

Notice

In accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting is an opportunity for Council to have informal discussion regarding various matters.

Declarations of Pecuniary Interest

Items

1. Chief Administrative Officer to provide an overview of the Council Workshop.
2. Safe Drinking Water Act - 9:00 a.m. to 10:00 a.m.

The Director of Public Works Services to introduce Mr. Brian Jobb, Manager, Training Institute, Walkerton Clean Water Centre who will be providing a presentation regarding municipal requirements related to safe drinking water.
(Materials to be provided at workshop)

3. 10:00 a.m. - Break
4. Health and Safety Training - 10:15 a.m. - 11:00 a.m. p. 1

The Director of Human Resources to introduce Ms. Jayne Smith, Regional Consultant, Public Services Health and Safety Association who will be providing training regarding workplace health and safety.

5. Workplace Harassment and Accessibility for Ontarians with Disabilities Act - p. 29
11:00 a.m. - 12:00 p.m.

The Director of Human Resources and Deputy Clerk to provide a high level overview regarding Workplace Violence and Harassment legislation and the Accessibility for Ontarians with Disabilities Act.

Adjournment

Council Orientation Health & Safety



Purpose

- To provide fundamental health and safety information to elected officials in municipalities
 - Why Health and Safety
 - The Law
 - Due Diligence
 - H&S Updates



Who We Are

- PSHSA serves 1.67 million workers across 10,000 workplaces within broad range of Public sectors and subsectors.



Emergency Services

- Fire
- Policing
- EMS
- Security
- Corrections



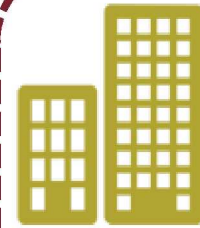
Education

- School Boards
- Universities
- Colleges
- Career Colleges
- Museums
- Libraries



Healthcare

- Institutional Health
- Primary Care
- Long-term Care
- Community Care
- Diagnostic Services
- Public Health
- Mental Health
- Treatment Services



Government

- Municipal Government
- Provincial Government
- Transit
- Recreation
- Public Works
- First Nations

Our Offering



Consulting

PSHSA has the expertise to help you generate solutions specific to your workplace



Training

From eLearning to classroom training, we offer effective solutions to meet your unique needs



Research

Research and Innovation drives PSHSA's competitive advantage



Resources

PSHSA offers a wide variety of general and sector-specific products in a range of formats. ➤

Why Health & Safety?

Discussion:

Why is workplace health and safety important to elected officials, such as Mayor and Councillors?

Leadership and Health and Safety

Strong leaders:

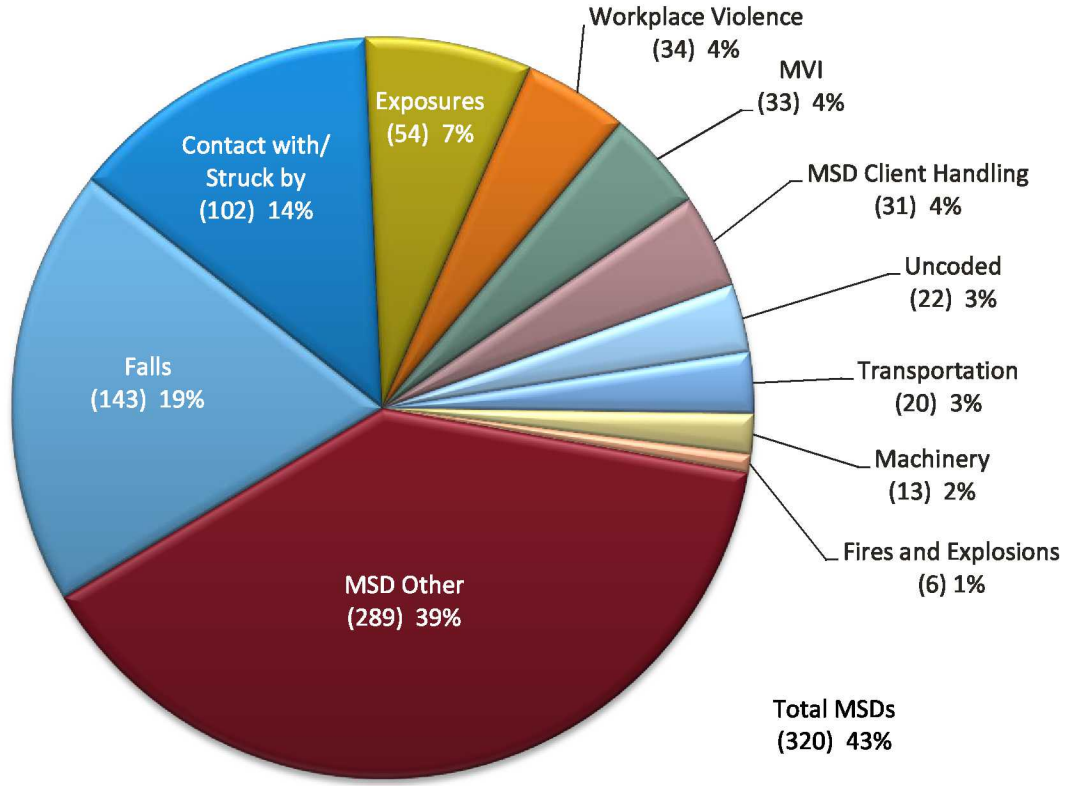
- recognize that solid health and safety performance drives business results.
- promote a culture of safety in their organizations, and integrate prevention measures into business strategies, processes and performance measures.



System Schedule 1 LTI Frequency Rates by Sector 2009 to 2013

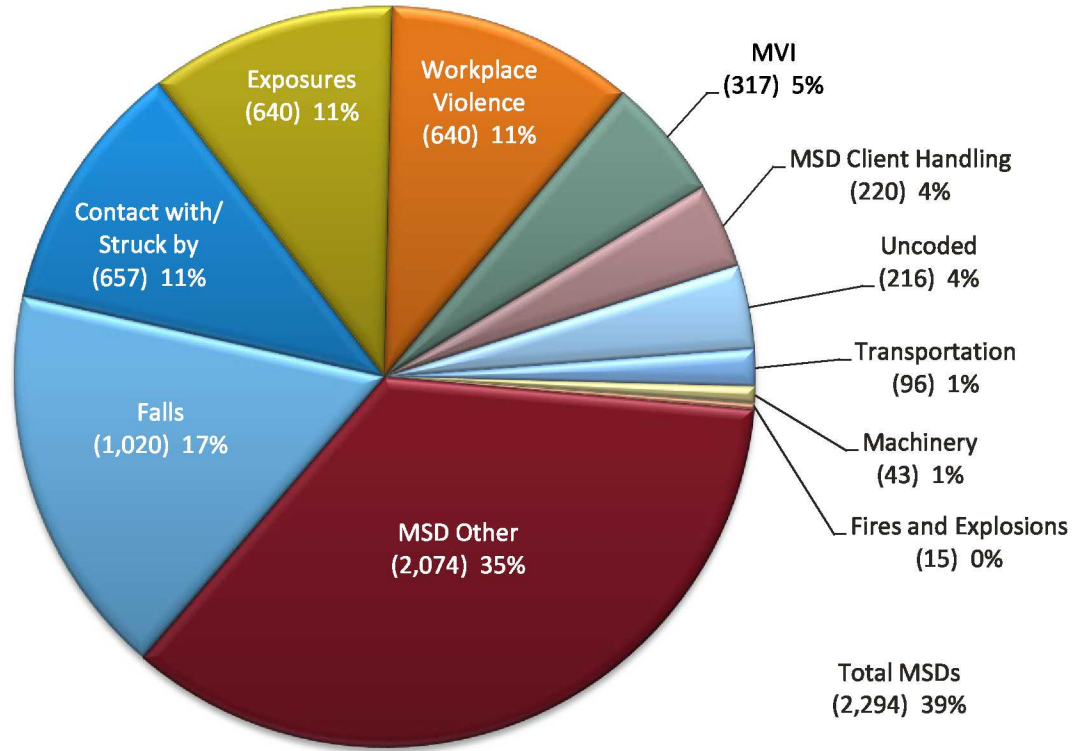
Sector	2009	2010	2011	2012	2013
AGRICULTURE	2.34	2.28	1.89	2.05	2.15
TRANSPORTATION	2.54	2.22	2.08	1.95	1.84
FORESTRY	1.87	2.09	1.92	1.74	1.55
MUNICIPAL	1.92	1.72	1.68	1.52	1.52
HEALTH CARE	1.86	1.80	1.50	1.53	1.37
CONSTRUCTION	1.74	1.56	1.48	1.39	1.21
AUTOMOTIVE	1.99	1.95	1.63	1.51	1.14
FOOD	1.39	1.25	0.98	0.99	0.86
SERVICES	1.11	0.99	0.92	0.86	0.84
MINING	1.15	1.19	1.26	0.94	0.79
STEEL	1.37	1.22	1.16	0.98	0.69
CHEMICAL/PROCESS	0.96	0.91	0.86	0.72	0.67
MANUFACTURING	0.92	0.80	0.76	0.72	0.67
PULP & PAPER	1.12	0.69	0.91	0.65	0.53
EDUCATION	0.49	0.45	0.40	0.40	0.37
ELECTRICAL	0.56	0.48	0.45	0.37	0.36

Municipal and Provincial Government Schedule 1 LTI Counts by Injury Type 2013



Data source: WSIB EIW Claim Cost Analysis Schema, March 2014 data snapshot.

Municipal and Provincial Government Schedule 2 LTI Counts by Injury Type 2013



Data source: WSIB EIW Claim Cost Analysis Schema, March 2014 data snapshot.



High Hazard Jobs/Occupations

- EMS, police, firefighters
- Public works and maintenance labourers
- Transit Operators
- Janitors/Caretakers
- Nurses and PSW
- Waste management workers

The Reality...

High Costs

- \$19,000 is average claim
- Associated costs are 3-10 that amount
 - Lost productivity
 - Surcharges
 - MOL orders
- Emotional & financial costs to worker

Internal Responsibility System (IRS)

- Shared responsibility for health and safety
- Encourages collaboration, communication and cooperation to resolve H&S issues
- The Act sets out specific duties for workplace parties



Definition of an Employer

- employer” means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services; (“employer”)
- *The Mayor and Councillors are employed by the Corporation.*

Duties of Employer



- **OHSA Sections 25, 26 overview:**
 - Provide required equipment, materials and PPE
 - Ensure all above are maintained in good condition
 - Ensure proper use of above
 - Ensure measures and procedures are carried out
 - Maintain a safe workplace
 - reference to building code for buildings & structures
 - Provide information, instruction and supervision to protect the health and safety of workers.
 - Must appoint “**competent person**” as “**supervisor**”
 - Make known any hazards in the workplace

Duties of Employer cont.

- Not permit anyone under the age prescribed to work in the workplace.
- Afford assistance and cooperation to the JHSC
- **Take all reasonable precautions for the safety of workers at all times**
- Post a copy of the Act in a prominent place in the workplace
- Prepare and review annually a written health and safety policy and develop and maintain a program to implement that policy
- where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker
- carry out such training programs for workers, supervisors and committee members as may be prescribed.

“Worker”

- Means a person who,
 - Performs work or supplies services for monetary compensation
 - Unpaid students, learners and trainees

OHSA – definition

- *Do elected officials perform work for monetary compensation...*

Duties of Directors and Officers of a corporation

Section 32

- Every director (Councillor) and every officer of a corporation shall take all reasonable care to ensure that the corporation complies with,
 - (a) the Act and the regulations;
 - (b) Orders and requirements of inspectors and Directors; and
 - (c) Orders of the Minister



Due Diligence

What is Due Diligence?

- Due diligence is the obligation to take every precaution reasonable in the circumstances to ensure that your obligations under the legislation are met.
- A person will not meet this test if a court determines that the person was negligent in meeting his or her obligations under the legislation.

Penalties under the OHSA

Section 66. (1)

Penalties- Every person who contravene or fails to comply with.

- a. a provision of this act or the regulations
- b. An order or requirements of an inspector or a Director; or
- c. An order of the Minister,

\$25,000, and/or 12 months imprisonment

Corporations:

- \$500,000 per violation



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Legal Liability

- Offences under the OHS Act are automatic or *strict liability* offences
 - You are guilty until you prove your innocence
- Only one way to prove your innocence
- Must prove that you have been **duly diligent**

Court Bulletin

Fined \$100,000

Outline: summer student was using a lawn mower when the mower got stuck in a rut, one worker pulled it from the front while a second student pushed it from the back. The moving blades of the mower were exposed which came in contact with the student's foot and resulted in severe lacerations to the foot (cut through safety shoes), damage to tendons and nerves and breaking 3 toes

The safety device known as "dead man's switch" had been tied down rendering the switch disabled. If not tied down the blade would have stopped within 3 seconds when the mower is not in use.

Charge: Employer failed to provide training to the injured worker on the mower's "dead man's switch." Lead hand was also charged as supervisor.

Court Bulletin Fined \$50,000

Outline: worker tripped over a cord when leaving a patient/resident bedside. The worker's foot became entangled in the cable, fell and fractured arm. Dangling cords were a known hazards in the workplace and it was documented on JHSC inspection records. The cord had not been secured.

Charge: Employer pleaded guilty to failing to train the employee on trip hazards and was fined \$50,000 plus 25% Victim Fine Surcharge.

Due Diligence is Proactive

Must be present in the workplace before an accident/incident takes place:

- Recognize, assess, control and evaluate hazards
- Ensure written policies, practices and procedures
- Establish training, instruction, and communication
- Observation and monitoring of OHS system
- Consistent correction of hazards & enforcement
- Record-keeping

Examples of Council Responsibilities

- Support Health & Safety program
- Make Health & Safety a part of the Corporation's Core Initiatives
- Ensure management is abiding by regulations
- Support management initiatives
- Have a fundamental understanding of OHSA
 - Participate in training and orientation
- Periodic review of health and safety measures

Examples of CAO & Management Responsibilities

- Nurture a culture supportive of health & safety values
- Demonstrate leadership
 - walk the talk
- Understand H&S laws, corporate obligations and policies
- Integrate health & safety into overall strategic and business plans of the Corporation
- Education supervisors/employees to make safety part of their everyday routine
- Hold subordinates accountable
- Ensure development of occupation health and safety system
- Monitor effectiveness of the health and safety program and respond to deficiencies

Did you know...

- ❑ Health & Safety Awareness Training
 - ❑ Workers
 - ❑ Supervisors
 - ❑ Includes elected officials
 - ❑ July 2014

- ❑ MTO Book 7 update
 - ❑ Unplanned events, Roundabouts, typical layout changes
 - ❑ January 2014

- ❑ Working at Heights training & provider standards
 - ❑ 2015

- ❑ JHSC training & provider standards
 - ❑ 2015

- ❑ GHS - moving from WHMIS
 - ❑ 2015

- ❑ Bill 18 – changes to worker definition
 - ❑ Include co-op students, interns and other like unpaid learners



**Public Services Health
& Safety Association™**
Your Health. Your Safety. Our Commitment.

Thank you!



PSHSA.ca



@PSHSAca



**Public Services Health &
Safety Association on
LinkedIn**



youtube.com/PSHSA



**416-250-2131
(toll free: 1-877-250-7444)**

Mandatory Compliance Training

Council Workshop
February 2, 2015



Agenda



- Overview provided by CAO
- Safe Drinking Water Act
- Break (10:00 a.m.)
- Health and Safety Training
- Workplace Violence and Harassment
- Accessibility for Ontarians with Disabilities Act (AODA)

Safe Drinking Water Act



Presentation:

Municipal requirements related to safe drinking water

Brian Jobb

- Manager, Training Institute, Walkerton Clean Water Centre

HEALTH & SAFETY POLICIES



Under Health & Safety legislation there is a responsibility to ensure that appropriate policies and/or programs are in place, communicated and all employees are working in compliance with same.

- HARASSMENT
- DISCRIMINATION
- VIOLENCE FREE WORKPLACE
- CORPORATE HEALTH & SAFETY POLICY AND PROCEDURES MANUAL



WORKPLACE HARASSMENT/ DISCRIMINATION/VIOLENCE



REQUIREMENTS

- Policies must be in place and actioned effectively to meet the requirements of legislation
- Policies address all activities that occur not only on Town premises but also while engaging in work activities or Town sanctioned social events. The Occupational Health & Safety Act defines a workplace as “any land, premises, location or thing at, upon, in or near which a worker works.”
- Annual reviews of the policies are undertaken by the Health & Safety Committee
- There is an Workplace Violence and Harassment Coordinator – Director, Human Resources

WORKPLACE DISCRIMINATION



The unequal treatment of a person based on one of the prohibited grounds identified in the Ontario Human Rights Code which include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, sex, sexual orientation, disability, marital status, family status, or record of offences.

WORKPLACE DISCRIMINATION



Examples

Making disparaging comments about someone's colour or work ethic because they come from a different country

Isolating someone due to their sexual orientation

Making inappropriate comments or telling jokes that are offensive to others

Using derogatory slang terms to describe a person with a different ethnic origin

WORKPLACE HARASSMENT



- 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
- Definition - harassment under the Ontario Human Rights Code (prohibited grounds)
 - - psychological or personal harassment
- Includes unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to an employee or a group of employees.
- 1 serious incident or a series of incidents and may also exist systemically as part of the work environment.
- Behaviour that intimidates isolates or even discriminates against the targeted employee(s).
- Reasonable person test

WORKPLACE HARASSMENT



Examples

- making remarks, jokes or innuendos that demean, ridicule, intimidate or
- offend;
- displaying or circulating offensive pictures or materials in print, electronic
- or any other form;
- bullying;
- repeated offensive or intimidating phone calls or e-mails; or inappropriate
- sexual touching, advances, suggestions or requests.

PROGRAM APPLICATION



- Discrimination & Harassment Program affords individuals 3 options:
 - Dealing directly with the harasser
 - Requesting informal action and resolution
 - Filing a formal complaint
- Issues arising between Council members should be directed to the Office of the Mayor
- Employees may also choose to make a complaint directly to the Ontario Human Rights Commission (related to prohibited grounds covered by the Code) or seek outside legal assistance.

WORKPLACE VIOLENCE



- The attempt to or exercise of physical force by a person against a worker, in a workplace that causes or could cause physical injury to the worker
- A statement or behavior that it 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.
- Domestic violence that could find its way into the workplace
- Employer has an obligation to
 - ensure violence or threats of same are not tolerated, ignored or condoned
 - investigate claims or occurrences of violence in the workplace
 - conduct and maintain workplace violence risk assessments

WORKPLACE VIOLENCE



Examples

- threatening behaviour - shaking fists, destroying property or throwing objects.
- verbal abuse or verbal or written threats - any expression of an intent to inflict harm.
- physical attacks - hitting, shoving, smacking, pushing or kicking.

CONSISTENT OBLIGATIONS



- Review the Health & Safety Manual available on Town Central
- Review policies and support programs outlined today
- Work in a safe and respectful manner and uphold the policy
- Conduct yourself in a professional manner at all times consistent with the Code of Conduct
- Take action if you see inappropriate behavior

REFERENCE MATERIAL



- [Health & Safety Manual](#)
- [Harassment/Discrimination Free Workplace Policy](#)
- [Harassment/Discrimination Free Workplace Program](#)
- [Violence Free Workplace Policy](#)
- [Violence Free Workplace Program](#)



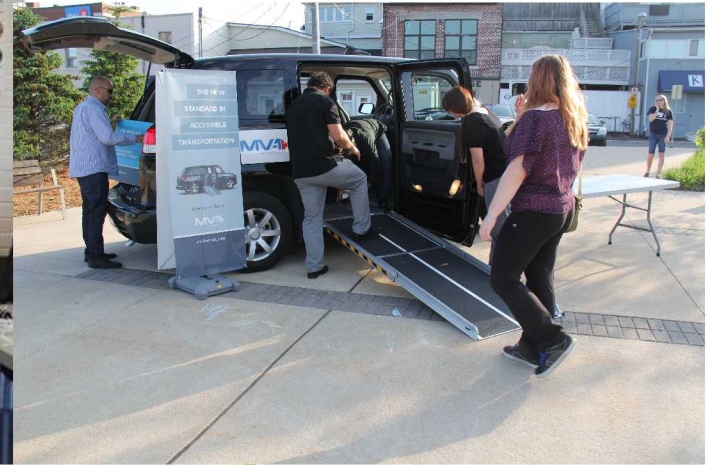
Vision

Securing tomorrow by living safe and working smart today.

Mission

To maintain a safe workplace for all employees for their well being for today and all of their tomorrows through knowledge, education, training and communication at all levels.

Accessibility



Ontarians with Disabilities Act, 2001 (ODA)



Purpose:

To improve opportunities for people with disabilities by identifying, and removing barriers

Applies to the broader public sector

Requires annual accessibility planning

Requires municipalities to maintain an Accessibility Advisory Committee

Accessibility for Ontarians with Disabilities Act, 2005 (AODA)



Purpose:

To achieve a fully accessible Ontario by 2025, through the development of accessibility standards

Under the AODA there are two provincial regulations, namely:

- Accessibility Standards for Customer Service
- Integrated Accessibility Standards

Customer Service Standard



Requires:

Accessible customer service policy
procedures and practices

Communication

Assistive devices, service animals and
support persons be allowed to accompany a
person with a disability

Staff to be trained

Method to receive and respond to feedback

Notice of Service Disruption

Customer Service Standard



Resources:

[Accessibility Standards for Customer Service \(Ontario Regulation 429/07\)](#)

[Accessibility Standards for Customer Service Policy](#)

[Corporate Procedures to Accessibility Standards for Customer Service](#)



Integrated Accessibility Standards



- Employment
- Information and Communications
- Transportation
- Design of Public Spaces (Built Environment)

Integrated Accessibility Standards



Requires:

Establishment, implementation, maintenance and the documenting of a Multi-year Accessibility Plan

Incorporation of accessibility criteria and features when procuring or acquiring goods, services or facilities

Training

Other specific requirements under the standards

Integrated Accessibility Standards



Resources:

[Integrated Accessibility Standards Regulation \(Ontario Regulation 191/11\)](#)

[Integrated Accessibility Standards Regulation \(IASR\) Policy](#)

[Newmarket's 2013 to 2017 Multi-year Accessibility Plan](#)

[Newmarket's 2013 to 2017 Multi-year Accessibility Plan - 2014 Status Update](#)

Next Steps



Complete Accessible Customer Service
Training Booklet

Complete Integrated Accessibility Standards
Training Video (online)

QUESTIONS?