



Administrative Report

Office of the Director, Legislative and Community Services/Clerk

To: Warden MacDonald and Members of Essex County Council

From: Mary Birch
Interim Chief Administrative Officer/Director,
Legislative and Community Services/Clerk

Date: Wednesday, May 03, 2023

Subject: New Corporate Policies – Public Conduct, Visitors and Trespass

Report #: 2023-0503-LCS-R09-MB

Purpose

To formalize a group of corporate policies that pertain to the parameters around County facility management, interactions with the public and safety of physical and human assets of the County of Essex.

Background

The County of Essex has not had any formal policies which address matters related to attendance of visitors to County owned facilities or events, as well as interactions with members of County Council, staff and other members of the public attending County facilities or events.

Based on recent events, Administration is proposing for the consideration of Council three new corporate policies regarding Public Conduct, Visitors and Trespassing.

Discussion

Public Conduct Policy

The County of Essex has had a Code of Conduct for members of County Council and another for employees dating back to 1993. These policies have

served as guidance documents for several terms of Council and are reviewed regularly.

It has become evident, that there is a need to establish similar guidelines for members of the public, in circumstances where they are interacting with members of Council, Committee members, employees of the corporation, or with other members of the public on matters concerning the County. Administration is attempting to balance the need for guidelines while ensuring the preservation of the democratic process. Procedures at Council and Committee meetings, as well as expectations related to the behaviour of the public when attending County facilities or interacting with employees of the Corporation are addressed in the Public Conduct Policy.

This policy is intended to contribute to the County's objective of working with all members of the public in ways that are consistent and fair while acknowledging that there may be a need to further address safety and security of members of Council and Committees, County employees and other members of the public from unreasonable behavior or activities may result in undesirable consequences for any party.

The Public Conduct Policy provides a clear and detailed process for staff to address circumstances of concern, in the event these situations arise and provides impacted individuals an opportunity for an appeal process.

The Public Conduct Policy is intended to address situations where individuals behaviour and actions are unreasonable, frivolous and/or vexatious, and that may be considered to be disruptive to a level that impedes the democratic process and/or the conduct of business of the County. The Public Conduct Policy will assist the County in determining whether the circumstances and/or situations require immediate action, follow up communication, investigation, reporting to authorities or other further action(s).

The draft Public Conduct Policy is attached to this report for Council's consideration, as **Appendix A**

Visitors Policy

The Corporation of the County of Essex is committed to taking all reasonable and necessary measures to ensure the safety of those who work, visit, or do business at County facilities.

In support of that commitment, the draft Visitors Policy requires that persons attending its facilities go through a security screening process and follow check in procedures in place from time to time, prior to being granted access to the County's facilities.

Over the past several years, the County of Essex has taken steps to modernize and renovate some spaces to ensure that the Civic Centre and other facilities are meeting the needs of the occupants. For example, the new office designs in the Civic Centre have sought to limit the access to some departments from the public through controlled access.

The COVID-19 pandemic highlighted that there are several deficiencies with the access control of the Civic Centre facility. During that time, facilities staff made some changes to temporarily control access, to streamline traffic flow and to ensure visitors and staff were safely able to enter the facility. Further, with changes to tenant office hours, remote working arrangements, and building construction, it has become evident that further control mechanisms are needed to ensure a visitor experience that is safe and that County Administration are able to be available for the public when required.

Furthermore, adjustments to the access, and use of the facility are needed to maintain security and lower risk for the County.

The attached draft Corporate Policy – Visitors (**Appendix B**), is intended to meet the needs of the Corporation, while maintaining access and balancing security for those who work in the Civic Centre and use the facility for other purposes.

Trespass to Property Policy

In conjunction with the draft Visitor and Public Conduct policy, a draft Trespass to Property Policy is being presented for Council's consideration (**Appendix C**).

The County's Facilities are accessed for a variety of purposes, including for work, recreation and cultural activities, assisted residential living and nursing care, and for accessing municipal and other programs and services, along with furthering public discourse and participating in democratic processes and values protected under the *Charter of Rights and Freedoms*.

However, the County also has a general duty under the *Occupiers' Liability Act* to take such care as in all the circumstances is reasonable for the reasonably safe use of its Facilities. The County has further duties under the *Occupational Health and Safety Act* and the *Criminal Code* to address workplace violence and harassment.

One of the enforcement mechanisms which the County may use to further its statutory and common law duties as owner and occupier of its Facilities, as well as an employer of a workplace, is to exclude persons from the Facilities is through the use of a Trespass to Property Notice in accordance with the *Trespass to Property Act*.

Individuals who fail to abide by County policies, including the Public Conduct Policy, or who otherwise engage in aggressive, disrespectful or intimidating behaviour, bullying, harassment, who use coarse language or engage in criminal behaviour while accessing a County program, service, event, or the Facilities may be asked to leave the County's Facilities immediately. The issuance of a Trespass to Property Notice is one of the tools that may be considered to prevent the reoccurrence of such behaviour

Corporate Communications and Media Relations Policy

The County of Essex Policy 2018-001 established the guidelines for Communications and Media Relations and is intended to protect and promote the image of the County of Essex and its departments, while ensuring accurate, informative, consistent and professional messaging.

Upon adoption of these policies, Communications will develop a communications strategy to ensure public notification of these new Corporate policies.

Financial Implications

There are no major financial implications for the County of Essex at this time. There are some minor operational expenses that are absorbed into the 2023 budget.

Consultations

- Municipal peer groups
- Senior Leadership Team
- Brady Boghean, Manager, Health and Safety
- David Sundin, County Solicitor

Recommendation

That Essex County Council approve Corporate Policy 2023-002-Visitor Policy; Corporate Policy 2023-003 - Public Conduct Policy, and Corporate Policy 2023-004 – Trespass to Property Policy and adopt the associated authorizing By-laws.

Approvals

Respectfully Submitted,

Mary Birch

Mary Birch, BA, CMO, Interim Chief Administrative Officer

Appendix Number	Title
A	Draft Corporate Policy – Public Conduct
B	Draft Corporate Policy - Visitors
C	Draft Corporate Policy – Trespass to Property