

## Corporate Services

# Respectful Public Spaces Policy

**Document #:** ADM-013

**Branch:** People and Belonging

**Effective Date:** December 8, 2025

**Approved By:** SMT

**Review Date:** December 8, 2026

**Revision #:** 1.0

**Prepared By:** People and Belonging;  
Legal and Legislative Services

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## 1.0 Policy Statement

The Town of East Gwillimbury (the “Town”) is committed to providing professional service to all members of the public and aims to address inquiries, service requests and complaints equitably, comprehensively, and in a timely manner. This Respectful Public Spaces Policy (the “Policy”) affirms that the Town is committed to engaging with all members of the public in a consistent and fair manner, and recognizes that there may be circumstances that require action to protect staff, volunteers, Members of Council and residents of the Town from inappropriate, unwelcome, unreasonable, frivolous or vexatious behaviour, referred to in the Policy as “misconduct”.

## 2.0 Purpose

Misconduct may cause concern for the reasonable safety of all individuals on Town premises and may interfere with the public's enjoyment of Town facilities and services. Further, inappropriate behaviour may consume a disproportionate amount of staff time and resources and can compromise the Town's objectives and ability to provide assistance or deliver effective and efficient service.

To achieve these objectives, it may be necessary to limit access to Town services or premises for some members of the public who engage in misconduct.

This Policy will help to recognize situations that meet the criteria of misconduct and the associated actions that may be undertaken in such circumstances. The purpose of this Policy is to provide examples of behaviours and actions that could be deemed as misconduct in ways that are consistent, fair and reasonable, as well as the steps for staff to follow when misconduct has occurred.

## 3.0 Preamble

The decision to classify behaviour as misconduct may have serious consequences for the individual, including, but not limited to, restricting the individual's access to municipal services and/or facilities. The decision to restrict access to Town services or facilities may be the result of a repeated pattern of conduct, whereby on several occasions an individual or group engages in one or more of the identified examples of misconduct. This does not preclude a single significant incident from being considered misconduct under this Policy.

Determining whether particular behaviours or actions qualify as misconduct requires a consideration of all of the circumstances of a particular case; the key question is whether the behaviour is likely to cause, or has caused, an unjustified disruption or distress to staff, volunteers, Members of Council, or other members of the public.

Steps that may be taken to address misconduct may range from the issuance of a verbal or written warning to legal action, such as the issuance of a Trespass Notice. Any restrictions imposed under this Policy are dependent on the relevant factual circumstances, and there is an opportunity for the affected individual to have any restrictions, including Trespass Notices, reviewed in accordance with the applicable guidelines.

Any restrictions imposed shall not affect the Town's provision of essential services, specifically those essential to life, health and safety.

This Policy is consistent with the Town's commitment to serving members of the public and its commitment to provide and maintain a working environment that is based on respect for the dignity and rights of everyone in the organization.

If an incident presents an immediate threat, or causes someone to fear for their safety, call 911.

## 4.0 Scope

This Policy is intended as an administrative framework for how Town staff may address instances of public misconduct towards staff, volunteers, Members of Council, and residents and visitors to Town facilities, properties, and programs.

This Policy is not intended for generally difficult situations such as disagreements, demanding behaviour, or general incivility that, while uncomfortable, typically do not amount to misconduct. Rather, it applies to serious or repeated actions such as violence, threats, intimidation, harassment, or vexatious/frivolous requests, that compromise health, safety or Town resources.

Misconduct may occur in any interaction, whether in person, or virtually through the use of information and communications technology, including, but not limited to:

- Public meetings
- In-person communication
- Written Communication
- Telephone calls
- Email, social media, and other forms of digital communication and messaging
- Interactions at Town property, including parks and facilities including public spaces such as parking lots, hallways, and the Council Chamber.

## 5.0 Definition and Examples of Misconduct

The term "misconduct" as utilized in this Policy applies to a range of inappropriate behaviour from disruptive conduct, such as frequent unreasonable demands or requests by a customer, to conduct such as vandalism, threats of violence or actual violence. This list is not exhaustive, nor does one single example on its own necessarily imply that the individual or group is engaging in misconduct.

## 5.1 Misconduct

Misconduct refers to a range of inappropriate behaviors that may disrupt Town operations, compromise the safety and well-being of staff, volunteers, Members of Council, or the public, or abuse Town processes and resources. Examples of misconduct include, but are not limited to:

### 1. Violence, Threats, and Harassment

- Acts or threats of violence, intimidation, or aggressive behaviour.
- Harassment, including discriminatory, abusive, or sexual harassment. Includes virtual harassment through the use of information and communications technology.
- Abusive or defamatory statements.

### 2. Disruptive Conduct

- Disrupting Town business or public meetings.
- Conduct intended to embarrass, annoy, or abuse staff or Town processes.

### 3. Frivolous or Vexatious Complaints or Requests

- Excessive demands on staff time or resources (e.g., unnecessarily lengthy calls, numerous emails, voluminous requests).
- Persistently approaching staff through multiple channels about the same issue.
- Repeated complaints or requests that lack serious purpose or value, or are so trivial or meritless that investigating them would require disproportionate time and resources.
- Refusing to accept decisions or outcomes, repeatedly arguing points without new evidence, or attempting to reopen resolved issues.
- Repeatedly changing complaints or requests without valid justification, or denying/changing previous statements in a disruptive manner.
- Making repeated requests intended to inconvenience, disrupt, or annoy, or that impose a significant burden on Town resources.

### 4. Privacy Violations

- Recording audio or video of someone in areas where there is a reasonable expectation of privacy (e.g., change rooms, washrooms) without their consent.

### 5. Substance Abuse & Disturbance

- Loitering, causing disturbances, or consuming drugs or alcohol on Town premises without appropriate authorization.

## 6. Falsification & Fraud

- Knowingly submitting falsified documents or information.

## 7. Abuse of Town Property

- Damaging, stealing, or vandalizing Town property or equipment.

**Note:** This list is not exhaustive. Any behaviour that unreasonably compromises the health and safety of staff, Members of Council, volunteers, or the public, or that constitutes an abuse of Town processes or services, may be considered misconduct under this Policy.

## 6.0 Responsibilities

### 6.1 Staff will:

- Report incidents or behaviors that may constitute misconduct to their Supervisor or Department Head, including any supporting material.
- Immediately report any workplace violence or harassment to their Supervisor and follow the Respectful Workplace Policy and Procedure.
- Provide all relevant facts regarding the alleged misconduct to their Supervisor or Department Head. This may include:
  - The nature of the behaviour;
  - The length of time that staff have been in contact with the individual and the history and details of interactions;
  - Any steps taken to resolve or address the behaviour; and
  - The impact of the behaviour.

### 6.2 Supervisors will:

- Review all information regarding any alleged misconduct in a timely manner.
- Meet with their Department Head to provide a summary of their findings, including proposed restriction(s), notification method, and proposed review date for removing, modifying or continuing the restriction.
- Determine if additional investigation, including obtaining additional witness statements, is required, and complete any such additional investigation.
- Work with their Department Head to determine appropriate restriction(s), including how to inform the individual of the restrictions.

### 6.3 Department Heads/Chief Administrative Officer (CAO) will:

- Ensure that all relevant staff are aware of and trained on this Policy, and any related policies or procedures.
- In coordination with the Supervisor and People and Belonging, determine if an individual's behavior constitutes misconduct based on the information provided by the staff member and the Supervisor.
- Advise the Town Solicitor in writing when restriction(s) are to be placed on an individual under this Policy, providing a copy of the notice given to the individual as well as any additional information requested by the Town Solicitor.
- Communicate any resulting restrictions to the individual.
- Forward all documentation related to the review and determination of restrictions to People and Belonging.

### 6.4 Town Solicitor will:

- Maintain records of all notices of restrictions issued.
- Track and monitor the use of this policy as it relates to issuance of restrictions.
- Provide an annual report to the CAO on the use of this Policy, including the number, duration and type of restrictions that were issued.

### 6.5 People and Belonging will:

- Maintain and update this policy as required.
- Develop and distribute this policy.
- Provide consultation and advice on the interpretation of this policy.
- Work with Department Heads to assist in determining whether an individual's actions qualify as misconduct and determine suitable restrictions based on the specific circumstances.
- Maintain all documentation related to the complaint of misconduct, including the review and determination of restrictions.

### 6.6 Members of Council will:

- Report incidents or behaviors that may constitute misconduct to the CAO.

## 7.0 Potential Application of Restrictions to Access of Municipal Services

Before making a final determination to classify an individual's behaviour as misconduct, the Department Head/CAO must be satisfied that:

- The facts and circumstances have been properly investigated. If the Department Head/CAO is not satisfied, the Department Head/CAO must first direct the completion of any additional investigations before making a decision to impose any restrictions;
- All communication with the affected individual have been appropriate; and
- Any information provided by the individual has been considered.

Where any restrictions are proposed, other than a Trespass Notice, including limiting access to Town property or services the Department Head/CAO may:

- Provide the individual with information regarding the allegations; and
- Provide the individual an opportunity to respond to the allegations before a final decision is made regarding any restrictions, where appropriate.

Employees with the authority to issue restrictions in accordance with the Policy must consider and/or implement all possible alternative measures that are reasonable in the circumstances, before restricting access to Town services or premises, including a Notice of Trespass.

Restrictions will be tailored to deal with the individual circumstances and may include, but are not limited to, one or more of the following:

- Limit the individual's correspondence with staff to a particular format, time or duration.
- Limit the individual to a particular point of contact.
- Inform the individual that further contact on the matter of the complaint or request will not be acknowledged or replied to.
- Instruct staff to not respond to further correspondence from the individual regarding the complaint or a substantially similar issue, or to severely reduce or completely cease responses to further complaints, requests, and correspondence from the individual.
- Instruct staff not to investigate any complaints regarding a matter which has already been investigated, or which is substantially similar to an issue that has already been investigated.
- Require any face-to-face interactions to take place in the presence of another staff member and in a suitable location.

- Require the individual to contact the Town only through a third party (e.g. solicitor, counsellor, friend acting on behalf).
- Limit or regulate the individual's use of Town services.
- Refuse the individual access to municipal facilities except by appointment or with specific permission.
- Pursue legal action, which may include but is not limited to, issuance of a Trespass Notice.
- Where efforts to resolve matters with the individual have not been successful the case or request may be closed.
- Other actions as deemed appropriate.

## 7.1 Levels of Response

These response levels are intended to serve as a guide for staff to ensure a consistent application of restrictions. However, if the Department Head or CAO deems that a single instance of misconduct is severe enough, it may warrant immediate escalation to a higher response level.

Before making a final determination to classify an individual's behaviour as misconduct, the Department Head/CAO must be satisfied that the facts and circumstances have been properly investigated and have consulted with People and Belonging and Legal Services where necessary.

### 7.1.1 Level 1 response

- **Issued by:** Department head or the CAO.
- **Applies to:** Individuals who have engaged in misconduct.
- **Method of Issuance:** Written letter of warning indicating that their behaviour contravenes this Policy and that restrictions may be imposed if the behaviour does not stop.

### 7.1.2 Level 2 response

- **Issued by:** Department head or the CAO.
- **Applies to:** Individuals who have previously received a Level 1 response in the last twelve months and continue to engage in misconduct.
- **Method of Issuance:** Send a decision letter to the individual indicating that their behaviour contravenes this Policy and that restrictions are being imposed in accordance with this Policy.
- **Recommended Duration of Restrictions:** Up to 30 Days.



#### 7.1.3 Level 3 response

- **Issued by:** Department head or the CAO.
- **Applies to:** Individuals who have previously received a Level 2 response in the last twelve months and continue to engage in misconduct.
- **Method of Issuance:** Written letter of warning or notice of further restrictions including issuance of a Trespass Notice.
- **Recommended Duration of Restrictions:** Up to 90 Days.

#### 7.1.4 Level 4 Response

- **Issued by:** Department head in consultation with the CAO.
- **Applies to:** Individuals who have previously received a Level 3 response in the last twelve months and continue to engage in misconduct.
- **Method of Issuance:** Written letter of warning or notice of further restrictions including issuance of a Trespass Notice.
- **Recommended Duration of Restrictions:** At the discretion of the CAO.

## 8.0 Procedure

To determine if an individual's behaviour or actions constitutes misconduct staff must follow the process identified below.

### 8.1 Identify the Problem

Staff are to report incidents of misconduct to their Supervisor. Once the Supervisor has gathered all the necessary information, they will present a summary of their findings to their Department Head. This shall include any supporting materials as well as the steps that were taken to attempt to resolve the issue. This may include the length of time staff were in contact with the individual, history of the interactions including correspondence, number of requests, nature of the individual's behaviour, the amount of staff time that was consumed, and the impact.

Based on the information staff, supervisors, and directors provide, the Department Head, in consultation with People and Belonging, shall conduct a review to determine if an individual's behaviour warrants the application of restrictions.

Each case should be considered on an individual basis. This determination, or any restrictions, shall consider the specific circumstances of the matter as well as the following:

- The reported behaviour falls within the scope of this Policy.
- The request or issue has been dealt with properly and is in line with the relevant procedures, statutory guidelines, and applicable law and regulations.
- Communication with the individual has been adequate.
- Staff have made reasonable efforts to satisfy and resolve the request or issue.
- The individual is not presenting new material or information about the situation, nor is it a new request or issue.

Where the complaint against the individual involves workplace violence or harassment, the Director of People and Belonging must be consulted.

## 8.2 Action Taken

Upon determination that an individual's behaviour or actions constitute misconduct, and depending on the severity of the incident, the Department Head, in consultation with the Town Solicitor and the CAO, shall take the following actions based on the appropriate level of response outlined in section 7.1:

- a) Send a letter of warning to the individual indicating that the behaviour and/or requests are a violation of this Policy and that restrictions may be imposed should they continue; or
- b) Send a letter of notification to the individual indicating that the matter has been reviewed and that restrictions will be imposed.

The letter shall include a summary of the findings of the Department Head's review, including:

- A summary of what led to the restrictions, including any interactions with the individual.
- A description of the restrictions to be applied and their duration, if any.
- The rationale for applying the restrictions.
- The date the matter will be reviewed for removing, modifying or continuing the restriction
- How they can request an appeal of the restrictions.

## 8.3 Review of Restrictions

When restrictions are implemented, the letter of notification will advise of a review date for removing, modifying or continuing the restriction. The review will consider the severity of the incident and the nature of the matter and restriction/service provided.

Prior to the review date, staff and the Department Head or CAO shall meet and review the situation, consulting with People and Belonging and Legal Services where necessary, and determine if the restrictions should continue. During this review, consideration shall be given to factors such as:

- Whether the individual has had any contact with the Town during the restriction period;
- The individual's conduct during the restriction period;
- Any information/arguments put forward by the individual for review;
- The effect that continuing the restriction may have on the individual; and

- Any other information that may be relevant in the circumstances.

The individual shall be informed of the outcome of the review in writing within 10 business days of completion of the review. Where it is determined that the restrictions should continue, the individual will be notified of rationale for continuing the restrictions and informed of the next review date.

## 8.4 Appeal Process

An individual who wishes to appeal a decision made under this Policy must contact the issuer in writing within 10 business days from the date the restriction was issued. The appeal should include, at a minimum:

- Identification of the matter in question; and
- An explanation of why the individual is requesting the appeal.

The Department Head, in consultation with People and Belonging and Legal Services, where necessary, shall review all relevant information related to the matter, along with the appeal, within 10 business days from the date the appeal was received. The Department Head may confirm, rescind or amend the restrictions. Unless there are significant undisclosed circumstances or new information, the decision to limit access will be upheld. This decision will be considered final. This Policy does not restrict an individual's right to contact the Ontario Ombudsman regarding concerns about its administration or the outcome of any related complaint or appeal process.

## 8.5 Incidents Involving Members of Council

Where a member of Council reports an incident of misconduct under this Policy, the standard process applies with the following modifications:

1. **Independent Investigation:** The Town will engage a third-party investigator to review the incident and determine whether the individual's conduct warrants restrictions.
2. **Issuance of Restrictions:** Based on the recommendations of the third-party investigator, the Chief Administrative Officer (CAO) will issue notice of any restrictions.
3. **Notification of Integrity Commissioner:** The Town will notify the Integrity Commissioner whenever restrictions are imposed.

## 9.0 Related Documents

- Respectful Workplace Policy