuse a situation quickly. People respond positively to their own name and it can make the dialogue more personal;
- Tell the person you are interested in what they have to say about their problem or concern. State you will take some brief notes so you properly record their problem/concern. Advise that you are writing notes and ask them to clarify if necessary for your note taking purposes. This shows that you are actively listening and trying to understand their problem;
- Invite the person to make suggestions. DO NOT reject these suggestions;
- Where applicable, acknowledge the person’s feelings. Indicate that you can see they are upset;
- Clearly and precisely summarize the issues discussed and the next steps you will take to resolve the problem;
- Provide a timetable to follow up with the person, along with contact information to respond to their concern;
- State that you may need time to provide the most correct answer (if applicable) and ask how you can give a response to them (preferably in writing/email).

Other Tips

Calm yourself before interacting with the person.

- If you are upset, it’s only going to escalate the situation. Calm down and then assess the situation to determine how you can intervene safely;
- Take a deep breath;
- Use a low, dull tone of voice and don’t get defensive even if the insults are directed at you.

Listen to the person’s concerns. Acknowledge the other person’s feelings without passing judgment on them.

- Empathy needs to be shown during conflict situations. Even if you do not agree with the person’s position, expressing an understanding why that person feels a particular way will help resolve the conflict;
- Clarifying, paraphrasing and open-ended questions all help to ensure that the person is aware you have understood their frustrations completely;
- Ask to take notes;
- Ask for their ideas or solutions;
- Help them talk out angry feelings rather than act on them.

Shift the conversation to the future, create hope, practice active listening and be responsive.

- Using “what” and “we” helps include the person in those future plans.

Get them to say yes.

- It is very hard for someone to stay angry towards you if they are agreeing with you;
- If possible, move the conversation into a constructive, solution based direction.

Appendix B

Consequences of non-compliance

The following represents the potential consequences for patrons who choose to engage in unacceptable behaviour as defined in this policy, individuals may:

- Have their comments restricted, deleted, and/or blocked from the City's social media accounts. In incidents where threats have been made on social media, Police will be contacted by City staff. For more information on the City's social media guidelines, visit www.stcatharines.ca/socialmedia.
- Be barred immediately from the premises. If necessary, a Trespass Order will be implemented in accordance with the Trespass guidelines included in this Appendix.
- Have their communication with the City limited to a specific format, a designated City contact, and/or be required to conduct communications in front of other staff, through legal counsel, and/or be advised that no further responses will be provided on the matter. Access to City properties/facilities may be limited and/or revoked for a designated period of time.

Appropriate City staff or organizations may be notified if warranted. Additionally, incidents may be reported to the police, and temporary measures may be applied during investigations.

Trespass Process

When Trespass Notices Should Be Used

Trespass notices should only be issued as a last resort when individuals exhibit conduct that is harmful, disruptive, or poses a safety risk to municipal staff, property, or the public. Examples include but are not limited to, actual violence, or threats of violence, harassment, and repeated non-compliance with municipal policies, including the City's Rzone Policy.

When such behaviour occurs, it undermines the principles of safety and inclusivity that the City upholds. Trespass notices in these cases serve as a necessary measure to protect staff, residents, and visitors, ensuring that municipal spaces remain safe and welcoming for all. By issuing a trespass notice, the City not only enforces its commitment to community standards and respectful conduct but also establishes a formal enforcement mechanism. This mechanism allows for the individual to be criminally charged under the Trespass to Property Act if the notice is violated, thereby creating a strong deterrent effect against future misconduct. This dual function of protection and deterrence underscores the importance of trespass notices as a tool for maintaining order and safety in municipal spaces.

Preparation and Approval

When a decision to issue a trespass notice is made, the requestor must assess all relevant conditions, including the specifics of the incident, the location, and the proposed time limits. Legal and Clerks Services will prepare the necessary documentation, which must then be signed by the Chief Administrative Officer or their delegate (CAO), under their delegated powers pursuant to the City's Delegation By-law 2020-156.

Explicit Terms of the Notice

Trespass notices must clearly state the specific locations and duration of the restriction. Time limits should correlate with the severity of the incident, ranging from weeks for minor infractions to years for severe or repeat violations.

Service of the Notice

The primary method of delivery for trespass notices is to the individual's address. Reasonable efforts must be made to obtain the address through available municipal records or other methods before considering alternative options. If delivery to an address is not possible, the notice must be personally served by trained City security personnel stationed at the relevant location.

Due to privacy legislation, trespass notices cannot be publicly posted or disclosed, as they contain personal information about the individual. Adhering to these privacy requirements ensures that the City remains compliant with applicable laws while respecting the confidentiality of the individual involved. This approach also prevents unauthorized disclosure of sensitive information, which could lead to further complications or liability.

Required Details

The requestor must confirm all relevant details of the trespass and provide this information to Legal and Clerks Services to ensure the proper preparation and execution of the notice. These details must include:

- 1. Name and Address:** The individual's full name and an address for service, where reasonable efforts to locate the address must be exhausted before considering alternative methods of delivery. If an address cannot be obtained, the requestor must confirm the availability of City security personnel to personally deliver the notice at the designated location.
- 2. Location:** The specific municipal locations from which the individual is trespassed must be clearly identified. This should include, where possible, the municipal address of the location. If the notice pertains to a building, it must specify whether the restriction applies solely to the building itself or extends to the surrounding premises as well.

- 3. Duration:** The duration of the restriction. The time period should be proportional to the nature of the incident and clearly outlined in the notice.

Requests that lack any of these critical details cannot be processed, as the absence of complete and accurate information undermines the legal and logistical validity of the trespass notice.

Once all requisite details are obtained and confirmed, Legal and Clerks Services will prepare a comprehensive trespass package. This package will include the trespass notice itself, a cover letter addressed to the individual outlining the details of the restriction and appeal process, and a letter intended for Niagara Regional Police to inform them of the trespass action. This ensures that all necessary parties are adequately informed and that the process is documented in a clear and formal manner.

Responsibility of Logistics

All logistical components of the trespass process, including the coordination of service to all relevant parties, fall under the responsibility of the requestor. Additionally, the requestor is responsible for coordinating the execution of the documents with the CAO, ensuring that all necessary approvals and signatures are obtained in a timely and efficient manner. Digital signatures are permitted, provided they comply with the City's Digital Signature Policy. By managing these logistical elements, the requestor ensures the process is carried out effectively and consistently.

Privacy and Record Management

Names and details in trespass notices are considered personal information under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Records must be stored securely and managed in compliance with applicable privacy laws.

Appendix C

The Appeal Process

Appeals

If an individual wishes to appeal any action taken under this policy, they shall submit a written appeal to the CAO within fourteen (14) days of the action. The decision will be reviewed by the CAO and any decision made is final. There will be no written or oral hearing on the appeal. In making a decision, the CAO shall consider the written submissions of the person filing the appeal and the written report of the incident.

The CAO may, in their sole discretion, seek additional information from any person involved. The CAO is entitled to seek legal advice. The CAO 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 policy.