

Between: The Corporation of The Township Of Smith-Ennismore-Lakefield

(Hereinafter called the ""Township")

of the first part

- and -

TBA

(Hereinafter called the "Contractor")

of the second part

Whereas the Township is a Municipal Corporation and requires Garbage Collection in the Township of Smith-Ennismore-Lakefield, and

Whereas the said Contractor is prepared to provide services of Garbage Collection to the said Township,

Now Witnesseth that in consideration of the mutual covenants herein and the considerations hereinafter stated, the parties agree as follows:

1. That By-law No. 2001-30, as amended, a By-law to provide for the collection, removal and disposal of waste material shall be attached to this Agreement and its provisions shall apply unless the context in this Agreement requires otherwise.
2. The Contractor agrees to collect garbage and non-recyclable rubbish once a week from all premises in the Township. For the purpose of this Contract, garbage and non-recyclable rubbish will be defined as in By-law No. 2001-30, as amended. For the purpose of clarification, the Contractor acknowledges that the following rules are understood in connection with privately owned and/or privately maintained roads where it is difficult to service the same.
 - a) Where the privately owned and/or privately maintained roads in the Township are too narrow to be negotiated by large vehicles, it is the responsibility of the Contractor to supply an appropriate smaller vehicle.
 - b) Where privately owned and/or privately maintained roads are maintained in passable condition, the Contractor shall provide garbage collection year round.
3. The garbage and non-recyclable rubbish which is collected in the Township shall be delivered to, weighed at, and deposited in the Peterborough County City Landfill site with no Tipping Fee charged to the Contractor. Note that when collection happens on holidays when the Peterborough County Landfill site is closed, the Contractor will have access to the Municipal Landfill Site located at 1480 County Road 18.
4. It shall be the duty of the Contractor and his sole responsibility to notify ratepayers of the scheduled regular collections and any changes to the regular collection dates, and that the said notification shall be reasonable in the opinion of the Township in order to give all ratepayers proper notification of collection dates.

5. It is the duty of the Contractor to properly inform the Public Works Department and residents regarding any of the following issues:
 - a) when there are changes to regular collections e.g. mechanical breakdown, schedule changes due to holidays, contractor illness and when collection begins and ends on private roads.
 - b) if garbage is not picked-up, a tag must be placed on the bag stating the reason it has not been picked up and the Contractor shall advise the Public Works Department within 24 hours of all such cases.
 - c) when the Public Works Department leaves a message for the Contractor, the call is to be returned by the next business day or sooner.
 - d) the Contractor's outgoing voice mail message shall clearly identify their Company name in order that residents know they have reached the correct contact number.
6. The Contractor agrees to use for the purpose of Section 2 of this Agreement, a high compaction refuse packer type of equipment having a minimum capacity of 1,000 pounds per cubic yard.
7. This agreement shall be effective for a term commencing on the 27th, day of September 2010, and shall continue until September 27th, 2013 unless terminated by either party by giving ninety (90) days written notice of termination.
8. The contractor will agree to a ninety (90) day extension of this agreement at the end of the term if the same is requested by the Township.
9. Despite the provisions in Paragraph 7 hereof, it is understood and agreed that in the event that the Township determines that the Contractor is importing illegal waste defined as waste emanating outside the geographical boundaries of the Township or otherwise then the Township has the right to immediately cancel this contract for cause.
10. The Contractor's RFP for the garbage collection will be attached to this Agreement.
11. The Township will pay the Contractor the pro-rated RFP price per month on the 15th day of the month following the month's service.
12. The contractor acknowledges that it is an independent contractor and not an employee of the Township.
13. The Contractor agrees to deposit with the Township a liability insurance policy on his operation in the amount of \$2,000,000.00 and agrees to maintain the said insurance at all times during the term of this Agreement. It is understood and agreed that this liability insurance policy shall be worded in such a fashion that the Township is covered to the extent of \$2,000,000.00 in connection with any and all matters that might arise by virtue of this Agreement including injury to persons or property, legal costs should the Township be joined in any lawsuit and any other adverse consequences that might occur such as fines, Orders, or otherwise. The Contractor shall provide verification of insurance to the Township upon each renewal period.
14. The Contractor agrees, in consideration of this Agreement to deposit with the Township an amount equal to one month of the RFP price, furnished at the time of the RFP is submitted, to be held by the Township as a performance bond for the performance of the covenants contained herein for the duration of this Agreement.
15. The Contractor agrees that he will pay all assessments under the Workplace Safety and Insurance Act and will produce receipts and acknowledgements from the Workplace Safety and Insurance Board to the Township every six months.

16. It is understood and agreed that the schedules attached to this Agreement form part of this agreement to the same extent as they would if they were in the main body of the Agreement.
17. The Contractor covenants and agrees to comply with all legislation whether Federal, Provincial, or otherwise, now currently in existence or which comes into force during the term of this Agreement in all respects. Without limiting the generality of the foregoing, the Contractor specifically covenants and agrees to comply with the Occupational Health and Safety Act and the Environmental Protection Act.

The Contractor agrees to adhere to the Townships Customer Service Policy, Respect in the Workplace Policy and the Health and Safety Policy attached hereto as Schedules A, B and C respectively.

The Contractor shall advise the Ministry of the Environment and the Public Works Department in the event of any excessive or hazardous discharge in accordance with the Environmental Protection Act.

The Contractor for purposes of the Occupational Health and Safety Act will be designated as the constructor for this project and will assume all the responsibilities of the constructor set out in the Act and its Regulations. The Contractor's employee(s) shall at all times wear the appropriate personal protective equipment in accordance with the Act and Regulations under the Act, for the purpose of fulfilling the terms of this Contract, including but not limited to, the wearing of reflective safety vests, gloves, steel toed footwear and safety glasses.

18. In addition to the provisions herein with respect to liability insurance in Paragraph 13 and the covenant in the preceding Paragraph No. 17, the Contractor hereby covenants and agrees to indemnify and save harmless the Township from any and all liability whereby the Contractor breaches any legislation whether Federal, Provincial, or Municipal. This indemnification covenant extends not only to the actual loss incurred but also to any possible costs that might be incurred by the Township to defend any charges should it be joined in any law suits and for any fines or Orders that might have to be satisfied.
19. Any notice required to be given hereunder may be given by Registered Mail addressed to the other party at its principal place of business and shall be effective as of the date of deposit thereof in the Post Office.

The addresses of the parties for notice are as follows:

Municipality:

The Corporation of the Township of Smith-Ennismore-Lakefield
Attention: Municipal Clerk
P.O. Box 270
Bridgenorth, Ontario
K0L 1H0

Contractor:

TBA

This Agreement shall inure to the benefit of and be binding upon each of the parties hereto and its, his or her respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF the said party of the First Part has hereunto affixed its corporate seal, duly attested to by the hands of its proper signing officers in that behalf duly authorized and the Party of the Second Part has hereunto set his hand and seal, the day and year first above written.

The Corporation of the Township of Smith-
Ennismore-Lakefield

Per:

Reeve


Clerk

Contractor

Witness as to the signature of

Name

Schedule A

	Policy: Accessible Customer Service
	Effective Date: January 1, 2010 Adopted by By-law 2009-055
	Revision Date:

Accessible Customer Service Standards Policy

1.0 Policy Statement

The Township of Smith-Ennismore-Lakefield recognizes that persons with disabilities should be provided with an equal opportunity to access goods and information in a manner consistent with the principles of independence, dignity, integration and equality as stated in the regulations of the Accessibility for Ontarians with Disabilities Act, 2005.

2.0 Strategic Plan

In the Corporate Strategic Plan adopted by Council in 2007, adopting Accessibility Plans for all Township facilities is identified as a strategic priority and aligns with the Plan’s goals to improve our resident’s quality of life and its goal of organizational excellence.

3.0 Purpose

The Accessibility for *Ontarians with Disabilities Act (AODA), 2005* provides for the establishment of accessibility standards. Accordingly, Ontario Regulation 429/07, Accessible Standards for Customer Service, was enacted. Under this Regulation municipalities must establish policies, procedures and practices governing the provision of its goods or services to persons with disabilities. In addition, the Township must use all reasonable efforts to ensure that its policies, procedures and practices provide accessible customer services to people with various kinds of disabilities and that the core principles of independence, dignity, integration and equal opportunity, as defined herein, are respected.

The purpose of this policy is to fulfill certain requirements as set out in Ontario Regulation 429/07 made under the AODA and other relevant sections of that Act as well as the Ontarians with Disabilities Act, 2001. In support of this policy, corresponding Procedures and Practices will be set out to support the policy and may be amended from time to time.

4.0 Administration

Procedures and Practices may be amended or added to the Customer Service Accessibility Policy as necessary and appropriate in order to ensure that it is current and applicable. Such amendments or additions shall be approved by Resolution of Council and be coordinated with, and form part of this Policy.

This policy becomes effective on January 1, 2010.

5.0 Definitions

- 5.1 “Agents”** shall mean a person or business providing goods or services on behalf of the Township of Smith-Ennismore-Lakefield through a contract or agreement.
- 5.2 “Assistive Devices”** shall mean an auxiliary aid such as communication aids, cognition aids, personal mobility aids, and medical aids (i.e. canes, crutches, wheelchairs, or hearing aids etc.) to access and benefit from the goods and services of Township of Smith-Ennismore-Lakefield.
- 5.3 “Barrier”** shall mean anything that prevents a person with a disability from fully participating in all aspects of society because of the disability. Barriers may include a physical, architectural and attitudinal barrier as well as, an information or communication barrier, technological barriers, a policy, procedure or a practice.
- 5.4 “Customer Service Representatives” (CSR)** An employee, agent, volunteer or otherwise who, on behalf of the Township of Smith-Ennismore-Lakefield, provides or oversees the provision of Township goods or services to members of the public or other third parties.
- 5.5 “Disability”** shall be defined as found in the Ontario Human Rights Code (Part II, Section 10.(1) of the OHRC):
- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device

Schedule A

- (b) a condition of mental impairment or a developmental disability
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*; (“handicap”)

- 5.6 “Guide Dogs or Service Animal”** shall mean any animal individually trained to do work or perform tasks for the benefit of a person with a disability.
- 5.7 “Policies”** shall mean the policies the Township of Smith-Ennismore-Lakefield intends to implement including any rules for CSRs.
- 5.8 “Procedures”** shall mean how the Township of Smith-Ennismore-Lakefield will go about implementing their policy and the steps CSRs will be expected to take.
- 5.9 “Practices”** shall mean what the Township of Smith-Ennismore-Lakefield does on a day to day basis, including how CSRs actually offer or deliver the services.
- 5.10 “Principle of Dignity”** shall mean the policies, procedures and practices that respect the dignity of a person with a disability are those that treat them as customers and clients who are as valued and as deserving of effective and full service as any other customer. People with disabilities will not be treated as an afterthought or be forced to accept lesser service, quality or convenience.
- 5.11 “Principle of Independence”** in some instances, independence means freedom from control or influence of others - freedom to make your own choices. In other situations, it may mean the freedom to do things in your own way.
- 5.12 “Principle of Integration”** shall mean integrated services are those that allow people with disabilities to fully benefit from the same services, in the same place and in the same, or similar way, as other customers.
- 5.13 “Principle of Equal Opportunity”** equal opportunity means having the same chances, options, benefits and results as others. In the

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case of services it means that people with disabilities have the same opportunity to benefit from the way you provide goods or services as others. They should not have to make significantly more effort to access or obtain service. They should also not have to accept lesser quality or more inconvenience.

5.14 “Support Person” shall mean any person whether a paid professional, volunteer, family member or friend who accompanies a person with a disability to aid him or her with communication, mobility, personal care or medical needs or with access to goods and services.

5.15 “Third Party” a representative of a business or organization who is receiving Township of Smith-Ennismore-Lakefield goods or services or acting in an official capacity. Examples include: Provincial inspectors, vendors, local media, agencies, boards or commissions

6.0 Establishment of Policies, Practices and Procedures

The Township of Smith-Ennismore-Lakefield shall use reasonable efforts to ensure that its policies, procedures and practices are consistent with the following principles:

- (a) The goods or services must be provided in a manner that respects the dignity and independence of persons with disabilities.
- (b) The provision of goods or services to persons with disabilities and others must be integrated unless an alternate measure is necessary, whether temporarily or on a permanent basis, to enable a person with a disability to obtain, use or benefit from the goods or services.
- (c) Persons with a disability must be given an opportunity equal to that given to others to obtain, use and benefit from the goods or services. Township of Smith-Ennismore-Lakefield CSRs, when communicating with a person with a disability shall do so in a manner that accommodates the person's disability.

7.0 Implementation

7.1 Assistive Devices

The Township of Smith-Ennismore-Lakefield permits persons with a disability to use and keep with them their own personal assistive devices to obtain, use or benefit from the goods or services offered by the Township. Appropriate CSRs will be trained and knowledgeable of the presence and use of Township owned assistive

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devices within their working department. CSRs will be available to assist with the assistive devices if requested for use by an individual.

7.2 Service Animals and Support Persons

The Township of Smith-Ennismore-Lakefield shall allow persons with disabilities, who require to be accompanied by a support person, into all Township premises that are owned and operated public facilities. Both persons are permitted to enter the premises together and the person with a disability will have access to their support person.

The Township allows a person with a disability to be accompanied by a guide dog or other service animal onto all facilities that are owned and operated by the Township for public use and will ensure that the person is permitted to keep the animal with him or her unless the animal is otherwise excluded by law.

In the event that admission fees are charged, advanced notice concerning what admission, if any, would be charged to a support person, shall be posted in a conspicuous place.

If the service animal is excluded by law from the facility, the Township will make every effort to ensure that other measures are available to enable the person with a disability to obtain, use or benefit from the Township's goods and services.

7.3 Notice of Temporary Disruption

Notice of Service Disruptions must be provided when facilities or services that people with disabilities may use to access Township of Smith-Ennismore-Lakefield goods or services are temporarily unavailable or if the goods or service are expected in the near future to be temporarily unavailable.

The Notice must include the following information:

- a) The reason and information for disruption
- b) Anticipated duration
- c) Description of alternate facilities or services, if available
- d) Contact information

In the case of an unscheduled disruption, the Notice will be posted at the location of the service disruption as soon as practically possible.

In the case of a scheduled disruption the Township will post the Notice prior to the disruption, at the physical location, on its website and if appropriate will advertise the disruption with local media

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outlets. The Notice will be posted to allow for sufficient time to inform ratepayers.

8.0 Documentation and Feedback

The Township of Smith-Ennismore-Lakefield shall upon request give a copy of the policies, practices and procedures required under the Ontario Regulation 429/07 – Accessibility Standards for Customer Service to any person. Any applicable photocopy charges will be applied.

The Township will have a mechanism to allow the public to provide feedback on the accessibility of the provision of goods and services.

9.0 Training

The Township of Smith-Ennismore-Lakefield will provide training, to its customer service representatives about the provision of its goods and services to persons with disabilities. All CSRs who deal with the public or other third parties, and those involved in developing customer service policies, practices, and procedures, will receive Accessibility Awareness Training as soon as practicable after beginning their employment. The Township will also provide ongoing training with respect to changes in its policies, practices, and procedures to those individuals who require such training as soon as practicable. The Township will keep records of the training provided.

Agents hired by the Township of Smith-Ennismore-Lakefield who deal with the public during their work will provide proof of Accessibility Awareness training (as part of their contractual agreement) prior to their work for the Township. If the agent is required to meet the requirements of Regulation 429/07 on or after January 1, 2012 the Township may, at its discretion, provide the necessary training prior to January 1, 2012. If the agent is not required to meet the requirements of Regulation 429/07, the Township may, at its discretion, provide the necessary training. Record of all training must be sent to the appropriate department for documentation.

10.0 Related Procedures/Resources

- 10.1** Accessibility Training Procedures
- 10.2** Communicating with People with Disabilities Procedure
- 10.3** Customer Request and Feedback Procedure
- 10.4** Notice and Provision of Documents in Accessible Formats Procedure
- 10.5** Notice of Temporary Disruptions Procedure
- 10.6** Service Animals Procedure
- 10.7** Support Persons Procedure
- 10.8** Resources

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11.0 Forms

- 11.1** Service Interruption – Planned
- 11.2** Service Interruption – Unexpected
- 11.3** Training Record
- 11.4** Customer Request – Feedback Form
- 11.5** Record of Customer Feedback
- 11.6** Notice – Admission Fees
- 11.7** Accessible Customer Service Brochure
- 11.8** Accessible Information Request Form
- 11.9** Basic Accessible Report Format

Schedule B

Section: Health and Safety	Policy Number: 7.17
Subject: Respect in the Workplace	Effective Date: June 15, 2010
	Revision Date:
Page: 1 of 11	

Respect in the Workplace (Harassment, Discrimination and Violence)

Purpose:

The Township of Smith-Ennismore-Lakefield is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Township's goal to provide a healthy and safe work environment that is free of any form of harassment, discrimination or violence.

This policy applies to all employees, contractors and consultants. It applies to any location in which you are engaged in work-related activities. This includes, but is not limited to:

- the workplace
- during work-related travel
- at restaurants, hotels or meeting facilities that are being used for business purposes
- in Township owned or leased facilities
- during telephone, email or other communication; and
- at any work-related social event, whether or not it is company sponsored

Policy:

1. Our Commitment

The Township of Smith-Ennismore-Lakefield will not tolerate incidents of discrimination, harassment or acts of violence in the workplace. Incidents of sexual or workplace harassment, discrimination and acts of violence have a negative impact on workplace morale and productivity both for the victim and their co-workers. As a socially and legally responsible employer, the Township will treat any complaint of harassment, discrimination or violence as a serious matter.

2. Definitions

a) Discrimination

Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the Ontario Human Rights Code, which nullifies or impairs equality of opportunity in employment, or equality in terms and conditions of employment.

The protected grounds of discrimination are:

- race, colour, ancestry, citizenship, ethnic origin or place of origin
- creed, religion
- age
- sex (including pregnancy and gender identity)
- sexual orientation
- family, marital status (including same-sex partnerships)
- disability or perceived disability
- a record of offences for which pardon has been granted under the Criminal Records Act (Canada) and has not been revoked, or an offence in respect of any provincial enactment

b) Sexual Harassment

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender.

Both men and women can be victims of harassment, and someone of the same or opposite sex can harass someone else.

Some examples of sexual harassment are:

- sexual advances or demands that the recipient does not welcome or want
- threats, punishment or denial of a benefit for refusing sexual advances
- offering a benefit in exchange for a sexual favour
- leering (persistent sexual staring)
- displaying sexually offensive materials such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material
- distributing sexually explicit e-mail messages or attachments such as pictures or video files
- sexually suggestive or obscene comments or gestures
- unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
- persistent, unwanted attention after a consensual relationship ends
- physical contact of a sexual nature, such as touching or caressing; and
- sexual assault

Behaviour of a friendly or romantic nature that is mutual and welcome does not constitute sexual harassment.

c) Discriminatory Harassment

Discriminatory harassment includes comments or conduct based on the protected grounds in the Ontario Human Rights Code, which the recipient does not welcome or that offends him or her.

Some examples of discriminatory harassment include:

- offensive comments, jokes, or behaviour that disparage or ridicule a person's membership in one of the protected grounds, such as race, religion or sexual orientation
- imitation of a person's accent, speech or mannerisms

- refusal to converse or work with someone because of his/her racial or ethnic background
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children; or
- inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight.

d) Poisoned Work Environment

Harassing comments or conduct can poison someone's working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a poisoned working environment and it is also a form of harassment.

Some examples of actions that can create a poisoned work environment include:

- displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers
- distributing offensive e-mail messages or attachments such as pictures or video files
- practical jokes that embarrass or insult someone; or
- jokes or insults that are offensive, racist or discriminatory in nature.

e) Workplace Harassment and Bullying

Workplace harassment is a health and safety issue that is covered under the Occupational Health and Safety Act.

The Occupational Health and Safety Act defines workplace harassment as:

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Workplace harassment may have some or all of the following components:

- it is generally repetitive, although a single serious incident may constitute workplace harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect
- it is hostile, abusive or inappropriate
- it affects the person's dignity or psychological integrity;
- it results in a poisoned work environment.

In addition, behaviour that intimidates isolates or discriminates against the recipient may also be included.

Some examples of workplace harassment are:

- verbally abusive behaviour such as yelling, insults, ridicule and name calling including remarks, jokes or innuendoes that demean, ridicule, intimidate or offend
- workplace pranks, vandalism, bullying and hazing
- gossiping or spreading malicious rumours
- excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gathering

- undermining someone else's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a person to do their job
- providing only demeaning or trivial tasks in place of normal job duties
- humiliating someone
- sabotaging someone else's work
- displaying or circulating offensive pictures or materials
- offensive or intimidating phone calls or e-mails
- impeding an individual's efforts at promotion or transfers for reasons that are not legitimate; and
- making false allegations about someone in memos or other work related documents

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- measures to correct performance deficiencies, such as placing someone on a performance improvement plan,
- appropriate direction and evaluation by a manager or supervisor,
- stressful events associated with the performance of legitimate job duties,
- imposing discipline for workplace infractions; or
- requesting medical documents in support of absence from work

It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

f) Workplace Violence

Workplace harassment is a health and safety issue that is covered under the Occupational Health and Safety Act.

Workplace violence is defined under the Occupational Health and Safety Act as:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

It is defined broadly enough to include acts that may be considered criminal. Workplace violence includes:

- physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects
- verbal or written threats to physically attack a worker
- leaving threatening notes or sending threatening emails
- wielding a weapon at work
- stalking someone; and
- physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault.

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

3. Responsibilities

a) Preventing Harassment, Discrimination and Violence

It is our mutual responsibility to ensure that we create and maintain a workplace which is free of harassment, discrimination and violence from all possible sources (including customers, supervisors, workers, strangers and domestic/intimate partners).

It does not matter whether you intend to offend someone. The test of harassment is whether you knew or should ought to have known that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case you must immediately stop that behaviour. Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

b) Duties of the Employer

The Township will ensure employees are aware that discrimination, harassment and violence will not be tolerated or condoned. This will be done by ensuring all employees are aware of this policy, what behaviour is and is not appropriate, by investigating all complaints and imposing suitable corrective measures.

c) Duties of Supervisors

It is the responsibility of supervisors to ensure that the working environment is free of discrimination, harassment and violence and to respond promptly to complaints. Employees should feel free to raise concerns in these areas without fear of retaliation.

If they receive a complaint of discrimination, harassment or violence, witness or are aware of such behaviour the Supervisor must report the same to the Chief Administrative Officer.

Supervisors must also take every reasonable precaution to protect employees from violence in the workplace, including evaluating a person's history of violent behaviour to determine whether and to whom this employee poses a risk. In making this evaluation the supervisor should consider:

- whether the person's history of violence was associated with the workplace or work;
- whether the history of violence was directed at a particular employee or employees in general; and
- how long ago the incident of violence occurred.

In certain circumstances, supervisors may also have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour if an employee can be expected to encounter that person during the course of his or her work, and the risk of workplace violence is likely to expose the employee to physical injury. Supervisors will only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the employee from physical injury.

d) Duties of all Employees

All employees are expected to do their part by ensuring their behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of discrimination, harassment and violence.

Employees are also required to report to their supervisor or the Chief Administrative Officer the existence of any discrimination, harassment, workplace violence or threat of workplace violence.

Employees are expected to cooperate fully in an investigation to ensure the integrity of this policy. Each employee involved in a complaint will be given an appropriate opportunity to discuss and document their account of the incident(s).

4. Procedures for Reporting and Investigating Discrimination or Harassment Complaints

a) Informal Procedure

If you believe that you are being discriminated against or harassed, the first thing to do is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like their actions is often enough to stop the behaviour.

Some of the things you can say that might stop the behaviour include:

- don't want you to do that
- please stop doing or saying...
- it makes me uncomfortable when you...
- don't find it funny when you...

If the behaviour continues after you have confronted the individual, you may want to provide him or her with a written statement of the situation. Include specific details of the behaviour you consider to be harassing, your request to the harasser to stop and your expectations that he or she will stop. Provide details of the next steps you plan to take if the harassment does not stop e.g., filing a formal complaint. Make sure you keep a copy of this statement for yourself.

It helps to keep a record of any incident(s) that you experience. This includes when the harassment started, what happened, whether there were any witnesses and what was your response.

If you believe that someone who is not a member of the organization, e.g., a customer, supplier, etc., has harassed or discriminated against you, please report the incident to your supervisor or the Chief Administrative Officer. Although the Township of Smith-Ennismore-Lakefield has limited control over third parties, we will do our best to address the issue and prevent further problems from occurring.

b) Reporting Procedure

If the complaint cannot be resolved informally or if it is too serious to handle on an informal basis, you may bring a formal complaint to your supervisor or the Chief Administrative Officer.

If you bring a formal complaint we will need as much written information as possible, including the name of the person you believe is discriminating against/harassing you, the place, date and time of the incident(s), and the names of any possible witnesses. A copy of the Workplace Respect Complaint form is available from your supervisor or the Chief Administrative Officer.

It is important we receive your complaint as soon as possible so that the problem doesn't escalate or happen again. Once we receive your complaint, we will initiate a formal investigation, if it is necessary and appropriate to do so.

Discrimination and harassment are serious matters. Therefore, if you decide not to make a formal complaint, we may still need to investigate the matter and take steps to prevent further harassment. For example, we may need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the respondent.

Please note that it is our policy not to investigate anonymous complaints unless there are extenuating circumstances.

c) Investigation Procedure

Following receipt of the formal complaint an investigation will commence as quickly as possible. We may choose to use either an internal or external investigator depending on the nature of the complaint.

The investigation will include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and location
- interviewing witnesses, if any
- reviewing any relevant documentation; and
- making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings to the Chief Administrative Officer and relevant Department Manager. A summary of the findings will also be provided to the complainant and respondent. If the complaint pertains to an incident of workplace harassment, a copy of the report will also be provided to the Joint Health and Safety Committee.

It is our goal to complete any investigation and communicate the results to the complainant and respondent within thirty days after we receive a complaint, where possible.

d) Corrective Action

The Chief Administrative Officer in consultation with the relevant Department Manager will determine what action should be taken as a result of the investigation.

The investigator will inform the complainant and respondent of the results of the investigation and whether (but not necessarily what) corrective measures were taken if any were necessary.

If a finding of harassment is made, the Township of Smith-Ennismore-Lakefield will take appropriate corrective measures, regardless of the respondent's seniority or position in the Township.

Corrective measures may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance and educational programs on workplace respect
- financial penalties such as a denial of a performance related salary increase, and
- any other disciplinary action deemed appropriate under the circumstances

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Township of Smith-Ennismore-Lakefield may, however, discipline, up to and including dismissal, anyone who brings a false and malicious complaint.

5. Procedure for Reporting and Investigating Workplace Violence

a) Reporting Procedure

Any person subjected to workplace violence or the threat of workplace violence should immediately, where appropriate, go to a safe location at the workplace.

All incidents of workplace violence or threats of violence must be immediately reported to your supervisor or the Chief Administrative Officer.

If an incident of workplace violence or threat of violence involves a person who is not an employee of the Township, the Township will report the incident to that person's employer. In appropriate circumstances, we may contact the police, or other emergency responders as appropriate, to assist, intervene or investigate workplace violence. Details about the measures and procedures for summoning immediate assistance will be provided and include:

- equipment to summon assistance such as fixed personal alarms, locator or tracking systems, phones, cell phones, etc.;
- emergency telephone numbers and/or email addresses;
- emergency procedures

To complete the formal complaint we will need as much written information as possible, including the name of the person you believe is threatening you or has committed a violent act against you, the place, date and time of the incident(s), and the names of any possible witnesses. A copy of the Workplace Respect Complaint form is available from your supervisor or the Chief Administrative Officer.

It is important we receive your complaint as soon as possible so that the problem doesn't escalate or happen again. Once we receive your complaint, we will initiate a formal investigation, if it is necessary and appropriate to do so.

Violence in the workplace or the threat thereof is a serious matter. Therefore, if you decide not to make a formal complaint, we may still need to investigate the matter and take steps to prevent further violence. For example, we may need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the respondent.

Please note that it is our policy not to investigate anonymous complaints unless there are extenuating circumstances.

b) Investigation Procedure

Following receipt of the formal complaint an investigation will commence as quickly as possible. We may choose to use either an internal or external investigator, depending on the nature of the incident.

The investigation will include:

- conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- reviewing any related documentation; and
- making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings to the Chief Administrative Officer and relevant Department Manager. A summary of the findings will also be provided to the complainant and respondent. A copy of the report will be provided to the Joint Health and Safety Committee.

It is our goal to complete any investigation and communicate the results to the complainant and respondent within thirty days after we receive a complaint, where possible.

c) Corrective Action

The Chief Administrative Officer in consultation with the relevant Department Manager will determine what action should be taken as a result of the investigation.

If a finding of workplace violence is made, the Township of Smith-Ennismore-Lakefield will take appropriate corrective measures, regardless of the respondent's seniority or position in the Township.

Corrective measures may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance and educational programs on workplace respect
- financial penalties such as a denial of a performance related salary increase, and
- any other disciplinary action deemed appropriate under the circumstances

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Township of Smith-Ennismore-Lakefield will, however, discipline or terminate anyone who brings false and malicious complaint.

6. Procedures for Addressing Domestic Violence

If you are experiencing domestic violence that could potentially expose you, or other workers, to physical injury that may occur in the workplace, we will take every precaution reasonable to protect you and your co-workers in the circumstances. You may seek immediate assistance by contacting your supervisor. The supervisor, in consultation with the Chief Administrative Officer, will assist in preventing and responding to the situation.

This may include some or all of the following:

- creating a safety plan
- contacting the police
- establishing enhanced security measures such as a panic button, code words, and door and access security measures
- screening calls and blocking certain email addresses
- setting up priority parking or providing escorts to your vehicle
- adjusting your working hours and location so that they are not predictable; and
- facilitating your access to counseling through the Employee Assistance Program or other community programs.

We appreciate sensitivity of these issues and will do our best to assist you as discreetly as possible while maintaining your privacy to the extent that we are able to do so. Our first priority will be the protection of you and your co-workers.

7. Confidentiality of Complaints and Investigations

We recognize the sensitive nature of discrimination, harassment and violence complaints and we will keep all complaints confidential, to the extent possible. We will only release as much information as is necessary to investigate and respond to the situation or if required to do so by law. If the investigation should result in disciplinary action, including suspension or dismissal, documents pertaining to the investigation may be used to justify the Township's decision.

Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

8. Protection from Reprisal

The Township of Smith-Ennismore-Lakefield will not tolerate retaliations, taunts or threats against anyone who complains about harassment or violence or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a harassment or violence complaint may be disciplined up to and including dismissal from employment.

Reprisal includes:

- Any act of retaliation, including threats of retaliation, that occurs because a person has complained of or provided information about an incident of workplace violence or harassment;
- Intentionally pressuring a person to ignore or not report an incident of workplace violence or harassment;

- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace violence or harassment.

An employee who makes a false complaint or otherwise abuses this policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this policy.

9. Policy Review

This policy will be reviewed at least annually.

Related Documents:

Working Alone Procedure 7.12

POLICY STATEMENT ON HEALTH AND SAFETY

The following statement of the Township of Smith-Ennismore-Lakefield policy on the Health and Safety of its employees is intended to guide you at all times.

It is the Township of Smith-Ennismore-Lakefield's objective that every employee shall have a safe and healthy working environment and that every employee shall work in compliance with the Occupational Health and Safety Act and all pertinent Regulations.

To achieve this objective, we recognize and accept that there can be no compromise of employee's safety.

Therefore, it is recognized that all supervisors understand and accept that the Health and Safety of employees is their prime responsibility and that safety rules and regulations will be developed and enforced.

It is also fundamental that all employees recognize and accept that they have a responsibility to work safely, to maintain a safe workplace and to report all unsafe conditions and practices immediately.

Equipment and work areas shall be properly maintained in a safe, working condition. All safety equipment, materials and protective devices required by either legislation or Township rules will be made available and used by all employees. Proper and safe job practices will be developed, understood and followed by all employees.

In striving to meet this objective the Township is committed to a joint and co-operative approach to Health and Safety in the workplace and welcomes the full involvement of all employees.

Adopted as per Bylaw 2005-17, February 8, 2005

Ron Millen, Reeve

Norman K. Kyle, C.A.O.

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SECTION 2: HEALTH AND SAFETY LEGAL RESPONSIBILITIES**A. Occupational Health and Safety Act and Pertinent Regulations**

The Occupational Health and Safety Act (OHSA), R.S.O. 1990, as amended requires that every employer and every worker comply with the OHSA and all pertinent Regulations.

Under the OHSA, an individual found guilty of a contravention of the OHSA may be fined up to a maximum of \$25,000 and or sentenced to up to one year in jail, per offence. The fine for a corporation can be up to \$500,000.

B. Bill C-45 – an Act to Amend the Criminal Code

Bill C-45, an Act to amend the Criminal Code, came into force on March 31, 2002. Bill C-45 amends the Criminal Code to clearly define who is responsible for the safety of persons in the workplace and to allow for prosecution under charges of “criminal negligence” when those responsibilities are recklessly or willfully disregarded.

The amendment states that *“ Every one who undertakes or has authority to direct how another person does work or performs a task is under legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.”*

Organizations can and will be held responsible for the actions of their employees, and for their lack of action. This includes directors, executive officers, operations managers, plant managers, and production managers and includes supervisors, lead hands, and co-workers. These are the people with authority to make decisions about day-to-day operations.

Under the Criminal Code, fines for an indictable offense have no predetermined limit and the maximum sentences for an individual convicted of “criminal negligence causing death” is life imprisonment.

SECTION 3: HEALTH AND SAFETY PROCEDURES - GENERAL**A. GENERAL SAFETY RULES:**

1. The employee is responsible for following the safety rules.
2. The supervisor is responsible for ensuring the policy is adhered to.
3. Personal protection equipment must be worn when and where required.
4. Report **ALL** injuries and incidents to your supervisor immediately.
5. Report any unsafe conditions, including someone under the influence or in possession of drugs or alcohol, or hazards that may allow an injury to occur to you or a fellow employee.
6. Report any property damage, regardless of how minor to your supervisor immediately.
7. Follow all operator instructions and handling hazardous materials and ensure that all containers of hazardous materials are properly labeled and stored in designated areas.
8. Obey all posted signs and notices.
9. Always use the correct posture when lifting and get assistance if the weight is excessive.
10. Be aware of the location of the Health and Safety Bulletin Board and the posted Occupational Health and Safety Act.

B. HOUSEKEEPING:

1. Aisles are to be kept clear at all times.
2. Individual work areas are to be kept clean and tidy.
3. All materials, tools, products and equipment are to be kept in their designated areas.
4. Liquid spills are to be cleaned up immediately to prevent slips and falls.

C. FIRE PREVENTION:

1. Fire Safety will be adhered to all times in accordance with the OHSA and Ontario Regulation 145/00.
2. Become familiar with the location of fire alarm "PULL STATIONS", fire extinguishers and exits.
3. Ensure aisles and exits are not blocked at any time.
4. Anytime a fire extinguisher is used, report it immediately to your supervisor, so that it can be recharged.
5. Ensure all fire extinguishers are periodically maintained as required by law.

6. FIRE EMERGENCY PROCEDURES**IF YOU DETECT A FIRE**

- a) Remain Calm
- b) Sound the alarm – Pull the fire station.
- c) Evacuate the building via the closest exit, close all doors and windows behind you. Keep well clear of the building.
- d) Do NOT attempt to extinguish the fire. EXIT the building IMMEDIATELY.
- e) Designated person shall telephone 911 providing details of the emergency. The Department Manager shall designate such a person for each workplace.
- f) A designated person for each facility, will, if possible, ensure all occupants exit the facility, including a visual check of rooms. The Department Manager shall designate such a person for each workplace.
- g) All occupants meet at a designated area and check attendance to ensure everyone is present.
- h) Do NOT re-enter building until Fire Department indicates the building is safe.

D. EQUIPMENT OPERATION:

1. Equipment must not be repaired, adjusted or operated unless you understand the safe operating procedure.
2. Be aware of the use and location of the “EMERGENCY STOP” button before using any equipment.
3. Loose clothing, jewelry and long hair shall be secured, so as not to become entangled with equipment.
4. All safety devices must be checked by the operator before operating the equipment.
5. All equipment must be turned off and the appropriate lockout procedures followed, prior to repairs, cleaning, adjustment or lubrication.

E. TERMS

The following sets out common terms used throughout this policy:

OHSA – Occupational Health and Safety Act
MOL – Ministry of Labour
WSIB – Workplace Safety and Insurance Board
H&S R’s – Health and Safety Representatives
PPE – Personal Protective Equipment
FPP – Fire Protection and Prevention Act

SECTION 4: INDIVIDUAL RESPONSIBILITIES**A. GENERAL:**

The Corporation of the Township of Smith-Ennismore-Lakefield in its capacity as the employer is responsible for carrying out the responsibilities and duties outlined through the delegation of these functions to individuals in the Township.

All individuals in the workplace, at all levels and functions, are responsible for understanding and carrying out the responsibilities and duties outlined as follows.

Responsibility Defined:

1. Responsibility is defined as an individual's obligation to carry out assigned duties.
2. Responsibility and authority can be delegated to subordinates, giving them the right to act for their supervisors.
3. Prescribed refers to sections of the Occupational Health and Safety Act and all pertinent Regulations.

B. DUTIES OF THE EMPLOYER:

1. The employer is defined as a person who employs one or more workers or contracts for the services of one or more workers to perform work or supply services. This level refers to the Corporation of the Township of Smith-Ennismore-Lakefield and includes Council and the C.A.O as a representative of Council. (Section 25 and 26 of the Act).
2. Duties include ensuring that:
 - (a) Equipment, materials and protective devices as prescribed are provided.
 - (b) Equipment, materials and protective devices are maintained in good condition.
 - (c) Prescribed measures and procedures are carried out.
 - (d) Equipment, materials and protective devices are to be used as prescribed.

- (e) All areas of the workplace capable of supporting all loads to which it may be subjected without causing the materials therein to be stressed beyond the allowable unit stresses established under The Building Code Act.
- (f) Provide information, instruction and supervision to a worker to protect the health and safety of the worker.
- (g) When appointing a supervisor, appoint a competent person.
- (h) Acquaint a worker, or person in authority over a worker, with any hazard in the workplace and in the handling, storage, use, disposal and transport of an article, device, equipment or a biological, chemical or physical agent.
- (i) Afford assistance and co-operation to the H&S committee or a H&S representative in the carrying out of any of their functions.
- (j) Only employ in or about the workplace a person over such age as may be prescribed.
- (k) Not knowingly permit a person who is under such age as may be prescribed in or about a workplace.
- (l) Take every precaution reasonable in the circumstances for worker protection.
- (m) Post in the workplace, a copy of the Occupational Health and Safety Act and any explanatory material prepared by the Ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers.
- (n) Prepare and review at least annually a written health and safety policy and maintain a program to implement the policy.
- (o) Post in a conspicuous location a copy of the health and safety policy.
- (p) In addition to these duties, the employer shall comply with Section 26 of the Act in the handling, storage, use and disposal of biological, chemical or physical agents as prescribed.
- (q) Where so prescribed provide a worker with written instructions as to the methods and procedures to be taken for protection of the worker.
- (r) Carry out such training programs for workers, supervisors and committee members as may be prescribed.

C. DUTIES OF SUPERVISOR:

1. The supervisor is defined as a person who has charge of a workplace or authority over a worker. This level of the organization includes the C.A.O., the Management Team (Department Managers), Supervisors and Lead Hands and any individuals who supervise the work of other employees. (Section 27 of the Act)

Duties include ensuring that:

- (a) A worker works in a manner and with the protective devices, measures, and procedures required by the Act and the regulations.
 - (b) A worker uses or wears the equipment, protective devices or clothing that the worker's employer requires to used or worn.
 - (c) Advise a worker of an existence of any potential or actual danger to the health and safety of the worker of which the supervisor is aware.
 - (d) Where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker.
 - (e) Take every precaution reasonable in the circumstances for the protection of a worker.
2. The health and safety responsibilities attached to this level also include the following:
 - (a) Ensure the working environment is maintained in a healthy and safe condition.
 - (b) Provide ongoing safety education, including but not restricted to WHMIS and First Aid.
 - (c) Provide standard operating procedures that include safe work practices.
 - (d) Evaluate the health and safety performance of subordinates and departments.
 - (e) Provide first aid stations as required.
 - (f) Ensure that personal protective equipment, where required is provided and used.

- (g) Report all accidents, incidents and/or cases of occupational disease to the appropriate Supervisor/Department Manager and the H&S committee.
- (h) Take care of the occupational health and safety of the employees within their respective area.
- (i) Be familiar with the applicable requirements of the Occupational Health and Safety Act and all the applicable Regulations, and ensure compliance.
- (j) Understand and enforce the Township's Health and Safety Policies and Procedures.
- (k) Ensure workers receive proper training and instructions prior to commencement of work.
- (l) Identify and inform supervisors of occupational health and safety concerns

D. DUTIES OF WORKERS AND CONTRACT WORKERS:

1. This level of the organization includes all employees in the workplace, up to and including the C.A.O. as well as those individuals on the Township payroll on a contract basis. (Section 28 of the Act)
2. Duties include ensuring that:
 - (a) Works in compliance with the provisions of the Act and the Regulations.
 - (b) Uses or wears the equipment, protective devices or clothing that the worker's employer requires to used or worn.
 - (c) Reports to his or her employer or supervisor the absence of or defect in any equipment or protective device of which the worker is aware and which may endanger himself, herself or another worker.
 - (d) Reports to his or her employer or supervisor any contraventions of the Act or the Regulation or the existence of any hazard of which he or she knows.
 - (e) Removes or makes ineffective any protective device required by the Regulations or by his or her employer, without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device will be replaced immediately.

- (f) Uses or operates any equipment, machine, device or thing or works in a manner that may endanger themselves or any other worker.
 - (g) Does not engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct. *(amended by By-law 2005-59)*
3. The health and safety responsibilities attached to this level also include the following:
- (a) Learning, understanding and practicing standard operating procedures.
 - (b) Be familiar with, and comply with the provisions of the Occupational Health and Safety Act and Regulations and the Township's Health and Safety Policies and Procedures
 - (c) Take every possible precaution to protect themselves and fellow workers from health and safety hazards and unsafe situations.
 - (d) Report any occupational injury or illness immediately to their supervisor.
 - (e) Use personal protective equipment, where required.

E. DUTIES OF CONTRACTORS AND SUB-CONTRACTORS:

1. This classification is external to the Township's organization and includes all those individuals or organizations working on a contract for the Township. All contractors and subcontractors shall comply with the requirements of the OHSA and all pertinent Regulations. This following will be included, as a minimum, in all contracts tendered and proof of same may be required by the Township at any time from tendering to project completion.
2. The health and safety responsibilities attached to this classification include the following:
 - (a) Demonstrate the establishment and maintenance of a health and safety program, with objectives and standards consistent with applicable legislation and the Township's health and safety policy and requirements.
 - (b) Include health and safety provisions in their management system to reach and maintain a consistently high level of health and safety.

- (c) Ensure the workers in their employ are aware of the hazardous substances that may be in use at the workplace and wear the appropriate personal protective equipment as may be required.
 - (d) Upon execution of a contract, the contractor shall provide a current copy of the WSIB issued Clearance Certificate to verify that they are registered with WSIB and have an account in good standing. Clearance Certificates are valid for 60 days. Contractors will provide current Clearance Certificates as required.
3. All outside Contractors while working in Township facilities and properties shall adhere to the following:
- (a) Identify himself or herself to a Township employee responsible for the facility before work is initiated.
 - (b) The Township employee must be aware of the following:
 - nature of the work
 - dangers associated with the work
 - identification of preventative measures
 - time expected on the job
 - who will be involved in the work
 - the Township employee will inform the outside contractor of any hazardous materials in the workplace
 - (c) When work is completed, or temporarily concludes at the end of the day, the outside contractor will notify the Township employee of the status of the work.
 - (d) If the outside contractor is not working in a safe manner, the Township employee will notify their supervisor immediately. The supervisor may suspend the work activities should the outside contractor not comply with requirements of the OHS Act and all pertinent Regulations.
 - (e) All outside contractors will wear the appropriate personal protective equipment in accordance with the requirements of the workplace and nature of the work involved.

F. VISITORS AND GENERAL PUBLIC:

1. This classification is external to the Township's organization and includes all those individuals or organizations not identified in the above classifications.
2. Where appropriate, signs will be posted at entrances to inform visitors and the general public about restricted access or the requirement to report to a receptionist before proceeding further.
3. Visitors and general public will not be allowed to wander unescorted, through areas that are normally restricted to employees.
4. In the event that a visitor is required to enter a work area that is normally restricted to employees:
 - (a) The supervisor shall be responsible for ensuring that the visitor is aware of the relevant workplace safety rules and is under the supervision of a regular employee.
 - (b) Any and all required personal protective equipment shall be worn and/or used by the visitor.

SECTION 5: FIRST AID REQUIREMENTS

1. The employer is responsible for providing appropriate First Aid Stations for each workplace in accordance with Regulation 1101 of the WSIB.
2. The employer is responsible for ensuring that the First Aid Station is in the charge of a worker who is qualified in First Aid.
3. The employer shall ensure that the first aid station shall contain,
 - (a) a first aid box containing the items required by the Regulation
 - (b) a WSIB poster known as Form 82
 - (c) the valid first aid certificate of trained workers certified in first aid
 - (d) an inspection card to record the date and signature of the most recent inspection. Inspections of first aid kits will take place quarterly in accordance with the regulation.
4. The Department Manager shall ensure that:
 - (a) quarterly inspections of the first aid kits are completed and that the inspections are documented.
 - (b) that first aid training is provided for employees requiring retraining.
 - (c) supplies in the first aid kits are replenished as necessary and in accordance with the list of required supplies (Regulation 1101).
5. The employee shall ensure that:
 - (a) all accidents are reported to the Supervisor and documented on the Accident/Incident Report Form.
 - (b) the need for the replenishment of first aid supplies will be reported to the Supervisor immediately.
 - (c) if designated as the worker in charge of the first aid station, the need for retraining.

SECTION 6: EMPLOYEE ACCIDENT/INCIDENT REPORTING PROCEDURE**A. PURPOSE:**

To provide a procedure where all accidents and incidents, resulting in injury, occupational illness and/or property damage, can be investigated to prevent recurrence.

Accident is defined as an unplanned event that causes harm to people or damage to property.

Incident is defined as an unusual occurrence in the workplace that could have resulted in harm to people or property if the circumstances had been slightly different

B. ACCIDENT/INCIDENT REPORTING:

1. Employees are required to report all accident/incidents to their immediate supervisor.
2. The employer shall keep a record of all circumstances respecting an accident/incident as described by the injured worker by using the Accident/Incident report form. Details to be included in the form shall include: name of injured worker, date and time of the occurrence, name of witnesses, nature and location of injuries to the worker, first aid treatment given, details of the accident/incident and recommendations to prevent recurrence.
3. The immediate supervisor is responsible for ensuring that all accidents and incidents are reported to the appropriate Department Manager and the H&S committee and that corrective action is followed.
4. In the case of a critical injury, as defined below, or a fatality, the supervisor shall inform the C.A.O. immediately. The C.A.O. shall notify the MOL inspector, and the H&S committee immediately by telephone or any other direct means of the critical injury and shall, within forty-eight hours after the occurrence, send to a Director (i.e. MOL inspector) a written report of the circumstances of the occurrence, containing such information and particulars as the Act and the Regulations prescribe. Section 51 (1).
5. In the case of an accident, explosion or fire that disables a worker from performing his or her usual work, or requires medical attention, the supervisor shall notify the C.A.O. immediately. The C.A.O. shall notify the MOL inspector, and the H&S committee within four days after the occurrence, preparing a written report of the circumstances of the occurrence, containing such information and particulars as the Act and the Regulations prescribe. Section 52.

C. ACCIDENT/INCIDENT REPORTING PROCEDURES:**GENERAL:**

1. All accidents, injuries, occupational illnesses, property damage and incidents shall be reported to the supervisor.
2. Immediately after an accident/incident, the supervisor shall ensure the safety of employees, public, equipment and facilities from further injury or damage and follow the steps laid out in the procedure.
3. The supervisor shall advise a member of the H&S Committee of the accident/incident, as soon as possible, and arrangements for an investigation will be made (if necessary).
4. There are four categories of injuries:
 - a. No treatment
 - b. First Aid
 - c. Medical Aid
 - d. Critical

NO TREATMENT INJURY:

1. A 'No Treatment Injury' occurs when there is an injury that does not require treatment (e.g. bruised finger).
2. The employee shall report the injury to the supervisor.
3. The supervisor shall ensure that the injured employee completes an Accident/Incident report form and the supervisor will forward a copy of the report to the H&S R's. If necessary, an investigation will begin as soon as possible.

FIRST AID INJURY:

1. A 'First Aid Injury' is an injury that can be treated at the work site and does not require treatment from a health care professional. (e.g. a cut finger that requires a band aid only)
2. First aid treatment shall be provided immediately.
3. The supervisor shall ensure that the injured employee completes an Accident/Incident report form and the supervisor will forward a copy of the

report to the H&S R's. If necessary, an investigation will begin as soon as possible.

MEDICAL AID INJURY:

1. A 'Medical Aid Injury' is an injury that requires treatment (e.g. a cut finger that requires stitches) from a health care professional (ie. Physician, Chiropractor, etc.) but is not of a critical nature.
2. The supervisor shall arrange for:
 - (a) first aid treatment for the injured employee.
 - (b) transportation (ie. Private or Township vehicle, taxi, ambulance, etc.) of the employee to a location where professional health care can be delivered (ie. Doctor's office, hospital).
 - (c) A TREATMENT MEMORANDUM (WSIB Form 0156C) and a FUNCTIONAL ABILITIES FORM (WSIB 2647A) are to be taken to the attending physician.
3. The supervisor shall ensure that the injured employee completes an Accident/Incident report form and the supervisor will forward a copy of the report to the H&S R's. If necessary, an investigation will begin as soon as possible.

CRITICAL INJURY:

1. A 'Critical Injury' is defined under O. Reg. 834 and is defined as an injury of a serious nature that:
 - (a) places life in jeopardy
 - (b) produces unconsciousness
 - (c) results in substantial loss of blood
 - (d) involves the fracture of a leg, arm, hand, foot, but not a finger or toe
 - (e) involves the amputation of a leg, arm, hand, foot but not a finger or toe
 - (f) consists of burns to a major portion of the body
 - (g) causes loss of sight in one eye
2. The supervisor shall arrange for:
 - (a) first aid treatment for the injured employee.
 - (b) transportation (ie. Private or Township vehicle, taxi, ambulance, etc.) of the employee to a location where professional health care can be delivered (ie. Doctor's office, hospital).
 - (c) a TREATMENT MEMORANDUM form and a FUNCTIONAL ABILITIES form are to be taken to the attending physician.

3. Immediate notification of the accident shall be made to the C.A.O. and the appropriate Department Manager. The C.A.O. shall notify the MOL inspector, and the H&S committee immediately by telephone or any other direct means of the critical injury and shall, within forty-eight hours after the occurrence, send to a Director (i.e. MOL inspector) a written report of the circumstances of the occurrence, containing such information and particulars as the OHSA regulations prescribe. Section 51 (1).
4. The investigation should begin immediately, or as soon as possible following the accident/incident. The investigation will be conducted by the employer (i.e. C.A.O. and/or Department Manager), an MOL inspector (if required) and the designated member(s) of the H&S committee who represents the workers. The investigation may involve the remaining members of the H&S committee and the supervisor if required.

ACCIDENT/INCIDENT INVESTIGATION PROCEDURE:

1. General

Investigations shall be conducted whenever any of the following occur:

- (a) Medical aid
- (b) Critical injury
- (c) Fatality
- (d) Hazardous substances discharge
- (e) Joint Health and Safety request
- (f) Fire or explosion
- (g) Property damage above \$500.00
- (h) Accidents involving possible public liability
- (i) Acute/chronic occupational illness
- (j) Notwithstanding the foregoing an investigation may be conducted for other accidents or near misses if necessary.

When conducting an investigation it is important to:

- (a) Begin the investigation immediately, or as soon as possible following the accident/incident.
- (b) Preserve the accident scene where practical and possible – in the case of a Critical Injury follow the process as prescribed by the Act (see Section 2 below).
- (c) Identify witnesses or others having knowledge of the accident/incident.
- (d) Interview the injured employee where practical and possible.
- (e) Identify any primary/secondary causes.
- (f) Identify any primary/secondary unsafe actions.
- (g) Identify any primary/secondary hazardous conditions.

2. Preservation of Accident Scene Involving a Critical Injury or Fatality Section 51. (2) of the Act

When conducting an investigation where a critical injury or fatality has taken place, no person shall interfere with, disturb, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission has been given by an MOL inspector, except for the purpose of,

- (a) Saving or relieving human suffering;
- (b) Maintaining an essential public utility service or public transportation system;
- (c) Preventing unnecessary damage to equipment or other property.

3. Notice of Accident, Explosion, or Fire Causing Injury Section 52. (1) of the Act

Where a person is disabled from performing their usual work or requires medical attention because of an accident, explosion or fire at a workplace, but the injury is not considered a critical injury as defined by the Act, the C.A.O/Department Manager shall within four days of the occurrence, give written notice to the H&S committee and the MOL inspector, containing the prescribed information and particulars of the occurrence.

THE CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD

ACCIDENT/INCIDENT REPORT

DEPARTMENT: _____ DATE OF ACCIDENT: _____

EMPLOYEE INVOLVED: _____ TIME: _____ AM/PM

LOCATION OF ACCIDENT: _____

WITNESSES: _____

EMPLOYEE'S DESCRIPTION OF ACCIDENT/INCIDENT:

WITNESSES' DESCRIPTION (ATTACH EXTRA SHEETS AS REQUIRED):

INJURIES SUSTAINED AND FIRST AID TREATMENT GIVEN:

PROPERTY DAMAGED: _____

AMOUNT OF WORK TIME LOST (IF KNOWN AT TIME OF REPORT): _____

SIGNATURES:

EMPLOYEE: _____

WITNESSES: _____

HEALTH AND SAFETY REPRESENTATIVE(S) INVESTIGATION:

RECOMMENDATIONS TO PREVENT RECURRENCE:

SIGNATURES OF COMMITTEE INVESTIGATORS:

ADDITIONAL NOTES:

FOR MOTOR VEHICLE ACCIDENTS ONLY

NAME OF TWP. DRIVER: _____ DATE/TIME OF ACCIDENT: _____

DRIVER'S LICENSE #: _____

NAME AND ADDRESS OF PRIVATE VEHICLE OWNER: _____

MAKE/MODEL/YEAR/ LICENSE # OF PRIVATE VEHICLE: _____

INSURANCE COMPANY: _____ POLICY # _____

INCIDENT DIAGRAM:

DAMAGE TO TOWNSHIP VEHICLE:

DAMAGE TO PRIVATE VEHICLE:

SIGNATURE OF TWP. DRIVER: _____

SECTION 7: WSIB REPORTING PROCEDURES**A: GENERAL:**

To provide a procedure which outlines the reporting requirements for all compensable injuries.

RESPONSIBILITY:

1. Employees are required to report all accidents/incidents to their immediate supervisor. Employees who will absent from work due to a workplace injury shall keep their supervisor informed of their return to work status.
2. The supervisor is responsible for advising the Department Manager of the workplace injury and for keeping him/her up-to-date on the injured employee's work status.
3. The Department Manager is responsible for notifying the C.A.O. of any compensable accidents/incidents and for updating him/her on changes to an employee's return to work status.
4. The Department Manager is responsible for notifying the H&S committee of any accidents/incidents and shall forward a completed Accident/Incident report form detailing the accident/incident and the first aid treatment given, to the H&S Committee, the Accounting Assistant and the C.A.O. The Department Manager will assist the H&S R'S with any investigations and follow-up.
5. The Accounting Assistant is responsible for the completion and forwarding of the claim to WSIB.

PROCEDURE:**A. CLAIMS PROCEDURE:**

1. The completion of all compensable claims shall be coordinated through the Accounting Assistant within 3 days of a compensable accident/incident.
2. The Accounting Assistant shall:
 - (a) Complete an "EMPLOYER'S REPORT OF ACCIDENTAL INJURY OR INDUSTRIAL DISEASE" (WSIB Form 7), using the information provided by the employee, where possible, and from information in the Accident/Incident report form.

- (b) Sign and forward the WSIB Form 7 to the WSIB within the prescribed time (3 days) and have the worker authorize the release of information on his/her functional abilities by either signing the bottom of Form 7, or if time doesn't allow, the worker may sign Form 1492 (Workers Claim/Consent Form) which can be sent to WSIB separately.
 - (c) The Accounting Assistant shall provide an update to the C.A.O. and the H&S Committee, regarding submitted claims.
- 3. Whenever there is a change in the employee's work status (e.g. moves from 'unfit for duties' to 'modified duties', or from 'modified duties' to 'full duties' etc...), the employee shall have a WSIB FUNCTIONAL ABILITIES form completed by the attending physician. This form shall be given to the Department Manager, who shall forward a copy to the Accounting Assistant. The Department Manager shall provide an update to the C.A.O. on the employee's return to work status.
- 4. When an employee is able to return to full duties, the Department Manager and/or C.A.O., shall meet with the employee and discuss/decide on the work assignment.
- 5. The Accounting Assistant shall notify the WSIB of the employee's return to work, using an EMPLOYER'S SUBSEQUENT STATEMENT (WSIB FORM 0009C).

SECTION 8: MODIFIED WORK PROGRAM**A. GENERAL:**

To provide a fair and consistent policy for the rehabilitation of employees who have been injured on the job, the Township recognizes the benefits of a formal rehabilitation program and shall undertake to provide meaningful employment for both permanently and temporarily disabled employees where feasible.

B. RESPONSIBILITY:

1. The C.A.O. and Department Manager are responsible for ensuring that every reasonable effort is made to provide suitable modified work to any employee, who is unable to perform his/her normal duties, as a consequence of occupational injury or illness.
2. The injured worker is responsible for active participation in the modified work program, as defined in this procedure.

C. PROCEDURE:**GENERAL:**

1. Modified work is any job, task, function or combination thereof that a worker, who suffers from diminished capacity, may perform safely without risk of re-injury.
2. The work must be productive and the result of the work must have value.
3. The work must be seen as temporary, generally not to exceed 8-12 weeks in duration, and is intended to assist the employee in returning to his/her regular duties.
4. The employee, the Department Manager and/or C.A.O. shall meet to discuss and decide on the modified work to be assigned. Work assignments will vary depending on the nature and extent of the injury.
5. Each department shall try to accommodate any employee unable to perform their regular duties.
6. Where the employee's "home department" is unable to provide a suitable work assignment, an attempt shall be made to place the employee in another department within the Township.

RESPONSIBILITIES:

1. The duties of the Department Manager are:
 - (a) meet with the worker and C.A.O., to discuss modified work assignments and goals
 - (b) organize the placement of injured workers in modified jobs
 - (c) meet with the employee on the first day back and facilitate the return to work
 - (d) advise the C.A.O. of the return to work and complete related payroll reports
 - (e) arrange meetings with worker and C.A.O., as required, to monitor status of worker and discuss strategies for future development of the program
 - (f) ensure that other scheduled activities, such as physiotherapy or doctor's appointments, do not interfere with the return to work

2. The duties of the worker are:
 - (a) maintain regular contact with the workplace supervisor
 - (b) obtain clearance from treating physician for the return to modified work
 - (c) notify relevant WSIB personnel (ie. Claims adjudicator and/ or rehabilitation caseworker) of availability for modified work
 - (d) take an active role in developing his/her individual modified work program
 - (e) communicate any concerns to the Department Manager so that potential problems can be resolved immediately
 - (f) ensure that other scheduled activities such as physiotherapy or doctor's appointments, do not interfere with the return to work.

FOLLOWING AN INJURY:

1. For a 'Medical Aid Injury' or 'Critical Injury', the injured employee shall be given a TREATMENT MEMORANDUM (WSIB Form 0156C) and a FUNCTIONAL ABILITIES FORM (WSIB Form 2647A) to be taken to his/her attending physician. The FUNCTIONAL ABILITIES FORM shall also include a copy of the employee's job description to provide the physician with information regarding the employee's job functions.

2. The employee shall advise their physician that the Township has a modified work program and shall request the physician to identify at that visit whether or not the employee is available for:
 - (a) full duties
 - (b) modified duties
 - (c) total disability

3. The employee will have a FUNCTIONAL ABILITIES FORM completed by the attending physician whenever there is a change in the employee's work status (e.g. moves from 'unfit for duties' to 'modified duties', or from 'modified duties' to 'full duties' etc...).
4. Regular contact between the employee and the supervisor is to be maintained throughout the employees recovery period, with a suggested meeting frequency of once every two weeks, as a minimum, and preferably following the employee's medical appointments.
5. The completed FUNCTIONAL ABILITIES FORM shall be given to the workplace supervisor at these meetings and the injured employee's progress shall be jointly reviewed. The Department Manager shall forward a copy to the Accounting Assistant. The Department Manager shall provide regular updates to the C.A.O. on the injured employee's work status.

SECTION 9: WORKPLACE INSPECTION PROCEDURES**A. GENERAL:**

To assess the quality of workplace conditions, equipment and methods, the success of or need for safety program initiatives, and the quality and adequacy of controls for hazards in the workplace.

B. RESPONSIBILITY

1. The H&S R's are responsible for ensuring the proper application of this policy.

PROCEDURE:**A. GENERAL:**

1. In accordance with Section 7. (7) of the Act, the H&S R's shall inspect a workplace at least once per year and as minimum a designated member who represents the workers shall inspect at least part of the workplace each month, Section 9 (23. & 27).
2. Inspections shall be conducted by using a checklist, block diagrams, copies of previous inspection reports and other relevant material.
3. All health and safety concerns raised during the physical inspection shall be recorded and summarized in a report completed by the member(s) who conducted the inspection.
4. The summary of the workplace inspection shall be forwarded to the relevant Department Manager responsible for the respective workplace within five (5) days of the inspection. The relevant Department Manager shall inform the H&S R's, in writing, of the status of the outstanding items within 21 days in accordance with Section 8. (12) of the Act. The summary shall also be forwarded to the H&S Committee's Secretary to be included in the Committee's meeting agenda package.
5. All health and safety records shall be retained in accordance with the Township's Record Retention By-law.
6. All minor problems identified during the physical inspections shall be forwarded to the relevant Department Manager for correction in accordance with the above procedure.
7. All major problems that shall require urgent attention shall be brought to the immediate attention verbally to the appropriate Department Manager, C.A.O., and all other H&S R'S. Written recommendations shall be completed in

accordance with the above noted procedure. If necessary, a formal "RECOMMENDATION" shall be drafted by the committee and sent to the C.A.O. and Department Manager for Council's endorsement by way of Resolution.

B. YEARLY/MONTHLY INSPECTION:

1. Procedures for yearly inspections of a workplace shall be as follows:
 - (a) Inspections shall follow a set schedule that allows each workplace to be inspected once a year. The schedule shall be developed and approved by the H&S R's in December of each calendar year. This schedule shall be posted.
 - (b) The relevant supervisor shall be reminded of the workplace inspection, normally the day before, and is responsible for ensuring that a supervisor (or substitute) is available to assist the H&S R's with the inspection.
 - (c) Township Health and Safety Committee:
 - A minimum of two H&S R's, one representing the workers and one representing management, shall conduct the inspection.Fire Department Health and Safety Committee:
 - A minimum of one H&S Committee member who represents the workers and the Senior Hall Captain responsible for the Hall being inspected, shall conduct the inspection.
2. Procedures for monthly inspections shall be as follows:
 - (a) At least one designated H&S committee member who represents the workers shall inspect at least part of the workplace each month, Section 9 (23. & 27). Any other H&S R's may participate in the inspection.
 - (b) All health and safety concerns raised during the physical inspection shall be recorded and summarized in a report completed by the member who conducted the inspection and shall be given to the appropriate Department Manager within 5 days of the inspection. A copy shall also be forwarded to the H&S secretary who shall include in the next H&S committee agenda package.

C. ANALYSIS AND FOLLOW-UP:

1. The relevant Department Manager is responsible for reviewing the summary report and initiating the appropriate corrective action for all minor hazards on the report. The Department Manager shall note the dates of completion of the identified hazards.

2. Should the relevant Department Manager disagree with the H&S R's assessment of any hazards this shall be noted in writing with any relevant back-up material as support.
3. The relevant Department Manager shall inform the H&S R's, in writing, of the status of the hazards identified in the summary report within 21 days in accordance with Section 8. (12) of the Act.
4. The H&S committee shall review all reported hazards at their regular meeting. The H&S committee may, if it feels necessary, re-visit the workplace prior to the regular inspection to ensure that corrective measures have been implemented. The hazards shall be reviewed during the next regularly scheduled inspection of the facility.
5. Any unresolved hazards shall be tracked by the H&S secretary and reported on at the regular H&S committee meeting.
6. In the event that recommendations of the H&S R's are not satisfactorily addressed by the respective Department Manager, the H&S R's shall communicate in writing with the C.A.O. The C.A.O. shall respond in writing to the relevant Department Manager and the H&S R's by the next regular meeting outlining a resolution to the matter, along with a time frame in which the matter shall be resolved.

SECTION 10: REFUSAL TO WORK PROCEDURES**A. GENERAL:**

To create a procedure outlining steps to be followed when any employee refuses to work due to unsafe work conditions where the work would directly endanger the life, health or safety of themselves or another person as defined in the OHSA (Section 43).

Certain workers are exempt from provisions of this section (refer to OHSA Section 43. (2)). Exemptions include a firefighter as defined in subsection 1(1) of the Fire Protection and Prevention (FPP) Act, 1997, which includes a volunteer firefighter, who is performing their duties in accordance with this Act. A volunteer firefighter may refuse to perform work under certain conditions in accordance with the OHSA as outlined in the following procedure. As an example, a fire fighter may refuse to perform work, e.g. enter a burning building, if they have not been provided with the appropriate personal protective equipment

B. RESPONSIBILITY:

1. The employee is responsible for immediately informing the supervisor of any unsafe work conditions.
2. The supervisor is responsible for investigating any reports of unsafe work conditions and resolving the concern, as defined by this procedure.

PROCEDURE:

1. An employee may refuse to work or do particular work where there is reason to believe that:
 - (a) Any equipment to be used or operated is likely to endanger himself/herself or another employee.
 - (b) The physical condition of the workplace is likely to endanger himself/herself.
 - (c) Any equipment to be used, or the physical condition of the workplace, is in contravention of the OHSA, and such contravention is likely to endanger himself/herself or another employee.
2. Upon refusing to work, the employee shall promptly report the circumstances of his/her refusal to his/her supervisor, who shall promptly investigate the report in the presence of the worker and a H&S R's representing the workers (preferably a certified member).

3. If action can be taken to resolve the complaint without need for further investigation, the supervisor shall carry out the action and complete a brief report explaining the circumstances and resolution of the work refusal. Copies of the report shall be sent to the C.A.O and the Health and Safety Representatives.
4. If further investigation is required to resolve the complaint, the supervisor shall request assistance and input from the H&S R's and/or any other persons who have expertise in the area.
5. Until the investigation is completed, the worker shall remain in a safe place near the workstation.
6. If, after following the investigation and/or any steps taken to resolve the concern, the employee feels that there is still unsafe work conditions, the C.A.O. shall notify the Ministry of Labour.
7. A Ministry of Labour Inspector shall investigate the refusal to work in the presence of the:
 - (a) relevant supervisor
 - (b) employee
 - (c) health and safety representative for the workers
8. The Inspector shall decide whether the equipment or the workplace is likely to endanger the employee or another person and give his/her decision, in writing, as soon as is practicable.
9. Pending the investigation and decision of the Inspector, the employee shall remain at a safe place near his/her work station during his/her normal working hours, unless the supervisor assigns the employee reasonable alternative work during such hours.
10. Pending the investigation and decision of the Inspector, no employee shall be assigned to use the equipment, or to work in the workplace, which is being investigated, unless the employee to be assigned has been advised of the work refusal and the reasons for it and agrees to work under such circumstances.

SECTION 11: BILATERAL AND UNILATERAL WORK STOPPAGE**A. BILATERAL WORK STOPPAGE**

1. A certified H&S member, who has been designated to handle work stoppages by the H&S committee and who represents the workers, who has reason to believe that dangerous circumstances exist in a workplace may request that a supervisor investigate the matter and the supervisor shall promptly do so in the presence of the certified member.
2. If the certified member believes the dangerous circumstance continues to exist after the supervisor's investigation, the member can request a second certified member who represents the employer, investigate as well.
3. If both certified members believe the dangerous circumstance still exists, they may direct that the work be stopped or that the use of any part of the workplace or any equipment, machine, device, article or thing be stopped.
4. The supervisor shall immediately comply with the work stoppage and resolve the safety concerns before the work can be re-commenced.
5. If the certified members do not agree whether the dangerous circumstance exists, either member may request that a MOL inspector investigate the matter. The inspector shall decide whether the equipment or the workplace is likely to endanger the employee or another person and give his/her decision, in writing, as soon as is practicable.

B. UNILATERAL WORK STOPPAGE

1. Certified H&S members must acquire authority for a unilateral work stoppage. The employer may advise the H&S committee in writing that a individual certified member has this right, or the Labour Relations Board can make a declaration that the unilateral right applies.
2. For the purposes of this policy, the Township of Smith-Ennismore-Lakefield shall rely on bilateral work stoppage procedures should this be required.

SECTION 12: HEALTH AND SAFETY VIOLATIONS**A. GENERAL:**

To provide a fair and consistent policy for the discipline of employees who choose to work in an unsafe and reckless manner. The Township recognizes the benefit of all employees practicing safe work habits and shall discourage workers from operating carelessly and in contravention to the policies and procedures outlined in the Township's Health & Safety Policy.

B. RESPONSIBILITY:

1. The employee is responsible for learning, understanding and practicing the following:
 - (a) Policies and procedures outlined in the Township's Health & Safety Policy.
 - (b) Provisions of the Occupational Health & Safety Act and all pertinent Regulations.
 - (c) Standard operating procedures for all machinery, equipment and personal protective equipment used.
 - (d) Any other Township or Department specific procedure used in the workplace.

2. The supervisor is responsible for:
 - (a) Understanding and enforcing the Township's Health and Safety Policy.
 - (b) Understanding and enforcing the provisions of the Occupational Health & Safety Act and all pertinent Regulations.
 - (c) Ensuring that all standard operating procedures for all machinery, equipment and personal protective equipment are used and are available to the employee. This may include the development and implementation of department specific procedures.
 - (d) Ensuring all workers receive proper training and instructions prior to the commencement of work.

C. PROCEDURE:

1. The supervisor is obligated to act on any contravention of Health and Safety Policies or Procedures that he/she has witnessed.
2. The improper activity shall be pointed out to the employee and the concern corrected prior to the employees return to work.
3. The employee shall be informed that a "HEALTH & SAFETY VIOLATION" form will be filed.
4. The supervisor shall complete a "HEALTH AND SAFETY VIOLATION" form and forward copies to:
 - (a) C.A.O.
 - (b) Department Manager
 - (c) Employee
5. Employees who disagree with the Health & Safety violation form may file a written objection with the C.A.O. A decision shall be rendered and a written reply sent within 14 days of receiving the objection.
6. Continued violation of Health and Safety Policies/Procedures may result in disciplinary action in accordance with the Township's Employee Policy and may include suspensions without pay, up to an including dismissal. Generally, any repeated violations of Health & Safety Policies and Procedures shall begin with a verbal warning, followed by a written warning using the Health and Safety Violation form, followed by a meeting with the Department Manager and C.A.O. to discuss the issue.

HEALTH AND SAFETY VIOLATION FORM

EMPLOYEE NAME: _____

DATE OF VIOLATION: _____

DESCRIPTION OF VIOLATION: _____

DISCIPLINARY ACTION:

This is the employee's _____ violation of the Health & Safety Policy/Procedure.

ACTION TAKEN:

Signature of Supervisor

Copies to: C.A.O.
Department Manager
Employee

Signature of Employee

SECTION 13: PERSONAL PROTECTIVE EQUIPMENT PROCEDURES**A. GENERAL:**

To provide a procedure for the proper and consistent use of personal protective equipment. This will minimize the risk of personal injury to the employees of the Township of Smith-Ennismore-Lakefield and ensure all work is performed in accordance with the OHSa and all pertinent Regulations.

B. RESPONSIBILITY:

1. The supervisor is responsible for ensuring that all protective equipment, material and devices are provided in the workplace, maintained in good condition, and used as prescribed by the OHSa and all pertinent Regulations.
2. The supervisor is responsible for ensuring that all employees under their control work with and/or wear the protective devices or clothing, measures, and procedures required by this policy the OHSa and all pertinent Regulations.
3. The supervisor is responsible for ensuring workers are instructed in the proper fit, use, maintenance and storage of all protective clothing and personal protective equipment.
4. The supervisor is responsible for regular inspection, proper maintenance and proper storage of all such equipment.
5. The employee is responsible for using or wearing the equipment, protective devices or clothing that the Township or the supervisor requires be worn or used.
6. The employee shall report to the supervisor the absence of or defect in any equipment or protective device of which they are aware as provided by the OHSa and all pertinent Regulations.

C. SPECIFIC EQUIPMENT:

1. Breathing equipment:
The need for and use of breathing apparatus shall be determined by the nature of work, the workplace supervisor, municipal policies and the employee in accordance with the OHSa and all pertinent Regulations.

Any employee who in the performance of their duties may be called upon to wear breathing apparatus shall ensure that they are clean-shaven at the beginning of their shift. A mustache suitably trimmed so as not to interfere with the effectiveness of the breathing apparatus is acceptable.

2. Eye Protection:
Where an employee is exposed to risk of eye injury, eye protection appropriate in the circumstances shall be worn in accordance with OHSA and all pertinent Regulations, and Canadian Standards Association standards.
3. Foot Protection:
Where an employee is exposed to the hazard of foot injury he/she shall wear foot protection appropriate in the circumstances in accordance with the OHSA and all pertinent Regulations, and Canadian Standards Association Standards.
4. Head Protection:
Where an employee is exposed to the hazard for head injury, head protection shall be worn appropriate to the circumstances in accordance with the OHSA and all pertinent Regulations.
5. Hearing Protection:
The Corporation shall protect employees from excessive sound levels by putting in place controls at the source of the sound, along the path of sound, or at the employee. These controls shall reduce the sound level below ninety (90) decibels.

Where an employee is exposed to a sound level of ninety decibels or greater, the supervisor with authority over the workplace shall take all reasonable measures including alternating the workplace and the work practice to reduce the sound level below ninety decibels. Where this is not possible the employee shall be provided hearing protection to reduce the sound level below the maximum exposure time as outlined below:

SOUND LEVELS (Decibels)	DURATION – HOURS (per 24-hours day)
90	8
95	4
100	2
105	1
110	½
115	¼ or less
over 115	No Exposure

Clearly visible warning signs shall be posted at the approaches to an area where the sound level is more than ninety decibels. Warning signs shall state the daily exposure for the particular sound level permitted (see chart above) and that hearing protection must be worn when the daily exposure is more than permitted.

6. Fall Protection:

Where an employee is exposed to the hazard of falling and the surface to which he/she might fall is more than three metres (ten feet) below his/her position, a safety harness shall be worn and a line shall be adequately secured to a fixed support and arranged to prevent a free fall for a vertical distance of more than 1.5 metres as indicated in the OHS Act and Regulations.

7. Drowning Protection:

Where an employee is exposed to the hazard of falling into liquid that is of sufficient depth for a life jacket to be effective protection from the risk of drowning, a life jacket shall be worn as indicated in the OHS Act and Regulations.

8. Skin Protection:

Where an employee is exposed to the hazard of injury from contact of skin with noxious gas, liquid, fire, dust, sharp or jagged object, hot object, liquid or molten, neutral or radiant wearing apparel or shield, screen or similar barrier as prescribed by the OHS Act and Regulations. The employee shall also take such precautions to protect themselves from exposure to the sun and insect bites.

9. Protection from Elements:

Employees are responsible to ensure they report for work wearing clothing appropriate for the weather conditions they are working in. Supervisors shall provide their staff with information to assist them in dressing appropriately for the weather conditions.

**THE CORPORATION OF
THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

BY-LAW NO. 2005 - 17

**BEING A BY-LAW TO ESTABLISH A
HEALTH AND SAFETY PROGRAM
FOR THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

WHEREAS the Corporation of the Township of Smith-Ennismore-Lakefield has established and is maintaining a Health and Safety program in compliance with Occupational Health and Safety Act, R.S.O. 1990, c. O.1, as amended, herein referred to as the Act; and

WHEREAS in accordance with the Occupational Health and Safety Act, R.S.O. 1990, C. O.1, as amended, every employer and every worker shall comply with this Act and all pertinent regulations; and

WHEREAS Section 9. (2) (a) of the Occupational Health and Safety Act , R.S.O. 1990, C. O.1, as amended, states that a joint Health and Safety Committee is required at a workplace at which twenty or more workers are regularly employed; and

WHEREAS Section 25. (2) (j) states that an employer shall prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy; and

WHEREAS it is the Township of Smith-Ennismore-Lakefield's firm belief that through the commitment of all employees in the workplace and that through the joint education programs, joint investigations of issues, and joint resolution of those issues, the workplace shall be made safe and healthy for all employees;

NOW THEREFORE the Council of the Corporation of Smith-Ennismore-Lakefield **HEREBY ENACTS AS FOLLOWS:**

SECTION 1 - STRUCTURE OF COMMITTEE

- a) The Health and Safety Committee shall consist of a minimum of 4 members (Section 9. (6) (b) of the Act).
- b) Committee members representing the workers shall be selected by the workers they are to represent and shall represent at least half of the members on the Committee (Section 9. (7) of the Act).
- c) Committee members representing management shall be selected by the employer.
- d) A member may, with the consent and approval of his/her counterpart, invite any additional person(s) to attend the meeting to provide additional information and comment, but they shall not participate in the regular business of the meeting.
- e) Two of the members of the committee shall co-chair the committee, one representing the workers, one representing management (Section 9. (11) of the Act).
- f) The committee shall select a secretary to record the proceedings of Health and Safety meetings.
- g) At least one member of the workers and one representative of management shall be certified members in accordance with the Workplace Safety and Insurance Act (Section 9. (12) of the Act).
- h) A majority of the full membership of the committee shall constitute a quorum, with at least one management and one worker representative in attendance.

Schedule C.2

- i) Decisions of the Health and Safety committee shall be made by consensus, meaning that each member is prepared to support a compromise position.

SECTION 2 - FUNCTIONS OF H&S R's

The functions of the H&S R's shall be:

- a) To identify, evaluate and recommend a resolution of matters pertaining to health and safety in the workplace to the appropriate Department Manager and/or C.A.O.
- b) To encourage adequate education and training programs in order that all employees are knowledgeable in their rights, restrictions, responsibilities and duties under the Act.
- c) To address matters related to all Regulations, WHMIS, and Designated Substances where applicable.
- d) To thoroughly investigate all complaints to obtain the facts and exchange these facts when searching for a resolution to the problem. All resolutions shall be reported in the minutes.
- e) To keep any trade secrets and personal medical information confidential.
- f) To conduct inspections of the workplace at least once per year with a designated member who represents the workers inspecting at least part of the workplace each month (Section 7. (7) and Section 9. (23) and (27) of the Act).
- g) To meet once every two months on a date mutually agreed and may meet more often if required.

In the case of the Fire Department's Health & Safety Committee, to meet once every three months on a date mutually agreed and may meet more often if required. (amended by By-law 2005-59)

- h) To investigate all lost-time workplace accidents, and incidents that have the potential for a serious accident.
- i) To accompany the Ministry of Labour Inspector while carrying out Ministry inspections of the workplace. (Section 54 (3) of the Act).
- j) To attend work refusals. (Section 43 of the Act).

SECTION 3 - AGENDA AND MINUTES OF MEETINGS

- a) The H&S R's shall designate a secretary for the meeting to take minutes and the secretary shall be responsible for having the minutes typed, circulated and filed by the next scheduled meeting. The employer recognizes this responsibility of the secretary to complete this task in addition to his/her normal duties.
- b) Minutes of the meeting shall be reviewed, and edited where necessary, by the members, then signed, circulated to the C.A.O. and all workplaces. Recommendations to the Employer shall be conspicuously identified in the minutes. The Minutes shall be maintained permanently in accordance with the Township's Records Retention By-law.
- c) An Agenda package shall be prepared and circulated prior to each Health and Safety meeting and shall be retained in accordance with the Township's Record Retention By-law.

SECTION 4 - PAYMENT FOR ATTENDANCE AT MEETINGS

Schedule C.2

- a) All time spent in attendance at Health and Safety meetings or in activities relating to the function of the H&S R's shall be paid for at the member's current rate of pay for performing work, and time spent is to be considered work.
- b) H&S R's shall be allowed one hour of preparation time for each meeting, or longer as may be necessary.

SECTION 5 - GENERAL

- a) All employees shall discuss workplace Health and Safety issues with their immediate supervisor before bringing it to the attention of the H&S R's.
- b) Appendix A attached hereto and forming part of this By-law sets out various health and safety procedures for the Township of Smith-Ennismore-Lakefield.
- c) Notwithstanding procedures set out in Appendix A, all employees shall comply with all requirements of the OHSA and all pertinent Regulations as well as any and all Township Standard Operating Procedures and Guidelines.
- d) Members of the Joint Health & Safety Committee for the Township of Smith-Ennismore-Lakefield shall be posted on all Township workplace Health and Safety Boards.
- e) Members of the Joint Health & Safety Committee for the Township of Smith-Ennismore-Lakefield Fire Department shall be posted on the Health and Safety Boards located in all the Fire Halls.
- f) All Township employees, and any new employees hired by the Township, including contracted employees, will be provided with a copy of the Health and Safety policy and after having read same, shall be required to sign Appendix B, "The Rights of Workers/Acknowledgement Form" attached hereto and forming part of this By-law.
- g) All new employees hired by the Township, including contracted employees, shall receive orientation on the Township's Health and Safety policies and programs and will be required to sign Appendix C, "Orientation Checklist" attached hereto and forming part of this By-law.
- h) In accordance with the Act, the Township Health and Safety Policy shall be reviewed by the Health and Safety committee annually, updated accordingly and presented to Council for consideration and approval.
- i) That By-laws 2001-20 and 2002-71 be and are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8th DAY OF FEBRUARY, A.D., 2005

Ron Millen
Reeve

Janice Lavalley
Clerk

Corporate Seal

**THE CORPORATION OF
THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

BY-LAW NO. 2005 - 59

**BEING A BY-LAW TO AMEND BY-LAW 2005-17, A BY-LAW TO ESTABLISH A
HEALTH AND SAFETY PROGRAM
FOR THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

WHEREAS the Corporation of the Township of Smith-Ennismore-Lakefield has established and is maintaining a Health and Safety program in compliance with the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, as amended; and

WHEREAS on the 8th day of February, 2005, the Council of the Township of Smith-Ennismore-Lakefield passed By-law 2005-17, being a By-law to establish as a Health and Safety Program; and

WHEREAS the Council of the Township of Smith-Ennismore-Lakefield now deems it advisable to amend By-law 2005-17;

NOW THEREFORE the Council of the Corporation of Smith-Ennismore-Lakefield **HEREBY ENACTS AS FOLLOWS:**

1. That By-law 2005-17 with respect to the establishment of a Health & Safety Program for the Township of Smith-Ennismore-Lakefield be amended as follows:
 - a) That Section 2 g) of By-law 2005-17 is hereby amended by inserting and adding the following: In the case of the Fire Department's Health & Safety Committee, to meet once every three months on a date mutually agreed and may meet more often if required.
 - b) That Appendix A to By-law 2005-17 entitled Duties of Workers and Contract Workers, Section 2 (g) is hereby amended by deleting and inserting in its stead the following: Does not engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct.
2. That all other provisions of By-law 2005-17 shall remain in full force and effect.
3. That this By-law shall come into full force and effect on the date of passage thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7th DAY OF
JUNE, A.D., 2005**

Ron Millen
Reeve

Janice Lavalley
Clerk

Corporate Seal