

CORPORATION OF THE TOWNSHIP OF RYERSON

BY-LAW NO. 15 -19

Being a By-law to adopt a Complaints Policy.

WHEREAS the Township of Ryerson is committed to the thorough, prompt, and courteous receipt, processing, investigation and resolution of formal complaints related to program and service delivery and general concerns within a reasonable amount of time in accordance with appropriate steps and procedures;

NOW THEREFORE the Council of the Corporation of the Township of Ryerson enacts as follows:

1. **THAT** the Council of the Corporation of the Township of Ryerson formally adopts the Complaints Policy attached hereto as Schedule 'A' , Schedule 'B' and Schedule 'C' to this By-law.

Read a First, Second and Third
time, signed and the Seal of the
Corporation affixed hereto, this 19th
day of March, 2019

**CORPORATION OF THE
TOWNSHIP OF RYERSON**

Original signed by George Sterling

MAYOR

Original signed by Judy Kosowan

CLERK

THE CORPORATION OF THE TOWNSHIP OF RYERSON

BY-LAW # 15 – 19 “SCHEDULE ‘A’

COMPLAINTS POLICY

BEING A BY-LAW TO ADOPT A COMPLAINTS POLICY

This policy is intended to enable the Township of Ryerson (hereinafter referred to as the “Township”) to promptly and effectively address program and service delivery concerns raised by members of the public. This policy will assist the Township in providing excellent service to the public, and it will contribute to continuous improvement of the Township operations and service standards.

The Township strives to reduce customer dissatisfaction by:

- providing a timely and accurate response to complaints; and
- using complaints as an opportunity to improve program and service delivery issues

DEFINITION

A complaint is an expression of dissatisfaction related to a Township program, service, facility, or staff member, where a member of the public believes that the Township has not provided a service experience to the customer’s satisfaction at the point of service delivery, and where a response or resolution is expected.

The Township’s definition of a complaint does not include those complaints that are anonymous in nature. In order to resolve an issue, the Township requires the complainant’s contact information. Personal information shall be maintained as required under the Municipal Freedom of Information and Protection of Privacy Act.

A complaint is distinct from:

- A request for service made on behalf of a citizen for a specific service, or to notify the Township that a scheduled service was not provided on time;
- A general inquiry or specific request for information regarding a Township service;
- A suggestion or idea submitted by a member of the public with the aim of improving services, programs, products, or processes; or
- An expression of approval or compliment for a municipal staff, program, product or process.

This policy is not for complaints regarding:

- Non-municipal services
- Issues addressed by legislation, or an existing municipal by-law, policy, or procedure;
- A decision of Council or a decision of a committee of Council;
- Internal employee complaints; or
- Matters that are handled by tribunals, courts of law, quasi-judicial boards, etc.

FRONTLINE RESOLUTION

It is the responsibility of the complainant to attempt to resolve concerns by dealing with the Township and/or the Township employee(s) directly involved with the issue where appropriate.

It is the responsibility of all Township employees to attempt to resolve issues or concerns before they become complaints and to identify opportunities to improve Township services where deficiencies are noted.

PROCESS FOR FILING A COMPLAINT

1. Filing the Complaint

Where a frontline resolution cannot be achieved, complaints should be submitted to the Clerk or designate on the form attached hereto as *Schedule ‘B’*. All information on the form must be completed.

2. Receipt and Acknowledgement

The Clerk shall log the complaint and within seven (7) business days of receipt of the complaint, the Clerk shall acknowledge to the complainant that the complaint was received.

3. Investigation

The Clerk or designate shall conduct an investigation into the nature of the complaint.

If a complaint is made against the Clerk, the Ryerson Council shall designate the Township Solicitor, or other qualified individual at arms-length from the Township to investigate.

The designated investigator shall review the issues identified by the complainant, and in so doing they may:

- Review relevant Township and provincial legislation;
- Review relevant Township policies and procedures and any existing file documents;
- Interview employees or members of the public involved in the issue;
- Identify actions that may be taken to address the complaint or to improve Township operations; and
- Provide a resolution report to the Clerk.

4. Decision

Within thirty (30) calendar days of receipt of a complaint, the Clerk or designated investigator shall provide a response in writing to the complainant, which shall include:

- Whether or not the complaint was substantiated;
- If the complaint is not substantiated, the reason for the decision; and
- Any actions that the Township has or will take as a result of the complaint.

If the Clerk or designated investigator is unable to provide a full response within 30 days, they shall notify the complainant of the delay and provide an estimate of when a response shall be provided.

5. Record

The Clerk shall file a copy of the complaint and response. Such record will be maintained in accordance with the Record Retention By-law. If a Township employee was the subject of the complaint, a copy of the record shall be retained in their personnel file.

6. Reporting

Semi-annually, the Clerk shall provide a report to Council outlining the complaints received and the resolutions reached.

APPEAL PROCESS

There is no appeal process at the Township level. Following receipt of the resolution from the Clerk, the complainant may contact the Ontario Ombudsman.

BY-LAW 15 - 19 – SCHEDULE ‘B’ – COMPLAINT FORM

NAME:	
MAILING ADDRESS:	
TELEPHONE:	
EMAIL ADDRESS:	
<i>Please outline your complaint, including relevant dates, times, location, and background information that may include Township employees you have contacted to resolve the complaint, witnesses to the incident, photographs, etc. Attach additional pages if required.</i>	

Do you have any suggestions as to how this complaint can be resolved or the situation improved?

COMPLAINANT SIGNATURE

DATE

FOR OFFICE USE ONLY

Complaint #

Received By:

Date:

Forwarded To:

Date:

Acknowledgement Letter

Additional Correspondence

Date Sent: _____

Date Sent: _____

Staff Sender: _____

Staff Sender: _____

SUMMARY OF ACTION TAKEN

Administrator _____

Copies Filed with Clerk

Date Sent: _____

Initial Complaint

Staff Sender: _____
Letter

Acknowledgement

*Thank you for taking the time to express your concern.
Correspondence
We will provide a response within thirty (30) calendar
days of receiving your complaint.*

Additional

Final Decision Letter

For questions about the process, please contact:

Judy Kosown CLERK, (705)-382-3232, clerk@rversontownship.ca 28 Midlothian Road, Burk's Falls, ON

THE CORPORATION OF THE TOWNSHIP OF RYERSON

BY-LAW # 15 - 19 SCHEDULE "C"

COMPLAINTS POLICY

Staff Guidelines for Addressing Unreasonable Requests

1. PURPOSE:

Unreasonable Requests consume a disproportionate amount of staff time and resources and they may also be discriminating, harassing or violent in nature. This policy establishes a framework for handling such unreasonable requests and is intended to protect staff and volunteers representing the Township from discrimination, harassment and violence. Additionally, this policy helps ensure the efficient use of staff time and resources while maintaining a high level of customer service and responsiveness to taxpayers.

2. DEFINITIONS:

Cyberbullying means the use of communication technologies to engage in deliberate, repeated hostile behaviour intended to harm, embarrass or slander someone deliberately, included but not limited to: social media outlets (e.g. Facebook, Instagram, Twitter, YouTube), personal blogs, web pages, discussion groups or online media/newspaper articles;

Elected Official means a member of the Township of Ryerson Council;

Discrimination means an action or decision that treats a person or a group negatively for reasons such as their race, age or disability. The Ontario Human Rights Code sets out a legal definition of discrimination and establishes the prohibited grounds;

Frivolous means a request that is without merit or substance or is trivial;

Harassment means engaging in a course of vexatious/unwanted comment or conduct that is known, or ought reasonably to be known, to be unwelcome and includes a pattern of inappropriate conduct;

Intimidation Techniques means unwarranted conduct, including, but not limited to: cyberbullying, discrimination, harassment, violence, profanity, personal insults or communication that is deemed threatening;

Pattern of Conduct means a regular form of behaviour from a complainant or similar or related complaints that appear to have been submitted for their nuisance value or as a method of harassing staff;

Request means a complaint, question expression of concern or dissatisfaction with respect to the Township's actions, by-laws, operations, policies, procedures, regulations or rules;

Unreasonable Request means a request that is characterized by one or more of the following: cyberbullying, discriminating, frivolous, harassing, intimidation techniques, pattern of inappropriate conduct, vexatious or violent;

Vexatious means a request that is without merit and pursued in a manner that is malicious or intended to embarrass or harass the recipient and includes intimidation techniques;

Violence means:

- a) The exercise of physical force by a person against an employee in a workplace, that causes physical injury to the employee;
- b) An attempt to exercise physical force against an employee, in a workplace, that could cause physical injury to the employee; or

- c) A statement or behaviour that it is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee.

3. ADDRESSING AN UNREASONABLE REQUEST:

3.1. Staff Procedure

Staff shall provide any supporting materials (e.g. emails, letters, and notes documenting a conversation or incident) and advise the CAO/Clerk of the steps that have been taken to resolve the issue, including:

- The length of time that staff have been in contact with the requester;
- The amount of time spent in addressing the request;
- The amount of correspondence that has been exchanged with the requester;
- The number of requests that the requester has made on the same matter or substantially similar facts and the status of each; and,
- A description of the nature of the requester's behaviour and/or demeanour.

3.2. CAO & Municipal Clerk Procedure

The CAO/Clerk is responsible for investigating any unreasonable request brought forward. The CAO/Clerk will contact the Department Heads to determine if the requestor has contacted multiple departments with respect to the same or similar issue. If, after reviewing the circumstances, the CAO/Clerk determines that action should be initiated in accordance with these procedures, the CAO/Clerk will advise the Mayor and all Council members of Council that a warning letter is to be issued to the requestor specifying the actions, and behaviour that have led to issuance of the warning letter.

3.2.1. Warning Letter

The warning letter may include the following restrictions, but is not limited to:

- Requesting that the requestor's correspondence with staff to be a particular format(e.g. email only), time (e.g. telephone calls only at specific times and days of the week) or duration (e.g. conversations may not be longer than ten (10) minutes);
- Restricting the requestor to a particular point of contact at the Township and other staff will be advised to refer the requester to that point of contact;
- Attempting to ensure that any face-to-face interaction between the requestor and staff take place in the presence of an appropriate witness;
- Requiring that the requestor produce full disclosure of documentation or information before staff will further investigate a request and waiting for that documentation or information to be reviewed and an investigation to be concluded before contacting staff;
- Instructing staff not to respond to further written correspondence from the requester regarding the request or a substantially similar issue;
- Instructing staff not to investigate or respond to (other than to notify the requestor) any requests regarding an issue that has already been investigated, or which is substantially similar to an issue that has already been investigated; and/or,
- In extreme circumstances, instructing staff to severely reduce or completely cease responses to further requests and correspondence from the requester, as directed.

3.2.2. Procedure if Unreasonable Request Continue

If a requestor disregards the warning letter and continues to submit unreasonable requests, the actions outlined in the warning letter will take effect immediately.

3.3. Procedure for New Requests

The CAO/Clerk will decide if any restrictions which are currently in effect, should be applied to the new request(s).

3.4. Procedure for Handling Requestor Information

Staff are required to comply with the provision as outlined in the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). For the purposes of resolving the request and initiating action as outlined in these procedures, requestor information may be shared between departments. The information shared between departments will remain confidential, in accordance with MFIPPA.

3.5. Records

Staff are responsible for documenting interactions and maintaining records with persons making unreasonable requests. Records must be retained in accordance with the Records Retention By-law.

4. Addressing and Documenting a Pattern of Conduct of Unreasonable Requests;

In order for the CAO/Clerk to determine that a pattern of conduct exists, the Requests should meet one or more of the following requirements. A pattern of conduct must be established through documented evidence.

1. Is the request excessively broad, varied in scope or unusually detailed?
2. Is the request identical or similar to previous ones?
3. Is there evidence of dishonesty, underhandedness, or “bad faith” from the complainant?
4. Is there documentation of an inordinate length of staff time spent addressing the requests?

There are no fixed number of actions required to establish a pattern of conduct of unreasonable requests. Whether such a pattern of conduct exists will depend in part on the nature of the requests.

For example, if it is determined that a person is repeating a request that has earlier been processed and decided upon, a small number of requests may establish a pattern of conduct. On the other hand, if it is determined that a person has repeatedly made different requests that in combination unreasonably interfere with the Township’s operations, a higher number of requests may be required to establish a pattern of conduct.