

The Corporation of The City of Temiskaming Shores

By-Law No. 2024-005

Being a By-Law to Adopt an RZone Policy - Respect & Responsibility for the City of Temiskaming Shores

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas Council considered Administrative Report No. CS-002-2024 at the January 16, 2024 Committee of the Whole meeting, and directed staff to prepare the necessary by-law to adopt an RZone Policy - Respect & Responsibility for the City of Temiskaming Shores, for consideration at the January 16, 2024 Regular Council meeting.


Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council adopts an RZone Policy - Respect & Responsibility for the City of Temiskaming Shores, identified as Schedule "A", attached hereto and forming part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

Read a first, second and third time and finally passed this 16th day of January, 2024.



Mayor



Clerk



Schedule "A" to

By-law No. 2024-005

**Being a By-Law to Adopt an RZone Policy - Respect & Responsibility for the City
of Temiskaming Shores**

1. Purpose

The Corporation of the City of Temiskaming Shores is committed to fostering an environment where there is Respect for yourself; Respect for others; and Responsibility for your actions, known as RZone.

The City discourages any form of inappropriate behaviour at all City facilities, properties, City sponsored events, programs, in written or verbal communications (including email or phone), in City vehicles, Transit or at any other location where City employees are present.

The purpose of this policy is to promote a positive, safe, and supportive environment for all members of the public, staff and volunteers and outlines the measures and enforcement steps to be taken to address inappropriate behaviour.

The RZone enforces zero tolerance of inappropriate behaviour and action, violence and vandalism at all City facilities, properties, City sponsored events, programs, in writing or verbal communications (including electronic and telephone), or any other location where City staff are performing work.

Included in this commitment is an understanding that organizations and the public using City property, facilities and programs must take primary responsibility for the behaviour of all associated with them to include participants, officials, spectators, patrons, parents, volunteers, etc.

2. Definitions

- 2.1 **RZone:** An environment of **Respect** for yourself and others, and **Responsibility** for one's action for all City facilities, properties, City sponsored events, programs, in written or verbal communications (including email or phone), in City vehicles, or at any other location where City employees are present.
- 2.2 **Members of the Public:** May include those attending an event and/or a city facility, and includes patrons, guests, clients, visitors, spectators, coaches, officials, players, members, parents, volunteers, invitees, participants, and users.
- 2.3 **Notice:** Where there has been a violation of this procedure, a letter of notice will be issued to the identified individual providing details of the specific behaviour that is not tolerated and any Action to Be Taken.

3. Scope

This policy applies to all members of the public and employees at all City facilities, properties, City sponsored events, programs, in written or verbal communications (including email or phone), in City vehicles, or at any other location where City employees are performing work.

No form of vandalism, violence, indecency, including viewing, producing, or exhibiting, lewd, illegal, or offensive materials are acceptable on properties, transit or in facilities

4. Responsibilities

It is the responsibility of all employees to be familiar with this policy and to always adhere to this policy.

Supervisors/Managers/Department Heads shall ensure that their respective employees are familiar with the provisions of this policy and are responsible for addressing any situation where staff or the public are at risk within our workplace environments.

The City Manager shall ensure that all employees are familiar with the provisions of this policy.

5. Procedure

Staff are not expected to put themselves at risk or jeopardize anyone's safety when dealing with any real or perceived situation.

If at any time, employees feel threatened, they are to call the Ontario Provincial Police (OPP) for assistance.

Inappropriate behaviour or actions for the purpose of this procedure includes, but is not limited to, the following behaviours:

- a. Aggressive or intimidating approaches to another individual (verbal assault including profanity, rude or inappropriate language)
- b. Threats (verbal & physical)
- c. Attempts to goad or incite anger in others
- d. Throwing of articles in a deliberate or aggressive manner
- e. Physical striking of another individual
- f. Theft of property
- g. Possession of weapons

- h. Illegal consumption of alcohol or drugs
- i. Racial, ethnic or other personal slurs
- j. Contravention of city by-laws, policies, or procedures
- k. Vandalism (deliberate destruction, damage or defacing of property owned or leased through the city)
- l. Harassment (engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome)

Unreasonable behaviours for the purpose of this policy include, but not limited to the following:

- a. Refusing to specify the grounds of a complaint despite offers of assistance.
- b. Substantially changing the basis of the complaint/request as the matter is under review.
- c. Denying or changing statements as the matter is under review.
- d. Covertly recording proceedings or conversations without authorization or approval.
- e. Submitting falsified documentation.
- f. Making excessive demands on the time and resources of staff with lengthy phone calls, e-mails, requests, etc.
- g. Refusing to accept a decision and repeatedly arguing points with no new evidence.
- h. Persistently approaching the Corporation through different staff or routes about the same issue.
- i. Causing distress to staff; this could include hostile, abusive or offensive language or an unreasonable fixation on an individual staff member.
- j. Making unjustifiable complaints about staff.
- k. Refusal to follow the rules established by the City for use of its facilities.

Vexatious or frivolous requests for the purpose of this policy include, but not limited to the following:

- a. Submission of excessive requests with high volume and frequency of contact.
- b. Requests for information the requester has already seen or clear intention to reopen the matter or issue that has already been considered.
- c. Where complying with the request would impose a significant burden on the Corporation in terms of expense, and negatively impact our ability to provide services to others.
- d. Where the requester states that the request is intended to cause inconvenience, disruption, or annoyance.

- e. Harassing the Corporation; this could include a high-volume frequency of correspondence, accusations, or complaints.

If the nature of an issue is known in advance to be contentious (at a meeting, event, or any other location where City staff is present) staff is to alert the police. Depending on the nature of the issue, management may request the attendance of the police.

This procedure is designed to provide members of the public, staff, and volunteers with a positive approach to promoting appropriate behaviour and actions. It is NOT the expectation that members of the public, staff or volunteers put themselves at risk or jeopardize anyone’s safety when dealing with any perceived or real situation.

Ontario Provincial Police

Non-emergency contact 1-888-310-1122

Emergency contact 9-1-1

6. Reporting

Where an employee is directly involved or has witnessed an incident

When instances of inappropriate behaviour or actions occur, staff shall act accordingly:

1. Report acts of inappropriate behaviour to your immediate supervisor/manager or designate.
2. Without jeopardizing anyone’s safety, and if it is safe to do so, advise the identified individual(s) to stop the activity immediately or they will be asked to leave (verbal warning)
3. If the individual(s) does not cooperate, inform the individual(s) that they are now trespassing, and the police will be called.
4. If the individual(s) refuse to leave, do not engage in an argument or physical confrontation, call the Police, and wait for them to arrive, ensuring you and others are in a safe location.
5. Prepare an RZone Incident Report (Appendix 01) and forward it to the appropriate Department Head within 24 hours of the Incident.

Where an employee has not witnessed an incident

When instances of inappropriate behaviour or actions are reported to staff, staff shall act accordingly:

1. Report acts of inappropriate behaviour or actions to your immediate supervisor/manager or designate immediately.
2. Prepare an RZone Incident Report (appendix A) and forward it to the appropriate Department Head within 24 hours of the Incident.

The Public

Members of the public are to report acts of inappropriate behaviour to a city staff member as soon as possible and within 24 hours of the incident.

Where an employee is receiving inappropriate written or verbal communication

When instances of inappropriate behaviour or actions occur, staff shall act accordingly:

1. Report acts of inappropriate written or verbal communication to your immediate supervisor/manager or designate.
2. Advise the individual to stop the activity immediately or you will end the communication.
3. If the individual does not cooperate, inform the individual that you are ending communication, and do not reply to any further attempts made by the individual to contact you.
4. Prepare an RZone Incident Report (Appendix 01) and forward it to the appropriate Department Head within 24 hours of the Incident.

7. Reporting Process & Notification

1. Employees will complete an RZone Incident Report (Appendix 01) and will forward it to the appropriate supervisor/manager/department head within 24 hours of the incident.
 - Depending on the severity of the inappropriate behaviour, the identified individual(s) may be temporarily banned from City facilities, properties, City sponsored events, programs, transit or from written or verbal communications (including email and phone), in City vehicles or at any other location where City employees are performing work until such time as an investigation into the incident has been completed. This determination is made by the appropriate supervisor/manager/department head.
2. Within 14 days of the incident, the Department Head will provide notice to the identified individual of the action to be taken.

3. Appropriate staff will be notified of any individual(s) who are subject to remedial action under this policy as well as the action taken.
4. The department will keep the original RZone Incident Report on file.

8. Consequences of Non-Compliance

1. Individuals who engage in any inappropriate behaviour, as defined in this procedure, may, depending on the severity, be removed immediately from the premises. A "Letter of Warning" (Appendix 03) may be sent to an individual. If necessary, a "Letter of Trespass" (Appendix 04) will be sent to the individual(s). The length of the ban will be determined by the department head or designate in consultation with the City Manager and will depend on the severity of the situation. Enforcement guidelines are referenced in Appendix 02.
2. In addition to any other measures taken, where any damage to City Property has occurred, the individual(s) responsible will be required to reimburse the City for all costs associated with any repairs, an administration fee as well as any lost revenues during the repair of the damage.

9. Appeal Process

1. If an individual wishes to appeal any action taken by the City, the individual may present their case in writing to the City Manager within 14 days of the decision.
2. The City Manager (or designate) will review the appeal along with the Department Head of the Department Involved for a discussion and final decision.

References - Enforcement Guidelines (attached)

Related Policies:

Harassment in the Workplace Prevention Policy By-law 2010-082

Violence in the Workplace Prevention Policy By-law 2010-068

Harassment and Violence in the Workplace Prevention Program By-law 2010-126

Appendix 1 – Rzone Incident Report



RZone Incident Report

The personal information collected on this form is collected under the authority of the Municipal Act, 2001 S.O.2001, c.25 and will be used for incident reporting, processing, and management. Questions about this collection should be addressed to the Clerk at 325 Farr Drive, Haileybury ON P0J 1K0. Tel: 705-672-3363 ext. 4136.

Individual Reporting Details						
Name		Position		Date incident was reported		
Phone No.	E-mail address		Department			
Incident information						
Date	Time	AM <input type="checkbox"/>	PM <input type="checkbox"/>	Location	Police called Yes <input type="checkbox"/> No <input type="checkbox"/>	
Participants involved						
Complainant <input type="checkbox"/> Same as person making report						
Name		E-mail		Daytime phone number		
Address						
Respondent						
Name		E-mail		Daytime phone number		
Address						
If there are more participants involved, please attach extra pages.						
Type of incident (check all that apply)						

- Harassment
- Physical assault/harm
- Possession of weapons
- Theft of property
- Threats
- Use of alcohol and/or drugs
- Vandalism
- Verbal assault
- Other, please specify:

Detailed Description of the incident		
Other relevant information		
Other parties		
Was anyone else made aware of the incident? If so, who?		
Name	Daytime phone number	Address
Notified via: <input type="checkbox"/> In person <input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Other, specify:		
Name	Daytime phone number	Address
Notified via: <input type="checkbox"/> In person <input type="checkbox"/> Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Other, specify:		
If there are more individuals who have been made aware, please attach extra pages.		
Witnesses of the incident		
Name	Phone	E-mail
Address		
Name	Phone	E-mail
Address		
If there are more witnesses involved, please attach extra pages.		
Send completed report to: Attn: Zone, City Hall, 325 Farr Drive, Haileybury, ON P0J 1K0 - Confidential -		

For City Use Only

Action(s) taken:

Verbal warning Date: _____

Letter of warning Date: _____

Trespass notice Date: _____

Appeal

Appeal started Date: _____

Outcome: _____

File closed Date: _____

Name/ Title: _____

Signature: _____

Appendix 2 - RZone Respect & Responsibility Enforcement Guidelines



**RZone Respect & Responsibility
 Enforcement Guidelines**

The following chart represents guidelines and consequences for acts of inappropriate behaviour at all City facilities, properties, City sponsored events, programs, in written or verbal communications (including email or phone), in City vehicles, Transit or at any other location where City employees are present.

It is understood that these guidelines do not include all types of behaviour, that each incident will be reviewed based on the information available, and that consequences outlined below are guidelines that may be adjusted to reflect conduct and or actions.

Depending on the severity of the inappropriate behaviour, time banned may be subject to include all City facilities, properties, City sponsored events, programs, in written or verbal communications (including email or phone), in City vehicles, Transit or at any other location where City employees are present.

Action will be taken where necessary.

Incident	First Occurrence	Second Occurrence	Any Subsequent Occurrence
Aggressive or intimidating approaches to another individual (verbal assault) Attempts to goad or incite anger in others	Warning letter	Minimum 3-month ban and review to determine if further consequences are warranted.	Minimum 1-year ban and review to determine if further consequences are warranted
Threat Harassment	Minimum 3-month ban	Minimum 6-month ban and review to determine if further consequences are warranted	Minimum 3-year ban and review to determine if further consequences are warranted.

Incident	First Occurrence	Second Occurrence	Any Subsequent Occurrence
Throwing of articles in a deliberate or aggressive manner Physical striking of another individual Illegal consumption of alcohol or drugs Possession of weapons	Minimum 6-month ban	Minimum 1-year ban and review to determine if further consequences are warranted.	Minimum 3-year ban and review to determine if further consequences are warranted.
Vandalism to building or property/theft	Minimum 1-month ban plus payment of repair costs and 20% administration fee.	Minimum 6-month ban plus payment of repair costs and 20% administration fee and review to determine if further consequences are warranted.	Minimum 3-year ban plus payment of repair costs and 20% administration fee and review to determine if further consequences are warranted.

Appendix 3 – Letter of Warning Template



Date

Individual's Name
Address

Delivered by Registered Mail

Dear _____,

RE: Inappropriate Behaviour Incident, City of Temiskaming Shores

The City of Temiskaming Shores has implemented an RZone Policy and procedure to promote a safe environment for all members of the public, staff, and volunteers. The "R" in RZone stands for Respect for yourself; Respect for Others; and Responsibility for your actions.

The RZone enforces a zero tolerance of inappropriate behaviour and action, violence and vandalism at all City facilities, properties, transit service, City sponsored events, programs, in written or verbal communications (including email and phone), in City vehicles or any other location where City staff are present.

This is to advise you that your behaviour on the ____ day of _____, 20____ at _____ (location) is in violation of our RZone Policy and in particular, your conduct in

(description of incident)

Any future incidents of this nature will not be tolerated.

For your reference, a copy of the City of Temiskaming Shores RZone Policy is enclosed. If you have any questions or require any additional information, please do not hesitate to contact me.

Regards,

Name, Title, Department

Appendix 4 – Notice of Trespass Template



Date

Individual's Name
Address

Delivered by Registered Mail

Dear _____,

RE: Inappropriate Behaviour Incident, City of Temiskaming Shores

The City of Temiskaming Shores has implemented an RZone Policy and procedure to promote a safe environment for all members of the public, staff, and volunteers. The "R" in RZone stands for Respect for yourself; Respect for Others; and Responsibility for your actions.

The RZone enforces a zero tolerance of inappropriate behaviour and action, violence and vandalism at all City facilities, properties, transit service, City sponsored events, programs, in written or verbal communications (including email and phone), in City vehicles or any other location where City staff are present.

This letter is to advise you that we have reviewed the incident which you were involved in on the ____ day of _____, 20____ at

_____ and your (location) conduct in

(description of incident)

is in violation of our RZone Policy and in particular, your conduct in

(description of incident)

Based on the review of the incident, you are hereby given notice pursuant to the Trespass to Property Act, R.S.O. 1990, C. T.21, that we are issuing you _____ month/days ban, effective _____ from _____.

(date) (Locations)

If you enter onto any of these premises it will be considered trespassing, and we will request you to leave the premises. If necessary, the Police will be involved to enforce this trespass notice.

For your reference, a copy of the City of Temiskaming Shores RZone Policy is enclosed. You have fourteen (14) days to appeal this suspension in writing to the City of Temiskaming Shores. Your appeal will be reviewed, and the decision will be final.

Regards,

Name, Title, Department