

Mitigating Harassment Related to Public Health Restriction Enforcement

Saskatoon CommUNITY Commitment – Tourism Saskatoon

This document was written based on information available as of September 28, 2021 at 11:00AM. The October 1 PHO related to proof of vaccination requirements was not published as of the writing. Please reference the most up-to-date public health orders before using this guidance.

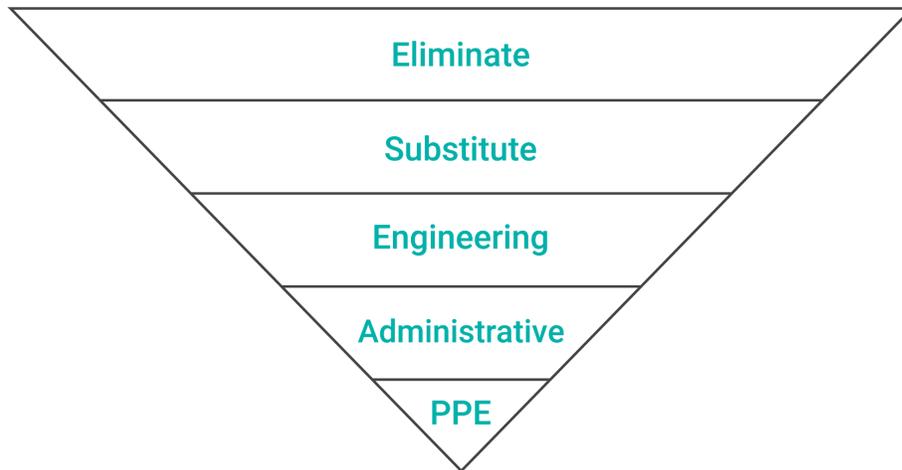
It is understandable to be stressed and confused about having to enforce the provincial Public Health Orders. It is important to discuss your strategy as a staff and decide on the best way for your business to handle this. This document provides some ideas and recommendations.

If you have any reservations or questions about the legality of requiring vaccines, read the [Saskatchewan Human Rights Commission's fact sheet on vaccine mandates](#) (a similar masking fact sheet can be found [here](#)). The most important takeaway is that a medical exemption from being vaccinated is not a reasonable stand-in for proof of vaccination. You do not have to let someone into your business who is not vaccinated if you believe it will create a health and safety risk for your staff and other customers. Accommodations for individuals who cannot be vaccinated may include accepting proof of a negative test or offering services such as curbside pickup. Accommodations should not create undue hardship for your business. "Self-imposed" vaccine exemptions are not protected under the *Saskatchewan Human Rights Code* and you are not required to accommodate individuals who choose not to be vaccinated.

Workers in Saskatchewan are entitled to employment free of harassment (OH&S Regs section 36) – this includes from customers. If you are finding that ongoing harassment of your front-of-house staff or similar is occurring due to public health restrictions, you are legally required to put steps in place to mitigate this risk.

Consider applying our old friend **The Hierarchy of Controls** to this situation:

Hazard: Harassment



Eliminate

- Example: No indoor services (e.g. only outdoor dining, only takeout/curbside pickup)

Substitute

- Example: Management or security staff in place at the door to deal with disgruntled customers

Engineering

- Example: Takeout window for those who are unable to enter

Administrative

- Examples: Signage and scripts, employee training for dealing with disgruntled customers

PPE (Physical protection from the source)

- Examples: Put front-of-house staff in a booth with a blind or shutter they can close, put an alarm or bell at the host station so the host may easily call a manager for assistance

Depending on the nature of your business many of these examples may not be applicable and the most feasible option is likely to be administrative, i.e. signage and scripts. The following provides some guidance and ideas around putting together scripts and signage to prepare for and ideally defuse difficult situations.

In all communications, whether written or spoken, it is important not to add any fuel to the fire, but you may consider providing an option for accommodation.

Example signage wording, with an accommodation option:

A Provincial Public Health Order is in effect. Customers must wear a mask and show proof of vaccination or negative test to enter. Those unable to meet this requirement may call xxx-xxxx to place an order for curbside pickup.

In customer service it is typical to apologize to the customer (who is always right). In this case, apologizing for the policy may provide them with an opening to vent. If you must apologize, acknowledge their feelings but do not provide any encouragement to engage or debate (e.g. “I’m sorry you feel this way” rather than “I’m sorry but we’re in a pandemic”). You can give them a choice of reasonable options such as ordering takeout or leaving the premises.

Use the pronoun “we” instead of “I” – this can de-personalize the situation and present more of a united front, that it is the business and not the single staff member who enforces the policy. Also invoking the concept of “private property” may be helpful (where applicable).

If you think you may need to call the police, include this in your script and keep the script at the location where your staff will be dealing with customers. Keep discussions in the public view, where other customers may act as a deterrent to escalation and/or provide peer pressure.

Work with your staff to develop the procedure for preparing for these situations, and take turns role-playing to get some practice. It will not be the same as it would be in the moment with real stress, but repetition can provide a mental script to help when put in a real-world, stressful situation.

Finally, determine if there will be any situations where an exemption will be made to the rules, for example if there are situations where you will not enforce mask use. It is important to state what these situations are up-front as a team, so that a staff member does not have a stressful time trying to enforce the policy only to have a manager step in and undermine them. Remember that a medical exemption from the vaccine does NOT stand in for proof of vaccination; that is you do not have to let someone in because they are medically exempt from vaccination. This would be a situation where you offer a reasonable accommodation.

A sample script for a fully escalating situation:

Staff: Hello sir, may I please see your proof of vaccination or negative test?

Customer: I don't have one and my doctor says I don't need to wear a mask either.

Staff: Okay, we will need you to go outside and call this number to order curbside pickup.

Customer: You can't tell me what to do! It's my right to go wherever I want. I'm exempt!

Staff: We cannot seat you without a proof of vaccination or negative test and you can't be in here without a mask. Your choices are to order takeout and put on a mask to wait here for it, go outside and wait for it in your car, or leave.

Customer: There are a lot of doctors who know that the vaccine is a scam but they're too afraid to speak publicly about it!

Staff: Sir, we cannot engage with you on this, we have other customers waiting.

Customer: This is my RIGHT! It is my RIGHT to be here!

Staff: Sir, this is private property, we need to ask you to leave.

Customer: *continues to rant*

Staff: Sir, you are causing a disturbance, if you do not leave we will call the police.

Having a script for calling the police is important as the staff member will likely be under a lot of stress while making the call. Be sure to include the address of the business in this script as well as any other logistical information, as people may forget simple pieces of information like this while stressed.