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<b>Policy:</b>	<b>Unreasonable Customer Behaviour Policy</b>
<b>Main Contact:</b>	<b>CAO</b>
<b>Last Revision:</b>	<b>2019</b>

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## Policy Statement

The Corporation of the Township of Whitewater Region strives to provide excellent service to the public, which contributes to continuous improvement of operations. As an employer the Township takes steps to ensure the health and safety of its employees.

## Purpose

This Policy guide staff to identify situations that meet the criteria of vexatious, frivolous and/or unreasonable and the associated actions that may be undertaken in such circumstances. The aim of this policy is to contribute to the overall intent of dealing with individuals or groups in ways which are consistent, fair and reasonable while acknowledging that there may be a need to shield staff from unreasonable behaviour.

## Definitions

In this policy, the following terms have the meanings set out below:

“**CAO**” - means the Chief Administrative Officer (CAO) or designate;

“**Department Head**” includes managers or their designate;

“**Employee**” means the employees of the Township;

“**Frivolous**” means not having any serious purpose or value.

“**Township**” means the Township of Whitewater Region;

“**Vexatious**” means causing or tending to cause annoyance, frustration, or worry.

## Policy Requirements

### 1.0 Examples of Unreasonable Behaviour

- 1.1 Refusing to specify the grounds of a complaint.
- 1.2 Changing the basis of the complaint/request as the matter proceeds.
- 1.3 Denying or changing statements made at an earlier stage.
- 1.4 Covertly recording meetings and conversations.
- 1.5 Submitting falsified documents from themselves or others.
- 1.6 Making excessive demands on the time and resources of staff with lengthy phone calls, number of emails to a single or numerous staff, or voluminous requests.
- 1.7 Refusing to accept the decision; repeatedly arguing points with no new evidence.
- 1.8 Persistently approaching the Township through different routes about the same issue.
- 1.9 Interactions that are initiated with the intent to embarrass, delay or annoy, or is part of a pattern of conduct by an individual or group.
- 1.10 Causing distress to staff. This could include use of hostile, abusive or offensive language, or an unreasonable fixation on an individual member of staff.
- 1.11 Making unjustified complaints about staff who are attempting to deal with issues, and seeking to have them replaced.

### 2.0 Examples of Vexatious or Frivolous Requests

- 2.1 Submission of requests with very high volume and frequency of correspondence.
- 2.2 Requests for information the requester has already seen, or clear intention to reopen issues that have already been considered.
- 2.3 Where complying with the request would impose significant burden on the Township in terms of expense, and negatively impacting the ability of staff to provide service to others.
- 2.4 Where it appears that the requestor seeks to cause inconvenience, disruption or annoyance through the request.
- 2.5 Where the request lacks any serious purpose or value, an apparent lack of value would not usually be enough on its own to make a request vexatious, but may when considered with other examples.
- 2.6 Harassing the Township and/or staff. This could include very high volume and frequency of correspondence, or combining requests with accusations and complaints.

These examples are not exhaustive, nor does one single feature on its own necessarily imply that the request will be considered unreasonable, vexatious or frivolous.

## 3.0 Identifying the Problem

3.1 Before deciding to apply any restrictions, the Township must ensure that:

- The request has been dealt with properly and in line with the relevant procedures and statutory guidelines.
- Staff has made reasonable efforts to satisfy and resolve the request.
- The individual is not presenting new material or information about the situation or that it is not a new request.

3.2 Each case will be considered on an individual basis. The decision to classify behaviour as unreasonable or to classify the request as vexatious or frivolous will be made by the CAO.

## 4.0 Employee

4.1 If an Employee believes that a request or behaviour is unreasonable, frivolous or vexatious, the Employee should consult with their Department Head, provide any supporting materials and advise the Department Head of the steps that have been taken in attempting to resolve the issue, including as appropriate:

- the length of time that staff has been in contact with the individual or, group, history of the interactions (if applicable) and the amount of correspondence that has been exchanged with the individual or group
- the number of requests that the individual or group has brought forward and the status of each
- the nature of the individual or group's behaviour
- the amount of time that has been consumed and the impact.

## 5.0 Department Head

5.1 The Department Head is responsible for reviewing the information provided by staff in a timely manner and confirming if this policy should apply. The Department Head shall:

- review the information provided by staff and determine if the request is unreasonable, vexatious or frivolous; contact other Department Heads to determine if the individual or group is contacting multiple departments and/or staff;
- work with staff to determine the appropriate restrictions, how to inform the individual or group of the restrictions and determine a review date;
- meet with the CAO to outline the situation, review recommendations and the appropriate method of informing the individual or group.

## 6.0 CAO

6.1 The CAO will review all information provided by staff and/or Department Head and will make a final determination to classify an individual or group's behaviour as unreasonable or to classify a request as vexatious or frivolous.

Determining factors include:

- The request has been properly investigated;
- Communication with the individual or group has been adequate; and
- The individual or group is not attempting to provide new information when contacting staff.

6.2 Following a decision by the Department Head, in consultation with the CAO, that an individual or group's behaviour is unreasonable or a request is vexatious or frivolous, the individual or group (where appropriate and possible) will receive written notification that:

- explains what action(s) staff has taken and why;
- indicates what restrictions have been applied and how long they will be in effect;
- advises how the individual or group can appeal the restrictions.

## 7.0 Council Notification

If restrictions are placed on an individual or group, the CAO will inform Council of the issue and the details of the restrictions applied.

## 8.0 Application of Restrictions

Restrictions will be tailored to deal with the individual circumstances and may include one or more of the following (the list is not exhaustive):

- Placing limits on the number and duration of contacts with staff per week or month;
- Offering a restricted time slot for necessary calls;
- Limiting the individual or group to one method of communication (ex. Phone, letter, email, etc.);
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location;
- Requiring the individual or group to make contact by telephone only through a third party (ex. solicitor, counsellor, friend acting on their behalf);
- Limiting or regulating the individual or group's use of the Township's services;
- Refusing the individual or group access to any municipal buildings except by appointment;
- Informing the individual or group that further contact on the matter of the complaint/request will not be acknowledged or replied to;
- Pursuing legal actions (ex. Issuance of Notice of Trespass);
- Where efforts to resolve matters with the individual or group have not been successful, the case or request may be closed;
- Other actions as deemed appropriate;

## 9.0 Review of Restrictions

- 9.1 When restrictions are put in place, a review date will be set. This will be based on the circumstance of the case and could be for a period of three months or longer depending on the severity of the situation. The status of the individual or group will be reviewed by the relevant Department Head on or before the review date. The individual or group, where possible, shall be informed of the outcome of the review.
- 9.2 Where the CAO feels the restrictions should continue, the individual or group will be notified of the reasons and given another date for review.

## 10.0 Dispute

Once the Township has communicated the decision, there is no appeal process at the Township level. In the event complaints cannot be resolved through the Township's complaint process and/or this policy, they may be submitted to the Provincial Ombudsman's office in accordance with the provisions of *Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014*.

## Monitoring

The CAO is responsible for ensuring compliance with this policy.

## Authority

Section 224 of the *Municipal Act, 2001* states the role of Council includes the development and evaluation of the policies and programs of the municipality.

## Contact

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## Change History

Policy Name	Effective Date	Significant Changes	By-law No.
<b>Unreasonable Customer Behaviour Policy</b>	December 1, 2019	New Policy	19-12-