



The Municipal Corporation of the Town of Fort Erie

By-law No. 138-2019

Being a By-law to Adopt The Corporation of the Town of Fort Erie Health and Safety Policy and to Repeal By-law No. 96-2018

Whereas the *Occupational Health and Safety Act (Act)*, R.S.O. 1990, c. O.1, subsection 25(2)(j) provides that an employer shall prepare and review at least annually a written occupational health and safety policy and policies with respect to workplace violence and workplace harassment; and

Whereas the Human Rights Code (Code), R.S.O. 1990, c. H.19, subsection 5(2) provides that every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability; and

Whereas The Corporation of the Town of Fort Erie is an employer for the purposes of the *Act* and the Code; and

Whereas By-law No. 96-2018 adopted a Health and Safety Policy for The Corporation of the Town of Fort Erie; and

Whereas Report No. CAO-28-2019 was considered and approved at the Council-in-Committee meeting held on October 7, 2019 to amend the Health and Safety Policy for The Corporation of the Town of Fort Erie;

Now therefore the Municipal Council of The Corporation of The Town of Fort Erie enacts as follows:

1. **That** The Corporation of the Town of Fort Erie Health and Safety Policy attached as Schedule "A" to this by-law is approved and adopted.
2. **That** By-law No. 96-2018 is repealed.
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 21st day of October 2019.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 138-2019 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 2019.



The Corporation of the Town of Fort Erie
Health and Safety Policy

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Effective: June 2006	Revised: September 2019

1.0 Definitions

“bargaining agent” means the Canadian Union of Public Employees and its Local #714

“Corporation” means the Corporation of the Town of Fort Erie

“Council” means the municipal Council of the Town of Fort Erie

“domestic violence” is a pattern of behaviour to gain power and control over an employee by a person who has a personal relationship with the employee, such as a spouse, partner or other family member. This behaviour may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and the use of electronic devices to harass and control.

“gender expression” is how a person publicly presents their gender and through which others perceive that person’s gender and includes external attributes and behaviours such as dress, hairstyle, make-up, body language, voice, name and chosen pronoun.

“gender identity” is each person’s internal and individual experience of gender and sense of being a woman, a man, both, neither or anywhere in between and may be the same as or different from their birth-assigned sex.

“hazard” means human, material, equipment, environment and process factors that can contribute to an accident or injury, including but not limited to;

- a) musculoskeletal disorders
- b) workplace harassment
- c) workplace impairment
- d) workplace sexual harassment
- e) workplace violence
- f) noise induced hearing loss

“musculoskeletal disorder” includes injuries and disorders of the muscles, tendons, nerves

“equivalent sound exposure level” means the steady sound level in dba which, if present in the workplace for eight hours a day, would contain the same total energy as that generated by the actual and varying sound levels to which a worker is exposed in a total work day.

“prohibited ground” includes race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability.

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“workplace” means

- a) any land, premises, location, vehicle or thing at, upon, in or near which an employee works and
- b) includes all locations where business or social activities of The Corporation are conducted.

(Consider: is the location in some way connected to work? i.e. deliveries, charity events, offsite meetings, business trips, conferences and social activities during a conference, any other event or place related to employment or when the employee is present in the course of employment or as a representative of The Corporation.)

“workplace harassment”

- a) means engaging in a course of vexatious comment or conduct against an employee, in a workplace, that is known or ought reasonably to be known to be unwelcome and includes workplace sexual harassment and any harassment based on a prohibited ground.
- b) depending on the circumstances, one incident could be significant or substantial enough to be harassment.
- c) does not include a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

“workplace impairment” means negative physical, psychosocial, behavioural and performance side effects from the use, abuse or misuse of alcohol, drugs and medications

“workplace sexual harassment” means;

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

“workplace violence” means

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

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- c) a statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker, and
- d) domestic violence as defined in this policy, and
- e) gender-based violence, including violence against transgender persons, and
- f) acts that constitute offenses under Canada's *Criminal Code*

2.0 Preface

It is a legislated requirement that The Corporation develop, adopt and maintain a health and safety policy. The Council sets the health and safety policy and establishes expectations for this policy's implementation and maintenance by the administration.

3.0 Purpose

This policy is a formal, written statement of The Corporation's on-going commitment to protect workers from occupational illness and injury, workplace violence and workplace harassment and continually improve occupational health and safety performance.

This policy describes the guiding principles upon which The Corporation's Occupational Health and Safety Management System (OHSMS) is built and puts corporate health and safety into action.

This policy delegates roles and responsibilities for the development, implementation and maintenance of the OHSMS.

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An effective health and safety management system and the communication of the system to all workers is sound business practice and an important indicator of leadership and managerial performance.

4.0 Policy Statement

It is the policy of The Corporation:

- 4.1 To maintain a fair and equitable environment free from harassment;
- 4.2 To continually strive for the elimination of foreseeable hazards and control accidental loss;
- 4.3 To provide and maintain a legal, respectful, healthy and safe workplace for all employees and visitors;
- 4.4 To protect workers and visitors from workplace hazards including workplace violence and workplace harassment from all sources;
- 4.5 To adopt and comply with applicable legal obligations, industry norms and standards for workplace health and safety and ensure continual OHSMS improvement;
- 4.6 To provide workers with job-specific, appropriate and regular health and safety information, instruction and skills upgrades;
- 4.7 To investigate and address potential workplace violence or harassment, even in the absence of a formal complaint, in a fair and timely manner without reprisal for good faith complaints.

5.0 Application and Scope

- 5.1 This policy applies to every Corporation employee, agent, contractor, volunteers, members of Council and workplace and will be followed in all work activities.
- 5.2 This policy applies to employment-related incidents that occur beyond the normal workplace on social media or outside working hours.
- 5.3 This policy will be posted in conspicuous places, communicated to all employees and reviewed annually.
- 5.4 It is a requirement of this policy that all corporate officers, senior managers, supervisors, the bargaining agent and workers embrace the objective of reducing the risk of occupational illness and injury.

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6.0 Policy Implementation

This policy will be reflected in and implemented through the establishment and maintenance of a comprehensive OHSMS:

- 6.1 The OHSMS is the administrative program for setting, communicating and enforcing health and safety standards, guidelines and practices that protect and promote the health and safety of workers and visitors.
- 6.2 The OHSMS will address the sophistication, complexity and risks associated with the varied industrial and construction work performed by Corporation employees and contractors.
- 6.3 The key elements of the OHSMS include:
 - a) Organizational commitment, leadership and participation
 - b) Management commitment and leadership
 - c) Worker participation
 - d) Planning
 - e) Review
 - f) Hazard identification and assessment
 - g) Setting, communicating and enforcing health and safety standards, guidelines and practices
 - h) Health and safety objectives, targets and measures

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- 6.4 The OHSMS will remain consistent with The Corporation's vision and values.

7.0 Accountabilities

- 7.1 The Corporation of the Town of Fort Erie is ultimately responsible for workplace health and safety. Roles and Responsibilities are described in the prevailing Safe Work Standard.

- 7.2 The **Council** will ensure:

- a) this policy remains current, and;
- b) health and safety activities are adequately funded, and;
- c) the administration understands the Council's expectations for maintaining adequate health and safety policies and procedures, and;
- d) the administration develops, implements and maintains a health and safety program consistent with this policy and legal requirements

- 7.3 The **Chief Administrative Officer** will:

- a) direct the OHSMS program, and;
- b) ensure all employees are aware of their responsibilities under this policy and safe work standards, and;
- c) appoint a designate responsible for developing, implementing and maintaining the OHSMS and acting as a resource for management, and;
- d) ensure that all appropriate health and safety protection resources are in place, implemented and maintained in a manner consistent with Council policy and legal requirements, and;
- e) report annually to Council on OHSMS performance, and;
- f) be evaluated, in part, on health and safety program outcomes

- 7.4 Every **manager** will:

- a) ensure the health and safety standards and practices are communicated and carried out in the workplace, and;
- b) actively participate in the maintenance of a safe and healthy work environment, and;
- c) assign and monitor applicable responsibilities for health and safety, and;
- d) appoint a competent person to be a supervisor, and;
- e) be evaluated, in part, on health and safety performance in the work unit
- f) investigate when facts come to light that may indicate the presence of harassment or discrimination in the workplace, with or without a formal complaint

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7.5 Every **supervisor** will:

- a) ensure safe and healthy working conditions are maintained in the workplace, and;
- a) ensure machinery and equipment are safe, and;
- b) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware, and;
- c) provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker, and;
- d) ensure workers follow established safe work practices and procedures and receive regular health and safety instruction and information, and;
- e) investigate when facts come to light that may indicate the presence of harassment or discrimination in the workplace, with or without a formal complaint
- b) take every precaution reasonable in the circumstances for the protection of a worker

7.6 The **bargaining agent** will:

- a) represent workers in health and safety matters and disputes; and
- b) select worker health and safety representatives; and
- c) join the employer in promoting the well-being and security of employees in the bargaining unit; and
- d) dutifully exercise its rights and duties under health and safety legislation/regulations

7.7 Every **worker and volunteer** will:

- a) understand and comply with legislated standards, corporate procedures and instructions for working safely, and;
- b) use or wear the equipment, protective devices or clothing that The Corporation requires the employee to wear or use, and;
- c) report any workplace accident, injury, illness, hazard or contravention to the supervisor immediately or as soon as practical; and
- d) take every precaution reasonable to protect the worker, any co-worker and member of the public

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Dated this _____ day of _____ 2019

ORIGINAL SIGNED

Mayor

ORIGINAL SIGNED

Chief Administrative Officer

ORIGINAL SIGNED

CUPE Local #714