



## Finance, Administration and Operations Committee

Tuesday, August 15, 2017, 4:15 pm  
City Hall, Council Chambers

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### Committee Members

Councillor L. Bursey,  
Chair  
Councillor T. Blanchard  
Councillor P. Deery  
Councillor J. Fullarton  
Mayor D. Henderson,  
Ex-Officio

### Areas of Responsibility:

Clerk's Office	CRCA
Environmental Services	Cemetery
Finance Department	Health Unit
Fire Department	Joint Services
Human Resources Dept.	Committee
Operations Department	PLMG
Airport Commission	Police Services Board
Arena Advisory Board	Safe Communities
Brockville Municipal	Coalition
Accessibility Advisory	St. Lawrence Lodge
Committee (BMAAC)	Management Board
	Volunteer Awards
	 All legal matters [excepting the purchase and sale of land]

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## **AGENDA**

### **Disclosure of Interest**

### **Delegations and Presentations**

1. Island Breakfast Committee  
(Conal Cosgrove, Member)

*Mr. Cosgrove, representing the committee, is requesting a transfer of funds from the Island Breakfast Reserve Fund to be used as payment for the excavation of the proposed site of the picnic pavilion on Refugee Island.*

### **Correspondence & Communications**

Nil.

## Reports from Boards and Committees

Nil.

## Staff Reports

- 4 - 37      1.      2017-087-08  
Respect in the Workplace Policies Update

*THAT Council receive Staff Report 2017-087-08 Respect in the Workplace Policies Update, (Schedule A to Report 2017-087-08) for information; and*

*THAT the following policies, Respect in the Workplace - Workplace Harassment, Respect in the Workplace - Workplace Violence and Respect in the Workplace - Workplace Discrimination be implemented and replace the Respect in the Workplace including Violence and Harassment Policy 103 (adopted by Council May 27, 2008) (Amended 2010 10) and the Violence in the Workplace Policy 119 (adopted by Council – October 24, 2006).*

- 38 - 45      2.      2017-085-08  
Health Unit Municipal Apportionment

*THAT Council approves the Leeds, Grenville and Lanark District Health Unit recommendation that the population used for the municipal levy apportionment be the population provided by Statistic Canada based upon the most recent census.*

- 46 - 54      3.      2017-086-08  
New ARB Rules and Procedures

*THAT Council receives this report providing information relating to changes to the Assessment Review Board policies and procedures regarding assessment appeals.*

- 55 - 61      4.      2017-088-08  
Building and Development Charge Statistics

*THAT this report has been prepared for information purposes at the request of committee members.*

**New Business - Reports from Members of Council**

Nil.

**FAO - Consent Agenda**

**Adjournment**

*THAT the Finance, Administration and Operations Committee adjourn its meeting until the next regular meeting scheduled for September 19, 2017.*

JULY 28, 2017

**REPORT TO FINANCE, ADMINISTRATION & OPERATIONS COMMITTEE –  
AUGUST 15, 2017**

**2017-087-08**

**RESPECT IN THE WORKPLACE  
POLICIES UPDATE**

**DAVID DICK, CPA, CA  
DIRECTOR OF CORPORATE SERVICES  
KRISTA VANDEWAL  
MANAGER OF HUMAN RESOURCES**

**RECOMMENDED**

THAT Council receive Staff Report 2017-087-08 Respect in the Workplace Policies Update, (Schedule A to Report 2017-087-08) for information; and

THAT the following policies, Respect in the Workplace - Workplace Harassment, Respect in the Workplace - Workplace Violence and Respect in the Workplace - Workplace Discrimination be implemented and replace the Respect in the Workplace including Violence and Harassment Policy 103 (adopted by Council May 27, 2008) (Amended 2010 10) and the Violence in the Workplace Policy 119 (adopted by Council – October 24, 2006).

**PURPOSE**

To ensure compliance with the *Ontario Occupational Health & Safety Act's* regulations that require policies in regards to Workplace Harassment and Workplace Violence. The policies attached as Schedule A also provide staff with knowledge on their rights and responsibilities with regards to Workplace Harassment, Workplace Violence and Workplace Discrimination.

**BACKGROUND**

Periodic review and housekeeping is required of Human Resources policies to ensure they are current and compliant with any applicable legislation; as such an update of the current policy was required.

**POLICY IMPLICATIONS**

Council approval of these policies ensures the City is compliant with the *Ontario Occupational Health & Safety Act* requirements for policies with respect to Workplace Harassment & Workplace Violence.

**FINANCIAL CONSIDERATIONS**

There are no direct financial considerations related to this report.

**Report 2017-087-08**  
**Human Resources Policies Update**

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D. Dick, CPA, CA  
Director of Corporate Services



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B. Casselman  
City Manager



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K. Vandewal  
Manager of Human Resources

## City of Brockville

<b>Section</b>	Policy/Personnel Procedure Manual	Current Issue Date	2017 08 ##	Index Number ###
<b>Subject</b>	Respect in the Workplace – Workplace Discrimination			Page 1 of 7

### PURPOSE

The Corporation of the City of Brockville 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 Corporation's goal to provide a healthy, safe work environment that is free of any form of discrimination.

### SCOPE

The policy and accompanying program apply to all employees (full time, part time, seasonal, temporary, contract, students) of the City of Brockville as well as contractors, elected officials, volunteers and consultants.

It is the policy of the City of Brockville that every employee in the Corporation can expect to be afforded a work environment free of discrimination and also to have a method of reporting such instances in a manner free of reprisal.

It applies in any location in which you are engaged in work-related activities. This includes, but is not limited to:

- The workplace
- During travel for business
- At restaurants, hotels or meeting facilities that are being used for business purposes
- In corporation owned or leased facilities
- During telephone, email or other communications; and
- At any social event that is company sponsored.

### POLICY

The *Ontario Human Rights Code* states that it is public policy to recognize the inherent dignity and worth of every person, and to provide for equal rights and opportunities without discrimination.

The City strives to create work environments where all individuals are treated fairly, with complete respect, and where personnel decisions are clearly made on the basis of job qualifications, competency and merit.

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 the terms and conditions of employment.

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The protected grounds of discrimination are:

- Age
- Ancestry
- Colour
- Creed (religion)
- Disability
- Ethnic origin
- Family status
- Gender Identity/Expression
- Marital Status
- Place of Origin
- Race
- Record of offences for which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or an offence in respect of any provincial enactment
- Sex (including sexual harassment, pregnancy and breastfeeding)
- Sexual orientation

The City of Brockville does not tolerate discrimination in the workplace perpetrated by or against staff, volunteers and clients or other third parties.

The City of Brockville is committed to providing a work environment in which all employees are treated with respect and dignity. Workplace discrimination will not be tolerated from any person in the workplace (including customers, clients, other employers, supervisors, employees and members of the public, as applicable).

### **Roles and Responsibilities:**

#### **Employer:**

The City of Brockville will not tolerate discrimination under any circumstances. Any Employee experiencing discrimination has the full support of the City in resolving the issue. All complaints of discrimination will be promptly and thoroughly investigated.

#### **Management (Manager/Supervisor):**

- Provide a work environment that is free from discrimination, including actively promoting a positive, discrimination-free work environment and intervening when problems occur
- Deal with inappropriate actions of others that come to their attention
- Cooperating with City investigators or other authorities, as required during any investigation related to workplace discrimination

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### Employee:

- Informs management of any discrimination he/she experiences or witnesses
- Reports to management any incidents of discrimination, according to the procedures set out in this policy
- Attends any training or information sessions provided by the employer to reduce discrimination
- Cooperates with City investigators or other authorities as required during any investigation related to workplace discrimination

### PROCEDURE

While not mandatory, employees are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the discriminating behaviour. Where employees feel confident or comfortable in doing so, they should communicate their disapproval in clear terms to the person(s) whose conduct or comments are offensive. Tell the person(s) 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:

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

The Employee should keep a written record of the date, time, details of the conduct and witnesses, if any.

Employees who are not confident or comfortable with direct communication and who believe they are subjects of discrimination, or become aware of situations where such conduct may be occurring, must report these matters to Human Resources.

If informal attempts at resolving the issue are not appropriate, or prove to be ineffective, a formal complaint may be filed.

Employees can report incidents or complaints of workplace discrimination verbally or in writing. When submitting a written complaint, please ensure as much detail as possible is included.

The report of the incident should include the following information:

1. Name(s) of the employee who has allegedly experienced workplace discrimination and contact information



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2. Name of the person who allegedly committed the discrimination, position and contact information (if known)
3. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
4. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
  1. Any supporting documents the employee who complains of discrimination may have in his/her possession that are relevant to the complaint.
  2. List any documents a witness, another person or the person who allegedly committed the discrimination may have in their possession that are relevant to the complaint.

### **Who to Report Workplace Discrimination To**

An incident or a complaint of workplace discrimination should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report a workplace discrimination incident or complaint to the Manager of Human Resources. If the person engaging in the discriminating behaviour is a member of the Human Resources department the complaint should be reported to the City Manager.

Human Resources will ensure an investigation is conducted that is appropriate in the circumstances.

All incidents or complaints of workplace discrimination shall be kept confidential except to the extent necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

### **Investigation**

#### **Commitment to Investigate**

The City of Brockville will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace discrimination or receives a complaint of workplace discrimination.

#### **Who Will Investigate**

Human Resources will determine who will conduct the investigation into the incident or complaint of workplace discrimination. If the allegations of workplace discrimination involve senior management positions or a member of Council the employer may refer the investigation to an external investigator to conduct an impartial investigation.

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### Timing of the Investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, absence of a party involved, complex investigation) warranting a longer investigation.

### Investigation Process

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

1. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
2. The investigator must thoroughly interview the complainant and the respondent if the respondent is a worker of the employer. If the respondent is not an employee, the investigator should make reasonable efforts to interview the respondent.
3. The respondent must be given the opportunity to respond to the specific allegations raised by the complainant. In some circumstances, the complainant should be given a reasonable opportunity to reply.
4. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the complainant, the respondent or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
5. The investigator must collect and review any relevant documents.
6. The investigator must take appropriate notes and statements during interviews with the complainant, the respondent and any witnesses.
7. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the complainant, the response from the respondent, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace discrimination was found or not.

### Results of the Investigation

Within 10 days of the investigation being completed, the complainant and the respondent, if he or she is a worker of the employer, will be provided a summary of the results of the investigation. The City Manager will be provided with a copy of the report.

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### **Confidentiality**

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace discrimination, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the complainant, the respondent and any witnesses should not discuss the incident or complaint or the investigation with each other or other employees or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

### **Handling Complaints**

If a finding of workplace discrimination is made, the employer will take appropriate corrective measures, regardless of the respondent's seniority or position with the City of Brockville.

Corrective measures may include but are not limited to 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 appropriate counseling, anger management training, supervisory skills training or attendance at educational programs on workplace respect;
- A demotion or denial of a promotion;
- Reassignment or transfer;
- 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.

### **Unsubstantiated Complaints**

If a complaint is made in good faith and without malice, regardless of the outcome of the investigation, the employee will not be subject to any form of discipline.

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### **Malicious Reporting**

In the event that the complaint was made in bad faith (with malicious intent to harm another person's reputation), that person will be disciplined up to and including termination, and a record of the incident will be put in her or his file.

### **Recordkeeping**

The employer will keep records of the investigation including:

1. a copy of the complaint or details about the incident;
2. a record of the investigation including notes;
3. a copy of the investigation report (if any);
4. a summary of the results of the investigation that was provided to complainant and the respondent, if a worker of the employer;
5. a copy of any corrective action taken to address the complaint or incident of workplace discrimination.

All records of the investigation will be kept confidential. The investigation documents, including the report should not be disclosed unless necessary to investigate an incident or complaint of workplace discrimination, take corrective action or otherwise as required by law.

Records will be kept in accordance with the City of Brockville's record retention policy.

### **Protection from Retaliation**

The City of Brockville will not tolerate retaliations, taunts or threats against anyone who complains about workplace discrimination or takes part in an investigation in regards to it. Any person, who taunts, retaliates against or threatens anyone in relation to a workplace discrimination complaint, may be disciplined up to and including termination.



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### **PURPOSE**

The Corporation of the City of Brockville 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 Corporation's goal to provide a healthy, safe work environment that is free of any form of violence.

### **SCOPE**

The policy and accompanying program apply to all employees (full time, part time, seasonal, temporary, contract, students) of the City of Brockville as well as contractors, elected officials, volunteers and consultants.

It is the policy of the City of Brockville that every employee in the Corporation can expect to be afforded a work environment free of violence and also to have a method of reporting such instances in a manner free of reprisal.

It applies in any location in which you are engaged in work-related activities. This includes, but is not limited to:

- The workplace
- During travel for business
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### Workplace Violence Policy

Management of the City of Brockville is committed to the prevention of workplace violence and is ultimately responsible for its employees' health and safety. We will take whatever steps are reasonable to protect our employees from workplace violence from all sources.

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.

Violent behaviour in the workplace is unacceptable from anyone. This policy applies to all employees (full time, part time, seasonal, temporary, contract, students) of the City of Brockville as well as contractors, elected officials, volunteers and consultants. Everyone is expected to uphold this policy and to work together to prevent workplace violence.

There is a Workplace Violence Program that implements this policy. It includes measures and procedures to protect employees from workplace violence, a means of summoning immediate assistance and a process for employees to report incidents, or raise concerns.

The City of Brockville as the employer will ensure this policy and the supporting program are implemented and maintained. All employees and supervisors will receive appropriate information and instruction on the contents of the policy and program.

Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by employees and that employees have the information they need to protect themselves.

Every employee must work in compliance with this policy and the supporting program. All employees are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats.

Management pledges to investigate and deal with all incidents and complaints of workplace violence in a fair and timely manner, respecting the privacy of all concerned as much as possible.

Signed by: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_

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### Workplace Violence Program

Workplace and domestic violence that may occur in the workplace are health and safety issues, which are covered under the *Occupational Health and Safety Act*.

### Workplace Violence

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 but is not limited to:

- 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, spitting, biting, groping, pinching, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault.
- Near miss is an act of striking out, but missing the target.

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.

Workplace violence may come from many different sources:

- Strangers or people with no ties to the workplace
- Clients or customers
- Other employees
- Council
- Intimate relationships outside of work (such as intimate partners, family, friends)



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### Domestic Violence

If you are experiencing domestic violence that would likely expose you, or other employees, to physical injury that may occur in the workplace, the Employer will take every precaution reasonable to protect you and your co-employees in the circumstances. This may include some or all of the following:

- Contacting the police
- Creating a safety plan
- 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 or to public transportation
- Adjusting your working hours and location so that they are not predictable
- Facilitating your access to counselling 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.

### Preventing Workplace Violence

It is our mutual responsibility to ensure that we create and maintain a violence-free workplace and address violence and/or the threat of violence from all possible sources (including customers, clients, employers, Council, supervisors, employees, strangers and domestic/intimate partners).

The prevention of violence in our workplace involves infrastructure solutions in high risk areas or occupations including the use of closed circuit television monitoring (CCTV), separation of the public and staff, restricted public access, panic alarms and for those who work alone utilizing "person-down" devices.

### Responsibility

#### **Responsibility, Authority & Accountability**

The *Occupational Health and Safety Act* imposes a duty on all employers' to take every precaution reasonable in the circumstances for the protection of a worker. As such, there is a duty to report any circumstances, which might affect the health and safety of employees. In order to comply with these duties as identified in the *Occupational Health and Safety Act*, the following responsibilities are determined to apply specifically for the protection of City of Brockville staff members from potential exposure to workplace violence.

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### Responsibilities of City Council

City Council shall ensure adequate human and financial resources are made available to Senior Management to meet the prescribed requirements of the *Occupational Health and Safety Act* and corresponding regulations.

### Responsibilities of the City Manager

The City Manager shall support and maintain a safe and healthy workplace for all City of Brockville employees free from the exposure of workplace violence.

### Responsibilities of Senior Management Team

Senior Management shall ensure:

- The Workplace Violence Policy and corresponding program is understood, implemented and maintained in an effective manner for the protection of each employee under their department's jurisdiction.
- Employees authorized with responsibility under the Workplace Violence Policy are provided with information and resources to carry out those responsibilities.
- The Workplace Violence Policy is supported by ensuring employees within their areas participate in Corporate training sessions.
- Compliance with the standards and procedures for safe and healthy work practices and measures as established.

### Responsibilities of Managers/Supervisors

Managers/Supervisors shall ensure that:

- Employees are aware of and work in compliance with the standards and procedures established in the Workplace Violence Policy and Program.
- Any incident(s) of workplace violence are documented, reported and duly investigated where an employee identifies that they are experiencing violence in the workplace or are being compromised in their ability to perform their job duties as a result of workplace violence, as per the Workplace Violence Program. This includes incidents of Workplace Violence that are reported by third parties, where the complainant may or may not make a formal report.
- Employees receive training to make them aware of the Workplace Violence Policy and Program.
- Employees work in such a manner and refrain from actions that may expose themselves or other employees to any unnecessary exposure to workplace violence.
- Employees are provided with immediate medical attention if an incident/accident occurs where an employee's health is seriously compromised due to workplace violence and they are no longer able to perform their normal job duties or remain in the workplace.
- They attend and participate in all Health and Safety training provided in relation to this policy and the prevention of workplace violence.

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### Responsibilities of Human Resources

- Human Resources is responsible for the maintenance of the Workplace Violence Policy and Program to ensure compliance with the requirements of the legislation.
- Provide advice and guidance to managers and supervisors in the application of the policy and program.
- Provide assistance and guidance to employees as requested.
- Provide for the delivery of training on this policy and program to employees.
- Facilitate intervention or support services where applicable.
- Conduct investigations of complaints as directed in a timely manner and provide a report to the appropriate management member(s).

### Responsibilities of All Employees

All employees shall:

- Work in compliance with the *Occupational Health and Safety Act* and Regulations, specifically the safe work practices identified in this program, and all other corporate and departmental safe work practices.
- Maintain confidentiality if they are involved in any complaint.
- Notify their supervisor of circumstances in the workplace where they experience concerns or observe others experiencing concerns in relation to possible or actual incidents of workplace violence.
- Attend and participate in all Health and Safety training provided in relation to this policy and program and the prevention of workplace violence.

### Right to Refuse Unsafe Work

Employees have the right to refuse work if workplace violence is likely to endanger them, however for certain employees who protect public safety, this right is limited. If you are refusing work please immediately contact your supervisor at which point appropriate measures will be taken to protect you and investigate the situation. You may be moved to a safe place as near as reasonably possible to your normal work station and will need to be available for the purposes of investigating the incident. In some circumstances, you may be provided with reasonable alternative work during normal working hours.

Provided the situation is dealt with quickly and the danger to employees is removed, the necessity of work refusal may be alleviated.

### Summoning Assistance

In appropriate circumstances, the police, or other emergency responders may be contacted as appropriate, to assist, intervene or investigate workplace violence. Details about the measures and procedures for summoning immediate assistance will be provided and may include:

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- Equipment to summon assistance such as fixed or personal alarms, utilizing “person-down” devices, locator or tracking systems, phones, cell phones, etc.;
- Emergency telephone numbers and/or email addresses;
- Emergency procedures.

### Reporting Workplace Violence

#### **Definitions:**

- Complainant – means an employee(s) who has brought forward or filed a complaint alleging violence in the workplace.
- Respondent – means an employee(s) against whom allegations of workplace violence are made.

#### **How to Report Workplace Violence**

While not mandatory and dependent on the situation employees are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the behaviour. Where employees feel confident or comfortable in doing so, they should communicate their disapproval in clear terms to the person(s) whose conduct or comments are offensive. Tell the person(s) 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:

- “I don't want you to do that.”
- “Please stop doing or saying....”
- “It makes me uncomfortable when you....”
- “I don't find it funny when you....”

The Employee should keep a written record of the date, time, details of the conduct and witnesses, if any.

Employees who are not confident or comfortable with direct communication and who believe they are subjects of workplace violence, or become aware of situations where such conduct may be occurring, must report these matters to Human Resources.

If informal attempts at resolving the issue are not appropriate, or prove to be ineffective, a formal complaint may be filed.

Employees can report incidents or complaints of workplace violence verbally or in writing. When submitting a written complaint, please ensure as much detail as possible is included.

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The report of the incident should include the following information:

1. Name(s) of the employee who has allegedly experienced workplace violence and contact information
2. Name of the respondent, position and contact information (if known)
3. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
4. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
  1. Any supporting documents the employee who complains of violence may have in his/her possession that are relevant to the complaint.
  2. List any documents a witness, another person or the respondent may have in their possession that are relevant to the complaint.

### **Who to Report Workplace Violence To**

An incident or a complaint of workplace violence should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report a workplace violence incident or complaint to the Manager of Human Resources. If the alleged respondent is a member of the Human Resources department the complaint should be reported to the City Manager.

Human Resources will ensure an investigation is conducted that is appropriate in the circumstances.

All incidents or complaints of workplace violence shall be kept confidential except to the extent necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

### **Investigation**

#### **Commitment to Investigate**

The City of Brockville will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace violence or receives a complaint of workplace violence.

#### **Who Will Investigate**

Human Resources will determine who will conduct the investigation into the incident or complaint of workplace violence. If the incident or complaint involves Council, City Manager or senior management positions, an external person qualified to conduct a

## City of Brockville

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workplace violence investigation who has knowledge of the relevant workplace violence laws may be retained to conduct the investigation.

### Timing of the Investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, absence of a party involved, complex investigation) warranting a longer investigation.

### Investigation Process

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

1. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
2. The investigator must thoroughly interview the complainant and the respondent if the respondent is a worker of the employer. If the respondent is not an employee, the investigator should make reasonable efforts to interview the respondent.
3. The respondent must be given the opportunity to respond to the specific allegations raised by the complainant. In some circumstances, the complainant should be given a reasonable opportunity to reply.
4. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the complainant, the respondent or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
5. The investigator must collect and review any relevant documents.
6. The investigator must take appropriate notes and statements during interviews with the complainant, the respondent and any witnesses.
7. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the complainant, the response from the respondent, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace violence was found or not.

### Results of the Investigation

Within 10 days of the investigation being completed, the complainant and the respondent, if he or she is a worker of the employer, will be informed in writing a summary of the results of the investigation. The City Manager will be provided with a copy of the report.

## *City of Brockville*

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### **Confidentiality**

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace violence, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the complainant, the respondent and any witnesses should not discuss the incident or complaint or the investigation with each other or other employees or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

### **Handling Complaints**

In some instances it may be necessary to implement interim measures, which are temporary measures put in place to protect the parties, during the investigation. Such measures are without prejudice to the ultimate outcome of the investigation. Consequences for violating interim measures will be clearly communicated to the respondent at the time they are applied.

Examples of interim measures that may be considered include:

- Restrictions to access of certain work locations
- No contact/communication orders
- Employment restrictions (modifying work hours or work location if possible)
- Leave of absence

The use of interim measures will be assessed on a case by case basis and are dependent on the circumstances of each individual complaint.

If a finding of workplace violence is made, the employer will take appropriate corrective measures, regardless of the respondent's seniority or position with the City of Brockville.

Corrective measures may include but are not limited to 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 appropriate counseling, anger management training, supervisory skills training or attendance at educational programs on workplace respect;
- A demotion or denial of a promotion;
- Reassignment or transfer;

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- 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.

### **Unsubstantiated Complaints**

If a complaint is made in good faith and without malice, regardless of the outcome of the investigation, the employee will not be subject to any form of discipline.

### **Malicious Reporting**

In the event that the complaint was made in bad faith (with malicious intent to harm another person's reputation), that person will be disciplined up to and including termination, and a record of the incident will be put in her or his file.

### **Recordkeeping**

The employer will keep records of the investigation including:

1. a copy of the complaint or details about the incident;
2. a record of the investigation including notes;
3. a copy of the investigation report (if any);
4. a summary of the results of the investigation that was provided to complainant and the respondent, if a worker of the employer;
5. a copy of any corrective action taken to address the complaint or incident of workplace violence.

All records of the investigation will be kept confidential. The investigation documents, including the report should not be disclosed unless necessary to investigate an incident or complaint of workplace violence, take corrective action or otherwise as required by law.

Records will be kept in accordance with the City of Brockville's record retention policy.

### **Protection from Retaliation**

The City of Brockville will not tolerate retaliations, taunts or threats against anyone who complains about workplace violence or takes part in an investigation in regards to it. Any person, who taunts, retaliates against or threatens anyone in relation to a workplace violence complaint, may be disciplined up to and including termination.



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### **Risk Assessment**

Management (with worker involvement) assesses workplace violence hazards in all jobs, and in the workplace as a whole. Risk assessments are reviewed annually and whenever new jobs are created, or job descriptions are substantially changed.

Management initiates and maintains a violence prevention program, which includes annual training (or review) on general and job specific workplace hazards as well as job specific orientation for new employees and volunteers.

All employees are expected to be vigilant of violence risks. Employees are required to report hazards to a management member in a timely fashion.

Management works together with employees to develop strategies and practices for ongoing reduction of risks of workplace violence. These include but are not limited to education, information exchange, and reviews of practices and procedures.

### **Review**

The employer will review the policy and program annually and make adjustments where necessary to ensure it remains effective.

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**PURPOSE**

The Corporation of the City of Brockville 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 Corporation's goal to provide a healthy, safe work environment that is free of any form of harassment.

**SCOPE**

The policy and accompanying program apply to all employees (full time, part time, seasonal, temporary, contract, students) of the City of Brockville as well as contractors, elected officials, volunteers and consultants.

It is the policy of the City of Brockville that every employee in the Corporation can expect to be afforded a work environment free of harassment and also to have a method of reporting such instances in a manner free of reprisal.

It applies in any location in which you are engaged in work-related activities. This includes, but is not limited to:

- The workplace
- During travel for business
- At restaurants, hotels or meeting facilities that are being used for business purposes
- In corporation owned or leased facilities
- During telephone, email or other communications; and
- At any social event that is company sponsored.

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### Workplace Harassment Policy

The City of Brockville is committed to providing a work environment in which all employees are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace (including customers, clients, other employers, supervisors, employees and members of the public, as applicable).

**Workplace harassment** means 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 or workplace sexual harassment. **Workplace sexual harassment** means:

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

Reasonable action taken by the employer or supervisor relating to the management and direction of employees or the workplace is not workplace harassment.

Employees are encouraged to report any incidents of workplace harassment to the appropriate person in accordance with the Workplace Harassment Program.

Management will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect employees, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Managers, supervisors and employees are expected to adhere to this policy, and will be held responsible by the employer for not following it. Employees are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment.

If an employee needs further assistance, they may contact Human Resources, a union representative (if applicable), a member of their workplace Joint Health & Safety Committee/Health & Safety Representative and/or the employee assistance program.

Signed by: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_

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### **Workplace Harassment Program**

The City of Brockville is committed to providing a work environment in which all employees are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace (including customers, clients, other employers, supervisors, employees, and members of the public, as applicable).

The workplace harassment program applies to all employees including managers, supervisors, temporary employees, students and subcontractors.

### **Workplace Harassment**

Workplace harassment means 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 or workplace sexual harassment.

Some examples of workplace harassment include but are not limited to:

- Verbally abusive behaviour such as yelling, insults, ridicule and name calling including remarks, jokes or innuendos 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 work-related social gatherings
- A supervisor/manager 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
- A supervisor/manager providing only demeaning or trivial tasks in place of normal job duties
- Humiliating someone
- Sabotaging someone else's work
- Patronizing or condescending behaviour
- Displaying or circulating offensive pictures or materials
- Offensive or intimidating phone calls or emails
- A supervisor/manager impeding an individual's efforts at promotions or transfers for reasons that are not legitimate; and
- Making false allegations about someone in memos or other work related documents

Workplace sexual harassment means:

1. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender

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expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or

2. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Some examples of sexual harassment include but are not limited to:

- Sexual advances or demands that the recipient does not welcome or want
- Threats, punishment or denial of a benefit for refusing a sexual advance
- Offering a benefit in exchange for a sexual favour
- Leering (persistent sexual staring)
- Displaying sexually offensive material 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 gender
- Persistent, unwanted attention after a consensual relationship ends
- Physical contact of a sexual nature, such as touching or caressing; and
- Sexual assault

Reasonable action taken by the employer or supervisor relating to the management and direction of employees or the workplace is not workplace harassment. Reasonable management actions that are part of the normal work function include:

- Measures to correct performance deficiencies, such as placing someone on a performance improvement plan
- Imposing discipline for workplace infractions
- Requesting medical documents in support of an absence from work
- Scheduling
- Conducting a performance review

### **Reporting Workplace Harassment**

While not mandatory, employees are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the harassing behaviour. Where employees feel confident or comfortable in doing so, they should communicate their disapproval in clear terms to the person(s) whose conduct or comments are offensive. Tell the person(s) 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.

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

- “I don’t want you to do that.”
- “Please stop doing or saying....”
- “It makes me uncomfortable when you....”
- “I don’t find it funny when you....”

Employees who are not confident or comfortable with direct communication and who believe they are subjects of workplace harassment, or become aware of situations where such conduct may be occurring, must report these matters to Human Resources.

### How to Report Workplace Harassment

Employees can report incidents or complaints of workplace harassment verbally or in writing. When submitting a written complaint, please use the Workplace Harassment Complaint Form included in this document. When reporting verbally, the reporting contact, along with the employee complaining of harassment will fill out the complaint form.

The report of the incident should include the following information:

1. Name(s) of the employee who has allegedly experienced workplace harassment and contact information
2. Name of the alleged harasser(s), position and contact information (if known)
3. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
4. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
  1. Any supporting documents the employee who complains of harassment may have in his/her possession that are relevant to the complaint.
  2. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

### Who to Report Workplace Harassment To

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report a workplace harassment incident or complaint to the Manager of Human Resources. If the alleged harasser is a member of the Human Resources department the complaint should be reported to the City Manager.

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Human Resources will ensure an investigation is conducted that is appropriate in the circumstances.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

### **Investigation**

#### **Commitment to Investigate**

The City of Brockville will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

#### **Who Will Investigate**

Human Resources will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the incident or complaint involves Council, City Manager or senior management positions, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws may be retained to conduct the investigation.

#### **Timing of the Investigation**

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, absence of a party involved, complex investigation) warranting a longer investigation.

#### **Investigation Process**

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

1. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
2. The investigator must thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is an employee of the employer. If the alleged harasser is not an employee, the investigator should make reasonable efforts to interview the alleged harasser.

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3. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the employee. In some circumstances, the employee who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.
4. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the employee who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
5. The investigator must collect and review any relevant documents.
6. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.
7. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the employee who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

### **Results of the Investigation**

Within 10 days of the investigation being completed, the employee who allegedly experienced the workplace harassment and the alleged harasser, if he or she is an employee of the employer, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment. The City Manager will be provided with a copy of the report.

### **Confidentiality**

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect employees, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the employee who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other employees or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.



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All records of the investigation will be kept confidential.

### **Handling Complaints**

In some instances it may be necessary to implement interim measures, which are temporary measures put in place to protect the parties, during the investigation. Such measures are without prejudice to the ultimate outcome of the investigation. Consequences for violating interim measures will be clearly communicated to the respondent at the time they are applied.

Examples of interim measures that may be considered include:

- Restrictions to access of certain work locations
- No contact/communication orders
- Employment restrictions (modifying work hours or work location if possible)
- Leave of absence

The use of interim measures will be assessed on a case by case basis and are dependent on the circumstances of each individual complaint.

If a finding of harassment is made, the employer will take appropriate corrective measures, regardless of the respondent's seniority or position with the City of Brockville.

Corrective measures may include but are not limited to 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 (such as sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect and harassment;
- A demotion or denial of a promotion;
- Reassignment or transfer;
- 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.

### **Unsubstantiated Complaints**

If a complaint is made in good faith and without malice, regardless of the outcome of the investigation, the employee will not be subject to any form of discipline.

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### **Malicious Reporting**

In the event that the complaint was made in bad faith (with malicious intent to harm another person's reputation), that person will be disciplined up to and including termination, and a record of the incident will be put in her or his file.

### **Recordkeeping**

The employer will keep records of the investigation including:

1. a copy of the complaint or details about the incident;
2. a record of the investigation including notes;
3. a copy of the investigation report (if any);
4. a summary of the results of the investigation that was provided to the employee who allegedly experienced the workplace harassment and the alleged harasser, if an employee of the employer;
5. a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept in accordance with the City of Brockville's record retention policy.

### **Protection from Retaliation**

The City of Brockville will not tolerate retaliations, taunts or threats against anyone who complains about workplace harassment or takes part in an investigation in regards to it. Any person, who taunts, retaliates against or threatens anyone in relation to a workplace harassment complaint, may be disciplined up to and including termination.

### **Review**

The employer will review the policy and program annually and make adjustments where necessary to ensure it remains effective.

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Whether the employee uses the complaint form or not, the employer is still obligated to ensure an investigation appropriate in the circumstances is conducted into an incident of workplace harassment.

Your Name	Contact Information

Name	Contact Information (If available)

Please describe in as much detail as possible the bullying and harassment incident(s), including:

- a. the names of the parties involved;
- b. any witnesses to the incident(s);
- c. the location, date and time of the incident(s);

## *City of Brockville*

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d. details about the incident(s) (behaviour and/or words used);

e. any additional details. (Attach additional pages if required)

### **Relevant documents/evidence**

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**July 24, 2017**

**REPORT TO FINANCE & ADMINISTRATION COMMITTEE – August 15, 2017**

**2017-085-08**

**HEALTH UNIT MUNICIPAL APPORTIONMENT**

**D. DICK, CPA, CA  
DIRECTOR OF CORPORATE SERVICES  
L. FERGUSON CPA, CGA  
MANAGER OF FINANCE**

**RECOMMENDED**

THAT Council approves the Leeds, Grenville & Lanark District Health Unit recommendation that the population used for the municipal levy apportionment be the population provided by Statistics Canada based upon the most recent census.

**PURPOSE**

The Leeds, Grenville & Lanark District Health Unit, (the Health Unit) has requested that the City approves their use of the Stats Can population for the Health Unit municipal levy apportionment instead of the population provided by the Municipal Property Assessment Corporation (MPAC) see attached.

**BACKGROUND/POLICY IMPLICATIONS**

The Health Protection and Promotion Act require municipalities to decide how to apportion the municipal share of the expenses for the Board of Health. Historically the Health Unit levy was allocated using the population provided by MPAC. In May the Board of Health unanimously passed a motion that their preference is to use the population counts provided by Statistics Canada.

MPAC recently sent communication to the Board of Health stating that *"The most accurate municipal population numbers are produced by Statistics Canada based on the most recent census."*

The challenges that are faced by MPAC's population count are:

- The primary source of owner information is from the land transfer process, which has accurate owner names, but does not include family members
- Landlords supply MPAC with tenant names from their rent roll, which is normally one name per unit.
- There is no legislated requirement for owners of rental properties with fewer than seven units to supply MPAC with tenant names
- Historically response to Occupancy Questionnaires is 50% for owners and 20% for tenants
- When properly documented information is available, MPAC must update its database by removing existing names from a property record and replacing them

REPORT 2017-085-08  
HEALTH UNIT MUNICIPAL APPORTIONMENT

with the new name(s)

- The process of removing names automatically includes any children or other occupants currently listed at the identified address. These names are recovered, only if they reappear at a future point through other source data/data-match
- Under instructions from Ontario's Deputy Registrar, municipal clerks no longer send MPAC the names of newborns. The cumulative effect since the early 90's has been the slow degradation of population numbers,

## FINANCIAL IMPLICATIONS

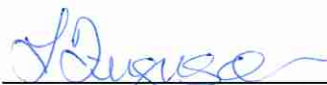
If the 2014 MPAC population, 17,732, is used the 2017 levy would be \$377,634. If the 2016 Stats Canada population of 21,346 is used the 2017 levy would be \$383,180, an increase of \$5,546.

## CONCLUSION

Though the Statistics Canada population results in a slightly higher Health Unit levy for the City, it is being calculated on more accurate numbers. Using population numbers that can be concretely substantiated is fair treatment for all municipalities involved.



D. Dick CPA CA,  
Director of Corporate Services



L. Ferguson CPA, CGA  
Manager of Finance



B. Casselman, City Manager



May 31, 2017

VIA EMAIL

Mr. Bob Casselman, City Manager  
City of Brockville  
1 King St. W.  
Brockville, ON K6V 7A5

Dear Mr. Casselman:

**RE: Municipal Levy Apportionment**

The Health Protection and Promotion Act stipulates that municipalities must decide how to apportion the municipal component of the expenses of the Board of Health among obligated municipalities. The Board of Health passed a motion unanimously at the May 18, 2017 meeting that their preference is to use the Statistics Canada census population numbers rather than the MPAC population numbers to apportion the levy among obligated municipalities starting in 2018.

Recently, the Board of Health for the Leeds, Grenville and Lanark District Health Unit, received information from the Municipal Property Assessment Corporation (MPAC) (*see Appendix #1*) that stated:

"The Ontario Population Report (OPR) is based on information contained in MPAC's Names Database and is produced upon conclusion of each municipal enumeration which correlates with the timing of regular municipal and school board elections that now occur every 4 years. The Report is distributed to all municipalities, certain provincial ministries and other stakeholders.

"The OPR figures are developed from information gathered for assessment and enumeration purposes. These figures should not be confused with population data published by Statistics Canada that are produced from dedicated population counting and estimating processes conducted every 5 years."

"The most accurate municipal population numbers are produced by Statistics Canada based on the most recent census."

All of the obligated municipalities will have to agree with this change before it can be implemented according to the Health Protection and Promotion Act, and Ontario Regulation 489/97 (*see Appendix #2*). The regulations state that the default is to use the Ontario Population Report of the Municipal Property Assessment Corporation (MPAC) which is the current method being used to apportion the levy. Given that using MPAC data would be both inappropriate and inaccurate for our purposes, the Board of Health will write a letter to Minister Hoskins, Ministry of Health and Long-Term Care, requesting that the use of enumeration data under the Assessment Act be removed from the Health Protection and Promotion Act Regulation 489/97 and be replaced with Statistics Canada census data.

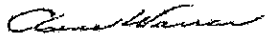


Mr. Bob Casselman  
Page 2  
May 31, 2017

For 2017, the Board of Health used the MPAC population data to apportion the levy among obligated municipalities. A comparison of what the levy would be for each municipality using the 2017 total levy amount is outlined in Table 1.

I request that each Municipal Council review the information provided in this letter and let me know by August 31, 2017 whether or not you agree to use the Statistics Canada census data to apportion the municipal levy among obligated municipalities starting in 2018.

Sincerely,



Anne Warren, Board Chair  
Leeds, Grenville and Lanark District Health Unit

AW/hb

## Appendix #1

## MUNICIPAL PROPERTY ASSESSMENT CORPORATION

### ONTARIO POPULATION REPORT

#### What is the OPR?

The Ontario Population Report (OPR) is based on information contained in MPAC's Names Database and is produced upon conclusion of each municipal enumeration which correlates with the timing of regular municipal and school board elections that now occur every 4 years. The Report is distributed to all municipalities, certain provincial ministries and other stakeholders. The OPR is not an 'estimate'. The OPR (and any adhoc population count done between enumeration years and/or obtained through the Population Report option provided via Municipal Connect™) is based on actual point-in time counts of current names in MPAC's database.

**Note:** *The OPR figures are developed from information gathered for assessment and enumeration purposes. These figures should not be confused with population data published by Statistics Canada that are produced from dedicated population counting and estimating processes conducted every 5 years (see Factors Affecting Population Counts below).*

#### Information Sources and Collection Methods

The primary source of **owner names** is the land transfer process. This results in a high degree of accuracy and currency for owner information but does not include other family members. The primary source of **tenant names** has traditionally been through the Tenant Information Program (TIP) where landlords with seven or more residential units are obliged to annually supply MPAC with the names of the tenants in their buildings. Landlords usually supply MPAC with whatever names are on their rent roll, typically one name per unit. This source does not include children or other occupants. Beginning in 2014, tenant names are also being received from the National Register of Electors and during an enumeration event, via MPAC's voterlookup.ca online elector update/confirmation website. Name information is no longer collected through the mailout of 'Municipal Enumeration Forms' (MEFs) during municipal election years. To collect names of **children** and other occupants, including the missing birth dates, citizenship confirmations and school support of tenants and owners, MPAC traditionally mailed out 'Request for Occupant Information' (ROI) forms. Compliance is voluntary and returns as low as 20%. In addition, owners and tenants have the option of updating their household occupant information when calling MPAC's Customer Contact Centre.

#### Factors Affecting Population Counts

In comparison to Statistics Canada, MPAC typically under-reports population numbers for Ontario, primarily in the under 20 to 25 year-old range. The reasons for this are:

- There is no legislated requirement for owners of rental properties with fewer than seven units to supply MPAC with tenant names.
- Historically, although approximately 50% of owners respond to Occupancy Questionnaires, compliance for tenants has been approximately 20%.
- When in receipt of properly documented information, MPAC is obliged to change its database accordingly which usually requires the removal of existing names from a property record and replacing them with the new name(s).

- The process of removing names automatically includes any children or other occupants currently listed at the identified address. These names are recovered, only if they reappear at a future point through other source data/data-matching.
- Under instructions from Ontario's Deputy Registrar, municipal clerks no longer send MPAC the names of newborns. The cumulative effect since the early 90's has been the slow degradation of OPR numbers, particularly those under the age of 20.

The most accurate municipal population numbers are produced by Statistics Canada based on the most recent census.

(From Beverley Disney

Account Manager, Municipal and Stakeholder Relations Department

Municipal Property Assessment Corporation)

## HEALTH PROTECTION AND PROMOTION ACT

### Payment by obligated municipalities

72. (1) The obligated municipalities in a health unit shall pay,

(a) the expenses incurred by or on behalf of the board of health of the health unit in the performance of its functions and duties under this or any other Act; and

(b) the expenses incurred by or on behalf of the medical officer of health of the board of health in the performance of his or her functions and duties under this or any other Act. 1997, c. 30, Sched. D, s. 8.

### Agreement

(3) The obligated municipalities in a health unit shall pay the expenses referred to in subsection (1) in such proportion as is agreed upon among them. 1997, c. 30, Sched. D, s. 8.

### If no agreement

(4) If the obligated municipalities in a health unit fail to agree on the proportion of the expenses referred to in subsection (1) to be paid by each of them, each obligated municipality in the health unit shall pay the proportion of such expenses that is determined in accordance with the regulations. 1997, c. 30, Sched. D, s. 8.

## ONTARIO REGULATION 489/97

### ALLOCATION OF BOARD OF HEALTH EXPENSES

**Consolidation Period:** From April 1, 2005 to the e-Laws currency date.

1. (1) If the obligated municipalities in a health unit fail to agree on the proportion of the expenses referred to in subsection 72 (1) of the Act to be paid by each of them, each obligated municipality in the health unit shall pay the proportion of the expenses that is determined by dividing its population by the sum of the populations of all the obligated municipalities in the health unit. O. Reg. 489/97, s. 1 (1).

(2) In this section,

“population” means, with respect to an obligated municipality, the population of the obligated municipality as determined from the most recent enumeration conducted under section 15 of the *Assessment Act*. O. Reg. 489/97, s. 1 (2).

(3) In this section,

“assessment”, with respect to real property, means the assessment for the real property made under the *Assessment Act* according to the last returned assessment roll;

“population” means population as determined from the most recent enumeration conducted under section 15 of the *Assessment Act*. O. Reg. 142/05, s. 1.



Table 1 - Leeds, Grenville and Lanark District Health Unit

## Municipal Share of Local Public Health Programs by MPAC and Census (2014, 2016)

	BROCKVILLE	GANANOQUE	LANARK COUNTY	PRESCOTT	SMITHS FALLS	UCLG	TOTAL
Current Method							
2014 MPAC Population	17,732	4,535	50,382	3,445	7,055	59,457	142,606
% Of Population	12.43%	3.18%	35.33%	2.42%	4.95%	41.69%	100.00%
2017 Levy	\$377,634	\$96,611	\$1,073,356	\$73,522	\$150,385	\$1,266,578	\$3,038,085
Preferred Method							
2016 Census Population	21,346	5,159	59,918	4,222	8,780	69,819	169,244
% of Population	12.61%	3.05%	35.40%	2.49%	5.19%	41.25%	100%
2017 Levy	\$383,180	\$92,609	\$1,075,583	\$75,789	\$157,609	\$1,253,315	\$3,038,085

**July 24, 2017**

**REPORT TO FINANCE & ADMINISTRATION COMMITTEE – August 15, 2017**

**2017-086-08**

**NEW ARB RULES AND PROCEDURES**

**D. DICK, CPA, CA  
DIRECTOR OF CORPORATE SERVICES  
L. FERGUSON CPA, CGA  
MANAGER OF FINANCE**

**RECOMMENDED**

THAT Council receives this report providing information relating to changes to the Assessment Review Board policies and procedures regarding assessment appeals.

**PURPOSE**

As of April 1, 2017 new ARB rules came into effect that changes how assessment appeals are dealt with. These new rules require a municipal representative to have full binding authority and be present at the mediation and/or settlement conference. The intent of the new ARB rules is to deal with settlements as efficiently as possible. All parties must be able to approve the settlement right at the hearing. The intent is to have all appeals heard within the four year cycle. Currently the Treasurer of the City of Brockville has this authority and signs all Minutes of Settlement.

**BACKGROUND**

Historically the ARB was not in a position to effectively move appeals through the system under the previous Rules of Practice and Procedure. The City has experienced numerous appeals that have taken years to settle which resulted in sizeable tax write-offs.

ARB faced many challenges, including:

- Eighty percent of appeals happen in the first year of the four year cycle.
- The parties couldn't complete all the work in the first year
- Timelines were not being met which resulted in numerous teleconferences to enforce compliance with the rules, significant time delays and additional costs to all involved
- The appeal movement through the system was controlled by the parties to the appeal and not the ARB.
- Not all information was being filed in a timely fashion.

The new rules are intended to address a number of municipal concerns as well:

- Not receiving or being included in pleadings, exchange of information, documentation or dialogue
- Clarity as to when a municipality is participating or not
- Disclosure-what is expected from a municipality
- Excessive resolution time-budgeting implications
- Input or influence into scheduling appeals

- Delays in the finalization of settlements

As of April 1, 2017 the ARB published an updated version of the Rules of Practice and Procedure of the Assessment Review Board. One of the main changes was to provide a schedule of events for general proceedings. This schedule sets out a timeline and due dates for each appeal, see Attachment 1. In the initial disclosure the City has the option of, no participation, monitoring only, disclosure/monitoring/not disputing value and full participation. Each appeal will be considered on a case by case basis, with the general plan of allowing small residential appeals to run their course with no participation and large industrial/commercial appeals would be full participation.

The City must notify the ARB of its Appeals Representative and its Complaints Representative. The Appeals Representative will be the main contact, will file all responses, take part in the hearings if appropriate and be able to sign off on the settlement at the hearing. The Complaints Representative is a person designated by the City to receive, investigate and resolve any complaints from the other parties to the appeal. It is expected that any complaint be resolved within one or two days.

## **POLICY IMPLICATIONS**

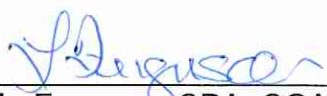
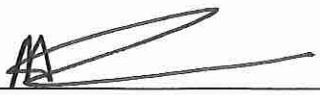
To participate in mediation the City must authorize its Appeals Representative to make and accept settlement offers at the time. To provide flexibility it is suggested that it be the Treasurer, or someone he designates.

## **FINANCIAL IMPLICATIONS**

There are no financial implications at this time.

## **CONCLUSION**

It is a requirement of the ARB that the City authorizes its Appeals Representative to have the ability to sign off on the appeals at the time of the hearing. Currently the Treasurer or his designate signs off on all Minutes of Settlement.

  
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D. Dick CPA CA,  
Director of Corporate Services  
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L. Ferguson CPA, CGA  
Manager of Finance  
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B. Casselman, City Manager

**SCHEDULE A – Schedule of Events for General Proceedings**

<b>Weeks following Commencement Day</b>	<b>Event</b>	<b>Time period to complete event</b>
Weeks 1 to 4	MPAC provides initial disclosure to all other parties	4 weeks
Week 5	All other parties must request any additional disclosure from MPAC	1 week
Week 6	MPAC to advise other parties if it disputes a request for disclosure	1 week
Weeks 7 to 9	Motion for Disclosure completed (if required); MPAC provides any additional required disclosure	3 weeks
Weeks 10 to 21	Each Appellant provides its disclosure and Statement of Issues to all other parties	12 weeks
Weeks 22 to 24	Each party who responds to the Appellant(s) to advise if an inspection or any additional disclosure is requested	3 weeks
Weeks 25 to 29	Any objection regarding a request for an inspection or a request for additional disclosure is to be resolved by motion.	5 weeks
Weeks 30 to 34	Where an inspection or additional disclosure is required, these are to be completed.	5 weeks
Weeks 35 to 46	Each party who responds to the Appellant(s) is to provide its Statement of Response and any additional supporting disclosure.	12 weeks
Weeks 47 to 50	Each Appellant to provide its statement of reply and any additional disclosure to support of its reply to all other parties	4 weeks



Weeks following Commencement Day	Event	Time period to complete event
Weeks 51 to 62	<p>All parties are required to schedule and complete a mandatory settlement meeting to attempt to resolve the appeal among themselves.</p> <p><i>If the appeal is resolved</i>, MPAC (or the Municipality, if MPAC is not a party to the appeal), must, on behalf of all parties, also:</p> <ul style="list-style-type: none"> <li>i. advise the Board in writing that the appeal is being withdrawn or will be resolved through minutes of settlement; and</li> <li>ii. advise the Board if the parties request an extension of the due date specified in the Board's Rules for filing minutes of settlement with the Board</li> </ul> <p><i>If the appeal is not resolved</i>, MPAC (or the Municipality, if MPAC is not a party to the appeal), on behalf of all parties, must also:</p> <ul style="list-style-type: none"> <li>i. advise the Board in writing that the appeal has not been resolved, and</li> <li>ii. advise the Board whether any of the parties intend to obtain any additional expert reports before the Board schedules a settlement conference or mediation;</li> </ul>	12 weeks
Weeks 63 to 66	<p><i>If the appeal is not resolved</i>, and none of the parties intend to obtain any additional expert reports, each party shall file with the Board:</p> <ul style="list-style-type: none"> <li>• its SOI, SOR, and Reply (as the</li> </ul>	4 weeks

Weeks following Commencement Day	Event	Time period to complete event
	<p>case may be);</p> <ul style="list-style-type: none"> <li>all documentary evidence, witness statements and expert reports on which the party intends to rely if the matter proceeds to mediation or a hearing; and</li> <li>its Settlement Conference Brief.</li> <li>On the consent the parties, the parties may submit a request in writing to the Board to conduct a mediation before the Settlement Conference. If the appeal is not resolved at the mediation, the mediator will then immediately proceed to conduct the Settlement Conference.</li> </ul>	
Weeks 63 to 78	<p><i>If the appeal is not resolved, and any of the parties intend to obtain any additional expert reports:</i></p> <ol style="list-style-type: none"> <li>Each Appellant must serve on all other parties any expert reports on which the Appellant intends to rely at the hearing, as well as any amendment to the Appellant's Statement of Issues to address any additional evidence or issues raised in an expert's report;</li> </ol>	16 weeks
Weeks 79 to 94	<ol style="list-style-type: none"> <li>Each Responding Party must then serve on all other parties any expert reports on which the Responding Party intends to rely at the hearing, as well as any amendment to the Responding Party's Statement of Response to address any additional evidence or issues raised in an</li> </ol>	16 weeks

Weeks following Commencement Day	Event	Time period to complete event
Weeks 95 to 100	<p>expert's report;</p> <p>3. Each Appellant must then provide any supplementary reports by its experts in reply to any expert reports served by a Responding Party.</p>	6 weeks
Weeks 101 to 104	<p>4. If, after the completion of the additional exchange of expert reports, the Parties are still unable to resolve the appeal, each party shall file with the Board:</p> <ul style="list-style-type: none"> <li>i. its amended SOI, SOR, and Reply (as the case may be);</li> <li>ii. all documentary evidence, witness statements and expert reports on which the party intends to rely if the matter proceeds to mediation or a hearing; and</li> <li>iii. its Settlement Conference Brief.</li> <li>iv. On the consent the parties, the parties may submit a request in writing to the Board to conduct a mediation before the Settlement Conference. If the appeal is not resolved at the mediation, the mediator will then immediately proceed to conduct the Settlement Conference.</li> </ul>	4 weeks

Where required, the Board schedules and conducts a Settlement Conference. The Board will then:

- i. Provide directions to schedule and conduct a mediation if mediation has not already occurred; or
- ii. Provide directions to schedule and conduct a hearing.

Where the Board has scheduled a hearing, the Board will then conduct the hearing and issue a decision.

**SCHEDULE B – Schedule of Events for Summary Proceedings**

<b>Weeks following Commencement Day</b>	<b>Event</b>	<b>Time period to complete event</b>
Weeks 1 to 4	The parties to complete exchange of disclosure.	4 weeks
Weeks 5 to 12	<p>Parties to schedule and complete a mandatory settlement meeting to attempt to resolve the appeal among themselves.</p> <p><i>If the appeal is resolved</i>, MPAC (or the Municipality, if MPAC is not a party to the appeal), on behalf of all parties, must:</p> <ul style="list-style-type: none"> <li>i. advise the Board in writing that the appeal is being withdrawn or will be resolved through minutes of settlement; and</li> <li>ii. advise the Board if the parties request an extension of the due date, specified in the Board's Rules, for filing minutes of settlement with the Board</li> </ul> <p><i>If the appeal is not resolved</i>, MPAC (or the Municipality, if MPAC is not a party to the appeal), on behalf of all parties, must:</p> <ul style="list-style-type: none"> <li>i. advise the Board in writing that the appeal has not been resolved, and request that the Board schedule a hearing of the appeal; and</li> <li>ii. advise the Board whether any of the parties requests a hearing in person, and/or that the hearing be</li> </ul>	8 weeks

<b>Weeks following Commencement Day</b>	<b>Event</b>	<b>Time period to complete event</b>
	scheduled for longer than 2 hours.	
Week 13 to 14	Where a hearing has been requested, the parties must file with the Board all documents and any written submissions on which they will rely at the hearing.	2 weeks

A Hearing (if requested) will be scheduled by the Board with notice to the parties. The Board will then conduct the hearing and issue a decision.

**August 9, 2017**

**REPORT FINANCE, ADMINISTRATION AND OPERATIONS COMMITTEE  
August 15, 2017**

**2017-088-08**

**BUILDING AND DEVELOPMENT CHARGE STATISTICS**

**DAVID DICK  
DIRECTOR OF CORPORATE SERVICES**

**RECOMMENDATION**

THAT this report has been prepared for information purposes at the request of committee members.

**BACKGROUND**

At the June 20th, 2017 FA&O committee meeting, a delegation consisting of local builders presented to council their views on the level of residential building activity in the City and the negative impact the reintroduction of development charges as well as the level of building permit fees have had on their ability to continue to build within our community.

As a result of this presentation, staff was asked to provide information on the following:

- Number of houses built during the five year development charge holiday
- Number of houses built during the time since the holiday ended
- Revenue per year from development charges and related building fees
- Community comparison – North Grenville/Leeds Grenville
- Other municipal comparisons, building fee rates and number of new builds

**DISCUSSION**

Information is being provided in separate attachments

- Attachment 1 Houses built pre and post-holiday
- Attachment 2 Revenues from DC's
- Attachment 3 Revenues from Building Permits
- Attachment 4 Comparison North Grenville/Leeds Grenville
- Attachment 4 Other municipal comparisons
- Attachment 4 Development Charge Rates for comparable municipalities
- Attachment 5 Comparison of building fee rates and new builds discounted rate.

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**CONCLUSION**

That Council receive this report on development charges and building fees.

*per D. Dick*

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D. Dick, CA  
Director of Corporate Services

*B. Casselman*

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B. Casselman  
City Manager



# Houses built pre and post development charges

	Single Family Units	Semi Detached Units	Apartment Units	Rowhouses Units
2016	13	0	85	0
2015	13	2	0	3
2014	30	0	12	6
DC's reintroduced				
2013	21	2	0	15
2012	13	6	0	22
2011	20	6	124	23
2010	24	5	0	8
2009	13	2	0	4
DC Holiday				
2008	18	0	0	0
2007	21	16	0	0
2006	20	8	109	20
2005	48	0	0	0
DC's				

Revenues from Development Charges

	Transportation	Recreation	Administration	Wastewater	Water	Total
2016	41,504	10,549	2,160	31,926	15,178	101,317
2015	26,355	8,333	1,404	20,654	10,010	66,756
2014	5,384	1,872	292	4,212	2,040	13,800
2009-2013	-	-	-	-	-	-
2008						142,247
2007						69,367
2006						82,256
2005						99,236

## Revenue from Building Permits

Year	Permits Issued	Permit Revenue	Construction Value
2016	286	287,378.14	44,941,338
2015	251	124,975.13	51,142,312
2014	264	178,236.95	28,311,971
2013	272	135,579.97	22,472,942
2012	290	176,717.61	15,634,392
2011	315	398,867.45	35,501,531
2010	328	193,352.35	61,678,247
2009	274	77,118.98	34,553,251
2008	276	119,853.74	26,347,907
2007	298	150,820.21	30,354,092
2006	403	282,867.82	14,551,973
2005	476	218,950.42	26,535,639

## Comparison of Development Rates and Reserve Fund Balances

	Reserve Fund	Development Charges					
		Single Dwelling	Semi Detached dwelling	Other	Apartments		
					<=1	>=2	Other
Brockville	181,874	3,552	3,552	2,681	1,417	2,247	-
Prescott	65,532	3,154	2,933	2,514	2,409	-	-
North Grenville	-	20,219	20,219	14,311	7,919	10,628	6,947
Elizabethtown	118,311	2,453	1,680	1,680	1,680	1,680	-
Rideau Lakes	34,811	3,491	3,491	3,491	3,491	3,491	-
Leeds & 1,000 Islands	5,927	-	-	-	-	-	-
North Dundas	597,087	3,728	3,478	2,981	1,987	2,608	2,856
South Glengarry	301,454	-	-	-	-	-	-
Cornwall	-	-	-	-	-	-	-
Qunite West	5,441,720	4,013	4,013	2,720	1,903	2,444	-
Orillia	-	14,396	14,396	12,341	7,214	10,383	-
Owen Sound	1,334,391	7,008	7,008	5,757	3,625	3,625	-
Orangeville	7,785,209	23,518	23,518	17,104	8,037	12,828	-

North Grenville has 11 RF with 2 in negative balance

Cornwall council has just approved DC's for the 2018 year

Orillia has 16 RF with 11 in negative balance

### Comparison of Building Permit Fees

Municipality	Rates	Example
Brockville	Base \$1,925 + \$.75/ sq ft in excess of 2,000 sq ft	\$ 1,925
Prescott	\$8.50 per \$1,000 of value	\$ 3,400
North Grenville	\$10 per \$1,000 of value	\$ 4,000
Elizabethtown	\$.75/ sq ft	\$ 1,500
Gananoque	\$50 + \$12 per \$1,000 of construction value	\$ 4,850
Rideau Lakes	\$15 per \$1,000 of value	\$ 6,000
Leeds & 1,000 Islands	\$17 per \$1,000 of value	\$ 6,800
North Dundas	\$7 per \$1,000 of value	\$ 2,800
South Glengarry	Base fee + \$.72/ Sq ft	\$ 1,590
Cornwall	\$12,50 per \$1,000 of value	\$ 5,000
Quinte West	\$10.20 per sq meter	\$ 6,218
Orillia	\$10.25 per value	\$ 4,100
Owen Sound	\$9.10 per sq meter	\$ 5,547
Orangeville	\$13.03 per sq meter	\$ 7,943

2,000 sq ft home with value of \$400,000