



DISTRICT OF BARRIERE COUNCIL POLICY MANUAL

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Approval Date: DRAFT

NO: 45 DRAFT
SECTION: COUNCIL & ADMINISTRATION
SUBJECT: PROFESSIONAL & COURTOUS CONDUCT – MUNICIPAL FACILITIES

PURPOSE:

To provide guidelines for the management of the conduct, activities and behaviours of those persons using or attending Municipal facilities and properties so as to conform with the BC Occupational Health & Safety Act for a workplace free of violence and harassment.

To provide steps to take to prevent unlawful activity, securing the safety of persons, preventing the obstruction of the operation of government and the provision of government services while impairing the right or freedom of an individual as little as possible and only to the extent necessary to promote municipal objectives effectively.

To provide a guideline for available sanctions for person's found to be in contravention of this policy, municipal Codes of Conduct and/or charges of harassment under the Workplace Harassment and Violence Policy.

To outline precautionary measures to ensure the validity of any prohibitions against attendance on public lands issued to a concerned citizen and/or a member of Council.

Workplace harassment can undermine a person's dignity. It can prevent workers from doing their jobs effectively. Workplace harassment, left unchecked, has the potential to escalate into violent behaviour. All workers are entitled to a safe and healthy workplace.

POLICY STATEMENT:

Recognizing the possibility that employees may come into contact with individuals, during the normal course of their employment who might partake in harassing or violent behaviours. Council may encounter challenges to Council decisions posed by vocal constituents.

It is recognized that there is a fine line between freedom of expression and activities and comments which might constitute harassment and/or defamation.

This policy provides employees and council with directions and procedures to be implemented should these situations arise.

Investigations under the Municipal Codes of Conduct and/or Workplace Harassment and Violence policies are to occur where warranted. This policy assists in providing resources for Council to utilize after findings in either of those types of investigations.

Sanctions may also be implemented by Council where contraventions to this policy are obvious without the requirement of an investigation.

The Council and Senior Staff of the municipality understand the responsibility for ensuring that an internal responsibility system is created and promoted to ensure the workplace is kept safe and healthy. The employer has the greatest responsibilities with respect to health and safety in the workplace.

The municipality will investigate and deal with all complaints or incidents of workplace harassment in a fair and timely manner. Information about a complaint or incident will not be disclosed except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

GENERAL POLICY:

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. Notify the individual of the infraction and formally request that the behaviour stops.
4. If, the behaviour continues, or 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. E.g., Through limiting participation on Committee, contact with certain individuals etc.”

PROCEDURE:

1. **Definitions:**
 - a. “Harassing behaviours” may include but not be limited to:

- behaviour which disturbs or upsets;
 - is characteristically repetitive;
 - appears to be threatening or disturbing to the recipient;
 - Preventing a person from expressing himself or herself: yelling at the person; threatening; constantly interrupting that person; prohibiting the person from speaking to others.
 - Unwanted sexual advances which may or may not be accompanied by threats or explicit or implicit promises.
 - Making rude, degrading or offensive remarks.
 - Making gestures that seek to intimidate.
 - Engaging in reprisals for having made a complaint under this Policy.
 - Discrediting the person by spreading malicious gossip or rumours, ridiculing him/her, humiliating him/her, calling into question his/her convictions or his/her private life, calling into question his/her professional reputation, shouting abuse at him/her.
 - Compelling the person to perform tasks that are inferior to his/her competencies that demean or belittle him/her, setting the person up for failure, name calling in private or in front of others.
 - Isolating the person by no longer talking to him or her, denying or ignoring his or her presence, distancing him or her from others.
 - Destabilizing the person by making fun of his or her beliefs, values, political and/or religious choices, and mocking his or her weak points.
 - Harassing a person based on a prohibited ground of discrimination.
- b. “Workplace Harassment” - 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, or workplace sexual harassment;

2. Notes:

- a. Any provisions in the Municipal Procedural By-Law supersede any guidelines in this policy.
- b. The sanctions listed below may be used in addition to those that may be listed in the municipal Codes of Conduct and/or the Workplace Harassment Policy or provincial legislation.
- c. Unacceptable Conduct or Behaviour at Municipal Facilities or Properties includes but is not limited to:
- Exhibiting improper conduct that obstructs the deliberations or proper action of Municipal Council;
 - Exhibiting improper conduct that obstructs the deliberations or proper action of Municipal employees during the conduct of their employment;

- Conversing, laughing, talking or shouting in a loud and disruptive manner in the proximity of a council meeting or administrative offices;
- Using municipal facilities for other than their intended purposes;
- Failing to provide proper supervision of those under the individual's care and control;
- Blocking parking lots, driveways, aisles, hallways, exits, doors or other entrances;
- Shoving, pushing, fighting or rough-housing;
- Use of utilities including hydro outlets, telephones and internet with the express permission of employees;
- Use of obscene or vulgar language;
- Entering into staff work areas, which although are public spaces, are not open to the public;
- Taunting any individual or group by means of baiting, ridiculing, threatening gestures, abusive or demeaning language;
- The throwing of any object, directed in any manner as to create a safety hazard for any other individual on the premises or damage to municipal property;
- Wearing, carrying or displaying in any manner, statements which may be found to be derogatory or to contain language which is obscene, abusive or threatening;
- Exhibiting harassing behaviours and/or actions towards Council members, municipal employees or members of the public;

3. Cautions and Corrective Actions:

- a. The head of Council could exercise the power of expulsion of a Council member and/or a member of the public under *s. 133 of the Community Charter* if conduct is observed during a Council, Committee or board meeting.
- b. Council may restrict the individual's ability to ask questions and make presentations during future Council meetings in accordance with the municipality's rules and procedural bylaws.
- c. Council may restrict the individual's communication with Council members to the confines of Council chambers before Council meetings and in a non-disruptive manner.
- d. Council and/or the CAO may restrict the individual's communication with staff or Council to email or written correspondence and refuse to reply to any other attempts at contact.

- e. Council may restrict the individual's attendance at future Council meetings so long as they don't disrupt or attempt to disrupt meeting proceedings.
- f. Council may provide notice making it clear that the individual's right to attend future meetings in person would be in jeopardy and potentially taken away due to any improper conduct that would warrant expulsion from the meeting by the Mayor under the Community Charter or the Council Procedure By-law.
- g. Council may prohibit attendance by the individual at Council meetings for a specific period of time. The Council will review conduct from time to time and then determine if the disruptive behaviour is still an issue.
- h. Council and/or the CAO might protect staff by prohibiting attendance by the individual at the municipal office for any reason other than to conduct personal business such as paying taxes or other such permits.
- i. Council might protect staff by directing that contact only be made to Council or staff through one specific individual, a specific method of contact or not at all.
- j. Council may restrict a Council member's travel and/or attendance inside or outside the municipality on any council business.
- k. Council may restrict a Council member's participation on boards and Committees;
- l. Any one or combination of the above sanctions, or others not listed and specific to the situation, as are determined to be necessary depending on the specific circumstances may be utilized.

4. Warnings and Notices:

- a. First Notice: Any person or persons found to be in violation of the rules outlined above will be warned verbally by municipal staff or by the Chair during a meeting, that the activity or behaviour must cease immediately. This verbal notice will be considered to be the "First Notice" served.
- b. Second Notice: If the person or persons continue to demonstrate a prohibited activity or behaviour or if a second violation is observed at a separate time, the person or persons will be verbally warned by municipal employees or the meeting chair a second time that the activity or behaviour must cease immediately. A written warning will also be forwarded to the individual, when possible. This verbal (and if appropriate written) warning will be considered to be the "Second Notice" served.

- c. After the Second Notice: If the person continues to demonstrate a prohibited activity or behaviour (or a different disruptive behaviour) or if a third violation is observed at subsequent occasion, the person will again be verbally admonished and directed to remove themselves from municipal property for the remainder of that meeting or from the premises if visiting municipal property at times other than meetings.
- d. If after any of these warnings the person refuses to leave, the RCMP will be contacted to assist in enforcing the Trespass.
- e. Depending on the nature, seriousness and intensity of the violating behaviour, a person or persons may be removed from municipal property without having a first or second warning.
- f. Extended Ban: At the discretion of the CAO during office hours or the Mayor during Council or Committee meetings, and after having been removed from municipal property, the individual may be banned from re-entry on municipal property for a time period to be determined. Unless the behaviour continues, the ban is not to exceed one week if a property visitation or more than the next meeting if such offence occurred at a meeting.
- g. Documentation: All reprimands and notices shall be documented for future reference.
- h. Provincial Offence: In accordance with Provincial Offences legislation (as amended from time to time) in addition to the above sanctions, the Municipality reserves the right to lay charges against any offending person or persons and/or take any other legislated corrective actions.