

TOWN OF LANIGAN

BYLAW No. 11/2025

A BYLAW OF THE TOWN OF LANIGAN TO ESTABLISH A PUBLIC CONDUCT POLICY BYLAW

WHEREAS pursuant to s. 8(1) of *The Municipalities Act*, a municipality has a general power to pass any bylaw for purposes that it considers expedient in relation to the following matters respecting the municipality:

- a. the peace, order and good government of the municipality;
- b. the safety, health and welfare of people and the protection of people and property;
- c. people, activities and things in, on or near a public place or place that is open to the public;
and
- d. services provided by or on behalf of the municipality.

NOW, THEREFORE, the Council of the Town of Lanigan in the Province of Saskatchewan enacts as follows:

Short Title

1. This bylaw may be cited as the “Public Conduct Policy Bylaw”.

Policy Statement

2. The Town of Lanigan (the “**Town**”) is committed to providing a safe, welcoming, and inclusive environment to all members of the public and to address service requests and complaints fairly, comprehensively and in a timely manner, while promoting a respectful, tolerant and harassment-free workplace between Members of Council, Town employees and the public. In order to achieve these objectives, unreasonable behaviour and/or frivolous and vexatious complaints or requests from some members of the public who require services or access Town buildings may need to be limited in a manner that is clear, consistent, reasonable and proportional to the individual’s actions.

Purpose and Interpretation

3. This Bylaw contributes to the objective of dealing with all residents in ways that are consistent and fair while acknowledging that there may be a need to protect Staff, Members of Council and residents of the Town from unreasonable behaviour and frivolous and/or vexatious conduct.
4. The following situations and requests may require the Town to place restrictions on the contact that certain individuals have with the Town:
 - a. Situations arising from unreasonable behaviour which cause concern for the reasonable safety of other individuals on Town premises;
 - b. Situations which compromise the enjoyment of Town facilities and services for all users;

- c. Vexatious, frivolous and/or unreasonably persistent requests which consume a disproportionate amount of Member and/or Staff time and resources and compromise their ability to provide assistance or deliver satisfactory customer service efficiently and effectively; and
 - d. Vexatious and frivolous requests which impede Staff from attending to other essential issues.
- 5. This Bylaw does not restrict a Member of the Public from requesting and/or gaining access to essential Town services, including Emergency Services.
- 6. Determining whether particular behaviours or actions are unreasonable, frivolous or vexatious can be a flexible balancing exercise that requires all the circumstances of a particular case to be taken into account. In many cases, the key question is whether the behaviours or actions are likely to cause distress, disruption or irritation, without proper or justified cause.
- 7. 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 Members of Council, Staff, services and/or property. As such, this Bylaw provides clear examples of behaviours and actions, as well as clear steps for Staff to follow. Any restrictions made under this Bylaw are dependent on particular circumstances, and there is an opportunity for the affected individual to appeal the restrictions.

Definitions

8. In this Bylaw:

- a. **"CAO"** means the Town's Chief Administrative Officer.
- b. **"Council"** is the collective of municipally elected officials of the Town of Lanigan, or individual members thereof.
- c. **"Designate"** is a person chosen to officially perform a particular job, as allowable by *The Municipalities Act* and/or other relevant legislation.
- d. **"Discrimination"** refers to any and all differential treatment, action or communication with an adverse impact on an individual, on a group of individuals, based on those grounds protected in the Canadian *Charter of Rights and Freedoms*.
- e. **"Frivolous"** means the complaint or request is one that has no serious purpose or value, about a matter so trivial or one so meritless on its face that investigation would be disproportionate in terms of time and cost.
- f. **"Harassment"** refers to any incident, or repeated incidents, of objectionable or unwelcome behaviour by a Member of the Public which causes, or is intended to cause, intimidation or humiliation to a Town employee or Member of Council, or



which adversely impacts the health and safety of a Town employee or Member of Council, including but not limited to:

- i. Inappropriate conduct, including a comment, display, action, or gesture by an individual that adversely impacts a Town employee or Member of Council's psychological wellbeing, which the perpetrator knows, or ought to know, would cause the employee or Member of Council to be humiliated or intimidated, and/or which constitutes a threat to the health and safety of a Town employee and/or Member of Council.
 - ii. Bullying, comments or conduct associated, or deemed to be associated with a person's protected equality rights under the *Charter of Rights and Freedoms*, including race, national or ethnic origin, colour, religion, sex, gender identity, age or mental or physical ability.
 - iii. A sexual advance or sexual solicitation, including but not limited to sexual remarks, humour with sexual overtones, a sexual invitation, displaying offensive pictures or photographs, threats, leering, physical contact such as touching, patting, pinching or brushing up against, or sexual and/or physical assault.
 - iv. Behaviours including verbal or written abuse or threats, insulting, derogatory or degrading comments, jokes or gestures, personal ridicule or malicious gossip, malicious or unjustifiable interference with another's work, work sabotage, refusing to work or cooperate with others, or interference with, or vandalism of, personal property.
- g. **"Member of the Public"** refers to any individual who is not a Town employee or Member of Council, and includes a resident or person who otherwise holds a vested interest in the Town, in their capacity in interacting with a Town employee or Member of Council, and/or in accessing Town facilities, services or programs.
- h. **"Public Meeting"** means any official meeting of Council, its Committees, or Local Boards, as well as any public consultation meetings hosted by the Town staff or representatives of the Town.
- i. **"Staff"** means employees of the Town.
- j. **"Town"** is the Town of Lanigan.
- k. **"Town Property"** means any property owned, leased, or operated by the Town on a temporary or permanent basis, including indoor and outdoor facilities, spaces and assets.
- l. **"Vexatious"** means that the complaint or request for service is initiated with the intent to embarrass or annoy the recipient, or is part of a pattern of conduct by the complainant or requester that amounts to an abuse of the available process to make complaints or requests for service.



Application

9. This Bylaw is to be implemented if behaviours or requests from an individual are determined to be unreasonable, frivolous and/or vexatious as defined herein. The following behaviours or requests may take place in circumstances including, but not limited to, one or more of the following:
- a. Public meetings;
 - b. Written communication;
 - c. Telephone communication;
 - d. In-person communication;
 - e. Electronic communication, including email and social media; and/or
 - f. Interactions at Town property, parks or facilities.

Exceptions

9. This Bylaw does not apply to Access to Information requests made pursuant to *The Local Authority Freedom of Information and Protection of Privacy Act*, SS 1990-91, c L-27.1 ("LA FOIP").
10. Notwithstanding the provisions of this Bylaw, individuals that have been restricted from attending Town Property are permitted to attend Public Meetings, subject to the rules of participation for such Public Meetings and any conditions or restrictions assigned to the individual when attending Town Property.
11. Nothing within this Bylaw restricts or otherwise limits the Town's authority to engage in litigation or seek legal redress for actions taken by individuals that may also be governed by this Bylaw.
12. Nothing in this Bylaw restricts or otherwise limits the ability or obligation of the Town to comply with any requirements established by provincial or federal legislation.

Examples of Unreasonable Behaviour

13. Examples of what might be considered unreasonable behaviour are provided below. The below list is not exhaustive, nor does a single instance of behaviour necessarily imply that the person will be considered as being in this category:
- a. Refusing to specify the grounds of a complaint, despite offers of assistance;
 - b. Changing the basis of the complaint/request as the matter proceeds;
 - c. Denying or changing statements made at an earlier stage;
 - d. Covertly recording meetings and conversations;
 - e. Submitting falsified documents from themselves or others;



- f. Making excessive demands on the time and resources of Staff with lengthy phone calls, emails to numerous Staff, or frequent detailed letters, and expecting immediate responses;
- g. Refusing to accept the decision and/or repeatedly arguing points with no new evidence;
- h. Persistently approaching the Town through different avenues about the same issue;
- i. Causing distress to Staff, which could include the use of hostile, abusive or offensive language, emotional or mental abuse, or an unreasonable fixation on an individual member of Staff;
- j. Photographing or video recording individuals on Town premises where it is determined that recording will disrupt the Town's operations and/or services, where there is a reasonable expectation of privacy for those individuals being photographed or recorded and where written consent to record has not been obtained from them, and/or where it is determined that the recording is being done in a spirit otherwise aligned with Inappropriate Behaviour, including:
 - i. Electronically recording meetings or conversations without the prior knowledge and consent of at least one (1) party participating in the meeting or conversation that is being electronically recorded, in alignment with the Province of Saskatchewan's and the Criminal Code of Canada's one-party consent exception;
- k. Threatening employment, private life, or reputation;
- l. Unruly public protest that is disruptive to the operation of Town services, including but not limited to obstructing access to Town facilities, services;
- m. Deliberately interfering with Town operations, services or duties being performed or provided by the Town;
- n. Making unjustified complaints about Staff who are trying to deal with the issues, and/or seeking to have them replaced;
- o. Engaging in aggressive, discriminatory, disrespectful or intimidating behavior, bullying, yelling, harassment or using coarse language while accessing a Town program, service, program, event or facility;
- p. Engaging in criminal activity while attending Town premises, including harassment, violent behaviour, sexual assault or sexually explicit behaviour;
- q. Loitering, causing a disturbance or acting under the influence of drugs and alcohol while attending Town premises;
- r. Failing to follow the Town's bylaws, safety protocols, public policies, guidelines and/or rules to a degree which impacts workplace safety and wellbeing;



- s. Accessing or attempting to access physical areas of Town facilities that are clearly marked as prohibited to Members of the Public, including those areas which are used as private spaces for Town employees and/or Council.
- t. Engaging in inappropriate sexual self-touching on Town premises;
- u. Attending a Staff Member's private residence or private property uninvited; and/or
- v. Emailing or otherwise circulating photos of Staff Members in a disrespectful way.

Examples of Frivolous or Vexatious Requests:

14. Examples of what might be considered vexatious or frivolous requests are provided below. The list is not exhaustive. For a request to be considered as vexatious or frivolous, it is likely that more than one of the examples is relevant:
 - a. Submission of obsessive requests with high volume and frequency of correspondence;
 - b. Requests for information the requester has already seen;
 - c. Attempts to reopen matter that have already been considered and closed;
 - d. Where complying with the request would impose a significant burden on the Town in terms of expense, and negatively impact the ability to provide service to others;
 - e. Where the requester states that the request is actually meant to cause maximum inconvenience, disruption or annoyance;
 - f. Where the request lacks any serious purpose or value; and/or
 - g. Harassing the Town, which could include very high volume and frequency of correspondence, or mingling requests with accusations and complaints.
15. A pattern of conduct occurs when, on several occasions, an individual engages in one or more of the following:
 - a. Bringing complaints concerning an issue that Staff have already investigated and resolved;
 - b. Bringing complaints concerning an issue that is substantially similar to an issue that Staff have previously investigated and resolved where no new information is being introduced; and/or
 - c. Engaging in unreasonable conduct, including but not limited to the examples set out under the Application section of this Bylaw.
16. This Bylaw is meant to complement, not replace, the Town's Harassment Policy, the Employee Code of Conduct and the Code of Ethics for Council Members.

Policy Requirements:

17. The decision to implement restrictions 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 Bylaw.

18. If an incident presents an immediate threat, Staff and Members of Council are instructed to contact 9-1-1.

Responsibilities

19. All users of this Bylaw are required to document the actions of the individual, and their own actions, in as much detail as possible.
20. For situations involving unreasonable behaviour that does not require immediate action, as well as those circumstances that involve frivolous and vexatious requests, specific responsibilities include as follows:

a) The CAO is responsible to:

- i. Ensure that Council and Town employees have receiving training on this Bylaw;
- ii. Implement the Bylaw, including ensuring that appropriate procedures are established to prevent harassment to Town employees, Council and Members of the Public;
- iii. Establish forms, including but not limited to a Request for Review form, along with procedures and guidelines that will help to determine objectively whether inappropriate or unreasonable behaviour has occurred.
- iv. Provide appropriate supports to any Town employee and/or Member of Council in alignment with health and safety, including in instances where a Town employee and/or Member of Council feels their safety has been compromised and/or where inappropriate or unreasonable behaviours are perceived to have occurred; and
- v. Support a workplace free of harassment.

b) Town Employees

- i. If a Staff member experiences or witnesses any incident or behavior that makes the Staff member uncomfortable or unsafe, the Staff member should report the matter to the CAO and provide any supporting material(s);
- ii. If a Staff member believes that a request or a complaint is unreasonable, frivolous or vexatious, the Staff member should consult with the CAO, providing any supporting material(s);
- iii. Staff are responsible for advising the CAO of the steps that have been taken to resolve the issue, which may include the following:
 - o length of time that Staff have been in contact with the individual and the history of interactions;



- amount of correspondence that has been exchanged with the individual; ○ number of requests that the individual has brought and the status of each;
- nature of the individual's behavior and the amount of time that has been consumed; and
- maintaining detailed records of Staff interactions with individuals in order to justify any actions taken to restrict the individual's access to Staff or services;

c) Members of Council

- i. Consult with the CAO if necessary regarding cases of unreasonable behaviour and/or frivolous and vexatious action that the Member wishes to address, as described in this Bylaw;
- ii. Any restriction(s) placed on an individual on behalf of Council shall be administered by the CAO.

Imposing Restrictions

- 21. For instances that pose, or are perceived to pose, an immediate threat to the physical safety of a Town employee, Member of Council or a Member of the Public, where acts of violence are imminent or in which they have occurred, or if a crime is in progress, Town staff shall contact RCMP immediately at 9-1-1.**
- 22.** Based on the information provided by Staff and/or a Member of Council or information within the CAO's knowledge, a review shall be conducted by the CAO to determine if an individual's behaviour warrants the application of temporary restrictions. Each case should be considered on an individual basis. In conducting the review, the CAO will consider the specific circumstances of the matter as well as the following:
- a. The individual's personal circumstances, level of competency, literacy skills etc. which may be known to Staff;
 - b. Whether the request or complaint has been dealt with in accordance with the relevant Town procedures and statutory guidelines;
 - c. Whether Staff have made reasonable efforts to satisfy or resolve the request or complaint;
 - d. Whether the individual is presenting new material or information about the situation or is making a new request or complaint.

Notice

- 23.** Upon determination that an individual's behaviour is unreasonable or that the request or complaint is frivolous or vexatious, and depending on the severity of the incident, the CAO shall:

- a. Send a Letter of Warning to the individual indicating that the behaviour/requests are a violation of this Bylaw and that restrictions may be imposed should they continue; or
- b. Send a Notice of Restriction to the individual indicating that the matter has been reviewed and that temporary restrictions are to be imposed. This letter shall include a summary of the findings of the CAO's review, including as follows:
 - i. a summary of the matter which has led to the restrictions; ii. a summary of the interactions with the individual;
 - iii. a description of the restrictions that are to be applied, including the duration of the restrictions; and iv. the rationale for applying the restrictions.

Potential Restrictions

24. Restrictions should be tailored to deal with individual circumstances. Actions available to the CAO to restrict the individual may include, but are not limited to, any combination of the following:

- a. Limiting the individual's correspondence with Staff to a particular format, time or duration;
- b. Limiting the individual to a particular point of contact;
- c. Requiring any face-to-face interactions between the individual and Staff to take place in the presence of another Staff member;
- d. Requiring the individual to make contact with the Town only through a third party, such as a solicitor;
- e. Limiting or regulating the individual's use of Town services;
- f. Refusing the individual access to a Town facility except by appointment or specific permission;
- g. Requiring that the individual produce full disclosure of documentation or information before Staff will further investigate a complaint;
- h. Instructing Staff not to respond to further correspondence from the individual regarding the complaint or a substantially similar issue, unless the correspondence relates to an Access to Information Request under LA FOIP;
- i. Informing the individual that further contact on a matter will not be acknowledged or replied to;
- j. Closing the complaint or request for service;



- k. Instructing Staff not to investigate any complaints regarding an issue that has already been investigated or which is substantially similar to an issue that has already been investigated.
25. In severe or repeated cases of unreasonable behaviour, the CAO may apply any or all of the following restrictions for a duration of time not to exceed 365 days, at the CAO's discretion:
- a. Prohibiting the individual's in-person attendance at one or more Town facilities, except for the sole purpose of conducting legitimate business;
 - b. Prohibiting the individual's in-person attendance at one or more Public Meetings, so long as attendance is possible through other means, such as digital viewing; and
 - c. Any other restrictions at the CAO considers appropriate in response to the unreasonable behaviour.

Request for Review

25. The individual shall have the ability to request a review of any decision to impose restrictions by submitting a Request for Review form to the CAO within 14 business days from the date the restriction was issued. The CAO will forward the relevant information to Members of Council for review. At a future Council meeting, Council will review all the relevant information and pass a resolution to confirm, rescind or amend the restrictions.
26. In the event that the issue cannot be resolved through this Bylaw, the individual may submit a complaint to the Ombudsman.

Personal Information Collected, Used and Disclosed

27. Personal information collected and used under this Bylaw may include an individual's general description and/or photographic image or likeness, and shall not be used or disclosed for an inconsistent purpose.
28. In order to enforce any restrictions applied to an individual under this Bylaw, Staff may disclose to other Town Staff or agents of the Town the individual's personal information referred to in section 27, a summary of the unreasonable behaviour and any restrictions applied to the individual.
29. All Staff and Members of Council shall have regard for the individual's privacy and shall not use or disclose to the public the individual's personal information, Unreasonable Behaviour or the nature of any restrictions applied to the individual.



Coming into Force

30. This bylaw shall come into effect on the day of its final passing.

Introduced and read a first time this 18TH day of AUGUST, 2025

Read a second time this 18TH day of AUGUST, 2025

Read a third time and adopted this 18TH day of AUGUST, 2025.



Mayor



Chief Administrative Officer