



CITY OF CORNER BROOK

Dear Sir\Madam:

I have been directed by His Worship the Mayor to summon you to a Committee of the Whole Meeting of the Corner Brook City Council, to be held on **Monday, December 6, 2021** at **7:00 p.m.** **Council Chambers, City Hall.**

CITY CLERK

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**MINUTES OF A REGULAR MEETING OF
THE COUNCIL OF THE CITY OF CORNER BROOK
VIDEO CONFERENCE
MONDAY, 22 NOVEMBER, 2021 AT 7:00 PM**

PRESENT:

Mayor	J. Parsons	R. Cumby, City Manager
Deputy Mayor	L. Chaisson	D. Park, Director of Finance & Administration
Councillors:	P. Gill	D. Charters, Director Community Engineering Development and Planning
	V. Granter	T. Flynn, Director of Protective Services
	B. Griffin	D. Burden, Director of Public Works, Water and Waste Water Services
	P. Keeping	M. Redmond, City Clerk
	C. Pender	B. Tibbo, Seargent-At-Arms

Absent with Regrets: T. Flynn, Director of Protective Services

CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

21-154 Approval of Agenda

On motion by Councillor C. Pender, seconded by Deputy Mayor L. Chaisson, it is **RESOLVED** to approve the agenda as circulated with the following additions:

- Crematorium – Request for Meeting

MOTION CARRIED.**21-155 Approval of Minutes (Committee of the Whole Meeting - 8 November 2021)**

On motion by Councillor P. Gill, seconded by Councillor B. Griffin, it is **RESOLVED** to approve the Minutes of the Committee of the Whole Meeting of 8 November 2021. **MOTION CARRIED.**

21-156 Business Arising From Minutes

It was confirmed that the presentations on sidewalks which was deferred at the last Committee of the Whole Meetings will be coming forward to a future meeting.

It was also confirmed that wooden property markers are available for any resident interested in obtaining them.

Crematorium- Tabled Motion

On motion by Councillor P. Gill, seconded by Councillor B. Griffin, it is **RESOLVED** to take from the table the excerpt of MOTION COW21-156:

"It is RESOLVED to rescind Minute 21-79 approving the application for a crematorium at 167 Country Road"

(Councillor L. Chaisson voted against the motion). MOTION CARRIED.

Councillor C. Pender advised that he would like to withdraw the motion to rescind Minute 21-79 approving the application for a crematorium at 167 Country Road. There was unanimous consent to withdraw the motion. **MOTION WITHDRAWN**

21-157 Crematorium- Request for Meeting

On motion by Councillor V. Granter, seconded by Councillor C. Pender, it is **RESOLVED** that the City of Corner Brook invite the crematorium proponents and representatives from the concerned citizens committee to a meeting with city staff and council representation to discuss potential and possible alternative solutions to the proposed crematorium site on Country Road. Be it **FURTHER RESOLVED** that this meeting be brokered at a convenient time for all. **MOTION CARRIED**

21-158 Proclamations and Events

Mayor Parsons recognized the following events:

- MADD Red Ribbon Day - Project Red Ribbon runs from the beginning of November to January 3rd
- November 20th, 2021 was declared as Transgender Day of Remembrance.

21-159 Cleaning & Maintenance Services - City Buildings 2021-28

On motion by Councillor B. Griffin, seconded by Deputy Mayor L. Chaisson, it is **RESOLVED** to award the tender for Cleaning and Maintenance Services for City Buildings (2021-28) to K and D Commercial Maintenance Limited in the amount of \$52,900.00 (HST included). **MOTION CARRIED.**

21-160 Standing Offer - Hired Equipment Services, Contract #2021-29

On motion by Councillor V. Granter, seconded by Councillor P. Gill, it is **RESOLVED** to accept staff's recommendation to accept the quotation for Hired Equipment Services as stated in the attached document for a seven-month period (December 22nd, 2021 to May 21st, 2022) on a standing offer basis. **MOTION CARRIED.**

21-161 Crown Land Application - Route 440 - North Shore Highway

On motion by Councillor P. Gill, seconded by Councillor B. Griffin, it is **RESOLVED** to approve the application to occupy crown land for the purpose of operating an agricultural use on land as requested along Route 440 - North Shore Highway subject to:

- the applicant complying with the City of Corner Brook Development Regulations;
- the setback and access off of Route 440 being approved by the Government of Newfoundland and Labrador; and
- washroom facilities being provided onsite. **MOTION CARRIED.**

21-162 Discretionary Use - Land adjacent to 133 Bayview Heights - Proposed Sawmill

On motion by Deputy Mayor L. Chaisson, seconded by Councillor , it is **RESOLVED** to approve the application to operate a sawmill from the land adjacent to 133 Bayview Heights in accordance with Regulation 11 - Discretionary Powers of Authority. **MOTION CARRIED.**

21-163 14 Balsam Avenue (Proposed 12 unit Apartment Building)

On motion by Councillor C. Pender, seconded by Councillor B. Griffin, it is **RESOLVED** to approve the application for the proposed 12 unit apartment building at 14 Balsam Avenue. **Deputy Mayor L. Chaisson, Councillors C. Pender, P. Gill, V. Granter & P. Keeping voted against. MOTION DEFEATED.**

21-163 NOTICE OF MOTION – 678 O’Connell Drive

Councillor B. Griffin provided verbal notice that he will presenting a Notice of Motion at the next Council meeting to rescind approval of the rezoning application for the property at 678 O’Connell Drive.

ADJOURNMENT

There being no further business the meeting adjourned at 7:45 p.m.

 City Clerk

 Mayor



Request for Decision (RFD)

Subject: Notice of Motion – Rezoning Application - 678 O'Connell Drive

To: Council and Mayor

Meeting: Committee of the Whole - 06 Dec 2021

Staff Contact: Rodney Cumby, City Manager

Topic Overview: Bring forward Notice of Motion from Public Council Meeting of 22 November 2022

BACKGROUND INFORMATION:

At the Public Council Meeting of 22 November 2022, Councillor B. Griffin presented a verbal Notice of Motion to rescind the rezoning application for the property at 678 O'Connell Drive. As per Section 17 of the City Corner Brook Rules of Procedure this motion is now being brought forward for Council's consideration.

Staff have reviewed the Notice of Motion and is recommending that the motion to rescind be withdrawn as irreversible action has already been taken on the application and the property has been rezoned.

PROPOSED RESOLUTION:

MOTION PRESENTED AT PUBLIC COUNCIL MEETING OF 22 NOVEMBER 2021

RESOLVED to rescind approval of the rezoning application for the property at 678 O'Connell Drive.

City Manager



Information Report (IR)

Subject: Protective Services Statistics for month of October 2021

To: Rodney Cumby

Meeting: Committee of the Whole - 06 Dec 2021

Department: Protective Services

Staff Contact: Todd Flynn, Director of Protective Services

Topic Overview: To inform the residents of Corner Brook of the work that is being done by the Protective Services Department.

BACKGROUND INFORMATION:

On a monthly basis Protective Services compiles its statistics to report them out to council and residents.

1. Our Municipal Enforcement Officers received 112 calls for services as follows:

By-law Enforcement:

- 6 Untidy property
- 5 Rodents
- 2 Littering
- Various other routine complaints

Taxi Regulation:

- 1 Taxi Driver Permits
- 6 Taxi Vehicle Permits
- 31 Taxi Inspections

Animal Control:

32 Calls for Service were received that included:

- 9 Roaming Animals
- 16 Injured/Dead Animals
- 1 Violations issued

Parking Enforcement:

72 Parking related violations were issued that included:

- 52 Expired Meters

- Various other parking violations (Loading Zone, Wrong Direction, Unattended Vehicle, Parked on Sidewalk, etc.)

During October all taxis operating in the city undergo Bi annual inspection.

2. The Corner Brook Fire Department received 26 calls for service that included:

- 1 – commercial structural fire; (Gullage Avenue/Main Street)
- 7 - commercial fire alarms;
- 4 – residential fire alarms;
- 2 – vehicle fires;
- 7 – traffic collisions: (1 of which incurred injuries);
- 1 –pole fire;
- 1 – bonfire complaint;
- 1 – small petroleum spill;
- 2 - non-emergency

3. The Fire Department inspection report is not available for October.

4. The total volume of calls received by the Corner Brook PSAP for September was 6004. The calls are broken out as follows:

Primary Agency	Number of Transferred Calls
Police	1,021
Ambulance	1,509
Fire	155
Airport Authority	1
Crisis	11
MRSC	4
Northern911	2
Parks Canada	1
Poison Control	0
RoCP	8
Total	2,712

Volume of Non-Transferred 911 Calls: **3,292**

Director of Protective Services
Legislative Assistant

Approved - 02 Dec 2021
Approved - 02 Dec 2021

City Manager



Information Report (IR)

Subject: Winter On-Street Parking Ban

To: Rodney Cumby
Meeting: Committee of the Whole - 06 Dec 2021
Department: Protective Services
Staff Contact: Todd Flynn, Director of Protective Services
Topic Overview: Winter On-Street Parking Ban

BACKGROUND INFORMATION:

Our Traffic Regulations match the provincial Snow Clearing Regulations in that from December 1st through to May 1st, you cannot legally park a car on a City street between the hours of 12:00 midnight to 8:00 am. The intent of this regulation is to facilitate unobstructed overnight snow clearing. Vehicles found on the City streets during this time will be subject to fines and towing.

The Overnight Winter Parking Ban will start **December 1st through to May 1st**. The hours of no parking on City streets will be from **12:00 midnight to 8 in the morning**. Vehicles found in violation will be **ticketed and possibly towed**.

Director of Protective Services
 Legislative Assistant

Approved - 02 Dec 2021
 Approved - 02 Dec 2021

City Manager

SIDEWALKS

Condition Assessment Survey
November 8, 2021

PRESENTATION OVERVIEW

- Introduction
- Condition Assessment Methodology
- Findings
- Costing
- Recommendations
- Public Concerns
- Questions



INTRODUCTION

- City of Corner Brook has approximately 44 km of sidewalk
- Sidewalks are constructed of either concrete, asphalt, or brick pavers
- Historically concrete has been the material of choice
- 2021 budget for concrete curb and sidewalk repairs is \$211,000
- Approximate cost to replace concrete sidewalk is \$155/linear meter
- [REDACTED] – College of North Atlantic Civil Engineering Technology
Work Term Student
 - ArcGIS Software, iPad, and Bad Elf

CONDITION ASSESSMENT METHODOLOGY

- Sidewalk Classification
 - Based on traffic volume to assess the need for repair and level of risk associated with having substandard sidewalk
 - High Traffic Areas – downtown core including Broadway, Main Street, West Street, Park Street, and Herald Avenue
 - Standard Traffic Areas – areas not designated as High Traffic Areas

CONDITION ASSESSMENT METHODOLOGY

- **Priority Rating**
 - Priority 1 – Locations that have a condition of Very Poor or any location which is considered to be an immediate serious safety concern. Problem area is marked with orange paint and Superintendent of PW is notified immediately.
 - Priority 2 – Locations that have a condition of Poor or Average or where it is determined that the problem is not an immediate safety concern. Problem area is marked with orange paint and Superintendent of PW is notified through a report once scheduled inspections are complete.
 - Priority 3 – Locations that have a condition of Fair or New or where it is determined that the problem is not a safety concern. Superintendent of PW is notified through a report once scheduled inspections are complete.
 - Rating system also considers whether the sidewalk is in a High Traffic Area, school area, as well as accessibility when establishing priorities

CONDITION ASSESSMENT METHODOLOGY

- **Condition Rating**

Overall Condition	Faulted edge	Spalled	Cracking	Priority
New	5 mm or smaller	5% or less	Little to none	3
Fair	5 mm or smaller	5% to 10%	60% or less	3
Average	5 mm to 10 mm	10% to 20 %	60% to 80 %	2
Poor	10mm to 20 mm	20% to 50 %	80% or greater	2
Very Poor	15mm or greater	50 % 100 %	80% or greater	1

CONDITION ASSESSMENT METHODOLOGY

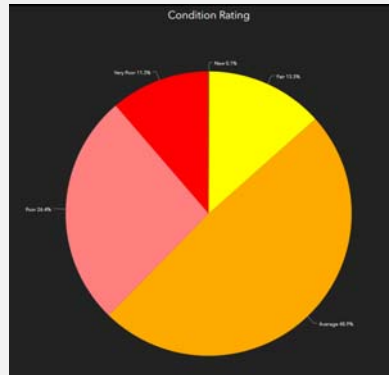
- Repairs
 - Priority 1: Problems, as confirmed by the Superintendent of PW , will be repaired as soon as practical, considering weather and crew availability. If there is a substantial delay, the hazard will be clearly marked so it is easily identified, or the sidewalk will be closed.
 - Priority 2: Problems, as confirmed by the Superintendent of PW, will be repaired as soon as practical based on crew availability and budget constraints. These repairs may be delayed until a crew is working in the area.
 - Priority 3: Problems, as confirmed by the Superintendent of PW, will be repaired as soon as practical based on crew availability and budget constraints. These repairs may be delayed for several years if an area is scheduled for reconstruction.
 - Engineering notified of all repairs and will adjust the GIS system.

CONDITION ASSESSMENT METHODOLOGY

- Repair Options
 - Crack Filling – Crack filling is done primarily to seal concrete cracks to prevent moisture from penetrating the base, causing additional crack widening and uneven settlement. Crack filling is appropriate for longitudinal cracks where separation is less than 12 mm and differential settlement has not occurred. Cracks are cleaned and filled with a sealant. Crack filling to be done on an area basis as crews and budget are available.
 - Asphalt Overlay – Asphalt overlays to be used as a temporary measure to smooth the surface of the concrete if the concrete is severely spalled or cracked. While not the best aesthetic treatment, an asphalt overlay does provide a reasonably safe walking and wearing surface.
 - Replacement – Sidewalk replacement is appropriate if severe damage has occurred to the sidewalk which cannot be corrected by one of the methods described above. Replacement is most cost effective when done on an area basis, but replacement at individual locations is sometimes necessary.

FINDINGS

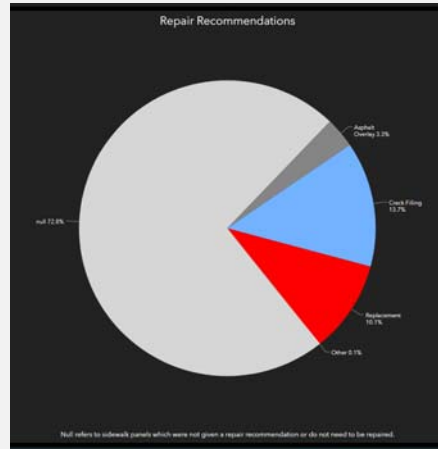
- Approximately 44 km of sidewalk was surveyed or 15,000 sidewalk panels



FINDINGS



FINDINGS



COSTING

- Replacement – 10 % or 1,800 panels
- Panels are approximately 2.4 meters in length
- Approximately 4,400 meters of sidewalk need to be replaced
- @ \$155 / linear meter
- \$682,000
- This cost doesn't include the concrete curb and sidewalk we replace each summer from Water and Wastewater repairs.



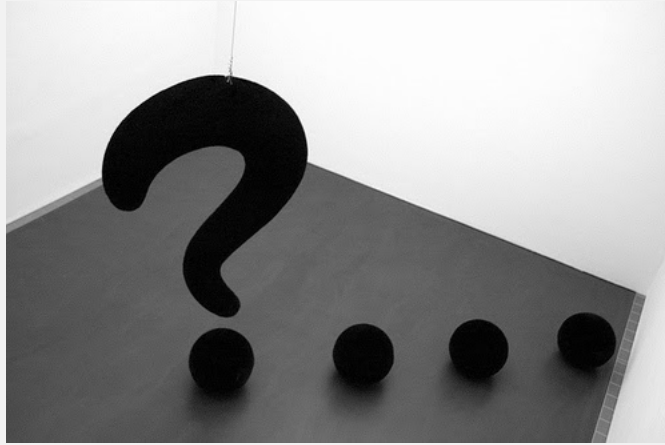
RECOMMENDATIONS

- More asphalt in standard low traffic areas to save on cost and still maintain appearance and functionality.
- Annual monitoring and assessment of sidewalk condition.
- Acknowledging public complaints and concerns in a timely fashion.
- Maintaining the most crucial areas for seniors, accessibility, and children.

PUBLIC CONCERNS

- Seniors in Curling upset at sidewalk condition, making it challenging to go for a walk
- Some roads only have sidewalk on one side
- Snow clearing concerns

QUESTIONS





Request for Decision (RFD)

Subject: Discretionary Use - 100 Humber Road - Home Based Business Office

To: Deon Rumbolt
Meeting: Committee of the Whole - 06 Dec 2021
Department: Development and Planning
Staff Contact: James King,
Topic Overview:
Attachments: [Figure 1 - Map - 100 Humber Road Application](#)
[Memo to Deon - Home Based Business Office 100 Humber Road Application - 100 Humber Road](#)

BACKGROUND INFORMATION:

A notice was delivered to the residents in the immediate area of 100 Humber Road indicating the proposed home based business office. As a result of this notice, no submissions were received. Parking has been reviewed and sufficient parking is present. After review of the application and the results of the notice to the residents, the Development & Planning Department is recommending that approval be granted for the requested home based business office.

PROPOSED RESOLUTION:

Be it RESOLVED that the Council of the City of Corner Brook approve the application to operate a home based business office from the dwelling located at 100 Humber Road in accordance with Regulation 11 - Discretionary Powers of Authority.

GOVERNANCE IMPLICATIONS:

Bylaw/Regulations
 City of Corner Brook Development Regulations
 11

ALTERNATIVE IMPLICATIONS:

1. That Council approve the application to operate a home based business office from the dwelling located at 100 Humber Road in accordance with Regulation 11 - Discretionary Powers of Authority.
2. That Council not approve the application to operate a home based business office from the dwelling located at 100 Humber Road in accordance with Regulation 11 - Discretionary Powers of Authority.

3. That the Council of the City of Corner Brook provides other direction to staff.

	Approved - 02 Dec 2021
Director of Community, Engineering, Development & Planning	Approved - 02 Dec 2021
Legislative Assistant	Approved - 02 Dec 2021

City Manager



MEMO

To: Manager of Development & Planning
Fr: Development Inspector I
Subject: **100 Humber Road – Home Based Business Office**
Date: November 29, 2021

The City of Corner Brook has received an application to operate a home based business office (website design) from the dwelling located at 100 Humber Road which is located in a Residential Medium Density Zone.

A home based business office is a “Discretionary Use” of the City of Corner Brook Development Regulations for this zone. A notice was delivered to the residents in the immediate area of 100 Humber Road indicating the above mentioned request. As a result of this notice the City did not receive any correspondence.

While there is no proposed clientele proposed to visit the dwelling, a site inspection by City staff has revealed that there is sufficient parking at this location for both the existing single dwelling unit and the proposed home based business office.

After review of the application and the results to the notice to occupants, it appears that there is no impediment for this development to commence.

Should you require further information, please contact me at your convenience.

Signed: _____
James King, CET, CPT

CITY OF CORNER BROOK

BUILDING INSPECTION OFFICE, COMMUNITY SERVICES, CITY HALL, 637-1500
BUILDING PERMIT / DEVELOPMENT APPLICATION

RESERVED FOR OFFICE USE	
PROPERTY ID _____	PERMIT NUMBER _____

OWNER / APPLICANT: [REDACTED]	DATE: <u>Nov. 15 / 21</u>
ADDRESS: [REDACTED]	EMAIL: [REDACTED]
CITY: [REDACTED]	PROVINCE: [REDACTED]
POSTAL CODE: [REDACTED]	TELEPHONE: [REDACTED]
PROPERTY LOCATION: <u>100 Humber Road</u>	
BUILDER:	
ADDRESS:	
CITY:	PROVINCE:
POSTAL CODE:	TELEPHONE:

BUILDING PERMIT APPLICATION (Please check appropriate box)		
<u>BUILDING TYPE</u>	<u>CONSTRUCTION TYPE</u>	
ASSEMBLY <input type="checkbox"/>	ERECT (NEW) <input type="checkbox"/>	PATIO / DECK <input type="checkbox"/>
INSTITUTIONAL <input type="checkbox"/>	REPAIR <input type="checkbox"/>	CARPORT / GARAGE <input type="checkbox"/>
RESIDENTIAL <input type="checkbox"/>	EXTEND <input type="checkbox"/>	ACCESSORY BUILDING <input type="checkbox"/>
BUSINESS / SERVICE <input type="checkbox"/>	ALTERATION <input type="checkbox"/>	APARTMENT <input type="checkbox"/>
MERCANTILE <input type="checkbox"/>	SIGN <input type="checkbox"/>	RETAINING WALL <input type="checkbox"/>
INDUSTRIAL <input type="checkbox"/>	POOL <input type="checkbox"/>	DRIVEWAY <input type="checkbox"/>
		OTHER <input type="checkbox"/>

DEVELOPMENT APPLICATION (Please check appropriate box)		SITE DEVELOPMENT <input type="checkbox"/>
<u>DEVELOPMENT TYPE</u>		HOME BASED BUSINESS <input checked="" type="checkbox"/>
RESIDENTIAL DEMOLITION <input type="checkbox"/>		NEW BUSINESS <input type="checkbox"/>
COMMERCIAL DEMOLITION <input type="checkbox"/>		CHANGE OF USE <input type="checkbox"/>
SUBDIVISION / CONSOLIDATION OF PROPERTY <input type="checkbox"/>		RELOCATION OF BUILDING <input type="checkbox"/>
NEW BUILDING (RESIDENTIAL / COMMERCIAL) <input type="checkbox"/>		OTHER <input type="checkbox"/>

DESCRIPTION OF WORK: <u>I am a website designer. I have just purchased 100 Humber Road as my home. I want to use my spare bedroom as a home office. There would be NO clients coming to my home office - I would work entirely remotely.</u>
ESTIMATED CONSTRUCTION VALUE - (MATERIALS & LABOUR) \$ <u>N/A</u>

DECLARATION:

I hereby apply for permission to carry out the development herein. I declare that all the information given by me in connection with this application is true and correct to the best of my belief and that the development described, if permitted, will be carried out in accordance with all applicable laws and regulations of the Province of Newfoundland and Labrador and the City of Corner Brook.

NOTE:

Where the Applicant and Property Owner are not the same, the signature of the Property Owner may be required before the application can be processed.

SIGNED BY: [REDACTED]	APPLICANT: [REDACTED]
PROPERTY OWNER: [REDACTED]	WITNESS: [REDACTED]

THIS APPLICATION IS NOT VALID UNTIL COMPLETED AND SIGNED.
SEE REVERSE FOR FEES AND CONDITIONS.



Information Report (IR)

Subject: Engineering, Development and Planning Updates

To: Rodney Cumby

Meeting: Committee of the Whole - 06 Dec 2021

Department: Engineering

Staff Contact: Darren Charters, Director of Community, Engineering, Development & Planning

Topic Overview: This report is intended to serve as an update to Council regarding the various Engineering, Development and Planning projects.

BACKGROUND INFORMATION:

The current project updates are as follows:

Engineering

City Hall Heat Pumps

Two (2) units have been ordered but delivery is taking longer than expected

Storm Sewer Assessment – SNC Lavalin

Project is complete and a summary report has been sent to FCM as per funding agreement.

Corner Brook Regional Recreation Centre

Staff is now prepared to recommend that the City enter in to a Design Build contract with the preferred proponent in December. Staff will provide Council with an update on the project before bringing the contract forward for approval.

2022 Asphalt Program

Staff will develop the program for 2022 over the winter months based on an updated condition assessment of the roads in the City.

St. Mary's Brook Culvert – Phase 2

The project is now 85% complete and should be done in the next few weeks.

Retaining Walls - 55 Gibbons, 21 East Ave & 200 Petries St.

The project is tendered and closes December 2nd. Construction is scheduled for next spring.

Multi Year Capital Projects

Prime Consultant Agreements (PCA) have been executed with the design for all projects being completed over the winter. Project Kick-off meetings with consultants are completed.

- Johnsons Avenue Storm Sewer
- Retaining walls
 - 200 Petries St.
 - 21 East Ave.
 - 55 Gibbons Ave.
- Intersection Improvements (Griffin at Lewin, Mill Road at Lewin)
- Bells Brook Culvert
- Blackwood's Hill Culvert
- Citadel Drive PRV Upgrades

Mt. Bernard Avenue Rebuild Project

The Request for Proposals (RFP) for engineering services has been issued and closes on November 16th. The RFP's have been evaluated and staff are ready to award pending a funding announcement from the Province.

Development and Planning

CB Acute Care Hospital (Healthcare Crescent)

Project Progressing on schedule for completion in fall 2023 to summer 2024
Downstream Servicing Upgrades Required

Research & Innovation Hub – (1 Mill Road)

The project is progressing well and is 75% complete. Drywall has recently been installed. The site has also been paved and the building is expected to be complete by spring of 2022.

Justin French – Gas Station (Grenfell Drive)

Land use approval to be sent forward to Council and project will begin in 2022.

New Vet Clinic – (25 Poplar Road)

Permits issued for Structural Steel and Civil Site works with review of Mechanical, Electrical and Architectural ongoing

New Subway Building: (Union Street)

Permit issued for building, project is progressing.

New IMSP and Development Regulations:

Consultation and review is underway, consultant is reviewing feedback from Council, businesses, residents and special interest groups. A "Best Practices Report" has been released publicly. Feedback will be analyzed to determine if proposed changes need to be altered.

Director of Community, Engineering, Development & Planning	Approved - 01 Dec 2021
Legislative Assistant	Approved - 02 Dec 2021

City Manager



Information Report (IR)

Subject: Community Services Project Update

To: Rodney Cumby

Meeting: Committee of the Whole - 06 Dec 2021

Department: Community Services

Staff Contact: Darren Charters, Director of Community, Engineering, Development & Planning

Topic Overview: This report is intended to give council and the public a snap shot of what is happening in the Community Service world as the year draws to a close.

BACKGROUND INFORMATION:

Tourism

Strategic Tourism for Areas and Regions (STAR)

Staff have completed a funding application for ACOA to undertake the implementation phase of the project (pending budget approval). Staff have also met with funding partners to determine the next steps to further the following initiatives.

- Branding and Marketing
- Trail Development
- Geopark

Staff are beginning to put together an implementation committee so anyone who is interested in serving on that committee are asked to contact Glenda Simms at gsimms@cornerbrook.com

Western DMO Photo Project

Staff continue to work with Western DMO to produce an inventory of photos and videos from all four seasons that will be used to promote the area

CNA – Tourism Course

Staff is working with CNA students to develop tourism content (itineraries, etc.) for the region

Deer Lake Airport YDF) – Sense of Arrival Project

Staff is working with YDF to have a better presence at the airport through photos, videos, and information packages for the Bay of Islands / Humber Valley / Corner Brook areas.

Cruise Season 2022

Staff and Corner Brook Port are hopeful that the 2022 cruise season will be the biggest and best yet! Staff are working with the Port to develop the program while the Port is undertaking a beautification project that will be an asset to tourism in the region. Staff are also hoping to host cruise passengers for the 2022 Colours of Corner Brook street festival next fall.

Business

World Council on City Data (WCCD) 2020

Business staff has completed the work and all data have been submitted along with clarifications required by WCCD. WCCD, after reviewing, has forwarded all information to the third-party verifier/auditor as the final step before granting the ISO certification.

Downtown Urban Design Plan (DUDAP)

All planned work has been completed and the last claim submission is in the process. We are also looking at the possibility of including some other initiatives in order to utilize the small leftover budget.

Special Tax Assistance for New Commercial Enterprises (STANCE) Program

Staff are moving forward with the development of a tax relief / deferment program that is intended to assist new businesses and to attract others to the City.

Sustainability

Community Gardens

Staff continues to work with Western Environment Centre (WEC) to develop a plan and proposal for the community gardens beyond the 2022 season. Staff are working with WEC to develop a site plan for better accessibility in the gardens, which will be provided to the Accessibility Committee for review in early 2022.

Trans Canada Trail Project

Staff is working with Engineering to develop the engineering design RFP for the recently funded \$1.7 million project.

Urban Forestry Project

In partnership with CNA, Grenfell, Canadian Forestry Services (CFS) and Mitacs, staff are working to develop an urban forestry partnership and better policies to help sustain, protect, and manage the urban forest.

Waste Management

Staff has finalized the 2022 Garbage Collection Schedules, which residents should receive by mid-December.

University Partnerships

Staff is working with professors and experts at Grenfell Campus on a number of new CityStudio courses, research projects, and other collaborations. These include a course examining environmental toxicology, and a report on Electric Vehicle infrastructure and policy.

Director of Community, Engineering, Development & Planning Approved - 01 Dec 2021

Legislative Assistant Approved - 01 Dec 2021

City Manager



Information Report (IR)

Subject: Recreation Services Update

To: Dale Park

Meeting: Committee of the Whole - 06 Dec 2021

Department: Finance and Administration

Staff Contact: Jessica Parsons, Supervisor of Recreation Services

Topic Overview: To provide safe recreation activities for residents as well as sport and leisure groups within the City of Corner Brook.

Attachments: [Copy of WEEK AT A GLANCE - STUDIO TEMPLATE \(13\)](#)

BACKGROUND INFORMATION:

Activity Description and Information:

Older Adult Fitness with Nora Lundrigan – Fitness with Nora will take place on Monday and Wednesdays 10:30-11:30am. This fitness class is geared towards older adults and seniors by using chairs, Pilates bands and balls. Nora is a talented, certified instructor who can accommodate all fitness levels within her class. A \$3.00 fee is required.

Active Tots - Active Tots is an unstructured physical activity program specifically for children aged 0-5 years. It is a guardian led program that includes age appropriate equipment to help children develop Physical Literacy Skills while socializing. Active Tots is held on Tuesdays and Thursdays from 9:30-11:00am. There is no cost and no registration needed at this time.

Drop In Yoga – Drop In Yoga with experienced Instructor Margaret Colbourne takes place Fridays at 10:00am. Come relax and enjoy this new program at the Civic Centre. A \$3.00 fee is required. Please note, there will be no Yoga on December 10th due to a private booking.

After School Sports Drop In – Students can participate in a variety of sporting activities such as basketball or volleyball on Tuesdays and Thursdays from 3:30-5:00pm. The cost is \$3.00 per person.

Drop In Pickleball – Pickleball is a sport gaining popularity especially here in Corner Brook. This drop-in program takes place Mondays, Tuesdays and Thursdays from 11:45-1:45pm and is \$5.00 per person.

TIME Program – This is a partnership program between the City of Corner Brook and Western Health and it is specifically for those who have suffered a stroke, looking to do light rehabilitation exercise. It takes place Tuesdays and Thursdays from 2:00-3:00pm. There is no cost but registration and evaluation are required.

Adult Lunchtime Sports Drop In – Adults can participate in a variety of sporting activities such as basketball or volleyball during the lunch hour. This program is offered on Fridays 12:00-2:00pm and is \$5.00 per person. Please note, there will be no lunchtime sports drop in on December 10th due to a private booking.

Youth Drop In – This program featuring basketball and volleyball will be available for those 12-18 years of age on Friday evenings. The program will take place 7:00-9:00pm and a \$5.00 fee is required. Please note, there will be no Youth Drop In on December 10th due to a private booking.

Hippocampe Wheelchairs

The City of Corner Brook's Recreation Department has three hippocampe wheelchairs to improve accessibility to recreation within the City. One of these chairs is for exclusive use at the splash pad while the other two are available for use on variable terrain. These have adjustable skis and can be used during the winter months. The two all-terrain chairs are available for public use and can be signed out at the Civic Centre Studio.

National Child Day – National Child Day was celebrated at the Civic Centre Studio on Saturday November 27th with over 100 children participating in fun activities with their friends and families.

City ran programming will break for the holiday season December 17th and start again in the New Year.

Information regarding programming can be found on the Corner Brook Civic Centre facebook page. Please note Vaccine Passports will be required for participants over the age of 18 years of age, all spectators who enter the building and guardians of children participating in Active Tots.

For further information on any programs or use of the hippocampe chairs please contact Jessica Parsons, Supervisor of Recreation Services at 637-1232 or jparsons@cornerbrook.com.

PROPOSED RESOLUTION:

N/a

FINANCIAL IMPACT:

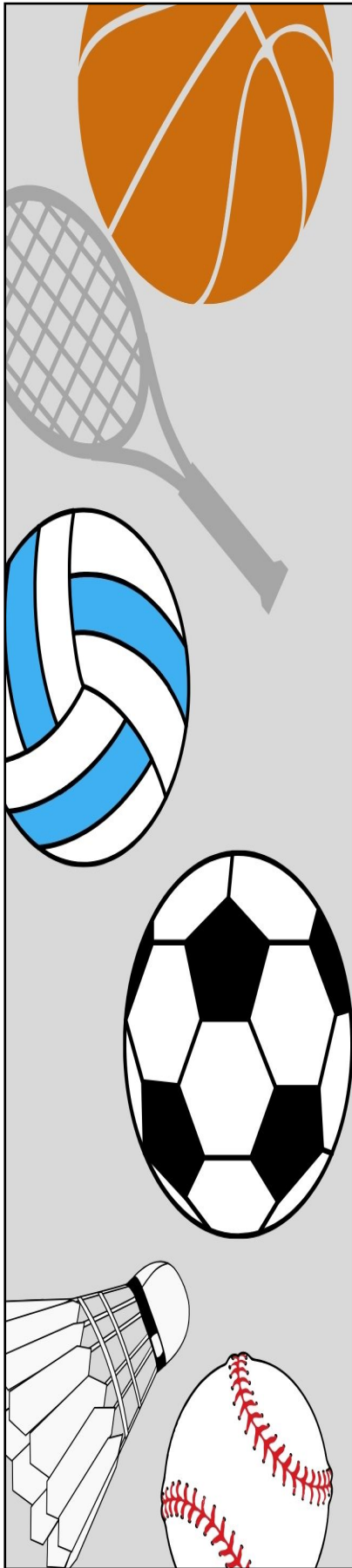
N/A

ENVIRONMENTAL IMPLICATIONS:

Activities will be delivered in a safe and effective manner with no environmental impact. Facilities are expected to be in clean, sanitized condition to reflect the COVID-19 regulations given by the Chief Medical Officer.

Director of Finance & Administration	Approved - 01 Dec 2021
Legislative Assistant	Approved - 01 Dec 2021

City Manager



CIVIC CENTRE STUDIO

2021/2022 STUDIO RENTAL RATES

1 Court - \$45.90/hour, tax inc.

2 Courts - \$91.80/hour, tax inc.

Full Gym - \$127.50/hour, tax inc.

For more rental info, please contact Robin at rwight@cornerbrook.com or (709) 637-1577

cbciviccentre.com

MONDAY DEC 6TH 2021

Older Adult
Fitness- \$3
10:30-11:30am

Drop In Pickleball \$5
11:45-1:45

Private Rentals
5:40-10:20pm

FRIDAY DEC 10TH 2021

No Programs or
bookings due to
private rental

TUESDAY DEC 7TH 2021

Active Tots- No cost
9:30-11:00am

Pickle Ball Drop In - \$5
11:45-1:45

TIME Program
(No cost, Registration required)
2:00-3:00pm

After School Drop In -
\$3
3:30-5:00

Private Rentals
5:00-10:00

SATURDAY DEC 11TH 2021

No Bookings due to
private rental

WEDNESDAY DEC 8TH 2021

Older Adult Fitness -
\$3
10:30-11:30am

Private Rentals
5:40-9:20pm

SUNDAY DEC 12TH 2021

Private Rentals
2:30pm-9:30pm

THURSDAY DEC 9TH 2021

Active Tots- No cost
9:30-11:00am

Pickle Ball Drop In - \$5
11:45-1:45

TIME Program
(No cost, Registration
required)
2:00-3:00pm

After School Drop In -
\$3
3:30-5:00

Private Rentals
5:00-10:00



Request for Decision (RFD)

Subject: Updates to Respectful Workplace Policy

To: Dale Park
Meeting: Committee of the Whole - 06 Dec 2021
Department: Human Resources
Staff Contact: Alicia Park, Administrative Assistant
Topic Overview:
Attachments: [Respectful Workplace Policy Revised Harassment Prevention Plan Updated respectful-workplace-policy Current Redacted Workplace Harassment Policy - Current Redacted](#)

BACKGROUND INFORMATION:

Ensuring that the City's workplace is safe is a top priority for the City. Safety is typically looked at as physical safety, but ensuring the workplace is free of workplace harassment is essential. As a part of the Provincial Occupational Health and Safety Regulations, every workplace is required to have a Harassment Prevention Plan. The City has recently created the City's Harassment Prevention Plan. In developing the Harassment Prevention Plan, it has been identified that there is duplication in two of the City's existing policies. The City currently has both a Respectful Workplace Policy and a Workplace Harassment Policy. It has been recommended that the City modify its policies so that there is one consistent policy that covers all aspects of Respectful Workplace and Workplace Harassment. A revised Respectful Workplace policy has been developed to replace the previous two policies (Respectful Workplace and Workplace Harassment). A part of this policy identifies the need for a Harassment Prevention Plan. The Harassment Prevention Plan will be a living document and will be adjusted by staff as required to reflect the needs of the legislation and the workplace. The revised Respectful Workplace Policy has been amended to include topics that were included in the Workplace Harassment Policy, as well as detailed references to the Harassment Prevention Plan.

PROPOSED RESOLUTION:

It is REOLVED to rescind the existing policies Workplace Harassment (policy # 10-05-11) and Respectful Workplace Policy (#10-05-14).
 Be it FURTHER RESOLVED to approve the revised Respectful Workplace Policy as attached.

GOVERNANCE IMPLICATIONS:

Bylaw/Regulations
 Other
 Occupational Health and Safety Regulations

22-24.2

RECOMMENDATION:

It is staff's recommendation to rescind the previous policies and update with the revised policy.

Legislative Assistant

Approved - 03 Dec 2021

City Manager



CITY OF CORNER BROOK

Policy Statement

Index	Human Resources		Section	Employee Conduct		
Title	Respectful Workplace Policy		Policy Number (Index-Sector-No.)	10-05-14	Authority	Council
Approval Date:	01 Feb 2016	Effective Date	01 Feb 2016	Last revision date	12 December 2021	

Purpose:

The City of Corner Brook is dedicated to ensuring that employees are treated with dignity and respect which allows all employees to complete their duties in a healthy, safe and respectful environment, without fear of violence or harassment.

Policy Statement:

The City of Corner Brook will strive to ensure that every worker receives employment free from workplace harassment and violence. The City of Corner Brook is committed to eliminating, where possible, or to otherwise, minimizing the hazard of workplace harassment and violence.

The City of Corner Brook is dedicated to preventing any instance of violence and harassment in the workplace and such behaviors will not be tolerated. All employees of the City share in the responsibility to ensure that the workplace is a safe and welcoming place to work.

The City of Corner Brook Respectful Workplace Policy is not meant to stop free speech or interfere with everyday interactions.

Definitions:

Workplace

The workplace is the location where employees carry out their work duties. This may include, but is not limited to, office headquarters, external meeting locations, conference settings, work-related social events, vehicles, employer-approved travel.

Harassment Prevention Plan (HPP)

The City of Corner Brook Harassment Prevention Plan is a document that states the commitment and obligations of the employer, supervisor and workers and outline the process and procedures for dealing with a harassment complaint. The HPP procedures include the reporting process for complaints, the investigation process of complaints, and the notification process for those involved in the investigation. Section 22.(3) of the OHS Regulations define "harassment prevention plan" as a plan developed, implemented and maintained by the employer in accordance with section 24.1.

Workplace Harassment

Section 22.(2) of the OHS Regulations define “workplace harassment” as inappropriate vexatious conduct or comment by a person to a worker that the person knew or ought to have known would cause the worker to be humiliated, offended or intimidated.

Harassment based on Prohibited Grounds (Discrimination)

This form of harassment includes any inappropriate conduct, comment, display, action or gesture by a person that is made on the basis of race, color, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, and political opinion; and constitutes a threat to the health or safety of the worker.

Sexual Harassment

This form of harassment includes a direct or implied threat of reprisal for refusing to comply with a sexually-oriented request; unwelcome remarks, jokes, innuendoes, propositions or taunting about a person’s body, attire, sex or sexual orientation; displaying pornographic or sexually explicit pictures or materials; unwelcome physical contact, invitations or requests, direct or indirect, to engage in behavior of a sexual nature; or refusing to work with or have contact with workers because of their sex, gender or sexual orientation.

Personal Harassment

This form of harassment is sometimes referred to as bullying and includes any inappropriate conduct, comment, display, action or gesture by a person that adversely affects a worker’s psychological or physical well-being; the perpetrator knows or ought to reasonably know would cause the worker to be offended, humiliated or intimidated; and constitutes a threat to the health and safety of a worker. Personal harassment typically involves repeated occurrences. A single incident may also constitute personal harassment if it is serious or severe and is shown to have a lasting harmful effect on a worker.

Violence

Section 22.(1) of the OHS Regulations define “violence” as the attempted or actual exercise of physical force to cause injury to a worker and includes threatening statements or behaviors which give a worker reason to believe that he or she is at risk of injury.

Family Violence

Section 3 of the Family Violence Protection Act describes “family violence” as one or more of the following acts or omissions committed against an applicant (employee) or a child (employee’s child) by a respondent:

- (a) An assault that consists of the intentional application of force that causes the applicant to fear for his or her safety but does not include an act committed in self-defense;
- (b) An intentional, reckless or threatened act or omission that causes bodily harm or damage to property;
- (c) An intentional, reckless or threatened act or omission that causes a reasonable fear of bodily harm or damage to property;
- (d) Forcible physical confinement without lawful authority;
- (e) Sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation;
- (f) Conduct that causes the applicant to reasonably fear for his or her safety, including following, contacting, communicating with, observing or recording a person.

Reprisal

Reprisal is defined as any negative or inappropriate action taken as a result of an allegation of harassment, the filing of a complaint, or any participation in a resolution mechanism.

Section 22.(4) of the OHS Regulations states: A reasonable action taken by an employer or supervisor relating to the

management and direction of workers or the workplace in not workplace harassment. Therefore, assigning and following up on assigned work, correcting inappropriate behavior or performance, changing a work schedule, administering discipline when warranted, etc. do not constitute harassment.

Detailed Action Required:

Risk Assessment

The City of Corner Brook in conjunction with the Supervisor of Occupational Health and Safety and the OHS Committees, will conduct a risk assessment of the work environment(s) to identify any issues related to potential violence and harassment. As per Section 22.1(1) of the OHS Regulations, the risk assessments shall include consideration of:

- (a) Previous experience in the workplace;
- (b) Occupational experience in similar workplaces;
- (c) The location and circumstances in which work may take place;
- (d) Workplace characteristics including demographics, culture and the presence of new workers; and
- (e) Issues raised by the occupational health and safety committee.

Confidentiality

Where the City of Corner Brook obtains personal information in the course of conducting a risk assessment, the City shall keep the personal information confidential and not disclose the personal information except for the purpose of an investigation or where required by law.

Duty to Inform

The City of Corner Brook shall inform workers who may be exposed to the risk of violence of the nature of the risk and the precautions that may be taken. The Duty to Inform includes a duty to provide information related to the risk of violence from persons who have a history of violent behavior and whom workers are likely to encounter in the course of their work.

Harassment Prevention Plan (HPP)

The City will develop, implement, and maintain a written harassment prevention plan. The plan will be reviewed at minimum, on an annual basis in accordance with applicable OHS Regulations. The HPP will be developed in consultation with the occupational health and safety committees and will cover the following:

- (a) Employer and Employee obligations;
- (b) Procedures for workers to report instances of harassment to an employer or supervisor or where the employer or supervisor is the alleged harasser, the procedures to report harassment to an external third party;
- (c) Procedures to be followed after a complaint of workplace harassment is received and the manner in which a complaint is investigated; and
- (d) Procedures regarding notification of results of investigations and any actions to be taken as a result of an investigation;

The Harassment Prevention Plan will be readily available and accessible to all workers in the workplace.

Seeking Immediate Assistance

Neither the Respectful Workplace Policy nor the Harassment Prevention Plan is intended to discourage a worker from exercising his or her rights under the *Human Rights Act, 2010*, the *Criminal Code (Canada)* or any other law of the province or of Canada.

The Human Rights Commission investigates allegations of harassment based on prohibited grounds as defined under the Human Rights Act.

Complaints regarding criminal harassment (stalking), sexual and physical assaults, uttering threats, damaging another

person's property, and other complaints of criminal harassment that fall under the *Criminal Code (Canada)* are investigated through the appropriate policing authority. Of importance to note an investigation being conducted through a policing authority in no way limits or restricts the City's duty to investigate a complaint. Thus, one or may investigations may be ongoing simultaneously.

Responsibilities

All Employees and Contractors shall:

- Set a tone of mutual respect and well-being;
- Refrain from violent and harassing behaviors in the Workplace;
- Accept responsibility for their own behaviour and the impact of their behaviour on others;
- Report situations, observations, or experience of Violence or Harassment that threaten or perceive to threaten a safe work environment;
- Immediately inform, where they believe it safe to do so, individuals of any unwanted or unwelcomed behaviour;
- Contact a supervisor, manager, Human Resources, union member, or other appropriate resource for assistance in resolving an issue when needed;
- Immediately inform a manager/supervisor or the authorities (Royal Newfoundland Constabulary) if there is an imminent threat or risk of Violence that could compromise a person's safety;
- Participate fully in any interventions under this policy and identify any medical restrictions or limitations to such participation, if applicable;
- Participate fully and cooperate with any mediator, intervention professional, or investigator ; and
- Maintain confidentiality at all times during any Workplace investigation and/or Mediation process.

All Supervisors/Managers shall:

- Actively encourage and promote respectful interactions in the Workplace by ensuring all employees, contractors, students, volunteers, etc. under their supervision are aware of the policy;
- Actively encourage and promote respectful interactions in the Workplace by ensuring all employees, contractors, students, volunteers, etc. under their supervision have clear and achievable expectations;
- Model desired behaviour to support a respectful, safe, and inclusive workplace;
- Inform all employees, contractors, students, volunteers, etc. under their supervision of any potential risk of violence, of the nature of the risk, and the precautions that may be taken;
- Establish procedures and work arrangements which support a respectful, inclusive, and accessible work environment and eliminate or minimize the risk of violence, discrimination, or any other form of harassment, including acts or threats of Reprisal;
- Participate in training on harassment prevention;
- Take all complaints raised under this Policy seriously and address them in a prompt, confidential, and impartial manner and in compliance with the HPP;
- Immediately notify the Human Resources division upon becoming aware of any violence or harassment, regardless of whether the employee wish to pursue a formal complaint;
- Seek advice and assistance from Human Resources for constructive intervention when witnessing or becoming aware of conflict or disrespectful conduct in the workplace;
- Provide support to employees experiencing or witnessing Family Violence in the workplace and make them aware of resources that are available to assist those affected by Family Violence;
- Take every reasonable precaution to protect an employee, where they become aware, or ought reasonably to be aware, of Family Violence that would likely expose an employee to physical or psychological harm in the workplace;
- Report incidents of a criminal nature to the police;
- Document conversations, observations, witnesses, etc. and keep confidential records as required; and
- Apply appropriate disciplinary action were appropriate.

Human Resources shall:

- Work with managers and supervisors to implement this policy
- Provide necessary training, support, and guidance to employees, supervisors, and managers regarding policy interpretation, proper complaint handling, and how to deal with violations of this policy
- Provide conflict management services such as facilitated discussions, mediation, and coaching, when possible
- Undertake investigations as appropriate
- Ensure that the process for reporting and responding to incidents of violence, discrimination, or any other form of harassment is communicated, maintained, and followed as per the HPP
- Ensure workplace violence risk assessments are conducted to determine whether the nature of the workplace, the type of work, or the conditions of work may place employees at risk of violence
- Take all reasonable and practical measures to minimize or eliminate risks identified through the risk assessment process, workplace inspections, or the occurrence of a workplace violence incident

Union/Association Executives shall:

- Ensure their behaviour complies with this policy;
- Ensure respectful conduct in the workplace and guiding the behaviours of others;
- Provide advice, support, and assistance to Union/Association members as needed;
- Support Respectful Workplace training initiatives; and
- Ensure Union/Association members' rights under their collective agreement are protected.

Witnessing Actions in contravention of the Respectful Workplace Policy

It is the responsibility of all employees of to promote a workplace that is respectful and productive.

Any employee who witnesses violence or harassment is directed to:

1. Offer the person support and inform them that you witnessed the incident.
2. Encourage the person to come forward and let them know that you will be a witness and will provide a statement in the event of an investigation.
3. In some cases, where the person decides to confront the individual informally, you may be asked to be a witness to the conversation (or as support).
4. Where the person does not wish to make a complaint, it is still important that management is aware of the violent or harassing act taking place in the workplace. Tell your manager or a member of Human Resources what you witnessed so that this type of behavior can be eliminated at as soon as possible.

Violations of the Respectful Workplace Policy

Employees found to be in violation of this policy will be subject to discipline as outlined in the Employee Conduct Policy (Policy Number 10-05-10).

Fraudulent or Malicious Complaints

This Respectful Workplace Policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded/frivolous allegations of violence or harassment may cause both the accused person and the City significant damage. If it is determined by the City that an employee has knowingly made false statements regarding an allegation of violence or harassment immediate disciplinary action will be taken. Employees found to have filed a fraudulent or malicious complaint will be subject to the discipline as outlined in the Employee Conduct Policy.

Employee Support

Employees are encouraged to make use of the City’s Employee & Family Assistance Program (EFAP) for any personal or workplace issues that they need help dealing with or if you have been a victim of workplace violence, bullying or harassment.

Policy Review

The City of Corner Brook will review the contents of this policy annually, or sooner, in the event of any incident occurring or when there are legislative changes related to a respectful workplace and bullying, harassment or violence in the workplace.

References

- Criminal Code (Canada)
- Collective Agreements - CUPE Locals 706, 768, 4386 and IAFF 1222
- Contractor Orientation package
- Employee Conduct Policy
- Family Violence Protection
- Harassment Prevention Plan
- OHS Regulations Section 22 to 24

Acknowledgment and Agreement

I acknowledge that I have read and understand the Respectful Workplace Policy of the City of Corner Brook. Further, I agree to adhere to this Policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules/procedures outlined in this Policy, I may face disciplinary action, up to and including termination of employment.

Name: _____

Signature: _____

Date: _____

Witness: _____

IN WITNESS WHEREOF, this policy is sealed with the Common Seal of the City of Corner Brook.

MAYOR

CITY CLERK



HARASSMENT PREVENTION PLAN

City of Corner Brook
December 09, 2019

Revision Date: December 12 2021

Every worker is entitled to a harassment-free workplace

INTRODUCTION

The City of Corner Brook is dedicated to ensuring that employees are treated with dignity and respect which allows all employees to complete their duties in a healthy, safe, and respectful environment, without fear of violence or harassment.

The City of Corner Brook will strive to ensure that every worker receives employment free from workplace harassment and violence. The City of Corner Brook is committed to eliminating, where possible, or to otherwise, minimizing the hazard of workplace harassment and violence.

The City of Corner Brook is dedicated to preventing any instance of violence and harassment in the workplace and such behaviors will not be tolerated. All employees of the City share in the responsibility to ensure that the workplace is a safe and welcoming place to work.

The following document will outline the City's commitment and obligations of the employer, supervisor and worker as well as outline the process and procedures for dealing with a harassment complaint. These procedures include:

- Reporting instances of complaints
- Investigating complaints
- Notifying those involved of the results of investigations and any actions taken.

SECTION 1 – THE LAW

Workers in Newfoundland and Labrador have a right to a healthy and safe work environment, free from violence and harassment. Every employer has a legal obligation to ensure, as much as reasonably practicable, that workers are not exposed to violence or harassment with respect to any matter or circumstance arising out of their employment.

This duty extends to:

- Incidents that occur at the workplace or during work hours or when performing work related field work;
- Conduct perpetrated by another employee (i.e., co-worker or supervisor) or the employer;
- Conduct perpetrated by someone other than an employee, but with whom the worker is required to meet, including clients, contractors or the public; and
- Incidents that occur outside of the usual workplace or after work hours that arises out of, or are connected to a worker's employment (e.g. work-sponsored social event, conferences, etc.)

All employers in Newfoundland & Labrador are required to develop and maintain a written Harassment Prevention Plan (HPP), to attend and provide training, and to investigate instances of harassment in the workplace. Sections 22 to 24.2 of the *Occupational Health and Safety Regulations, 2020*, detail the changes that took place regarding OHS Workplace Violence & Harassment Prevention.

Every worker is entitled to a Harassment-free workplace

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SECTION 2 - DEFINITIONS

Workplace

The workplace is the location where employees carry out their work duties. This may include, but is not limited to, office headquarters, external meeting locations, conference settings, work-related social events, vehicles, employer-approved travel.

Harassment Prevention Plan (HPP)

The City of Corner Brook's Harassment Prevention Plan is a document that states the commitments and obligations of the employer, supervisor and worker and outlines the process and procedures for dealing with a harassment complaint. The HPP procedures include the reporting process for complaints, the investigation process of complaints, and the notification process for those involved in the investigation. Section 22. (3) of the OHS Regulations define "harassment prevention plan" as a plan developed, implemented and maintained by the employer in accordance with section 24.1.

Workplace Harassment

Section 22.(2) of the OHS Regulations define "workplace harassment" as inappropriate vexatious conduct or comment by a person to a worker that the person knew or ought to have known would cause the worker to be humiliated, offended or intimidated.

Harassment based on Prohibited Grounds (Discrimination)

This form of harassment includes any inappropriate conduct, comment, display, action or gesture by a person that is made on the basis of race, color, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, and political opinion; and constitutes a threat to the health or safety of the worker.

**The Harassment Prevention Plan is not intended to discourage a worker from exercising his or her rights under the Human Rights Act, the Criminal Code (Canada) or any other law of the province of Canada.*

Sexual Harassment

This form of harassment includes a direct or implied threat of reprisal for refusing to comply with a sexually-oriented request; unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, attire, sex or sexual orientation; displaying pornographic or sexually explicit pictures or materials; unwelcome physical contact, invitations or requests, direct or indirect, to engage in behavior of a sexual nature; or refusing to work with or have contact with workers because of their sex, gender or sexual orientation.

Personal Harassment

This form of harassment is sometimes referred to as bullying and includes any inappropriate conduct, comment, display, action or gesture by a person that adversely affects a worker's psychological or physical well-being; the perpetrator knows or ought to reasonably know would cause the worker to be offended, humiliated or intimidated; and constitutes a threat to the health and safety of a worker. Personal harassment typically involves repeated occurrences. A single incident may also constitute personal harassment if it is serious or severe and is shown to have a lasting harmful effect on a worker.

Every worker is entitled to a Harassment-free workplace

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Violence

Section 22.(1) of the OHS Regulations define “violence” as the attempted or actual exercise of physical force to cause injury to a worker and includes threatening statements or behaviors which give a worker reason to believe that he or she is at risk of injury.

Family Violence

Section 3 of the Family Violence Protection Act describes “family violence” as one or more of the following acts or omissions committed against an applicant (employee) or a child (employee’s child) by a respondent:

- (a) An assault that consists of the intentional application of force that causes the applicant to fear for his or her safety but does not include an act committed in self-defence;
- (b) An intentional, reckless or threatened act or omission that causes bodily harm or damage to property;
- (c) An intentional, reckless or threatened act or omission that causes a reasonable fear of bodily harm or damage to property;
- (d) Forcible physical confinement without lawful authority;
- (e) Sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation;
- (f) Conduct that causes the applicant to reasonably fear for his or her safety, including following, contacting, communicating with, observing or recording a person.

Reprisal

Reprisal is defined as any negative or inappropriate action taken as a result of an allegation of harassment, the filing of a complaint, or any participation in a resolution mechanism.

SECTION 3 – EMPLOYER’S COMMITMENT

The City of Corner Brook (the employer) has zero tolerance for violence and harassment in the workplace.

The employer is committed to eliminating, where possible, or otherwise minimizing, the hazard of workplace harassment. This means that if the City of Corner Brook is aware of circumstances that present a risk of workplace bullying and harassment, preventative measures must be put in place. The employer shall also protect workers from retaliation and provide support to workers when workplace violence or harassment occurs.

The City of Corner Brook will provide direction and supervision to affected workers, will provide training when required or will impose workplace arrangements to minimize the risk of violence and harassment.

The Harassment Prevention Plan will be accessible to all workers in the workplace; and will be reviewed as necessary but at minimum on an annual basis.

The City of Corner Brook will investigate all complaints of harassment and bullying and will cover any expenses relating to an investigation.

SECTION 4 – OBLIGATIONS

Every worker is entitled to a Harassment-free workplace

All supervisors and managers are obligated to ensure the health and safety of workers, as well as apply and comply with the harassment prevention plan. As such, all supervisors/managers shall:

- Actively encourage and promote respectful interactions in the Workplace by ensuring all employees, contractors, students, volunteers, etc. under their supervision are aware of the policy;
- Actively encourage and promote respectful interactions in the Workplace by ensuring all employees, contractors, students, volunteers, etc. under their supervision have clear and achievable expectations;
- Model desired behaviour to support a respectful, safe, and inclusive workplace;
- Inform all employees, contractors, students, volunteers, etc. under their supervision of any potential risk of violence, of the nature of the risk, and the precautions that may be taken;
- Establish procedures and work arrangements which support a respectful, inclusive, and accessible work environment and eliminate or minimize the risk of violence, discrimination, or any other form of harassment, including acts or threats of Reprisal;
- Participate in training on harassment prevention;
- Take all complaints raised under this Policy seriously and address them in a prompt, confidential, and impartial manner and in compliance with the HPP;
- Immediately notify the Human Resources division upon becoming aware of any violence or harassment, regardless of whether the employee wishes to pursue a formal complaint;
- Seek advice and assistance from Human Resources for constructive intervention when witnessing or becoming aware of conflict or disrespectful conduct in the workplace;
- Provide support to employees experiencing or witnessing Family Violence in the workplace and make them aware of resources that are available to assist those affected by Family Violence;
- Take every reasonable precaution to protect an employee, where they become aware, or ought reasonably to be aware, of Family Violence that would likely expose an employee to physical or psychological harm in the workplace;
- Report incidents of a criminal nature to the police;
- Document conversations, observations, witnesses, etc. and keep confidential records as required; and
- Apply appropriate disciplinary action where appropriate.

All workers and contractors are obligated to take reasonable care to not engage in workplace harassment or violence, report observations or experiences of harassment or violence and comply with the harassment prevention plan. As such, all workers and contractors shall:

- Set a tone of mutual respect and well-being;
- Refrain from violent and harassing behaviors in the Workplace;
- Accept responsibility for their own behaviour and the impact of their behaviour on others;
- Report situations, observations, or experience of Violence or Harassment that threaten or perceive to threaten a safe work environment;
- Immediately inform, where they believe it safe to do so, individuals of any unwanted or unwelcomed behaviour;
- Contact a supervisor, manager, Human Resources, union member, or other appropriate resource for assistance in resolving an issue when needed;
- Immediately inform a manager/supervisor or the authorities (Royal Newfoundland Constabulary) if there is an imminent threat or risk of Violence that could compromise a person's safety;

Every worker is entitled to a Harassment-free workplace

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- Participate fully in any interventions under this policy and identify any medical restrictions or limitations to such participation, if applicable;
- Participate fully and cooperate with any mediator, intervention professional, or investigator ; and
- Maintain confidentiality at all times during any Workplace investigation and/or Mediation process.

SECTION 5 – CONFIDENTIALITY AND WORKER’S RIGHTS UNDER VARIOUS LAWS

Where the City of Corner Brook obtains personal information in the course of conducting a risk assessment, the City shall keep the personal information confidential and not disclose the personal information except for the purpose of an investigation or where required by law.

Any information obtained relating to a claim of workplace harassment, including personal information, will not be disclosed unless it is necessary for the purpose of an investigation, corrective action relating to the complaint or where required by law. Specifically, employees should be aware of the *Access to Information and Protection of Privacy Act, 2015* Section 33 which outlines what information an employer must disclose as a result of a workplace investigation.

**The Harassment Prevention Plan is not intended to discourage a worker from exercising his or her rights under the Human Rights Act, the Criminal Code (Canada) or any other law of the province of Canada.*

Employees are encouraged to make use of the City’s Employee & Family Assistance Program (EFAP) for any personal or workplace issues that they need help dealing with or if you have been a victim of workplace violence or harassment.

The employer shall protect workers from retaliation and provide support to workers when workplace harassment occurs.

SECTION 6 – PROCEDURES FOR MAKING A COMPLAINT

Workers who believe they are being harassed can experience great stress and providing clear and simple directions to follow will help reduce the stress they are feeling.

The first step taken when experiencing harassing behaviour is to tell the individual harassing you to STOP, do this only if it is safe and you feel comfortable to do so. You may do this verbally (in-person) or in writing. Bring a co-worker with you, if required, to provide support during your conversation.

If after asking the individual to stop the harassing behaviour the harassment continues, the employee should discuss with their supervisor an informal complaint. The employee’s supervisor or manager will then approach the alleged harasser and notify them that their behaviour is unwelcome.

If all informal avenues have been exhausted or if the harassing behaviour is severe enough to warrant a formal complaint from the onset employees must follow the procedures for reporting a formal harassment complaint. Complete the Harassment Report Form (Appendix A) when making a formal complaint of harassment.

It is recommended that incidents of harassment are reported as soon as possible, but no later than 12 months after the most recent event.

SECTION 7 – INVESTIGATION PROCESS

Investigations are a vital part of workplace management. A proper investigation plays an important safeguard to an employees' right to procedural fairness. A properly conducted investigation will lead to a solid conclusion from which the employer can make a definitive decision on appropriate action to be taken.

Upon receiving a formal complaint of workplace harassment the City will ensure that an investigation appropriate in the circumstances is conducted. The investigation will begin once a report of harassment has been received by the employer or supervisor. Complaints of harassment against the employer or supervisor will be received by the Law Firm McInnes Cooper who will in turn formalize terms of reference for the investigation and assign a third party investigator.

Often employees named during an investigation process may be reluctant to participate. The City of Corner Brook has an obligation to its employees to investigate complaints of harassment and as such, insist that employees cooperate in the process. Refusing to cooperate during an investigative process may result in employee discipline.

The Role & Responsibilities of the Investigator

1. Remain Objective at all times
2. Clarify the issue – a careful review of all available information must occur to determine which of the issues pertain specifically to the allegation.
3. Determine the facts and substantiate them
4. Allow for a fair hearing for all
5. Fully document and take accurate statements
6. Explore opportunities to resolve the complaint – early resolution is often the best strategy for everyone involved. Look for opportunities and explore them.
7. Don't draw conclusions until the investigation has concluded – Remember, it's never over until it's over. Refrain from impulse to make judgments. Only after all information has been collected and verified to the fullest can the situation be assessed accurately.

Investigator Check List – the investigator assigned to the complaint must:

- Have prior experience investigating (conflict, grievances, safety infractions, etc.)
- Be provided with
 - Respective Collective Agreement
 - Respectful Workplace Policy
 - Harassment Prevention Plan
 - Employee Conduct Policy
 - Applicable OHS Policy, if required
 - Other supporting documentation
- Have knowledge of and review the Principles of Natural Justice
- Assess whether or not the Complainant and/or Respondent are currently in a safe situation

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Every worker is entitled to a Harassment-free workplace

- Develop a plan as to how the safety of the Complainant and/or Respondent will be assessed during the investigation
- Determine who will be contacted and when
- Establish a non-confrontational role at the beginning
- Provide Union representatives with a notification of investigation. If an external investigation this can/will be done through the employer
- Stress confidentiality and what policy and the HPP states about confidentiality. Each person interviewed must know what to expect

**Where possible, two people together should interview each witness to allow better note-taking.*

Individuals involved in the investigation process are entitled to different levels of disclosure.

The respondent (the person against whom the complaint is filed) is entitled to know that a complaint has been received, who made the complaint, and any details that allow them to know the matters to be discussed in the interview.

Witnesses have no rights to disclosure during the investigation process and do not require knowing the details or nature of the alleged behaviour before their interview.

All parties have a right to privacy and confidentiality. There are limits to this privacy and confidentiality as certain information must be shared during the investigation process. Information such as the respondent's right to know the particulars of the complaint against them.

Every effort will be made to avoid unnecessary and/or inadvertent disclosure. Only information regarding the facts of the investigation will be disclosed.

Fundamental Steps to Conducting the Investigation

1. **Meet with the complainant**

A complete statement will be taken regarding the "who, what, when, and where". The complainant will be asked to provide names of witnesses present as well as any other relevant information such as documentation or physical evidence to support the allegations. If there is more than one complainant, the complainant with the most allegations will be scheduled first.

2. **Meet with the respondent**

Inform the respondent of the complainant's allegations and schedule a time for an interview. The interview shall take place no less than 24 hours after receiving the allegations and no more than 5 days. If there is more than one respondent, the respondent with the most allegations against him/her, will be interviewed first. The respondent will be asked to provide names of witnesses present as well as any other relevant information such as documentation or physical evidence to support their response.

3. **Meet with any witnesses**

The witness that is believed to have the most information to convey will be interviewed first. This principal will be followed until all witnesses have been interviewed.

4. **Re-direct interviews**

Based on information gathered it may be necessary to interview either the complainant or respondent a second time. This will be done only after all initial witness interviews have concluded. Re-direct interviews will take place first with the complainant, followed by the respondent.

*Re-direct interviews/evidence does not change the original witness statements

5. **Draw Conclusions**

All information will be evaluated. Consideration will be given as to the credibility of those interviewed and any inconsistencies in their statements. Conclusions will only be drawn if the facts are in place to support them. It is possible that an investigation will conclude with being unable to determine exactly what happened if the facts are too ambiguous to decipher.

6. **Prepare a report**

A report will be prepared to outline the details of the investigation and any conclusions that were reached. Recommendations regarding policy or training may be included in this report. The written report will NOT provide recommendations of any disciplinary action as discipline is outlined in the Employee Conduct Policy. The report will only include findings of fact and will present all relevant information identified during the investigation.

7. **Communication**

The Complainant and the Respondent will meet with the investigator or representative. This meeting will allow for any conclusions/findings to be discussed. This meeting may or may not include disciplinary measures.

8. **Conclusion**

All completed investigations will be held in a locked drawer in the Human Resources office. Only investigations warranting discipline will be recorded in an employee's file and only the letter outlining the respective discipline.

SECTION 8 - INVESTIGATION TIMELINES

When a complaint is received the complainant will be contacted within five (5) business days to commence the investigation process.

All interviews (complainant, alleged harasser, witnesses, and re-direct) will be conducted within 15 business days of commencing the investigation.

The investigation report will be available within 90 days to the complainant and the alleged harasser.

Both parties will have 14 days to respond to the report.

Where these timelines cannot be met, reasons for the delay and the projected new date of completion will be documented for the investigation file and communicated to all parties.

Any information obtained relating to workplace harassment, including personal information, will not be disclosed unless it is necessary for the purpose of the investigation, corrective action relating to the complaint or where required by law.

SECTION 9 – NOTIFICATION

The written report will state whether or not the complainant's allegations were confirmed. The report will include:

- The Name(s) of persons who conducted the investigation as well as those persons involved and interviewed.
- The Date, time and place of the alleged harassment.
- A description of the alleged harassment
- Graphics, photographs, or evidence, if relevant
- Findings of the investigation, including the facts and reasons for determining if harassment took place or not
- Immediate and long-term corrective action to be taken regarding the workplace, if necessary

The written report will NOT include any recommendations on discipline. The employer will meet separately with the complainant and the alleged harasser to explain the conclusions in the report, along with any disciplinary action to be taken or other steps that will be put in place to stop a repeat of the offensive conduct.

If a complaint of harassment has been confirmed there will be recourse for the individual(s) who have been found to have committed an act of workplace harassment. Disciplinary actions to be taken are covered in the Employee Conduct Policy. Other corrective measures may include, but are not limited to:

- Education and training in
 - o Conflict resolution
 - o Assertiveness
 - o Anger management
 - o Internal HPP and procedures
 - o Respectful Workplace
- Referral to the Employee & Family Assistance Program (EFAP)

Section 10 – Requirements for Documentation and Record Keeping

The employer will maintain accurate records of the information collected relating to harassment reports and investigations. All information will be kept in the Human Resources office in a secure cabinet and access will be limited to the Manager of Human Resources.

An external third party provider engaged in the investigation process must maintain confidentiality and follow documentation and record keeping practices of the City of Corner Brook, on behalf of the City.

If the investigation does not find evidence to support the complaint, no record of the complaint, investigation or decision will go in the complainant's personnel file – provided the complaint was made in good faith.

SECTION 11 - TRAINING

The Harassment Prevention Plan will be made available to all workers, both in paper and electronic forms. Every employee must participate in training related to harassment prevention and the HPP. Communicating the HPP will be done through training, orientation and information sessions, staff meetings, emails, posters/brochures, etc.

General Training will include:

- Harassment – definitions and types
- Preventing Harassment – Respectful workplace, conflict resolution, etc.
- Roles and responsibilities outlined in the HPP and the Respectful Workplace Policy
- Reporting Harassment
- Documentation Requirements
- Investigation process
- Confidentiality and privacy

SECTION 12 – ENFORCE CORRECTIVE ACTIONS

Corrective actions are not meant to be punitive but to assist in the correcting of patterns of inappropriate behaviour. All corrective actions will be in accordance with the HPP, Respectful Workplace Policy, and the Employee Conduct Policy.

Any corrective action taken will be documented and followed up on. Following-up on corrective actions will assist in ensuring that actions are effective and working as intended.

SECTION 13 – MAINTAINING THE HARASSMENT PREVENTION PLAN

The City will review and revise the HPP as necessary, but at least annually, to ensure it is effective. This review will help determine if procedures are sufficient and if there are any gaps that need addressing/updating.

A review may consider the following:

- Feedback from managers, supervisors, and employees
- The number of complaints made in the previous year, their nature, and how they were dealt with to identify trends or indications of successes or challenges
- Exit interviews with personnel leaving the organization
- Policy and procedure adjustment as needed/required

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APPENDIX A

Every worker is entitled to a Harassment-free workplace

Harassment Report Form

This form is to be completed by an employee/individual who has allegedly been harassed. When completed, it can be submitted to the Manager of Human Resources or McInnes Cooper (for complaints against a supervisor or the employer only).

Complainant Information

Name: _____

Position Title: _____

Respondent Information

If your complaint has more than one Respondent, please complete a separate complaint form for each

Name: _____

Position Title: _____

Description of Allegations

Please describe, in as much detail as possible, the incident(s) of alleged harassment. You may attach additional sheets if required. Please include:

- Who was involved;
- What was specifically said or done (words, tone, actions, etc.)
- Where it happened;
- When it happened (location, dates, time, etc.);
- Any witnesses to the incident(s) described (names and contact information, if possible);
- How the incident(s) impacted you; and,
- If the incident(s) was reported to management (please provide details – who, when, what action was taken, etc.).

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Description Continued...

Relevant Time Period

When did the alleged harassment begin?

When did the most recent incident of alleged harassment occur?

Summary Information

	Yes	No	Unsure
Involves multiple incidents of alleged harassment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involves a single incident of alleged harassment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involves physical contact and/or assault		<input type="checkbox"/>	<input type="checkbox"/>
Involves verbal harassment and/or threats	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involves reprisal and/or retaliation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involves abuse of authority (use of authority serving No legitimate work purpose)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involves sexual harassment (harassment which is Gender-based/of a sexual nature)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involves discriminatory harassment (based on Prohibited ground of discrimination)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If "yes" above, what prohibited ground was the basis of the alleged harassment?

Where did the alleged harassment primarily occur?

Signature

I certify the information provided in this complaint to be accurate, true and complete to the best of my knowledge. I understand that I will not be subject to any adverse treatment as a result of making this complaint, provided that it has not been made for an improper purpose and that I have not provided information that I know to be incorrect, untrue, or misleading. I acknowledge that, in order to preserve the integrity of the process and to protect the interests of all parties, I

will maintain confidentiality and will not discuss this complaint with anyone other than those who need to know (i.e. union representative, Human Resources Manager, investigators, legal counsel, health care providers, EAP Coordinators, and/or management representatives). I understand that the employer will maintain the confidentiality of any information gathered as a result of this complaint, but will share such information as necessary to pursue resolution, including disclosing the complaint and related information to the Respondent or as otherwise required by law. I acknowledge that filing this complaint does not prevent me from pursuing any other remedies that may be available (ex. Grievance, Human Rights complaint, Office of the Citizens' Representative complaint, legal action, etc.), which are separate and distinct from the Policy. I acknowledge that it is not the role of Employer nor the third party investigator to identify any remedies or procedures that are or may be available outside the Policy and that I am solely responsible for exploring such options should I choose to do so.

Employee Name

Employee Signature

Date: _____



CITY OF CORNER BROOK

Policy Statement

Index	Human Resources		Section	Employee Conduct		
Title	Respectful Workplace Policy		Policy Number (Index-Sector-No.)	10-05-14	Authority	Council
Approval Date:	01 Feb 2016	Effective Date	01 Feb 2016	Last revision date		

Purpose:

The City of Corner Brook is dedicated to ensuring that employees are treated with dignity and respect that allows all employees and Council members to complete their duties in a healthy, safe and respectful environment, without fear of bullying, harassment or violence.

Policy Statement:

The City of Corner Brook will not tolerate, and is dedicated to preventing any instance of bullying, offensive comments/gestures, harassment or violence in the workplace. All employees of the City share in the responsibility to ensure that our workplace is a safe and welcoming place to work. Employees are responsible for reporting any instances of bullying, harassment or violence, whether they were the target or they were witness to the incident. In all cases, where a complaint of bullying, harassment or violence is made in good faith, the reporting employee will not be disciplined or retaliated against in any way.

The City of Corner Brook Respectful Workplace Policy is not meant to stop free speech or to interfere with everyday interactions. However, what one person finds offensive, others may not. Usually, bullying or harassment can be distinguished from normal, mutually acceptable socializing. It is important to remember it is the perception of the receiver of the potentially offensive message be it spoken, a gesture, a picture or some other form of communication which may be deemed objectionable or unwelcome that determines whether something is acceptable or not.

This policy applies to all members of Council and employees of the City of Corner Brook. This policy will also apply to any contractors that are hired by the City of Corner Brook while they are performing the contracted work.

For the purposes of this policy, bullying, harassment and violence can occur:

- At the workplace;
- At employment-related social functions;
- In the course of work assignments outside the workplace;
- During work-related travel;

- Over the telephone, if the conversation is work-related; or
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Definitions:

According to the Canadian Human Rights Commission harassment can be defined as behavior that; “involves any unwanted physical or verbal behavior that offends or humiliates you. Generally, harassment is a behavior that persists over time. Serious one-time incidents can also sometimes be considered harassment. Harassment occurs when someone;

- Makes unwelcome remarks or jokes about your race, religion, sex, age, disability or any other of the 11 grounds of discrimination.
- Threatens or intimidates you.
- Makes unwelcome physical contact with you, such as touching, patting, pinching, or punching, which can also be considered assault.

Employees and service providers are responsible for providing an environment or service that is free of harassment. It is your employer’s or service provider’s responsibility to take action when harassment occurs.”

Bullying and Harassment: Any inappropriate conduct or comment by an individual towards an employee that caused, or has the potential to cause, that employee to be humiliated or intimidated.

Bullying and harassing behaviors include but are not limited to:

- Verbal aggression or yelling
- Humiliating actions or practices
- Hazing
- Spreading malicious rumors
- Using derogatory names towards someone

Bullying and harassing behaviours do not include:

- Expressing differences of opinions
- Offering constructive feedback, guidance, or work-related advice about behaviour
- Reasonable action taken by or a supervisor relating to management and direction of employees or the place of employment (e.g. counselling, managing a worker's performance, taking reasonable disciplinary actions, assigning work, implementation of disciplinary actions).

Cyber Bullying: Bullying that occurs through the use of electronic communication (email, text messaging, social networking etc.). Incidents of cyber bullying should be reported and will be investigated in accordance to the procedures outlined within this Policy.

In general, if you are not sure whether certain actions are considered bullying, ask yourself whether or not a reasonable person would consider the actions taken to be acceptable or unacceptable.

Workplace Violence: Can be defined as "the attempted or actual exercise by a person of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury".

Violence could include, but is not limited to:

- Physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault).
- Any threat, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property.
- Disruptive behaviour that is not appropriate to the work environment (e.g., yelling, swearing).

Discrimination: Discrimination occurs when someone is treated differently and/or poorly because of one of the following:

- Race;
- Colour;
- Ancestry;
- Place of Origin;
- Political Belief;
- Religion;
- Family or Marital Status;
- Physical or Mental Disability;
- Sex;
- Sexual Orientation;
- Age;
- Conviction of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

The City of Corner Brook believes that employees have the right to work without fear of bullying, harassment or violence. These incidents can possibly cause some, or all, of the following detrimental effects:

- Increased absenteeism due to disturbed sleep patterns, or a fear of going to work;
- A lack of productivity due to reduced concentration, confidence or morale;
- An increase in turnover as employees no longer want to work in the same place as the person who is bullying or harassing them;
- An increased likelihood of illness or injury due to stress;
- Harmful eating (e.g. a loss of appetite, or overeating/bingeing);
- Psychological effects that turn into physical symptoms (e.g. psychosomatic stomach pains or headaches);
- Substance dependency issues (increased use of alcohol or drugs);
- Feelings of shock, anger, frustration, vulnerability, etc.;
- Panic or anxiety;
- Clinical depression (and possible suicidal thoughts).

Detailed Action Required:**Risk Assessment**

The Company, specifically the Human Resources Department, will conduct a risk assessment of the work environment to identify any issues related to potential violence, bullying or harassment that may impact the operation and will institute measures to control any identified risks to employee safety. This information will be provided to the Health & Safety Committee or Safety Representative.

The risk assessment may include review of records and reports (i.e. employee incident reports, staff perception surveys, health and safety inspection reports, first aid records or other related records).

In an effort to provide support to all of our employees, the City recognizes that domestic violence is a serious issue that our employees may face. If domestic violence were to occur outside the workplace, the City would have a requirement to disclose information to the authorities where an employee or another individual's life is being threatened.

The City of Corner Brook will only disclose personal information that is deemed reasonably necessary to protect its worker's and or members of the public from physical harm.

Seeking Immediate Assistance

Canada's Criminal Code deals with matters such as violent acts threats and behaviours such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence. If an employee feels threatened by a co-worker, volunteer, contractor or member of the public, it should be immediately reported to the RNC.

Responsibilities***The City of Corner Brook shall:***

- Set a tone of mutual respect and well-being
- Not condone any form of bullying, harassment or violence in the workplace;
- Take steps to prevent and minimize bullying, harassment and violence;
- Develop, implement and maintain procedures for reporting incidents and complaints;
- Develop, implement and maintain procedures for investigating incidents of complaints;
- Ensure supervisors and employees are aware of steps to prevent bullying, harassment and violence in the workplace;
- Ensure employees and supervisors are properly trained in recognizing the potential for bullying, harassment and violence, how to respond to incidents, and procedures for reporting;
- Review this Policy and procedures annually.

Supervisors shall:

- Set a tone of mutual respect and well-being;
- Not engage in bullying, harassment or violence of any kind;
- Comply with the policies and procedures in place for regarding bullying, harassment and violence;
- Promote a respectful and safe working environment;
- Ensure employee adherence to the Respectful Workplace Policy;
- Investigate complaints of bullying, harassment or violence promptly and impartially;
- Maintain a confidential file for complaints of harassment, bullying and violence, investigations completed, and actions taken;
- Report the incident to police where appropriate;
- Apply appropriate disciplinary action where appropriate.

Employees, Councillors and Contractor's shall:

- Not engage in bullying, harassment or violence of any kind;
- Treat others with respect, and contribute to a respectful and safe work environment;
- Report all acts of bullying, harassment and violence to management;
- Ensure and comply with the City's policies and procedures regarding workplace bullying, harassment and violence.
- Participate fully and honestly in the investigative process.

Witnessing Actions in contravention of the Respectful Workplace Policy

It is the responsibility of all employees of to promote a workplace that is respectful and productive. Where employees do not speak up about the presence of bullying, harassment or violence they may become the next target and they are also condoning the actions.

Any employee who witnesses bullying, harassment or violence is directed to:

1. Offer the person support and inform them that you witnessed the incident.
2. Encourage the person to come forward and let them know that you will be a witness and will provide a statement in the event of an investigation.
3. In some cases, where the person decides to confront the individual informally, you may be asked to be a witness to the conversation (or as support).
4. Where the person does not wish to make a complaint, it is still important that management is aware of the bullying, harassment or violent act taking place in the workplace. Tell your manager or a member of Human Resources what you witnessed so that this type of behaviour can be eliminated at as soon as possible.

Reporting Bullying, Harassment or Violence

Informal:

If you are being bullied, harassed or have been a victim of violence (Complainant):

- Immediately inform the person perpetuating the actions that their actions are not acceptable to you as soon as they start to occur.
- Describe the specific actions that they took that caused you to feel uncomfortable. When confronted, in many instances, the person will stop. Sometimes a person is not aware that they are acting in an unacceptable manner. This may also prevent the act from escalating and possibly becoming dangerous.
- It is important to keep a record of dates and times where you have spoken to the person who has committed the act of bullying, harassment or violence and inform your manager/supervisor or Human Resources what occurred. Where the actions continue, Complainants are directed to use the formal reporting process. The Complainant may skip the Informal process and proceed directly to the Formal process at any time.

Formal:

Where bullying, harassment or violence has either continued to occur after a conversation with the individual or was extreme or dangerous in nature, Complainant are required to report it immediately.

Process:

- Speak with your supervisor / manager, or with Human Resources about your concern. Where your immediate supervisor/manager is the cause of concern, report the incident to the Director of your department. Any concern involving a member of Council will be directed to the City Manager.
- Write out a statement detailing the incidents including:
 - o The names of the parties involved
 - o Any witnesses to the incident(s)
 - o The location, date, and time of the incident(s)
 - o Details about the incident (behaviour and/or words used)
 - o Any additional details that would help with an investigation
- A fact finding investigation will be instigated.
- Where it is determined that the person has contravened the law, the appropriate authorities will be contacted.
- All complaints shall be taken seriously and investigated fairly.
- Employees that submit a report or complaint of bullying, harassment or violence shall not be subject to any form of reprisal or retaliation as a result of the complaint.

Employees should be aware that does not support any retaliatory actions where the complainant has not utilized any of the reporting mechanisms.

Investigating Reports Conduct in contravention of the Respectful Workplace Policy

Once a written complaint has been received, the city of Corner Brook will complete a thorough investigation. The investigation will begin immediately after receiving the complaint. Bullying, harassment and violence will not be ignored. Silence can, and often is, interpreted as acceptance. The investigation will be conducted in a timely manner.

For the purposes of this section the following definitions apply:

Complainant – The person who has made a complaint about another individual who they believe has bullied, harassed or committed an act of violence against them.

Respondent – The person whom another individual has accused of committing an act of bullying, harassment or violence.

The investigation will include:

- Informing the respondent of the complaint;
- Interviewing the complainant, any person involved in the incident, and any identified witnesses.
- Interviewing any other person who may have knowledge of the incidents related to the complaint, or any other similar incidents.
- The respondent is invited to reply in writing to the complainant's allegations and the reply will be made known to the complainant before the case proceeds further.

The City will do its best to protect from unnecessary disclosure the details of the incident being investigated and the identities of the complaining party and that of the alleged respondent.

During the investigation, the complainant and the respondent will be interviewed (separately) along with any possible witnesses. Statements from all parties involved will be taken and a decision will be made.

Where it is determined that harassment has occurred, a written report of the remedial action will be given to the individual(s) concerned.

All documents related to the formal investigation will be maintained in a sealed envelope within a locked cabinet. The documentation will be kept by for a period of no less than two (2) years* after the respondent terminates their employment.

Disciplinary Actions

If the findings of the investigation indicate that a violation of the Respectful Workplace Policy has occurred, immediate and appropriate disciplinary action, up to and including dismissal, shall be administered.

Contractors or their employees that have violated this policy will be dealt with in accordance with their contract; however, the violating contractor employee may be removed from the job site for the duration of the contract.

If the Respondent is a member of Council, Council will determine the appropriate disciplinary action in consultation with the City Manager.

As well, the City will monitor the situation between the employees to ensure that the action does not reoccur. Corrective actions shall be proportional to the seriousness or repetitiveness of the offense.

Appeal Process

If the complainant or respondent have worked with the process and feel that it has failed at some point, or that the corrective action is not consistent with the incident(s) that led to the original complaint, an appeal process is in place. The employee must complete a written complaint form and submit it to City Manager. The form should include all of the reasons why the employee did not feel that the process was equitable. Where necessary, further investigation will be instigated. The decision of the City Manager shall be final.

Fraudulent or Malicious Complaints

This Respectful Workplace Policy must never be used to bring fraudulent or malicious complaints against employees. It is important to realize that unfounded/frivolous allegations of bullying, harassment or violence may cause both the accused person and the City significant damage. If it is determined by the city that an employee has knowingly made false statements regarding an allegation of bullying, harassment, or violence, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

Confidentiality

The City of Corner Brook will attempt, in all cases, to maintain the confidentiality of the complainant and respondent. While it is not always possible to do so when soliciting witness statements, the City will not release any information to other employees which would jeopardize the confidentiality of the parties involved. Where it is determined that legislation/law was contravened, the city will supply any and all evidence to the authorities as necessary.

Providing Support

The City of Corner Brook is committed to the wellbeing of all of our employees, as such where there has been an incident of bullying, harassment or violence it will ensure that the necessary support is provided to employees. Employees who are feeling adverse symptoms as a result of an incident are encouraged to speak with Human Resources or another member of management so that the necessary support can be provided.

Training

The City of Corner Brook will provide training on the Respectful Workplace Policy ensuring that:

- a) Employees understand the contents of the policy;
- b) Employees and Supervisors/Managers recognize bullying and harassment in the workplace;
- c) Employees know how they can respond to and report incidents of bullying, harassment or violence;
- d) Employees understand how the City will respond to and investigate reports of bullying, harassment and violence;
- e) Supervisors/Managers are adequately trained on how to respond to and investigate reports of bullying, harassment and violence; and,
- f) Supervisors/Managers are adequately trained on how to provide support for employees who may suffer from adverse symptoms as a result of bullying, harassment or violence.

Employee Support

Employees are encouraged to make use of the City's Employee & Family Assistance Program (EFAP) for any personal or workplace issues that they need help dealing with or if you have been a victim of workplace violence, bullying or harassment.

Policy Review

The City of Corner Brook will review the contents of this policy annually, or sooner, in the event of any incident occurring or when there are legislative changes related to a respectful workplace and bullying, harassment or violence in the workplace.

Acknowledgment and Agreement

I acknowledge that I have read and understand the Respectful Workplace Policy of the City of Corner Brook. Further, I agree to adhere to this Policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules/procedures outlined in this Policy, I may face disciplinary action, up to and including termination of employment.

Name: _____

Signature: _____

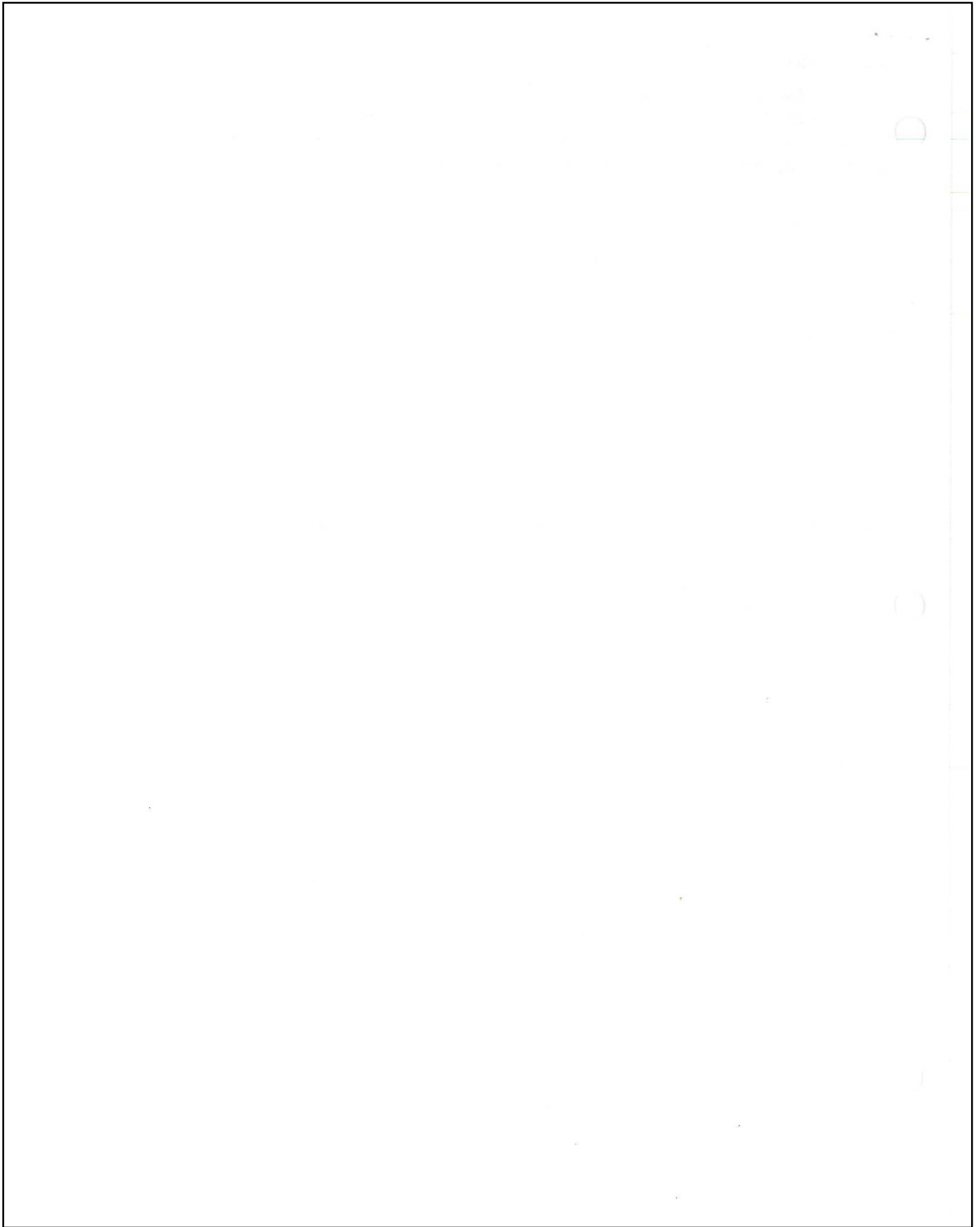
Date: _____

Witness: _____

IN WITNESS WHEREOF, this policy is sealed with the Common Seal of the City of Corner Brook.

—
MAYOR







CITY OF CORNER BROOK

Policy & Procedure

Index	Human Resources	Section	Employee Conduct		
Title	Workplace Harassment	Policy Number	10-05-11	Authority	Council
Approval Date	22 Jan 07	Effective Date	22 Jan 07	Revision Date	

"Treating each other with respect and consideration on a daily basis is key to building a workplace where every employee can contribute their best."

Purpose:

The City of Corner Brook is committed to creating and sustaining a vibrant, healthy, safe, and harassment-free work environment for all employees and Council. To do so, all employees will be treated with respect, honesty, and dignity. Behavior and/or situations that run contrary to such treatment will not be tolerated.

Policy Statement:

It is the policy of the City of Corner Brook to provide a harassment-free workplace for all employees.

The City of Corner Brook promises to respond quickly to complaints of harassment and to resolve issues speedily, openly, honestly, and with appropriate privacy.

All managers of the City of Corner Brook have a responsibility to stop harassment in the workplace. If a manager becomes aware of such behavior anywhere within the operation, that manager must take immediate action to eradicate the problem whether or not a complaint has been made. A member of management who is aware of any harassing behavior and fails to take appropriate action will be subject to disciplinary action.

This policy is not intended to deny the rights of the complainant to process a complaint through the Newfoundland and Labrador Human Rights Commission, the Collective Agreement, or any other appropriate tribunal designed to deal with harassment issues.

DETAILED ACTION REQUIRED:

This policy applies to Mayor and Council and **ALL** employees of the City of Corner Brook; union and non-union. It applies in all circumstances where the City of Corner Brook, its operation, and staff are associated.

NOTE: Please refer to the City of Corner Brook Policy – Employee Conduct – Policy Number 10-05-10 for workplace incidents of Employee Misconduct and the process available to address the inappropriate behavior(s).

Objectives:

The City of Corner Brook is committed to working in collaboration with its employees to create a respectful and harassment-free workplace by:

- Encouraging positive employee/employer relations by providing for the fair and consistent treatment of staff throughout the city's organization; and

- Taking action to prevent and/or deal with harassing behavior wherever City business is conducted.

Responsibilities:

Council (or its designated committee) will:

- Review, amend, and adopt changes to this policy; and
- Investigate situations of harassment involving the Chief Administrative Officer and act as the final decision maker regarding discipline, if required, which may include termination.

The Chief Administrative Officer (or designate) will:

- Bring recommended changes of this policy forward to Council for consideration and approval;
- Investigate situations of harassment involving the Mayor and Council;
- Investigate situations of harassment involving Directors and the City Clerk and act as the final decision maker regarding discipline, if required, which may include termination;
- Act as the final decision maker in situations of harassment for all staff where termination is the recommended course of discipline; and
- Accept, and respond to, appeals from parties concerning decisions related to the investigations of harassment and/or discipline level issued.

The Directors will:

- Create and maintain a respectful workplace that is free from harassment;
- Ensure behavior is respectful and appropriate at all times;
- Accept responsibility for their own actions and behaviors and the impact on others;
- Recommend to the Chief Administrative Officer changes to this policy;
- Participate in the investigation process, when required;
- Take necessary corrective action for harassment based on the investigation process;
- Advise the Chief Administrative Officer of issues of suspension as a result of the investigation process; and
- Consult with the Chief Administrative Officer in situations of recommended termination.

Coordinators/Supervisors will:

- Create and maintain a respectful workplace that is free from harassment;
- Ensure behavior is respectful and appropriate at all times;
- Accept responsibility for their own actions and behaviors and the impact on others;
- Challenge harassing behavior by advising that such conduct is unacceptable when it occurs and refuse to participate in the behavior;
- Take a proactive role to stop harassment;
- Ensure awareness of and compliance with the policy and procedure;
- Take appropriate action in a prompt, impartial, and confidential manner when harassment issues come to attention;
- Support all parties involved in resolving issues under this policy;
- Actively participate in the investigation process as outlined in this policy and participate in the discipline process;
- Provide training to all employees to ensure that they understand the policy and the implications of harassment in the workplace; and

- Make sure no person suffers reprisal as a result of making a non-malicious complaint, or for providing information.

Human Resources will:

- Act as a resource in situations of harassment;
- Partake in the investigation process as outlined in this policy; and
- Recommend to the Director of Corporate Services changes to this policy and procedure.

Employees will:

- Ensure behavior is respectful and appropriate at all times;
- Accept responsibility for their own actions and behaviors and the impact on others;
- Challenge harassing behavior by advising that such conduct is unacceptable when it occurs and refuse to participate in the behavior;
- Report harassing behavior to someone in authority; and
- Immediately inform a supervisor if there is an imminent threat or risk of violence that could compromise an individual's safety.

Definitions:

Complainant – An individual(s) who has brought forward or files a complaint under this policy alleging harassment.

Respondent – An individual(s) named as the harasser in the complaint brought forward by the complainant alleging harassment.

Appropriate Workplace Behavior - It is not possible to itemize every instance of appropriate or inappropriate behavior. Nevertheless, the kinds of behaviors that support and create a respectful harassment-free workplace include:

- Being polite, courteous, and respectful of others
- Treating others equitably and fairly
- Listening to what others have to say
- Being open-minded to others' ideas, comments, and suggestions
- Seeking input and the active involvement of appropriate people in planning, decision-making, and implementing initiatives
- Recognizing and valuing the diversity among workgroup members, the customers, and citizens
- Willingly and sincerely apologizing to people when something said or done may have offended

Inappropriate Workplace Behavior - Inappropriate behavior is that which is objectionable and/or unwelcome to an individual and serves no valid work related purpose. When inappropriate behavior in the workplace is allowed to persist, a "poisoned work environment" may be created over time. There are three categories of inappropriate behavior addressed in this policy. They are:

- Personal Harassment
- Discrimination (Human Rights Harassment)
- Threats/Violent Acts

1. *Personal Harassment:*

Personal harassment is repeated, persistent, and intentional and is defined as a course of conscious behavior which is known or reasonably ought to be known to be harmful or hurtful to another person or persons in the workplace. Personal Harassment has no legitimate workplace purpose and can be objectively measured as more than the sort of trivial occurrence or inconsequential event that can be reasonably expected to take place in a work environment.

Personal harassment does not include supervisor/employee performance reviews or matters within the normal disciplinary processes of the City.

Examples of personal harassment include, but are not limited to:

- Written or verbal comments, behaviors or jokes that are rude, degrading, or offensive
- Jokes which are demeaning and result in embarrassment or insult
- Bullying, shouting which demeans, teasing, or taunting
- Deliberate exclusion of a particular employee from relevant work activities
- Attempting to discredit an employee by spreading false information about him/her

2. *Discrimination (Human Rights Harassment):*

The Canadian Human Rights Act and the provincial Human Rights laws protect employees from harassment related to work. According to legislation, discrimination is defined as behaviors, practices, policies, or systems which have an adverse impact based on: age, ancestry, color, family status, marital status, mental or physical disability, place of origin, race, religious beliefs, sexual orientation, source of income, or gender – including pregnancy and sexual harassment (discussed in detail below), or any other grounds covered by Newfoundland and Labrador Human Rights.

- Sexual Harassment - Sexual harassment involves conduct or comments of a sexual nature such as: unwelcome advances, requests, comments, physical contact or gestures.

Examples of Sexual Harassment:

- Verbal harassment
 - Sexual comments, jokes, gestures, noises, propositions
 - Cat calls or whistling in a demeaning manner with sexual overtones
 - Referring to an adult as “girl”, “boy”, “honey”, “sweetie”, or “babe”
 - Asking about sexual fantasies, preferences, or history
 - Making sexual comments about a person’s clothing, body, or looks
- Non-Verbal harassment
 - Sexual and/or derogatory comments about men/women on coffee mugs, hats, walls, computer screens, etc.
 - Display of sexual pictures
 - Making facial expressions, such as winking, throwing kisses, or licking lips
 - Making sexual gestures with hands and/or body movements
 - Letters, e-mail, posters, gifts and/or materials of a sexual nature
 - Invading a person’s body space, standing closer than appropriate or necessary
- Physical harassment
 - Any unwanted physical touching
 - Deliberate sexual touching or brushing up against, or leaning over, or pinching

- Touching or rubbing oneself sexually around or in the view of another person
- Patting, caressing, or fondling
- Tearing, pulling, or yanking a person's clothing
- Exposing herself/himself

3. ***Threats/Violent Acts:***

A threat is:

- any act, gesture, or statement that gives an employee reasonable cause to believe that there is risk of injury to themselves, another person, or damage to personal and/or City property;
- any statement, either verbal or written, that can be reasonably interpreted by a person to be menacing or taunting in nature and could result in harm to the individual. This could include, but not limited to, such things as coercion, intimidation, humiliation, bullying, ridiculing, or belittling.

Violent acts are defined as:

- any act that causes, or may cause, physical harm or significant emotional distress to a City employee or a member of the public;
- behaviors that are threatening to personal safety and require immediate action to prevent escalation.

NOTE: Where behavior may constitute a criminal offence, the City will refer those matters to the applicable law enforcement authority.

PROCEDURE:

Investigating Complaints:

All investigations will protect the individual with the highest possible level of confidentiality.

NOTE: Incidents of threats or violence should be reported immediately to the immediate Supervisor.

Complaint Process:

As a complainant, the individual have a responsibility to:

- Make their disapproval or unease known to the other person within a reasonable time, unless it is impractical to do so;
- Make a complaint to or seek assistance from the immediate supervisor, Human Resources, and/or a union representative, if applicable, within a reasonable period of time;
- Cooperate with those responsible for reviewing the complaint;
- Keep their involvement and complaint confidential; and
- Express the complaint honestly and accurately.

Individuals against whom a complaint has been made have a responsibility to:

- Participate in any investigation or review of a complaint;
- Seek assistance from the immediate Supervisor, Human Resources, and/or a union representative, if applicable, to obtain advice and direction on what may be the appropriate course of action, if so desired;
- Keep their involvement and nature of the complaint confidential; and
- Avoid further confrontation with the complainant.

Complaint Process - Step 1: Direct Action

The individual (complainant) who believes he/she has been subjected to harassing/inappropriate behavior should attempt to stop the inappropriate behavior by speaking with the person, either in person or written form. If the employee does not feel comfortable doing this, or does attempt this and it fails to achieve results, the employee can then proceed to the next step or Step 3 as necessary.

Complaint Process - Step 2: Informal Action

Informal procedures do not involve an investigation, a report, or any official decision. An employee who complains informally is enlisting the help of a Supervisor and/or Human Resources. The Supervisor and/or Human Resources can clarify to the complainant what constitutes harassment; how to proceed with the complaint, the need for the individual to create private, written records of the incident; and discuss other methods of resolution available. The Supervisor and/or Human Resources will keep confidential written notes regarding the complaint. The notes will contain the identity of the complainant and the respondent and any action taken regarding the complaint. The supervisor and/or Human Resources may make the person named in the situation aware of the concern if the complainant requests.

Complaint Process - Step 3: Formal Action

The complainant will prepare a written complaint giving details of the alleged harassment including relevant information such as dates, times, places, names of individuals involved in the incident, name of witnesses, etc. and submit to the immediate Supervisor who will copy the complaint, forward original to the Human Resources Office who will copy to the appropriate Director, and Chief Administrative Officer. If the complaint is concerning the immediate supervisor, the complainant will submit directly to the Director. If the complaint is concerning the Director, the complainant will submit to the Chief Administrative Officer. If the complaint is concerning the Chief Administrative Officer, the complainant will submit directly to Council who will receive consultation from the Human Resources Office. The respondent (person named in the complaint) will be made aware of the complaint, given a copy of this policy, and will be advised of their right to retain legal counsel at their expense or have union representation present during any meetings.

Upon receipt of the written complaint, an investigation team will be implemented consisting of the immediate Supervisor, Human Resources, and the Director, if necessary, or his/her assigns, who will interview (separately) the complainant, the respondent, and any witnesses within 10 days, where possible, of receipt of the complaint. Employee representation may be present if requested by the complainant and/or respondent. All employees must cooperate in the investigation, failure to do so may result in disciplinary action.

Following the interviews and depending on the nature of the incident, the investigation team may write a report and submit to the Director (if not a member of the investigation team) and/or the Chief Administrative Officer within 10 days of the conclusion of the investigation. The report will state who was interviewed, what questions were asked, what conclusions were made, and what form of discipline may be appropriate in this particular case.

If the allegations are substantiated, the Director and/or Chief Administrative Officer will follow up in writing with the parties within 10 days, if possible, outlining the course of action in the case and the discipline issued. In addition, the Director and/or Chief Administrative Officer will discuss the seriousness and the effects of the offense with the respondent, if necessary.

NOTE: Timeframes may be extended if required.

Appeals:

In the event the complainant is not satisfied with the results of the investigations, he/she may:

- Submit the complaint and investigation results to the Chief Administrative Officer for further consideration and action
- Contact the Human Rights Commission, if applicable, or other means of resolution

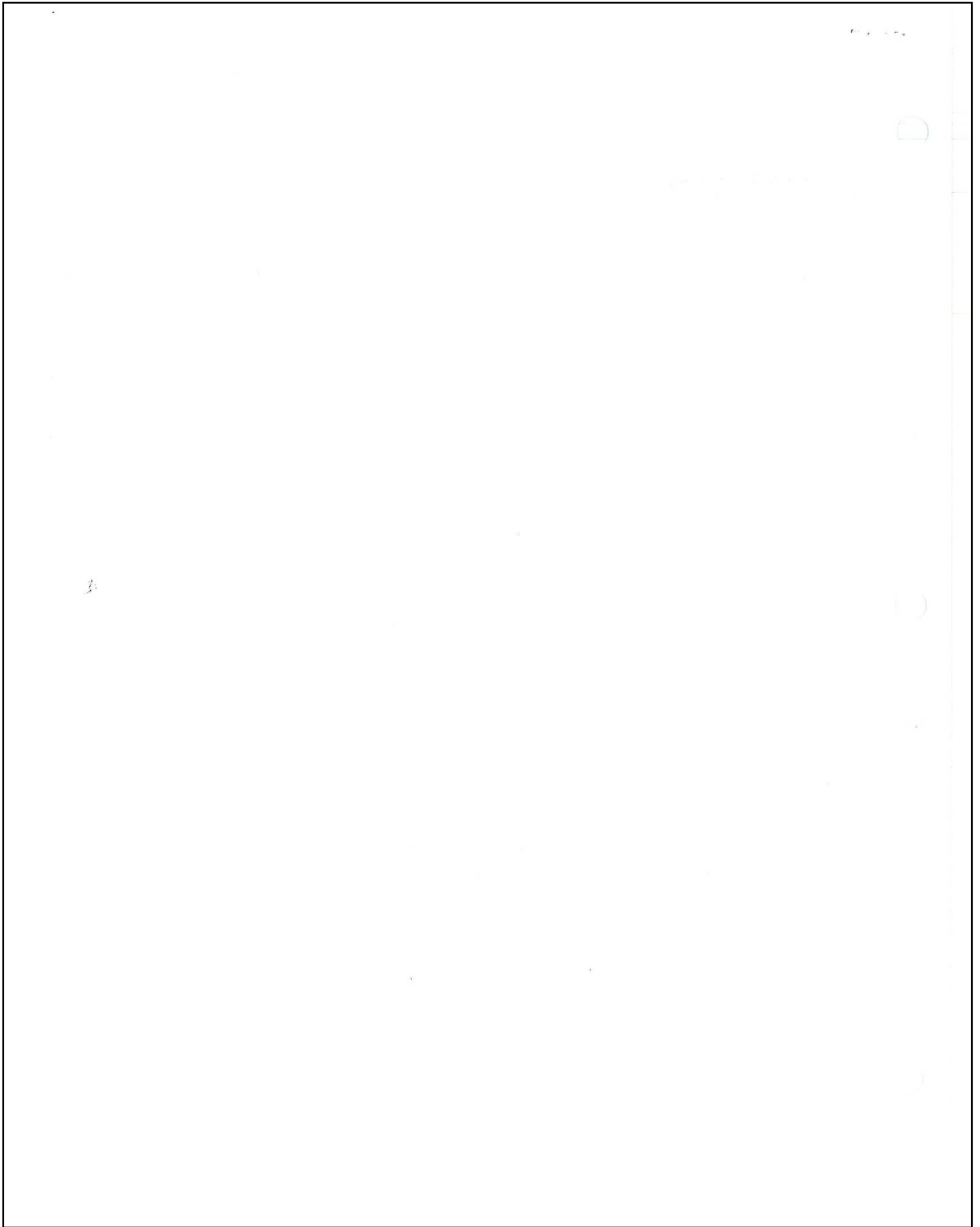
False or Frivolous Complaints:

Complaints that are found to be false, frivolous or made in bad faith will not be tolerated and will be subject to appropriate disciplinary action.

IN WITNESS WHEREOF, this policy is sealed with the Common Seal of the City of Corner Brook.

MAYOR

CITY CLERK





Information Report (IR)

Subject: Accessibility and Inclusiveness Committee Update

To: Rodney Cumby

Meeting: Committee of the Whole - 06 Dec 2021

Department: City Manager

Staff Contact: Jessica Smith, Legislative Assistant

Topic Overview: The following is an update on current initiatives from the Accessibility and Inclusiveness Committee

BACKGROUND INFORMATION:

The Accessibility and Inclusiveness Committee held a meeting on November 16, 2021 to review and discuss some initiatives that they would like to see review, including

- City Hall Public Washrooms - The Committee recommended accessibility modifications to the public bathrooms in City Hall. It was agreed to consult with the facility manager to obtain an estimate on proposed accessibility improvements.
- Downtown Improvements - There was some discussion regarding accessibility barriers in some downtown businesses. It was suggested to obtain information on the City's Facade Appeal Comprehensive Enhancement (FACE) Program to review funding options to assist businesses enhance accessibility improvements to their buildings.
- Public Works - It was agreed to revisit public works accessibility issues throughout the City, especially in the downtown area. Areas identified including interlocking brick sidewalks, transitions and grades.
- Attendant Pass Policy - The Committee recommended implementation of an Attendant Pass Policy to provide a free pass to a personal attendant providing assistance to individuals who require additional support.
- Hearing System - The Committee recommended exploring the option of a hearing accessibility device for public Council Meetings.
- Patio Standards - The Committee recommended developing patio standards prior to the 2022 summer season. The Committee highlighted improving the accessibility of patios as well as ensuring patios do not impede the accessibility of sidewalks.

City Clerk
Legislative Assistant

Approved - 02 Dec 2021
Approved - 03 Dec 2021

City Manager



Information Report (IR)

Subject: Youth Advisory Committee Update

To: Rodney Cumby

Meeting: Committee of the Whole - 06 Dec 2021

Department: City Manager

Staff Contact: Jessica Smith, Legislative Assistant

Topic Overview: The following is an update from the Youth Advisory Committee

BACKGROUND INFORMATION:

The Youth Advisory Committee Meeting met on November 23, 2021, Items discussed included:

- **Recruitment:** The Committee will be reaching out to youth to recruit new members in the new year;
- **Committee Visibility:** The Committee is exploring ways to be more visible in the community and are exploring options to better promote the committee through social media, participation in community events, and promotion through the schools;
- **Youth Climate Chapter:** The Committee met virtually with representatives from MUN Botanical Garden & Johnson GEO Centre about the possibility of establishing a youth climate action chapter for their Climate Collective project. The Committee is hoping to gain some interest in other youth collaborating with the Committee to represent our region in this project.

City Clerk

Approved - 02 Dec 2021

Legislative Assistant

Approved - 03 Dec 2021

City Manager



Request for Decision (RFD)

Subject: Traffic Signal Controller and Cabinet Purchases

To: Rodney Cumby
Meeting: Committee of the Whole - 06 Dec 2021
Department: Engineering
Staff Contact: Darren Charters, Director of Community, Engineering, Development & Planning
Topic Overview: Pursuant to Section 32 of the Public Procurement Regulations, staff is requesting permission of Council to purchase two (2) 12 Position TS2 - Type 1 Econolite Plug N Go Cabinets w/ Cobalt Controllers from a single source.
Attachments: [Corner Brook MSX 8 Phase November 25 2021](#)
[Econolite MSX cabinet-extension and NEMA TS2 Type 1 Plug-N-Go 8 phase sample assembly \(005\)](#)

BACKGROUND INFORMATION:

It was recommended in the *Comprehensive Traffic Signals System Evacuation* (Harbourisde 2018) report that the City of Corner Brook standardize the type of controller used at signalized intersections throughout the City. The majority of controllers in the City are currently Econolite brand with a few different controller brands remaining in service. There are many benefits to standardizing the types of controllers including the compatibility with existing equipment, staff and contractor training requirements and a consistent inventory of parts that all lead to reduced repair times which in turn improves public safety. The equipment is only available through one supplier, Econolite Canada, which is located on Ontario.

These controllers would be part of the 2020-2023 Multi Year Capital (MYC) projects to upgrade the signalized intersections at Lewin Parkway at Griffin Drive and Lewin Parkway at Mill Road. In an effort to reduce the risk of equipment delays, which could ultimately delay the overall projects, staff recommend that equipment be purchased now for the projects.

PROPOSED RESOLUTION:

Be it resolved that the Council of the City of Corner Brook approve the single source purchase of 2 (two) 12 Position TS2 - Type 1 Econolite Plug N Go Cabinets w/ Cobalt Controllers from Econolite Canada for the cost of \$37,917.94 (HST Inc.).

FINANCIAL IMPACT:

Multi Year Capital (2020-2023 Funding)

Finance Type: Capital

Legal Review: Yes

LEGAL REVIEW:

Section 32 of the Public Procurement Regulations

RECOMMENDATION:

Staff recommends that the equipment be purchased now through Econolite Canada and that the following resolution be put forward:

Options:

1. That the Council of the City of Corner Brook approve the single source purchase of 2 (two) 12 Position TS2 - Type 1 Econolite Plug N Go Cabinets with Cobalt Controllers from Econolite Canada for the cost of \$37,917.94 (HST Inc.).
2. That the Council of the City of Corner Brook not approve the single source purchase of 2 (two) 12 Position TS2 - Type 1 Econolite Plug N Go Cabinets with Cobalt Controllers from Econolite Canada for the cost of \$37,917.94 (HST Inc.).
3. That the Council of the City of Corner Brook give other direction to staff.

Director of Community, Engineering, Approved - 30 Nov 2021
Development & Planning

Legislative Assistant Approved - 30 Nov 2021

City Manager



Quotation

Date: 11/25/2021

To: Corner Brook, NL; City of Attn: Scott Remo Corner Brook NL CAN	Quote Name: MSX Cabinets Nov 2021 Project Reference: Econolite Reference: Q-04476-W3G8
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#	Part #	Qty	Description	Price per	Extended
1		1	Lewin Parkway @ Griffin Drive, Corner Brook, NL	\$16,275.80	\$16,275.80
2		1	Lewin Parkway @ Mill Road, Corner Brook, NL	\$16,275.80	\$16,275.80
			<p>NEMA TS2 TYPE 1 TRAFFIC CONTROLLER & CABINET ASSEMBLY complete with the following components and requirements:</p> <ul style="list-style-type: none"> - MSX (59x30x17) type aluminum cabinet for pad mounting c/w fan, two 150 watt film heaters, adjustable fan/heater thermostat, door pouch, LED cabinet lighting, laptop shelf, complete police door assembly with retractable police cord and power auxiliary panel with GFI receptacle. Econolite Plug & Go Type. <li style="padding-left: 20px;">Color GREEN <li style="padding-left: 20px;">W/ Extension Base 15" - One (1) NEMA/ATC Traffic Signal Timer/Controller c/w 7" colour touchscreen graphical display w/ 800x480 display resolution, PowerQUICC 2 Pro Processor, 128MB DRAM, 2MB SRAM, 64MB flash memory, 4 Ethernet ports, 2 USB 2.0 ports, Linux v2.6.35 OS. Econolite Cobalt No substitutions. - One (1) 12 position, 16 channel back panel - One (1) TS2 type 1 power supply - One (1) Malfunction Management Unit (MMU-16) - One (1) 16 channel detector rack including space for 4 channels of pre-emption, detector interface panel and all harnesses - Three (3) BIU's - Twelve (12) TS2 Load switches - One (1) TS2 Two Circuit Flasher - Four (4) TS2 Transfer Relays - Four (4) NEMA TS2 2 Channel Loop Detectors - Two (2) Schematic Drawings, phasing and hook-up diagrams - Five Year Warranty 		

Econolite Canada Head Office - 110 Travail Road, Markham, ON L3S 3J1 Ph: 905.294.9920

econolite.ca/feedback

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Quotation

			- 24/7 toll free factory technical support - Programming for 4 way semi-actuated intersection operation. To be confirmed by Engineer. Controller, cabinet assembly and all components must be new, current inventory and supplied with a full manufacturer's warranty. In addition, this complete assembly will be fully tested per documented ISO procedures and CSA approved as a complete unit.		
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SubTotal	\$32,551.60
Shipping & Handling*	\$420.52
Taxes**	\$4,945.82
TOTAL	\$37,917.94

Cabinet designs are considered final at time of order. Changes requested after date of order may result in additional fees and extended shipping lead times.

Terms of Sale: Please review all products and quantities within 48 hours and advise if our Sales Order and these terms of sale do not meet your requirements for the designated job. Note that we are your supplier. We are not a subcontractor in any RFP or Tender Call to which you are responding. We do not accept any flow-downs of obligations, warranties or other promises you have made in response to the RFP or Tender Call. Any provision of your Purchase Order that is inconsistent with this Sales Order is rejected, and you must cancel your order if you do not agree with these terms of sale. Returns, if approved, may reflect a restocking fee. We may not be able to approve or accept returns of certain goods.

THIS IS NOT AN INVOICE PLEASE DO NOT PAY. FREIGHT CHARGES IF APPLICABLE ARE DETERMINED ON THE DAY OF SHIPPING. INTEREST WILL BE CHARGED ON OVERDUE ACCOUNTS BASED ON THE FOLLOWING TERMS: Interest will be charged at a rate of 19.56% per annum (=1.5% / Month). If necessary, to enforce the collection of the account due under this invoice, buyer agrees to indemnify Econolite Canada Inc. for all costs, including legal costs on a full indemnity basis.

IMPORTANT: F.O.B. point of shipment. Econolite's responsibility ceases F.O.B. point of shipment. Check packing list at once and notify carrier immediately if shortage or damage is discovered and note on carrier's delivery slip. Claims must be reported to carrier within 48 hours. Returned goods will not be accepted by Econolite except by prior written agreement. Any claims reported after 48 hours will not be covered by Econolite or the carrier.

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or legally privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited except as required by law.

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Quotation

Quote Valid for Days: 30

FOB: Econolite Factory

Terms: NET30 from date of shipment, subject to credit approval

*Ship Terms: PPD&ADD

**Taxes: Estimated (if included)

[REDACTED]
Chris McGuire, Account Manager
(Ontario/Maritimes)
Mobile: +1 4169385990
CMcGuire@Econolite.ca

Shipping Date: 12 weeks ARO, approved credit terms and submittal approval when applicable

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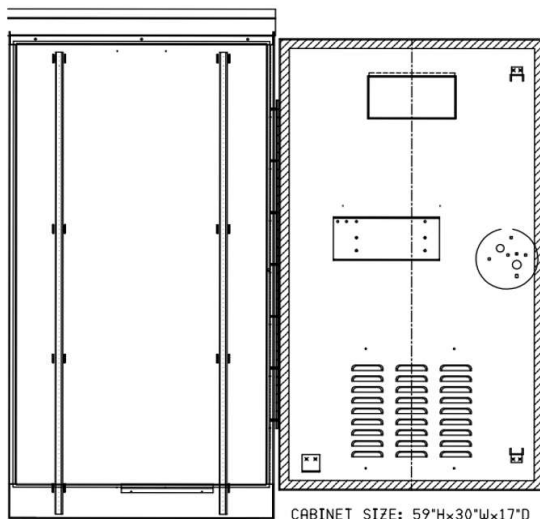
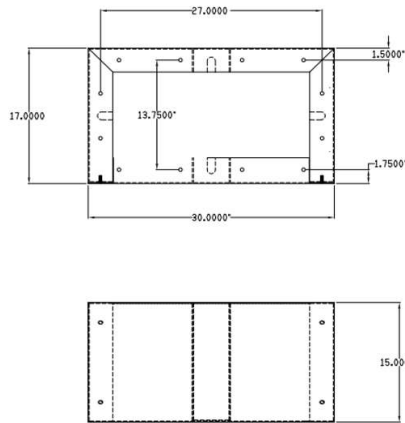
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Model MSX cabinet, extension and NEMA TS2 Type 1 Plug-N-Go 8 phase sample assembly

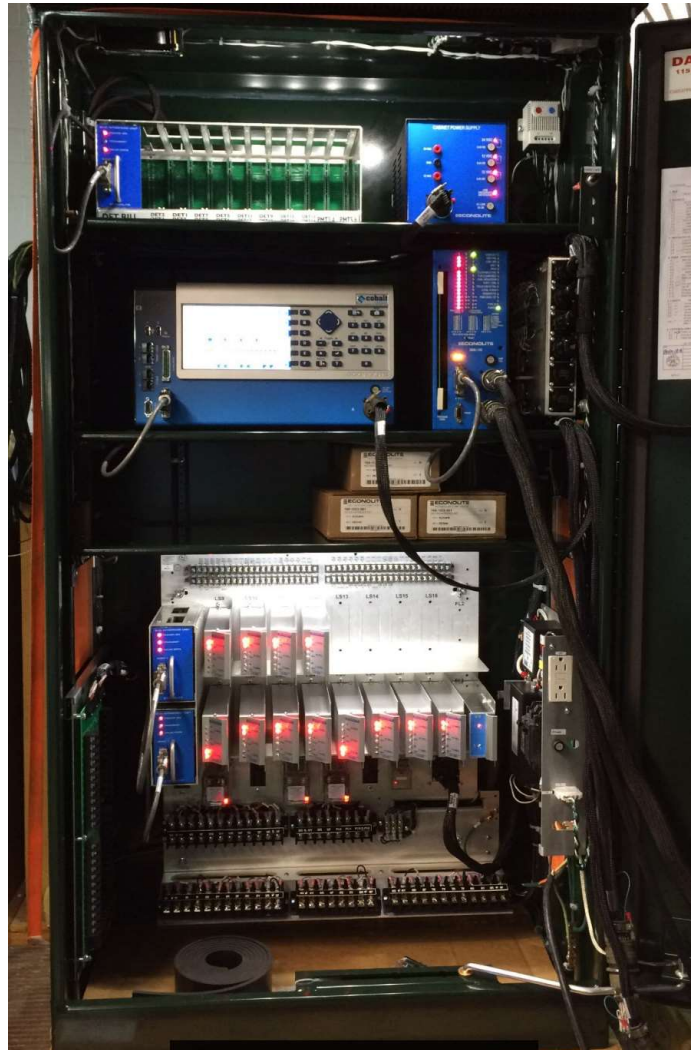
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Request for Decision (RFD)

Subject: Traffic Signals and Decorative Lights Contract 2021-27

To: Darren Charters
Meeting: Committee of the Whole - 06 Dec 2021
Department: Engineering
Staff Contact: Melody Roberts,
Topic Overview:
Attachments: [K & C Renovations Bid Submission 2021-27 Redacted](#)

BACKGROUND INFORMATION:

The Tender for the Traffic Signals & Decorative Lights Service/Maintenance Contract 2021-27 closed on November 23, 2021 at 12 noon, with two (2) bids received for a 3-year Contract:

K & C Renovations Ltd.	\$23,287.50 (HST Included)
ECO Contracting Ltd.	\$27,025.00(HST Included)

PROPOSED RESOLUTION:

Be it resolved that the Council of the City of Corner Brook award the Tender to K & C Renovations Ltd. in the amount of \$23,287.50 HST Included for the Traffic Signal & Decorative Lights Service/Maintenance 3-year Contract.

Director of Community, Engineering, Development & Planning	Approved - 30 Nov 2021
Legislative Assistant	Approved - 30 Nov 2021

City Manager

Nov. 23/2021
12:12 pm

TENDER FORM

Tender for: Traffic Signals & Decorative Lights Maintenance / Service
Contract No: 2021-27

To: City of Corner Brook
P.O. Box 1080
5 Park Street
Corner Brook, NL
A2H 2W8

To Whom It May Concern:

1. Having carefully examined the site of the proposed work and all conditions affecting such, as well as the Contract Documents including the Specifications, all Addenda, and the Instructions to Bidders for this project,

WE, THE UNDERSIGNED, hereby offer to furnish all necessary labour, materials, superintendence, plant, tools and equipment, and everything else required to perform expeditiously and complete in a satisfactory manner the work for the price of:

Twenty three thousand, two hundred and
eighty Seven dollars and fifty cents.

(\$ 23,287.50) per Annum in lawful money of Canada which includes all prime costs, allowances and Government sales or excise taxes in force at this date, except as otherwise provided in the tendering documents.

2. The Work will be substantially performed by November 30, 2024.
3. WE ENCLOSE HEREWITH if required by the Instructions to Bidders:

A bid bond issued by an approved Surety Company licensed to do business in the Province of Newfoundland and Labrador and made out in favour of the City of Corner Brook. The bid bond shall be at least ten percent (10%) of the tendered amount. An approved certified cheque may be substituted in lieu of the bid bond.

In the event of this tender being accepted within the time stated in Section 4 below and our failure to enter into a contract in the form hereinafter mentioned for the amount of our tender, the said security may at the option of the City of Corner Brook be forfeited. The forfeiting of the security does not limit the right of action of the City of Corner Brook against us for failure or refusal to enter into a contract.

4. IF NOTIFIED IN WRITING BY THE CITY OF CORNER BROOK OF THE ACCEPTANCE OF THIS TENDER WITHIN 30 DAYS OF THE TENDER CLOSING DATE SUBJECT TO SUCH OTHER PERIOD AS MAY BE SPECIFIED IN THE CONTRACT DOCUMENTS, WE WILL:
 - (a) execute the Form of Agreement;
 - (b) substantially complete all work included in the contract within the time and under conditions specified.
5. WE understand that Performance Security, Labour and Materials Security and Insurance as required by the contract documents must be provided and in force prior to the commencement of any work and satisfactory proof of such be provided to the City of Corner Brook.
6. WE declare that the rates and prices herein tendered have been correctly computed for the purposes of this tender and include and cover all contingencies and provisional sums and all duties, taxes, and handling charges and all transportation and all other charges.
7. WE confirm that the sums herein tendered include all sales taxes, royalties, custom duties, foreign exchange charges, transportation, traveling costs, all overhead and profit, all co-ordination fees, insurance premiums, and all other charges, except as otherwise provided in the contract documents.
8. WE agree to authorize the City of Corner Brook to release the names of sub-contractors used in our tender where such information is requested from the City of Corner Brook.
9. WE reserve to us the right to substitute other sub-contractors for any trades in the event of any sub-contractor becoming bankrupt after the date hereof. Any such substitution shall be subject to the approval of the City of Corner Brook and contingent upon satisfactory evidence of bankruptcy.
10. WE understand and agree that the City of Corner Brook may order changes to the work in the form of additions or deletions in accordance with the General Conditions, Supplementary General Conditions and the intent of the Contract Documents.
11. We understand that this procurement process is subject to the Access to Information and Protection of Privacy Act, 2015 and agree that the financial value of a contract resulting from this procurement process will be publicly released as part of the award notification process.
12. We understand and agree that the procurement is subject to trade agreements, if applicable.
13. The prices herein Tendered include all fringe benefits, transportation costs, travelling time, administration costs, insurance premiums, coordination fees and all other relevant costs.

- 14. The material shall mean only expendable items to construct the Work described on the Work orders issued by the Director of Public Works or Designate and not items such as tools, equipment and other items listed in the Specifications. The Tenderer agrees to submit monthly invoices at his/her company's net cost of material purchased plus 10% mark-up; plus 10% profit.
- 15. For materials in unit price Work where any single material item cost \$300 or more the Contractor must obtain written price quotes from three (3) suppliers. The Contractor shall obtain the materials from the lowest supplier and submit the lowest supplier's invoice along with his/her own invoice showing appropriate mark-ups. The other two quotes must be retained and submitted to the Director of Public Works or Designate should they be requested.
- 16. The Owner reserves the right to use its own forces to perform any Work and to Tender any Work. Generally however, it is the intent that the Contractor will carry out minor projects which are within his/her competence. Refer also to Section D.
- 17. WE hereby acknowledge receipt of the following addenda:

Addendum Numbers: ~~██████~~ 1 , _____ , _____ , _____
- 18. In order for a Tender to be valid, it must be signed by duly authorized officials as indicated in the Instructions to Bidders.

SIGNATURE OF TENDERER

Firm Name: K+C Renovations Ltd

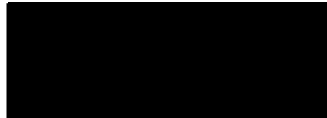
Address: 19 Carmen Avenue, Corner Brook, NL

Postal Code: A2H 4V1

Email: kcrenosnl@gmail.com

Phone #: 709-639-7661

Fax #: _____



Signing Officer Crystal Alcock - Director

Signing Officer

Corporate Seal



Witnessed By Kyle Alcock

APPENDIX "A"

SCHEDULE OF QUANTITIES AND PRICES

The quantities set out in this schedule are estimated quantities only and are not to be taken as final quantities by the Contractor. The unit prices bid shall include all labour, plant, materials, overhead, duties, and profit and all other obligations and liabilities under the Contract. H.S.T. is to be applied. Totals shall be determined by multiplying the quantity by the tendered unit price.

UNIT PRICE TABLE

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>UNIT</u>	<u>ANNUAL ESTIMATED QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
1.	Electrician	Hours	200	60	\$12,000
2.	Helper / Labourer	Hours	100	45	\$ 4,500
3.	Flag Person	Hours	50	75	\$ 3,750

SUBTOTAL 20,250

HST 15% 3,037.50

TOTAL ANNUAL TENDER AMOUNT: 23,287.50

Note: Quantities shown have been estimated for each year of the three (3) year period of the Contract.

Transfer the Total Annual Tender Amount to Page 1 of the Tender Form.