



Schedule 'A' to Bylaw Number 2020-076

<b>Municipality of Hastings Highlands - Corporate Policies and Procedures</b>			
<b>DEPARTMENT:</b> Administration			<b>POLICY #:</b>
<b>POLICY:</b> Handling of Unreasonable Customer Behaviour			
<b>DATE:</b> Oct 21/20	<b>REV. DATE:</b>	<b>COVERAGE:</b> Municipality of Hastings Highlands	<b>PAGE #:</b> 1-5

**PURPOSE:**

The Municipality of Hastings Highlands endeavours to provide exemplary service to all members of the public. The Municipality aims to address service requests and complaints equitably, comprehensively, and in a timely manner.

Vexatious, frivolous and/or unreasonably persistent requests/complaints may compromise the Municipality's ability to deliver good customer service in an equitable, efficient and effective manner. These situations may require the Municipality to put limits on the contact which customers have with the Corporation. These actions will ensure that Municipal resources are used effectively and efficiently, while still maintaining a high level of customer service and responsiveness.

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

For immediate threats to persons or property, 911 systems should be activated.

**SCOPE:**

This policy is not intended to deal with generally difficult customers. This policy applies to unreasonable customer behaviour and unreasonably persistent customers. Deciding whether a request is vexatious or frivolous is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or criteria in deciding

whether a request is vexatious or frivolous. The key question is whether the request is likely to cause distress, disruption or irritation, without proper or justified cause.

The decision to classify someone's behaviour as unreasonable, or to classify a request as vexatious or frivolous, could have serious consequences for the individual, including restricting their access to municipal services.

The decision may be as a result of a repeated pattern of conduct when, on several occasions, a complainant engages in one or more of the identified behaviours or actions identified as unreasonable, frivolous or vexatious. This does not preclude a single significant incident being used to move a request to be dealt with under this policy.

### **Examples of Unreasonable Behaviour**

Examples of what is considered unreasonable behaviour are shown below. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category:

- Refusing to specify the grounds of a complaint, despite offers of assistance
- Changing the basis of the complaint/request as the matter proceeds
- Denying or changing statements made at an earlier stage
- Covertly recording meetings and conversations
- Submitting falsified documents from themselves or others
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed letters every few days, and expecting immediate responses
- Refusing to accept the decision; repeatedly arguing points with no new evidence
- Persistently approaching the Corporation through different routes about the same issue
- Causing distress to staff. This could include use of hostile, abusive or offensive language, or an unreasonable fixation on an individual member of staff
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced

### **Examples of Vexatious or Frivolous Requests/Complaints**

Examples of what is considered vexatious requests/complaints are shown below. The list is not exhaustive, and for a request to be considered as vexatious it is likely that more than one of the examples is relevant:

- Submission of obsessive requests/complaints with very high volume and frequency of correspondence
- Requests for information the requester/complainant has already seen, or clear intention to reopen
- Issues that have already been considered

- Where complying with the request would impose significant burden on the Corporation in terms of expense, and negatively impact our ability to provide service to others
- Where the requester/complainant states that the request is actually meant to cause maximum inconvenience, disruption or annoyance
- 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
- Harassing the Corporation. This could include very high volume and frequency of correspondence, or mingling requests with accusations and complaints

### **Identifying the Problem**

Before deciding to apply any restrictions, the Municipality will ensure that:

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

Each case will be considered on an individual basis. The decision to classify a customer's behaviour as unreasonable or to classify the request as vexatious will be made by the Department Head of the relevant service area in consultation with the CAO.

### **Dealing with the Request or Complaint**

#### Employee

If an employee believes that a request/complaint 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 to resolve the issue, including as appropriate:

- i. The length of time that staff have been in contact with the customer, history of the interactions (where appropriate) and the amount of correspondence that has been exchanged with the customer;
- ii. The number of requests/complaints that the customer has brought and the status of each;
- iii. The nature of the customers' behaviour;
- iv. Amount of time that has been consumed and the impact.

#### Department Head

The Department Head is responsible for reviewing the information provided by staff in a timely manner and confirming that this policy should apply or not. Department Heads

may want to contact other Municipal departments to determine if the complainant is contacting multiple staff/departments.

The Department Head will:

- i. Review the information provided by staff and determining if the customer's behaviour warrants the application of restrictions;
- ii. Work with the staff to determine appropriate restrictions, how to inform the customer of the restrictions and determine a review date for removing, modifying or continuing restrictions;
- iii. Meet with the CAO and outline the situation including proposed restrictions, how to inform the customer of the restrictions and determine a review date for removing, modifying or continuing restrictions;
- iv. Be responsible for ensuring that relevant staff are aware of and trained on this policy and any accompanying guidelines and protocols.

### CAO

Before making a determination to classify a customer's behaviour as unreasonable or to classify a request as frivolous or vexatious the CAO must be satisfied that:

- i. The request has been properly investigated;
- ii. Communication with the customer has been adequate; and
- iii. The customer is not attempting to provide new information when contacting staff.

When the decision, in consultation with the CAO has been taken to classify a customer's behaviour as unreasonable or to classify a request as frivolous or vexatious, the customer (where possible and appropriate) will receive written notification that:

- Detail what action staff have taken and why
- Explain what it means for the customer's contacts with the Municipality
- Advise how long the restrictions will last and when the decision will be reviewed

### **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 customer to one method of contact (telephone, letter, email, etc.)
- Requiring the customer to communicate only with one named member of staff
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location
- Requiring the customer to make contact by telephone only through a third party e.g. solicitor/counsellor/friend acting on their behalf
- Limiting or regulating the customer's use of Municipality of Hastings Highlands services e.g. Community centres, Access to technology systems

- Refusing the customer access to any Municipality of Hastings Highlands buildings except by appointment
- Informing the customer that further contact on the matter of the complaint/request will not be acknowledged or replied to
- Pursuing Legal actions e.g. issuance of Notice of Trespass
- Where efforts to resolve matters with the customer have not been successful the case or request may be closed
- Other actions as deemed appropriate

### **Review of Restrictions**

When any restrictions are put in place, a review date will be set. This will be based on the circumstances of the case and could be for a period of 3 months or longer depending on the severity of the situation. The status of a customer will be reviewed by the relevant Department Head on or before the review date. The customer (where possible) will be informed of the outcome of the review. Where the Department Head, in consultation with the CAO feels the restrictions should continue, the customer will be notified of the reasons and given another date for review.

### **Dispute**

In the event requests/complaints cannot be resolved through the Municipality's complaint process and/or this policy, the complainant may choose to submit to the Provincial Ombudsman's office in accordance with the provisions of Bill 8.