



**SUBJECT: Proposed Amendments to Procedure By-law 64-2016**

**TO: Committee of the Whole**

**FROM: City Manager's Office**

Report Number: CM-06-17

Wards Affected: All

File Numbers: 155-03-01

Date to Committee: April 3, 2017

Date to Council: April 18, 2017

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**Recommendation:**

Amend By-law 64-2016 in accordance with the proposed amendments as contained in city manager's report CM-06-17; and

Direct the City Clerk to bring forward a by-law to amend By-law 64-2016 to the Council meeting of April 18, 2017.

**Purpose:**

This report supports the following component of the City's Strategic Plan:

- Good Governance
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**Background and Discussion:**

Over the course of the last year or so, staff has observed increasing incidents of incivility at Standing Committee meetings and meetings of City Council whereby certain members of the public use the delegation platform to make disparaging remarks either about other identifiable groups/minorities in society or, at times, members of City staff.

An extreme example of this is reported on in legal department report L-02-17 whereby the City Solicitor reported on the findings of an independent investigation into a number of harassment complaints filed by staff. One of the recommendations coming out of that investigation is that the City considers developing a general protocol for dealing with members of the public who are engaging in harassing behaviour.

### **Proposed Amendments to the Procedure By-law**

The amendments to the Procedure By-law proposed in this report, will give staff a mechanism in which to intervene early into those situations where persons requesting to appear as delegations at meetings are known to or likely to engage in unreasonable or offensive conduct. What is proposed is that the City adopt language with necessary modifications to that contained in the Region of Halton's Procedure By-law No. 73-13. Section 10.9 of that by-law provides that in exceptional circumstances the CAO acting in consultation with other senior staff, "determine, acting reasonably, that a person requesting to be a Delegate at a Meeting is likely to engage in Unreasonable or Offensive Conduct, make unreasonable or offensive statements or demands, repeatedly speak on a subject matter that is not within the Region's jurisdiction, or otherwise misuse the privilege of addressing Committee or Council, the person will not be permitted to appear as a Delegate at the Meeting. The term "Unreasonable or Offensive Conduct" are defined and means "conduct or statements by a member of the public that can be considered to be aggressive, abusive, threatening, intimidating, violent, harassing, defamatory, frivolous or vexatious." Where these circumstances arise, there is an obligation on staff to notify the individual and provide reasons for the decision and to inform the members of the committee of the decision to deny the request.

On the rare occasion when the City Manager may have to exercise this discretion, there will be a formal mechanism in place to ensure that the individual is provided with reasons for the denial of the request to appear. As well, the matter will be reported to the Chair and Vice Chair of the Committee so that they are aware what has transpired and why.

### **Organizational Policy**

In addition, the Director of Human Resources and the City Solicitor will be developing a protocol to supplement the City's Respect in the Workplace Policy that will allow staff, where they are being treated by a member of the public in a manner that is threatening or otherwise harassing, to take steps to protect themselves. That protocol will reinforce that staff have a right to be treated respectfully in their business interactions at the City.

### **Strategy/process**

Staff will bring forward an amending by-law to the City's Procedure By-law to the Council meeting of April 18, 2017 to implement the changes outlined in this report. An organizational policy, companion to the City's Respect in the Workplace Policy will also be developed.

### **Options considered**

Where behaviour directed at staff has been particularly egregious, these cases will be dealt with on a case-by-case basis, in addition to the changes outlined in this report.

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### **Financial Matters:**

N/A

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### **Connections:**

N/A

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### **Public Engagement Matters:**

This report is a public report.

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### **Conclusion:**

Under section 25(2)(h) of the *Occupational Health and Safety Act* an employer has a legal duty “to take every precaution reasonable in the circumstances for the protection of a worker”. The recommendations contained in this report implement one of the recommendations resulting from a workplace investigation and, provide staff with the tools it needs to take a proactive step to prevent workplace harassment and to foster a respectful workplace.

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Respectfully submitted,

James Ridge

City Manager

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### **Report Approval:**

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.