



Policies and Procedures

The Corporation of the Township of Blandford-Blenheim

Department:	Clerks	Effective:	2025-10-01
Subject:	Frivolous, Vexatious or Unreasonable Complaints Policy	Policy Number:	
Approved by:	Council		
Resolution Number:	20215-10-01-14		
Date of Review:	Review Number:	Change:	Reference Section:

Purpose:

The purpose of this policy is to address frivolous, vexatious or unreasonable requests or complaints that consume a disproportionate amount of Township staff time and resources, ultimately impeding Employees from attending to other essential issues.

The purpose of this policy is further to guide employees to identify situations that meet the criteria of frivolous, vexatious or unreasonable, and the associated actions that may be taken in such circumstances. Actions taken pursuant to this policy will ensure that municipal resources are used effectively and efficiently, while maintaining a high level of service excellence and responsiveness to all members of the public

Details:

Application:

This policy applies to all Employees of the Township of Blandford-Blenheim. This policy is not intended to deal with generally difficult requests or complaints. This policy applies to frivolous, vexatious or unreasonably persistent requests or complaints and is designed to provide members of the public and employees with the tools needed to ensure municipal resources are managed equitably for all members of the public.

This policy does not apply to:

- Complaints about Members of Council, Members of Committees of Council and Local Boards (as they are governed by the Code of Conduct for Members of Council and Local Boards and investigated by the Integrity Commissioner);
- Members of advisory and quasi-judicial committees and local and other boards;
- A function where there is a statutory or prescribed process for review, or which is governed by specific legislation;
- Complaints from employees about other employees or working conditions;

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- Allegations of violations of Canada's Criminal Code.

This policy does not apply where legal action against the Township or a Township official has been threatened or commenced.

Definitions:

C.A.O.: Chief Administrative Officer of the Township of Blandford-Blenheim.

Committee Member: an individual appointed by Council to a specific Committee of Council.

Complainant: a person who is submitting a Complaint . Any person who uses or is affected by Township services can submit a Complaint including residents, visitors, businesses and community groups.

Complaint: an expression of dissatisfaction related to a Town of The Blue Mountain's program, service, facility, or staff member, where a member of the public believes that the Town has not provided a service experience to the customer's satisfaction at the point of service delivery and a response or resolution is explicitly or implicitly expected.

Council: the Council of the Township of Blandford-Blenheim as a whole.

Council Member: an individual member of Council, including the Mayor.

Employee: all full-time, part-time, temporary, seasonal and staff hired on a contract basis for a defined period of time, of the Township as well as students.

Feedback: an opinion or comment about a program, facility, service, or employee, by a member of the public.

Frivolous: a Complaint /Request that has no serious purpose or value or may have little merit and be trivial and is part of a pattern of conduct that amounts to an abuse of the right of access, interferes with the operations of the institution, or is made in bad faith or for a purpose other than to obtain access.

Harassment or Harass: engaging in a course of behaviour, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwanted. It includes but is not limited to any behaviour, conduct or comment that is directed at or is offensive to another person:

- a. on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, disability, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
- b. which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.

Ombudsman: the Ombudsman of Ontario.

Request: the act of asking for something to be given or done, such as request made to the Township on behalf of a member of the public for a specific service, or to notify the Township

that a scheduled service was not provided on time. Examples include: requesting road repairs, missed garbage collection, burnt out street light, no water service, by-law infraction.

Unreasonable: a complaint/request that is likely to cause distress or disruption to the Township, its employees or other members of the public, without any proper or justified cause. Behaviour that, because of the nature or frequency of a complainant's contact with the Township, negatively affects the ability to deal with their complaints or those of others.

Vexatious: a complaint/request without merit, that is pursued in a manner that is malicious, intended to inconvenience, embarrass or harass the recipient or is a pattern of conduct by the complainant that amounts to the misuse of processes and procedures.

Procedures:

Identifying the Conduct or Behaviour

The decision to classify someone's behaviour as unreasonable, or to classify a request or complaint as frivolous or vexatious, could have serious consequences for the individual, including restricting their access to Township services, facilities, and staff. The decision may be as a result of a repeated pattern of conduct when, on several occasions, a person engages in one or more behaviours or actions identified as unreasonable, frivolous and/or vexatious, or it may be a single significant incident that requires the invocation of this policy. If an incident presents an immediate threat, contact emergency services.

Although each case must be determined in light of its own circumstances, below are examples meant to help staff identify frivolous, vexatious or unreasonable conduct. It is understood that these examples are not determinative; the list is not exhaustive, nor does any action set out in the list necessitate application of this policy.

Examples of frivolous, vexatious, or unreasonable conduct may include, but are not limited to:

- Complaints, inquiries, demands regarding an issue which staff have already investigated and determined to be groundless;
- Covertly recording meetings and conversations with the Township;
- Complaints concerning an issue which is substantially similar to an issue which staff have already investigated and determined to be groundless (i.e., with respect to the same party or same property);
- Unreasonable conduct, which is abusive of the Township's processes, including but not limited to:
 - Excessive or multiple lines of inquiry regarding the same issue (i.e., pursuing a complaint with employees in multiple departments and/or Council or Committee members simultaneously), while a complaint is being investigated or has been deemed to be groundless;
 - Repeatedly challenging the findings of a Complaint investigation, complaining about the outcome and/or denying that an adequate response was given;
 - Refusing to accept that an issue falls outside the scope of the Township's jurisdiction;
 - Making unreasonable demands on employees by, for example, insisting on responses to complaints and inquiries within an unreasonable timeframe, demanding meetings with employees without justifiable reason, excessive correspondence either to one member of Township staff in a short time frame, or to numerous employees;

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- Making statements or providing representations that the complainant knows or ought to know are incorrect, or persuading others to do so;
 - Demanding special treatment from employees by, for example, not following the normal chain of command and immediately demanding to speak to a manager or supervisor;
 - Using new complaints to resurrect issues which were investigated and completed in previous complaints;
 - Changing the basis of the complaint as the investigation progresses and/or denying statements made at an earlier stage;
 - Refusing to cooperate with the investigation process while still wanting the complaint to be resolved;
 - Failing to clearly identify the precise issues of the complaint, despite reasonable efforts of employees to obtain clarification of the concerns;
 - Making unjustified complaints or defamatory remarks about employees in an effort to see them disciplined; or
 - Providing false or misleading information.

Each situation will be considered on a case-by-case basis. The decision to classify the Complainant's conduct as frivolous, vexatious or unreasonable will be made by the relevant Manager or designate, in consultation with the Senior Management Team.

Deciding whether a Complainant's conduct is frivolous, vexatious or unreasonable requires a flexible approach, taking into account all circumstances. There are no rigid tests or criteria for deciding whether conduct is frivolous, vexatious or unreasonable. The key question is whether there is a pattern of conduct likely to cause distress, disruption, or irritation, without proper or justified cause. The decision may be made as a result of one or more behaviours identified as frivolous, vexatious or unreasonable. Staff must establish, through documented words and/or actions of the Complainant (i.e., Emails, letters, posts on social media, photographs, voicemails, and staff notes reporting a conversation or incident), that the conduct of the Complainant is frivolous, vexatious or unreasonable, before applying the restrictions outlined in this policy.

Responsibilities

Employees:

Employees are to have knowledge and understanding of the purpose of receiving complaints, the process through which a complaint can be made and the service standards that apply to complaints. They are to be aware of this policy and any accompanying guidelines and protocols.

Directors, Managers and Supervisors:

Directors, Managers and Supervisors are responsible for ensuring that relevant Employees are aware of and trained on this policy and any accompanying guidelines and protocols.

Municipal Clerk:

The Township Clerk is responsible to consult with the C.A.O. in the application of the policy.

Senior Management Team:

Senior Management Team is responsible for ensuring this policy is applied organization-wide and adhered to by all Employees of the Township and for clarifying and resolving any ambiguity, which may exist within this policy.

Members of Council and Committees:

Members of Council and Committees will consult with the C.A.O. and the Integrity Commissioner, if necessary, regarding cases of unreasonable behaviour and/or frivolous and vexatious action that the Member wishes to address, as described in this policy. Upon being consulted by a Member of Council or Committees, the Integrity Commissioner shall provide advice to the Member respecting any proposed action under this policy as it relates to the Member's obligations under the Code of Conduct for Members of Council.

Customers/ Members of the Public:

Customers / Members of the Public are asked to recognize that the Township must consider the needs of the whole community. They are to provide honest and respectful communication with a goal to improving services.

Legislative Overview

The *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, provides that a request for information may be denied if, on reasonable grounds, it is found to be frivolous or vexatious.

The Township has a general legislated duty under the *Occupiers' Liability Act*, R.S.O. 1990, c 0.2, to take such care, as in all the circumstances is reasonable, for any persons entering on its premises, and the property brought on the premises are reasonably safe. The Township has further duties under the *Occupational Health and Safety Act*, R.S.O. 1990, c 0.1, to address workplace violence and harassment and to:

- make reasonable efforts to provide a safe, healthy working environment for its Employees;
- ensure that all persons on the property are reasonably safe while on the premises; and,
- make reasonable efforts to provide for the safety of all Council, Employees, and the public in Township operations and in public use of Township facilities.

Addressing the Conduct or Behaviour

1. Employee Review

In the event suspected frivolous, vexatious or unreasonable conduct is experienced or observed, the Employee will consult with their Manager or Supervisor providing any supporting materials identifying the nature of the conduct including, as appropriate:

- The number of requests and complaints made by the Complainant and the status of each;
- The length of time that Employees have been in contact with the Complainant, including the time and resources invested in the issue(s);
- The history of the interactions (where appropriate) and the amount of correspondence that has been exchanged with the Complainant;
- A summary of the steps taken by Employees to resolve the issue;
- The nature of the Complainant's behaviour.

Employees may choose to contact their Manager or Supervisor for assistance prior to a pattern of conduct being established if the Complainant's behaviour is of concern.

2. Manager/Supervisor Review

- Review the information provided by Employees and determine in a timely manner to

determine whether:

- The Request has been dealt with properly and in line with the relevant procedures;
 - Employees have made reasonable efforts to satisfy or resolve the request;
 - That the Complainant is not presenting new material or information that demonstrates there is an issue within the scope of Township services and/or jurisdiction.
- Determine if the Complainant's conduct warrants the application of restrictions; and
 - Work with Employees and the Director to determine appropriate restrictions, how to inform the Complainant of the restrictions and determine a review date for removing, modifying, or continuing restrictions.
3. A panel of the Senior Management Team (or their appropriate designates) consisting of no less than 2 persons, not including the Manager/Supervisor, will review the information provided by Employees, as well as the determination by the Manager/Supervisor with respect to proposed restrictions and review date, and determine whether:
- The Request has been properly investigated;
 - Communication with the Complainant has been adequate;
 - The proposed restrictions and proposed review date are justified in light of the circumstances;
 - The Complainant is not attempting to provide any significant new information that would warrant further Employee engagement; and,
 - Any restriction(s) placed on an individual on behalf of a Council or Committee Member under this policy shall be administered by the C.A.O

Application of Restrictions and Notice

When a decision has been made to classify the Complainant's conduct as frivolous, vexatious or unreasonable, the Complainant (where possible and appropriate) will receive written notification from the Township's Clerks Department, with a copy to Members of Council, the C.A.O., and the Senior Management Team, detailing:

- The reasons for the decision;
- The restrictions to be applied;
- The review date; and
- What it means for the Complainant's contact with the Township.

Restrictions available under this policy for frivolous, vexatious or unreasonable conduct shall be tailored to deal with the individual circumstances of each case and may include, but are not limited to:

- A letter of warning may be issued to the Complainant for any conduct that is in violation of this policy;
- Limiting the Complainant to a particular point of contact at the Township (where appropriate);
- Limiting the Complainant's correspondence with Employees to a particular format only (i.e.. email only), time (i.e. phone calls only at specific times and days of the week) or duration (i.e. conversations may last no longer than 10 minutes), this may include technological or electronic limiters, such as muting or blocking on social media, email filters, and automatic telephone redirects;

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- Requiring that the Complainant only contact the Township through a third-party agent, such as a solicitor, counsellor, family member or friend;
 - Requiring any face-to face interactions between the Complainant and Employees to take place in the presence of an appropriate witness and/or police;
 - Requiring that the Complainant produce full disclosure of documentation or information before Employees will further investigate a complaint ;
 - Instructing Employees not to respond to further correspondence from the Complainant regarding the complaint or a substantially similar issue;
 - Instructing Employees not to investigate any complaints regarding an issue that has already been investigated, or which is substantially similar to an issue which has already been investigated;
 - Instructing Employees to significantly reduce or completely cease responding to further complaints and correspondence from the Complainant;
 - Instructing Employees to close a matter;
 - Limiting or regulating the Complainant's use of municipal services (i.e., community centres, libraries, registration in programs, access to technology systems, etc.);
 - Refusing the Complainant access to any municipal buildings except by appointment or scheduled delegations at public meetings of Council;
 - Informing the Complainant that further contact on the matter will not be acknowledged or replied to;
 - Pursuing legal action; and/or
 - Any other actions deemed appropriate by the panel of Senior Management Team members.

Review of Restrictions

The Complainant shall have thirty (30) days from the date they receive notice of any restrictions to submit a written appeal to the C.A.O., outlining the reasons for the appeal. Upon receiving the appeal, the C.A.O. has fifteen (15) days to either confirm, rescind, or amend the restrictions, review date, extension, or any modifications.

All restrictions imposed under this policy must include a review date. This date is determined by the Department Head or their designate, based on the specific circumstances of the case. In cases involving severe conduct or a demonstrated pattern of problematic behaviour, the review date may be set for ninety (90) days or more from the start of the restrictions.

The relevant Manager or Direct Supervisor will review the Complainant's status on or before the review date and will communicate the outcome in writing.

If necessary, and in consultation with the Senior Management Team, the Manager or Supervisor may extend the restrictions beyond the review date. In such cases, the Complainant will be notified in writing of the extension, the reasons for it, and the new review date.

If the Complainant receives notice of an extension or modification, they again have thirty (30) days to appeal by submitting a written letter to the C.A.O., stating their reasons. The C.A.O. must respond within fifteen (15) days, either confirming, rescinding, or amending the restrictions, review date, extension, or modifications.

Failure by the Complainant to comply with the imposed restrictions may result in further

restrictions, as determined through review in accordance with this policy.

If a complaint cannot be resolved under this policy, it may be referred to the Ombudsman's office.

New Complaints

Complaints on a separate or new issue from a Complainant who has come under this policy will be treated on their individual merits. The C.A.O., in consultation with the Clerks Department, will decide if any restrictions, which are currently in effect, should be applied to the new complaint.

Record Retention

Staff are responsible for maintaining detailed records of their interactions (emails, notes of telephone conversations, and notes of in-person discussions) in order to justify any action being taken to restrict the Complainant's access to the Township. Records must be retained in accordance with the Township's Records Retention Policy.

Exclusions

This policy applies to all requests and complaints made by members of the public unless:

- Where a meeting is covered under the Procedural By-law, the procedures established under that By-law take precedence over this policy.
- Complaints made to the Township's Integrity Commissioner under the Township's Code of Conduct are not subject to this policy.

Nothing in this policy is meant to conflict with the Township's Workplace Violence & Harassment Policy.

Consequences of Non-Compliance

Non-compliance with the Frivolous, Vexatious and Unreasonable Complaints Policy may result in the complaint being filed with the Ontario Ombudsman for investigation.

Consequences must be commensurate with the severity of non-compliance.

Review Cycle

This policy will be reviewed once per term of Council or as required based on revisions to corporate practices or governing legislation.