

# **Regular Meeting #10**

## **June 15, 2021**

A Regular Meeting of Council convened at 7:00 p.m. in the presence of Mayor French, Councillors (with the exception of Councillor Davis), Chief Administrative Officer, Brian Crawley, Town Clerk, Gail Pomroy, Director of Finance, Liz Davis, Director of Engineering and Public Works, Jennifer Norris, Director of Recreation and Leisure Services, Dave Tibbo, Director of Planning and Development, Corrie Davis, Director of Economic Development, Jennifer Lake, Fire Chief John Heffernan, and Communications Manager, Carla Hodder.

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### **1. ADOPTION OF AGENDAS AND MINUTES**

#### **a. Adoption of the Meeting Agenda for June 15, 2021**

**Resolution #21-206**

**Councillor Hillier/Councillor Tilley**

Be it so resolved that the agenda of the meeting of June 15, 2021 be adopted as presented.

- carried unanimously

#### **b. Adoption of the Meeting Minutes of May 18, 2021**

**Resolution #21-207**

**Councillor Bent/Councillor Youden**

Be it so resolved that the minutes of the meeting of May 18, 2021 be adopted as presented.

- carried unanimously

### **2. BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil

**3. VISITORS, PRESENTATIONS AND PETITIONS**

**a. Proclamation – National Indigenous Peoples Day**

Mayor French proclaimed June 21, 2021 as National Indigenous Peoples Day in the Town of Conception Bay South.

**b. Proclamations**

Mayor French advised that he had previously signed the following proclamations:

- June is Recreation Month (proclaimed over social media)
- Pride Month (proclaimed over social media)
- Early Childhood Educators Week - May 30-June 5 (proclaimed over social media)

**4. NEW BUSINESS**

**Deputy Mayor Murphy**

expressed condolences to the family and friends of resident and former MHA George Murphy who had recently passed away.

expressed condolences to the Muslim community for the recent tragic events in London, Ontario. He stated that Conception Bay South is standing with them in their grief.

**Councillor Youden**

also expressed condolences to Murphy family.

commented on vandalism of Pride Flats at area schools. He asked that everyone be accepting and kind.

stated that he and Councillor Butler had been approached to requested the installation of disability signage. He stated that he has passed the request on to Engineering and Public Works for review.

stated that he will not be seeking re-election in the upcoming municipal election. He thanked staff stated that there is a lot of hard work that goes on behind the scenes.

**Councillor Tilley**

thanked Councillor Youden for his sixteen years of service.

congratulated Arnold Kelly on being elected President of Hockey NL

congratulated the CBS Lions Club on their 50<sup>th</sup> Anniversary. He also expressed congratulations to Heber Best who has been with the club from day one.

**Councillor Hillier**

commented on the Seal Cove Trestle and noted that staff are working to put together grant applications in an effort to receive money to repair it.

**Councillor Bent**

thanked Deputy Mayor Murphy for his comments in support of the Muslim community.

commented on the passing of George Murphy. He stated that he loved people and his passing is a great loss.

thanked Councillor Youden for his 16 years service.

congratulated the Lions Club on their 50 year anniversary.

commented on the Little Free Pantries of Conception Bay South. He stated that it is a great initiative and congratulated the organizers, including Carla Crotty and Parsons and Sons.

**Councillor Butler**

expressed congratulations to Heber Best.

expressed condolences to the Murphy family.

thanked Councillor Youden for his service.

thanked the Lions Club for providing the Community Garden with a generous donation to build an accessible ramp to the outdoor classroom at the Gateway Garden. Your continued dedication to the success of our community is to be admired.

**Mayor French**

requested all motorists to slow down on local roads. He stated that school will be out for summer soon resulting in many more children outside playing. He urged all to slow down.

requested all residents to clean up their properties and assist with keeping the trails in our town litter free. He reminded those with pets to pick up after them as well.

expressed condolences to friends and family of George Murphy. He spoke of his time as an MHA with Mr. Murphy and stated he has many fond memories.

congratulated the Lions Club and Heber Best on their 50<sup>th</sup> anniversary. He shared memories with Mr. Best as he was a well known teacher in the community.

**Councillor Bursey**

echoed Councillor Hilliers comments on the Seal Cove trestle and the need for repair.

stated that the annual 3 Hour Challenge is taking place this Saturday, June 19 from 9:00am – 12:00pm. Registration for this event is now closed and we would like to say a huge thank you to the many residents who are registered for the event, as well as all local sponsors, that

make this event such a huge success every year.

thanked Councillor Youden for his service.

**5. RECOMMENDATIONS OF PLANNING AND DEVELOPMENT COMMITTEE  
(Chair, Councillor Rex Hillier)**

Transferred for Committee of the Whole Meeting #10

**1. 27 Noseworthys Lane**

**Resolution #21-208  
Councillor Hillier/Councillor Bent**

Be it so resolved that Application No. 21-138 received on May 4, 2021 for a sunroom extension to the rear of the existing dwelling at 27 Noseworthys Lane be approved.

- carried unanimously

Presentation of recommendations of meetings held on June 1, 2021 and June 8, 2021.

**1. Community Park**

**Resolution #21-209  
Councillor Hillier/Councillor Bursey**

Be it so resolved that Council ratify approval of the Land Use Impact Assessment Report submitted in relation to Phase 2 construction and long term mitigations of potential geological and hydrological hazards at the Community Park on Bishops Road and further, that in accordance with Sections 5.2(3), 10.6 and 10.10.1 of the Town's Development Regulations, approval for development of Phase 2 of the Community Park be ratified.

- carried unanimously

**2. 7-9 Cliffside Avenue**

**Resolution #21-210**  
**Councillor Hillier/Councillor Bent**

Be it so resolved that, in accordance with section 4.6 of the Town's Development Regulations, Application No. 2021-131 received on May 10, 2021 for a four-unit row dwelling at 7-9 Cliffside Avenue be refused on the basis that Council is of the opinion that the proposed development would be inconsistent with the scale and character of the neighbourhood.

- carried unanimously

**3. 47 Atkins Road**

**Resolution #21-211**  
**Councillor Hillier/Councillor Bursey**

Be it so resolved that, in accordance section 5.3(3) of the Town's Development Regulations, Application No. 21-ACC-072 received on April 22, 2021 be approved for accessory building measuring 9.84m x 9.84m at 47 Atkins Road, on condition that the overall height of the accessory building shall not exceed the height of the dwelling on the property.

- carried unanimously

**4. 40 Foxtrap Access Road**

**Resolution #21-212**  
**Councillor Hillier/Councillor Youden**

Be it so resolved that in accordance with Section 15 of the *Urban and Rural Planning Act, 2000*, draft Municipal Plan Amendment No 19, 2021 and Development Regulations Amendment No. 36, 2021 be submitted to the Department of Municipal and Provincial Affairs for review and determination of any provincial interests with the proposal.

- 7 yeas  
- 1 abstention  
(Murphy)  
- motion carried

Deputy Mayor Murphy declared a conflict of interest as the property is owned by family members. He vacated the meeting at 7:38 p.m. and returned at 7:39 p.m.

**5. 24-42 Hops Street**

**Resolution #21-213**  
**Councillor Hillier/Councillor Tilley**

Be it so resolved, that in accordance with sections 10.7 and 10.22.2 of the Town's Development Regulations, Application No. COM 21-055 received on April 29, 2021 for a general industrial use (contractor's yard) at 24-42 Hops Street be approved.

- carried unanimously

**6. 7 Conception Bay Highway**

**Resolution #21-214**  
**Councillor Hillier/Councillor Tilley**

Be it so resolved that, in accordance with Sections 25 and 35(5) of the *Urban and Rural Planning Act, 2000*, the Town initiate public and stakeholder consultation with respect to a proposed amendment to the Town's Development Regulations to allow catering uses, including serving of alcohol, to occur on the balcony and patio of the Manuels River Hibernia Interpretation Centre.

**AND FURTHER:**

Be it so resolved, that in consideration of the Town's operating grant to the Manuels River Natural Heritage Society, fees and deposits associated with the proposed Development Regulations Amendment be waived.

- carried unanimously

**7. 141A Greeleytown Road**

**Resolution #21-215**  
**Councillor Hillier/Councillor Tilley**

Be it so resolved that the Town purchase approximately 45m<sup>2</sup> of land at 141A Greeleytown Road for \$1.00 and forgiveness any outstanding taxes on the property.

- carried unanimously

**8. 101 Peachytown Road**

**Resolution #21-216**  
**Councillor Hillier/Councillor Tilley**

Be it so resolved that in accordance with section 15(d) of the Town of Conception Bay South Fence Regulations, Application No. 21-F-041 submitted on May 3, 2021 be partially approved to allow a fence along the northern side boundary, forward of the building line, to a maximum height of 1.2m.

**AND FURTHER:**

Be it so resolved that in accordance with section 15(d) of the Town of Conception Bay South Fence Regulations, Application No. 21-F-041 submitted on May 3, 2021 be partially refused to prohibit a front yard fence along the western property boundary abutting the road reservation for Peachytown Road.

- carried unanimously

**9. 73 Cherry Lane**

**Resolution #21-217**  
**Councillor Hillier/Councillor Bursey**

Be it so resolved that in accordance with section 10.10.3 of the Town's Development Regulations, Application No 2021-123 received on May 5,2021, be refused as the property does not meet the minimum frontage requirement for development of a single dwelling within the Residential Low Density zone.

- carried unanimously



**10. 32-40 Emmas Place**

**Resolution #21-218**  
**Councillor Hillier/Councillor Bursey**

Be it so resolved that Application No. 2021-136 received on May 5, 2021 be approved to allow subdivision of property at 32-40 Emmas Place to accommodate development of a new residential lot and single dwelling on condition that the proposed private on site well and septic system is approved by Service NL.

- carried unanimously

**11. 42-46 Emmas Place**

**Resolution #21-219**  
**Councillor Hillier/Councillor Butler**

Be it so resolved that Application No. 2021-155 received on May 5, 2021 be approved to allow development of a single dwelling at 42-48 Emmas Place on condition the boundary of the property is adjusted to provide the minimum required frontage on Emmas Place and that the proposed private on site well and septic system is approved by Service NL.

- carried unanimously

**12. 16 Reginalds Place**

**Resolution #21-220**  
**Councillor Hillier/Councillor Tilley**

Be it so resolved that, in accordance with section 5.3(2) of the Town's Development Regulations, Application No. 21-ACC-071 received on April 22, 2021 be approved for construction of 9.84m x 9.84m accessory building (residential garage) at 16 Reginalds Place on condition that the existing garage be removed from the property.

- carried unanimously

**13. 20 Allison Road**

**Resolution #21-221**  
**Councillor Hillier/Councillor Bursey**

Be it so resolved that in accordance with section 3.12 of the Town's Development Regulations, application No.2021-085 received on April 15,2021 is approved with a variance to reduce the minimum rear yard requirement to 11.7m at 20 Allison Road.

**AND FURTHER:**

Be it so resolved, that the further encroachment of the existing dwelling at 20 Allison Road into the minimum rear yard requirement by 0.45m beyond the approved variance be tolerated by the Town.

- carried unanimously

**14. 30 Comerfords Road**

**Resolution #21-222**  
**Councillor Hillier/Councillor Bent**

Be it so resolved that in accordance with section 13 of the Conception Bay South Fence Regulations, Application No. 21-F-045 received on April 30, 2021 be refused as the proposed fence along the flanking street exceeds the maximum permitted height of 1.5m.

- carried unanimously

**15. 24 Emerald Creek Drive**

**Resolution #21-223**  
**Councillor Hillier/Councillor Tilley**

Be it so resolved, that in accordance with section 10.7 and 10.11.2 of the Town's Development Regulations, Application No.21-111 received on April 28, 2021 for a hobby farm as an accessory use to the residential property at 24 Emerald Creek Drive be refused, in consideration that the Town is of the opinion that keeping of a horse, goats, pigs etc.at the property may create nuisances on adjacent properties that are out of character with the residential neighbourhood.

- carried unanimously

**16. 1643 Conception Bay Highway**

**Resolution #21-224**  
**Councillor Hillier/Councillor Burse**

Be it so resolved that, in accordance with section 3.12 of the Town's Development Regulations, the variance request received on February 16, 2021 in relation to Application No. 2020-141 be approved to reduce the minimum lot size at 1643 Conception Bay Highway by 45m<sup>2</sup>.

- carried unanimously

**17. 4 Fowlers Road**

**Resolution #21-225**  
**Councillor Hillier/Deputy Mayor Murphy**

Be it so resolved that, in accordance with section 5.3.1(1) of the Town's Development Regulations, Application No. 21-ACC-117 received on June 2, 2021 be refused in consideration that the accessory building under construction does not comply with the minimum separation distance from the dwelling on the property.

- carried unanimously

**18. Planning and Development Committee Meeting Report**

**Resolution #21-226**  
**Councillor Hillier/Councillor Butler**

Be it so resolved that the decisions and recommendations made at the Planning and Development Committee meetings on June 1 and June 8, 2021, be accepted as presented.

- carried unanimously

**6. RECOMMENDATIONS OF ENGINEERING AND PUBLIC WORKS COMMITTEE  
(Chair, Councillor Gerard Tilley)**

Presentation of recommendations of meeting held on June 7, 2021

**1. Ratification of PO #2021-0207 – Unit 269**

**Resolution #21-227  
Councillor Tilley/Councillor Bursey**

Be it so resolved, that approval be given to Harvey & Company Ltd. to ratify PO #2021-0207 in the amount of \$28,888.62, plus HST. Funds to be taken from account 01-301-8082-5415.

- carried unanimously

**2. Approval to Tender - Community Park Phase 2**

**Resolution #21-228  
Councillor Tilley/Councillor Butler**

Be it so resolved that approval be given to tender the Community Park Phase 2 project.

- carried unanimously

**3. Engineering and Public Works Committee Meeting**

**Resolution #21-229  
Councillor Tilley/Councillor Bent**

Be it so resolved that the recommendations/decisions made at the Engineering and Public Works Committee Meeting of June 8, 2021, be accepted as presented.

- carried unanimously

Councillor Tilley advised that construction of the library is currently in the public tender phase and expected to close in late June. Construction updates will be available once tenders close and are awarded.

Councillor Tilley reminded residents that July 1 is on a Thursday and will impact some area waste collection. Please check your calendars or the website for the latest schedule.

Councillor Tilley advised of ongoing road construction and requested residents to be careful in the following areas:

Boggans Place – Concrete works (curb and sidewalk)  
Boggans Meadow – Concrete works (curb and sidewalk)  
Greeleytown Road – Placing granulars and testing material  
Middle Bight Road - Removing asphalt and placing granulars

**7. RECOMMENDATIONS OF RECREATION AND LEISURE SERVICES COMMITTEE (Chair, Councillor Junior Bursey)**

Transferred from Committee of the Whole meeting #10

**1. Approval to Award Tender 20113: LAV III Monument Project**

**Resolution #21-230**  
**Councillor Bursey/Councillor Butler**

Be it so resolved that approval be given to award Tender 20113: LAV 111 Monument Project to Eric Taylor Ltd at a cost of \$133,277.31 plus HST. Funds are available under the COVID-19 Stimulus Program Funding on a 90/10 - Provincial/Town cost shared basis, with a total cost to the Town of \$42,842. Monies in trust for open space development will be used for this purchase.

- 7 yeas
- 1 abstention  
(Murphy)
- motion carried

Deputy Mayor Murphy declared a conflict of interest with this item as it involves a family business. He vacated the meeting at 8:05 p.m. and returned at 8:08 p.m.

Presentation of recommendations of meeting held on June 7, 2021

**1. Recreation Complex-Annual Pool Shutdown**

**Resolution #21-231**  
**Councillor Bursey/Councillor Bent**

Be it so resolved that approval be given to close the Recreation Complex for Annual Maintenance for the period of August 1 until September 6, 2021.

- carried unanimously

**2. Approval to Award Tender 21-05 – Fully Inclusive Service Agreement on the Refrigeration Systems for the Conception Bay South Arena and Robert French Memorial Stadium (5 years)**

**Resolution #21-232**  
**Councillor Bursey/Councillor Bent**

Be it so resolved that approval be given to award Tender 21-05 for the Fully Inclusive Service Agreement on the Refrigeration Systems for the Conception Bay South Arena and Robert French Memorial Stadium for 5 years to Cimco Refrigeration for a total price of \$99,671.00 plus HST. Monies for this expense have been budgeted in accounts 01-604-1000-7015 and 01-609-1000-7015.

- carried unanimously

**3. Approval to Award Tender 21-06 Supply and Delivery of Playground Equipment**

**Resolution #21-233**  
**Councillor Bursey/Councillor Butler**

Be it so resolved that approval be given to award Tender 21-06 Supply and Delivery of Playground Equipment to Coastline Specialties Limited at a cost of \$89,965.00 plus HST. Monies in trust for open space development will be used for this purchase.

- carried unanimously

**4. Approval of Award Limited Call for Bids Roof Upgrades Robert French Memorial Stadium**

**Resolution #21-234**  
**Councillor Bursey/Councillor Butler**

Be it so resolved that approval be given to award the Limited Call for Bids for the Roof Upgrades for the Robert French Memorial Stadium to Crane Services Limited at a cost of \$99,900 plus HST. Funds are available in the Recreation and Community Development project account # 02-000-0100-1610.

- carried unanimously

**5. Recreation and Leisure Services Committee**

**Resolution #21-235**  
**Councillor Bursey/Councillor Butler**

Be it so resolved that the recommendations/decisions made at the Recreation and Leisure Services Meeting of June 7, 2021 be accepted as presented.

- carried unanimously

**8. RECOMMENDATIONS OF FINANCIAL AND ADMINISTRATIVE SERVICES COMMITTEE (Chair, Deputy Mayor Richard Murphy)**

**Transferred from Committee of the Whole Meeting #10**

**1. Policy – Code of Conduct for Members of Council**

**Resolution #21-236**  
**Deputy Mayor Murphy/Councillor Bursey**

Be it so resolved that approval be given to adopt the Code of Conduct for Members of Council Policy as presented.

**PURPOSE:**

As local elected representatives we recognize that responsible conduct is essential to providing good governance for the Town of Conception Bay South.

We further recognize that responsible conduct is based on the foundational principals of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff and the public.

### **AUTHORITY:**

This Code of Conduct is a complement to existing legislations and Town of Conception Bay South policies including, but not limited to:

- Municipalities Act, 1999
- Newfoundland and Labrador Human Rights Act
- Municipal Elections Act
- Workplace Harassment Policy, Town of Conception Bay South

### **STATEMENT OF POLICY:**

This Code of Conduct applies to the members of the Conception Bay South Town Council. It is each member's individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, staff and the public.

Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the Town of Conception Bay South, the common law and any other legal obligations which apply to members individually or as a collective Council.

## **1.0 DEFINITIONS**

**Accountability** – means an obligation and willingness to accept responsibility or to account for ones actions. Conduct under this principle is demonstrated when Council individually and collectively, accept responsibility for their actions and decisions.

**Integrity** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.



**Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a council member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

**Respect** – means having due regard for others’ perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of local government.

## 2.0 STANDARDS OF CONDUCT

**Accountability** is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective Council.
- Members will listen to and consider the opinions and needs of the community in all decision-making, and allow for appropriate opportunities for discourse and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

**Integrity** is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other members, staff and the public.
- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by Council.
- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- Members will behave in a manner that promotes public confidence in all of their dealings.
- Members will comply with all applicable legislation, regulations and policies.
- Members shall avoid the improper use of the influence of their office.

**Leadership and Collaboration** is demonstrated by the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government.
- Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- As leaders of their community, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff and the public.
- Members will recognize the importance of the role of the Chair of meeting, and treat that person with respect at all times.
- Members of Council shall be respectful of the role of staff to provide advice based on political neutrality and objectivity and without undue influence from an individual member or a group of members of Council.

Members of Council shall not:

- Maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff;
- Compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities; or
- Use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties.

**Respect** is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding and respect.
- Members will have consideration for every person's values, beliefs, and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning.
- Members will not engage in behavior that is indecent, insulting or abusive. This behavior includes unwanted physical contact, or other aggressive actions that may cause any person harm or makes them feel threatened.

- Members will conduct themselves with decorum at Council and Committee meetings.

### **3.0 CONFIDENTIALITY**

By way of their office, members of Council acquire confidential information from a variety of different sources including confidential personal information related to residents who have contacted their office. Confidential information includes information in the possession of, or received in confidence by the Town that the Town is prohibited from disclosing, or is required to refuse to disclose under the Access to Information and Protection of Privacy Act. Members shall not use information that is obtained in his or her capacity as a member and that is not available to the general public to further or seek to further the member's private interest or improperly to further or seek to further another person's private interest.

Members of Council shall not:

- Where a matter has been discussed "in camera" or "in a privileged meeting" and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the meeting; and
- Disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

### **4.0 PROCEDURE FOR COMPLAINTS**

- Complaints made against a member of Council will be reviewed by the Chief Administrative Officer. If necessary, the Chief Administrative Officer will engage legal advice or an outside consultant to assist and/or investigate/resolve.
- The Mayor and Council will review the findings and approve or change the recommended corrective actions.

This policy rescinds all previous policies pertaining to this subject matter.

- carried unanimously

## **2. Policy – Respectful Workplace Policy**

### **Resolution #21-237**

#### **Deputy Mayor Murphy/Councillor Bent**

Be it so resolved that approval be given to adopt the Respectful Workplace Policy as presented.

### **STATEMENT OF POLICY**

The Town of Conception Bay South (the Town) is committed to eliminating, where possible, or otherwise, minimizing the hazard of workplace harassment and to creating and maintaining a positive and professional workplace. Every worker with the Town is entitled to employment that is free from workplace harassment. In support of this, the Town will regularly review the potential activities that may lead to workplace violence and harassment and put preventative measures in place.

In addition, the Town expressly prohibits any form of discrimination and workplace sexual harassment, as defined under the Newfoundland and Labrador Human Rights Act, and any form of workplace violence and workplace harassment, as defined by the Newfoundland and Labrador Occupational Health and Safety Regulations and in the Criminal Code of Canada. All measures are specifically designed to meet the requirements under the Newfoundland and Labrador Occupational Health and Safety Regulations.

### **APPLICABILITY**

This policy applies to the following:

- All employees, including both union and non-union/management staff and those employed on a contractual basis;
- Contractors or subcontractors doing business with the Town or completing business on the Town's authority;
- Volunteers;
- Students; and
- Council.

### **AUTHORITY**

- Newfoundland and Labrador Occupational Health and Safety Regulations
- Newfoundland and Labrador Human Rights Act, 2010
- Access to Information and Protection of Privacy Act, 2015 ("ATIPPA") Criminal Code of Canada

## **TRAINING**

All employees will be trained on the Respectful Workplace Policy, as well as any procedures for individual departments and positions. The Town 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.

Appropriate instruction and information will be provided to all workers so they will know:

General:

- Definitions of workplace violence, family violence and harassment.
- Roles and responsibilities of the Town, management, employees, Council, and union.
- What constitutes harassment and what is not considered harassment.
- Types of harassment.
- Respectful and professional behaviour.

Workplace Violence:

- How to summon immediate assistance;
- How to report incidents of workplace violence to the employer or supervisor;
- How the employer will investigate and deal with incidents, threats, or complaints; and;
- Understand and be able to carry out the measures and procedures that are in place to protect them from workplace violence.

Workplace Harassment:

- How to report incidents of workplace harassment to the employer or supervisor;
- How to report incidents of workplace harassment where the employer or supervisor is the alleged harasser;
- How the employer will investigate and deal with incidents or complaints of workplace harassment;
- How information about an incident or complaint of workplace harassment will be kept confidential; and
- That the results of an investigation will be provided to the worker who alleged harassment and to the alleged harasser (if working for the same employer). Corrective action will be taken and provided to the relevant parties based on the outcome of the investigation.

Further to this, depending on the nature of the position, additional external training may be completed.

## **VIOLATIONS OF THIS POLICY**

All workers are expected to abide by this Policy. Employees who violate this Policy may be subject to disciplinary measures, up to and including termination of employment. Violations of this Policy may also lead to civil and/or criminal liability.

## **RESPONSIBILITIES**

Safety is of the utmost importance in the daily operations of all lines of business and services provided by the municipality. This is a shared responsibility of every worker of the Town. It is everyone's responsibility to comply with this Policy and ensure a safe work environment free from violence and harassment for all workers and the public.

### Employees:

- Do not engage in bullying, workplace harassment or workplace violence.
- If you see a co-worker being victimized by workplace violence and/or harassment, provide them with support and bring the matter forward in the appropriate manner.
- Report instances of workplace violence and harassment to the appropriate individuals (Supervisors/Managers, Human Resources/Occupational Health and Safety, union representatives) within twelve (12) months to have the issue addressed.
- Participate in any investigative processes as required by this Policy and to keep the contents of the investigation confidential.
- Familiarize themselves and comply with this Policy.
- If there is a situation in which a worker is fearful of family violence or believe there is a potential of, they are requested to advise their Supervisor/Manager, Human Resources/Occupational Health and Safety, or their union representative of the concern.
- Participate in any accommodation process as required by this Policy.
- If there is an incident but the direct Supervisor/Manager is not working at that site or is otherwise unavailable, then the employee is responsible for immediately notifying another non-union employee who is working at that time.

### Supervisors/Managers:

- Do not engage in bullying or workplace harassment or violence.
- Model respectful and professional behaviour with employees, the public, and contractors.
- Educate workers and contractors about the Workplace Violence and Harassment Policy.
- Respond to situations in which workplace violence and harassment have occurred.
- Ensure the health and safety of workers.
- Comply with and apply this Policy.

- Monitor work performance to ensure that the workplace is free of violence and harassment.
- Discuss performance problems with employees via workplace counselling or progressive discipline, as required.
- Remind employees about the Town's Confidential Employee and Family Assistance Program and familiarize them with the various ways to contact the Program for assistance.
- Encourage workers to speak with a trusted representative on any concerns with workplace violence and harassment or family violence.
- Follow up with the Occupational Health and Safety Coordinator and/or Human Resources Manager regarding any accommodations that may need to be made for an employee.
- Follow the investigation guidelines and processes as outlined in this Policy and participate in any investigations as required.

Senior Executive:

- Do not engage in bullying, workplace harassment or violence.
- Model respectful and professional behaviour with employees, the public, Council, and contractors.
- Champion a safety culture in which workplace violence and harassment is prohibited.
- Support Supervisors/Managers in the implementation of this Policy.
- Comply with this Policy.
- Provide the necessary resources as required under this Policy.
- Respond to situations in which workplace violence and harassment have occurred.
- Monitor work performance to ensure that the workplace is free of violence and harassment.
- Remind employees about the Town's Confidential Employee and Family Assistance Program and familiarize them with the various ways to contact the Program for assistance.
- Encourage workers to speak with a trusted representative on any concerns with workplace violence and harassment or family violence.
- Follow the investigation guidelines and processes as outlined in this Policy and participate in any investigations as required.
- Provide the necessary resources as required under this Policy.

Human Resources Manager/Occupational Health and Safety Coordinator:

- Do not engage in bullying, workplace harassment or violence.
- Model respectful and professional behaviour with employees, the public, Council, and contractors.
- Comply with this Policy.
- Provide education and knowledge about resources to staff and management.
- Provide support to staff and management regarding the Policy.

- Update and publish the Policy as required.
- Assist with any accommodations that may be required.
- Conduct investigations of workplace violence or harassment and designate alternate investigator(s) as required.

Union Executive:

- Do not engage in bullying, workplace harassment or violence.
- Model respectful and professional behaviour with employees and management.
- Provide representation to employees, as required and requested, in a timely manner.
- Provide support to employees that have been affected by workplace violence and harassment.
- Comply with this Policy.
- Bring forward any reported concerns that employees have regarding workplace violence and harassment to have the issue addressed.

Council:

- Do not engage in bullying, workplace harassment or violence.
- Model respectful and professional behaviour with employees and the public.
- Champion a safety culture in which workplace violence and harassment is prohibited.
- Comply with this Policy.
- Provide the necessary resources as required under this Policy.
- Follow the investigation guidelines and processes as outlined in this Policy and participate in any investigations as required.

## **Part I - WORKPLACE VIOLENCE:**

### **1.0 DEFINITIONS**

**Workplace Violence** (Newfoundland and Labrador Occupational Health and Safety Regulations, Section 22): "Violence" means the attempted or actual exercise of physical force to cause injury to a worker and includes threatening statements or behaviour which gives a worker reason to believe that he or she is at risk of injury.

**Family Violence** (Newfoundland and Labrador Family Violence Protection Act): "Family violence" means one or more of the following acts or omissions committed against an applicant or a 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;
  - (f.1) conduct that causes psychological or emotional harm or a reasonable fear of that harm, including a pattern of behaviour the purpose of which is to undermine the psychological or emotional well-being of the applicant or a child;
  - (f.2) conduct that controls, exploits or limits the applicant's access to financial resources for the purpose of ensuring the applicant's financial dependency; and
- (g) the deprivation of food, clothing, medical attention, shelter, transportation or other necessities of life.

Violence may come from a variety of possible sources, including workers, contractors, workers' domestic partners, residents, visitors and the general public.

Workplace violence does not include most accidental situations, even if a worker is hurt as a result of the accident. However, each incident will be assessed on a case-by-case basis for the purposes of determining whether an incident constitutes workplace violence and/or harassment.

## **2.0 PREVENTION AND INTERVENTION**

Prevention and intervention are key to achieving an environment free of workplace violence. The Town supports this by providing a clear Policy statement, an internal reporting system, and by providing training.

The Town shall conduct a risk assessment which shall include consideration of:

- Previous experience in the workplace;
- Occupational experience in similar workplaces;
- The location and circumstances in which work may take place;
- Workplace characteristics including demographics, culture and presence of new workers; and
- Issues raised by the Occupational Health and Safety Committees.

In addition to the above, the Town shall conduct periodic site inspections regarding site access and security.

## **Risk Assessment**

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

Where the risk of injury to workers from violence is identified by an assessment performed as per the above, the Town shall:

- Establish procedures, policies and work environment arrangements to eliminate the risk to workers from violence; and
- Where elimination of the risk to workers is not possible, establish procedures, policies and work environment arrangements to minimize the risk to workers.

## **Disclosing Persons with a History of Violence**

When workers may be exposed to the risk of violence, the Town has a duty to inform and provide information that it is organizationally aware of and related to the risk of violence from persons who have a history of violent behaviour with the Town and whom workers are likely to encounter in the course of their work.

Such disclosure shall only be made by the appropriate personnel, who shall consider the nature of the violence, how long ago the violence occurred, and if appropriate, the triggers of the aggression. Only information that is reasonably necessary to protect workers from physical injury will be disclosed.

## **3.0 REPORTING AND RESOLVING ISSUES**

### **Immediate/Emergency Concerns**

Workers who are concerned about their immediate safety should remove themselves from the violent or potentially violent situation immediately. Alert the supervisor/manager as soon as possible and if, necessary call 911. If working alone, the third-party provider can be notified by using the emergency button on the app as well, if applicable.

When dealing with irate clients, please follow the appropriate steps as outlined in Procedure 027 – Dealing with Irate Clients Safe Work Procedure.

### **Consultation and Information**

Individuals can obtain information about workplace violence with an advisor including their immediate supervisor/manager, their Director, Occupational Health and Safety

Coordinator, Human Resources Manager, or their union representative, where applicable. Such informal consultation will not constitute a report of workplace violence.

If you have experienced violence in the workplace, you may also consult with the Town's Employee and Family Assistance Program for advice on how to proceed and obtain support.

### **Reporting Workplace Violence or Threats of Workplace Violence**

Workers are required to report any incident which may be considered workplace violence or threat of workplace violence as soon as possible to their immediate supervisor/manager. The report should outline the details of the incident, any witnesses who were present, and any physical evidence of the violence or threat (see the Workplace Violence or Harassment Incident Report).

### **Reporting Family Violence**

Where the Town becomes aware, or ought reasonably to be aware, that family violence would likely expose a worker to physical or mental injury and may occur in the workplace, the Town shall take every precaution reasonable in the circumstances for the protection of the worker. Workers are encouraged to notify a supervisor/manager, the Human Resources Manager, the Occupational Health and Safety Coordinator or their union representative if they have any potential concerns regarding family violence. Any disclosure on this matter will be kept confidential and only required personnel will be advised of any arrangements made to ensure worker safety. Reasonable precautions will be determined on a case-by-case basis and may include the development of an individual safety plan for the affected worker.

## **PART 2 – WORKPLACE HARASSMENT:**

### **1.0 DEFINITIONS**

**Discrimination** (Newfoundland and Labrador Human Rights Act): The Newfoundland and Labrador Human Rights Commission defines discrimination as a distinction or differential treatment of an individual on the basis of a prohibited ground, whether or not the differential treatment is intentional. The Newfoundland and Labrador Human Rights Act identifies the following as prohibited grounds of discrimination: race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability/perceived disability, disfigurement, sex (which includes pregnancy), sexual orientation, marital status, family status, gender expression and/or gender identity, source of income and political opinion.

**Workplace Harassment** (Newfoundland and Labrador Occupational Health and Safety Regulations): 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 any of the prohibited grounds under the Newfoundland and Labrador Human Rights Act is considered discrimination. Any form of harassment is considered inappropriate and detrimental to a positive work environment and will not be tolerated.

Examples of harassment include, but may not be limited to:

- Unwelcome remarks, jokes, insults, nicknames, innuendo, or taunting;
- Bullying;
- Repeated offensive or intimidating phone calls or emails;
- Posters, notices, bulletins, or electronic photos which may cause offence and encourage discrimination, or create a hostile environment;
- Racial or ethnic slurs, and use of terminology that reinforces stereotypes based on prohibited grounds;
- Abuse of supervisory authority that endangers a person's employment, work performance or interferes or negatively influences the person's career. This includes misuses of power including intimidation, threats, blackmail and coercion; and;
- Public humiliation or degrading behaviour to a subordinate or co-worker, swearing or yelling at a subordinate or co-worker in an aggressive manner.

What is not considered harassment:

- A reasonable action taken by the Town or supervisor relating to the management and direction of workers or the workplace is not workplace harassment. This can include possible unpleasant consequences for a worker (i.e. disciplinary action, performance management, changes to schedules or duties, implementation of policies, etc.); and
- Differences of opinion or disagreements between co-workers that are handled respectfully.

**Workplace Sexual Harassment** (Newfoundland and Labrador Human Rights Act): is also considered harassment pursuant to this Policy and includes the following:

- Unwelcome remarks, jokes, innuendos, or taunting about a person's body, attire or sex;
- Practical jokes of a sexual nature which cause awkwardness or embarrassment;
- Displaying pornographic pictures, posters, graffiti or other offensive material;
- Questions or comments about an individual's sexual preferences;
- Leering (suggestive staring) or other obscene or suggestive gestures;
- Unwanted sexual flirtations, advances, or propositions;
- Unwanted physical contact including touching, kissing, patting and pinching;

- Persistent unwanted contact or attention following the end of a consensual relationship;
- Gender-based insults;
- Derogatory conduct towards a person based on his or her conformity or non-conformity with traditional gender-role stereotypes; and
- Conduct such as stalking.

## **2.0 PREVENTION AND INTERVENTION**

Prevention and intervention are key to achieving an environment free of discrimination and harassment. The Town supports this by providing a clear policy statement and an internal reporting system, and by providing training regarding worker and employer rights and responsibilities.

### **Condoning**

If a person in authority knows, or should reasonably have known, that discrimination or harassment may have occurred and fails to take appropriate action, the person in authority has condoned the discrimination or harassment and may be subject to sanctions such as disciplinary measures, up to and including termination of employment, under this Policy.

Individuals who observe a situation involving the harassment of, or discrimination against, another or others have a responsibility to inform the harasser of this Policy, and report it to the Human Resources Manager or the Occupational Health and Safety Coordinator, recognizing that individuals who experience discrimination or harassment are often reluctant to report it.

### **Self-Help Measures**

Individuals who feel they are victims of harassment have a right and responsibility to take self-help measures wherever possible or pursue the complaint process. Whenever and wherever possible, self-help measures should be used prior to filing a formal complaint. This includes communicating with the harasser (i.e. telling them face-to-face, via telephone, or in writing) indicating that his or her behaviour is offensive and unwanted. It is recognized that self-help measures may be challenging to implement, particularly if the harasser is a patron or the individual's supervisor. An employee may request assistance from an advisor (Human Resources Manager, Occupational Health and Safety Coordinator, union representative) with this process.

## **PART III REPORTING AND RESOLVING ISSUES**

### **1.0 Definitions:**

**Complainant** - an employee who believes that they have been subjected to conduct which constitutes harassment or discrimination under the Policy and files a verbal and/or written accusation or brings a formal complaint against a Town employee or other individual to whom this Policy applies.

**Respondent** - a person who is the subject of a complaint of harassment or discrimination complaint and is alleged to have violated this Policy.

**Designated Representative** - may refer to Human Resources or someone with authority to act on behalf of the Respondent.

**Disciplinary Action** - is a consequence of a violation of the Policy and will take into consideration the nature and impact of the violation, and may include a verbal or written reprimand, suspension (with or without pay), or termination of employment (with or without notice) or other consequence for an employee's action.

**Remedial Action** - will take into consideration the nature and impact of the violation, and may include training, coaching, counselling or awareness education, disciplinary action, or for contractors the termination of contract or removal of the contractor and/or their employees.

**Workplace** - means any place where business or work-related activities are conducted including over the telephone, email or electronic communication. It also includes, but is not limited to, the physical work premises, Town vehicles, work-related social functions, travel, conferences, seminars, training sessions, or in the provision of goods, services, facilities or accommodation.

**Investigator** - is the person assigned by the Town to investigate a complaint pursuant to this Policy and to prepare a report of the facts, together with a statement of the position of each of the Complainant and the Respondent. The investigator shall have no power to determine the complaint and will not offer an opinion on the issues raised by the Complainant.

## **2.0 Procedure**

### **Consultation and Information**

Workers who believe they have been subjected to workplace harassment, violence, or discrimination are encouraged, whenever possible, to address the issue on an informal level where they are comfortable doing so. Supervisors/Managers, Human Resources/Occupational Health and Safety, and union representatives can be consulted on how to best achieve the desired outcome as well. However, this does not prevent the employee from filing a formal complaint should they so desire.

Further, if you have experienced harassment and/or discrimination in the workplace, you may also consult with the Town's Employee and Family Assistance Program.

### **Filing of a Formal Complaint**

- The complainant will submit a written complaint to their Supervisor/Manager, the Human Resources Manager, Occupational Health and Safety Coordinator, Union Executive, or the Enforcement Manager within twelve (12) months of the event. The complaint will provide details of the alleged harassment, including dates, times, places, names of individuals involved and names of any witnesses (See the Workplace Violence or Harassment Incident Report).

If the Respondent is an individual designated to receive complaints pursuant to this Policy, such as supervisor, manager or Human Resources, the Complainant should report the complaint to another individual designated to receive complaints pursuant to this Policy, such as another supervisor, manager or Human Resources person.

- The Respondent will be notified of the complaint without undue delay.
- The Complainant will be advised that the designated representative(s) will investigate, in accordance with the Investigation Procedure outlined in this Policy and the Workplace Harassment Investigation Template. The investigation will include interviews with the complainant, the respondent, and where applicable any relevant witnesses. Information related to the complaint to prove or disprove an allegation will also be gathered.

### **INVESTIGATION PROCEDURES**

1. If a complaint is not informally resolved, it will be formally investigated.
2. All Town workers, including contractors, must fully co-operate in any investigation under these guidelines. Failure to co-operate in an investigation may result in

disciplinary action, up to and including termination. Unionized employees will be provided representation in accordance with the provisions of the Collective Agreement.

3. The Designated Representative will appoint an investigator (either themselves, a designated employee trained in the investigation process or an external resource).

The Investigator will interview the Complainant, the Respondent, any witnesses or any other person deemed necessary as part of the investigation. The Investigator has the power to interview witnesses, take written statements and review documentation.

4. The Investigator will meet with the Complainant to obtain a verbal and/or written statement of the incident(s).
5. The Investigator will meet with the Respondent to officially inform the Respondent of the harassment complaint received; provide a copy of the complaint to the Respondent and ask the Respondent to review and provide a verbal or written response to the complaint. If a verbal statement is preferred, the Respondent will review and sign the typed version of the verbal statement.
6. The Complainant and the Respondent will have an opportunity to meet with the Investigator separately to provide details of the alleged incident(s). The Complainant and the Respondent will also have an opportunity to respond to the information raised through the various interviews with witnesses, etc. throughout the investigative process. The Complainant and the Respondent will be informed of the progress of the investigation.
7. Information collected during the investigation will include the names of the parties involved, the date of the incident, the details of the incident, names of witnesses and information gathered from them, notes from interviews and meetings, associated documents or evidence and actions taken as a result of the incident or complaint and investigation.
8. All information obtained from the interviews will remain as confidential as possible.
9. Subject to disclosures required by ATIPPA, Individuals who were interviewed during the process of the investigation are entitled only to the documentation related to information they provided, or information provided by others that refers specifically to them. Participants must refrain from discussing the details of the investigation or their knowledge of the alleged incident(s) with anyone other than the Investigator.



10. Once the Complainant, Respondent and witnesses have been interviewed, an investigation report will be prepared by the Investigator and forwarded to the Chief Administrative Officer and/or Town Clerk. The report shall summarize the information obtained in the investigation and make findings of fact.
11. For investigations on Senior Management, the Chief Administrative Officer and/or Town Clerk will review with Council. When investigations involve members of Council, the remaining members of Council along with the Chief Administrative Officer will review the findings.

Based on the investigation report, recommendations to address the violence or harassment will be made by the appropriate Town officials, as listed above. These may include, but are not limited to, a formal apology, appropriate counselling for those involved, a meeting together with both parties (the nature of which would be determined on a case-by-case basis), discussion with the respondent regarding expected and appropriate workplace behaviour and responsibilities, and/or disciplinary action, up to and including termination or any other remedy as dictated by the circumstances.

12. The Complainant and Respondent will be notified of the results of the investigation.
13. If the investigation reveals that the complaint is valid, prompt attention and any disciplinary action designed to stop the harassment and prevent its recurrence will be taken.

### **APPLICATION OF POLICY TO MEMBERS OF COUNCIL**

As the Policy and this Procedure apply to conduct within the context of the workplace, neither the Policy nor this Procedure apply to members of Council respecting their conduct in their public capacity as elected officials. Residents or other members of the public may not make a complaint against a Council member pursuant to the Policy or this Procedure. The purpose and intent of the Policy and this Procedure is to ensure respectful workplace behaviour. As such, members of Council are bound by the Policy and this Procedure only to the extent as they relate to interaction with employees, contractors and other persons within the context of their employment in the workplace.

### **OTHER REMEDIES**

This Policy is not intended to discourage an employee of the Town from exercising their rights under the *Human Rights Act, 2010*, the *Criminal Code* (Canada) or any other law

of the province or of Canada. Participation in the complaint process in no way restricts an employee's right to file a complaint, within the prescribed time limits, under relevant provincial and Human Rights legislation. If an employee has questions with respect to the *Human Rights Act, 2010*, the employee is encouraged to contact the Newfoundland and Labrador Human Rights Commission

### **MALICIOUS OR FRIVOLOUS COMPLAINTS**

A frivolous, vexatious or bad faith complaint means that a person has made a complaint under the Policy that they knew was untrue. Should an employee intentionally make a knowingly false or frivolous complaint of harassment or discrimination, or make a complaint in bad faith, the Complainant may be subject to disciplinary action up to and including termination of employment.

Unwarranted or frivolous complaints differ from any unsubstantiated complaints. Unsubstantiated complaints are made in good faith, however insufficient evidence exists to either prove or disprove the veracity of the complaint. There will be no reprisal or discipline for unsubstantiated complaints made in good faith.

### **ACCOMMODATION**

During the course of an investigation or when notified of the potential of family violence or in the event that an employee is working with an alleged harasser, the Town will work with the applicable employee(s) to accommodate them, as reasonably practicable, to ensure their health and safety and the health and safety of others in the workplace.

### **CONFIDENTIALITY**

Every effort will be made to maintain the confidentiality of all Complaints concerning harassment and discrimination. All parties involved in investigations of complaints of discrimination or harassment will be treated with the strictest of confidence, however formal resolution investigations often cannot be carried out anonymously.

All information obtained relating to workplace harassment, or collected and retained during an investigation, including personal information, will be kept confidential unless disclosure is necessary for the purpose of an investigation, disciplinary action relating to the complaint or where required by law (including, but not limited to, court proceedings, arbitration, compliance with the *Access to Information and Protection of Privacy Act, 2015*, ("ATIPPA") or other legal proceedings).

During the investigation process, Town officials will limit disclosure of investigation related information to that which is necessary to resolve the complaint.

The identity of the Complainant and the allegations contained in the complaint will be made known to the Respondent who is alleged to have engaged in harassment or discrimination and they shall have an opportunity to respond to the allegations. Only those people involved in the investigation process will have access to the information collected including the Complainant, Respondent, witnesses and others involved in resolving the complaint. The names of the individuals involved and the circumstances will only be divulged as required to facilitate their participation in investigating and resolving the complaint, if required by law, or pursuant to this Policy.

All written statements, documents, or other materials pertaining to the complaint will be stored, released or disclosed in accordance with the requirements set forth by the ATIPPA.

#### COLLECTIVE AGREEMENTS AND LEGISLATION

In the event that any portion of this Policy is inconsistent with a binding Town collective agreement (where applicable to an employee) or applicable federal or provincial legislation, or is otherwise void, invalid, illegal or unenforceable, that portion of the Policy, and only that portion of the Policy, shall have no application to the extent of the inconsistency. The remainder of the Policy or the application of such provision or portion thereof shall not be affected and shall continue in full force and effect.

#### **RECORD KEEPING**

All information gathered during the investigation will be maintained in a secure file by the internal investigator(s), separate from the personnel file. Records to be kept on file include a copy of the complaint or details about the incident; a record of the investigation including notes; copies of witness statements, if taken; a copy of the investigation report, if any; a copy of the results of the investigation that were provided to the worker who reported workplace harassment and the alleged harasser; a copy of any corrective action taken to address the complaint of incident or workplace harassment and a copy of any photos and/or videos or any other relevant information to the investigation. If an external investigation occurs then the report from the investigator will be maintained by the applicable Town officials. If the investigation determines that it is unfounded then no information will be kept in any employee's file on the investigation. As per the Newfoundland and Labrador Occupational Health and Safety Regulations, records must be kept for at least one year from the conclusion of the investigation.

## **RETALIATION**

Any employee who feels they have experienced harassment or discrimination in the workplace has the right to make a complaint or enforce their rights under the Policy without threats, reprisal or retaliation. Submitting a complaint in good faith, even where the complaint cannot be proven, is not a violation of the Policy. The Town shall protect its employees from retaliation and will provide support to employees when workplace harassment occurs.

Retaliation or reprisals against an employee who has filed a complaint in good faith under the Policy or who has, in good faith, provided information regarding a complaint are prohibited. Any retaliation or reprisal will be subject to immediate corrective action, up to and including termination of employment or contract. Alleged retaliation or reprisals are subject to the same investigative procedures and penalties as complaints of harassment and discrimination.

## **REVIEW**

The Respectful Workplace Policy will be reviewed as necessary, but at least annually and changes made to the Policy will be reviewed with all management and employees.

## **FORMS**

The below forms can be accessed from each building's OHS bulletin boards and on Laserfiche under 1300-1599 Information Management and Technology/1350 Forms Management/Staff Forms/OHS.

1. Workplace Violence or Harassment Incident Report
2. Workplace Harassment Investigation Template

***I have read and been informed about the content, requirements, and expectations of this Respectful Workplace Policy for employees of The Town of Conception Bay South, as well as the accompanying Workplace Violence or Harassment Incident Report and Workplace Harassment Investigation Template. I have received a copy of the Policy and the appendices and agree to abide by them as a condition of my employment and my continuing employment at the Town of Conception Bay South.***

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

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

Employee Printed Name: \_\_\_\_\_

This policy rescinds all previous policies pertaining to this subject matter.

- carried unanimously

Presentation of recommendations of meeting held on June 8, 2021

**1. Accounts Payable Cheque Register**

**Resolution #21-238**  
**Councillor Bent/Councillor Bursey**

Be it so resolved that approval be given to pay Accounts Payable cheques totaling \$177,096.67.

- 7 yeas  
- 1 abstention  
(Murphy)  
- motion carried

Deputy Mayor Murphy declared a conflict of interest with this item as there was payment to a family business. He vacated the meeting at 8:17 p.m. and returned at 8:18 p.m.

**2. Ratification of Manual Cheques Previously Released**

**Resolution #21-239**  
**Deputy Mayor Murphy/Councillor Bursey**

Be it so resolved that approval be given to ratify manual cheques previously released totaling \$766,831.68.

- carried unanimously

**3. Ratification of Direct Payments Previously Released**

**Resolution #21-240**  
**Deputy Mayor Murphy/Councillor Tilley**

Be it so resolved that approval be given to ratify direct payments previously released totaling \$323,955.00.

- carried unanimously

**4. Capital Invoices**

**Resolution #21-241**  
**Deputy Mayor Murphy/Councillor Hillier**

Be it so resolved that approval be given to pay capital invoices totaling \$614,187.85 as listed below:

<b>Project</b>	<b>Vendor</b>	<b>Invoice Number</b>	<b>Amount</b>
Library	Afonso	25768	\$3,139.50
Library	SNC Lavalin	1548712	\$72,115.98
Library	RCS Construction	Claim 4	\$6,468.75
2020 Streets	Farrells	Claim 5	\$34,934.13
Steadywater Brook Culvert Upgrade	SNC Lavalin	1548724	\$2,149.12
Community Park	Mills & Wright	20-49-CBS-05	\$4,834.83
Tilleys Road Phase 3	Platinum	Claim 4	\$81,753.54
Barachois Repair 2021	RJG	LPD21-009-PC04	\$317,208.60
District Water Meters	SNC Lavalin	1548731	\$6,223.80
Lawrence Pond Road Phase 2	PEC	2020-006-5	\$1,897.28
2020 Streets Rehab	Modern Paving	IN071916 ROH	\$50,817.86
Maintenance Assurance Manuals	CBCL	470312	\$8,809.00
Rec & Cultural Master Plan	Tract Consulting	CBS-20146-03	\$5,201.68
Minerals Road & Sidewalk Upgrade	SNC Lavalin	1548737	\$4,275.01
Anchorage Road	SNC Lavalin	1548740	\$4,389.42
Pedestrian Crossing Design – Eason Road	Harbourside	2089	\$2,753.10
Billy Brook Storm Water Study	SNC Lavalin	1548729	\$3,950.25
Effluent Monitoring	BioMaxx	4329	\$3,266.00

<b>Total Capital Projects:</b>	<b>\$614,187.85</b>
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- carried unanimously

**5. Tax and Other Receivables Adjustments**

**Resolution #21-242**  
**Deputy Mayor Murphy/Councillor Hillier**

Be it so resolved that approval be given to adjust tax and other receivables accounts as follows:

PETTE012	\$1,435.92
BENNE001	\$223.75
BRAGH001	Request Denied
PRO-F001	\$8,494.18

- carried unanimously

**6. 2021 Tax Recovery Plan**

**Resolution #21-243**  
**Deputy Mayor Murphy/Councillor Bursey**

Be it so resolved that approval be given for the 2021 Tax Recovery Plan as presented:

**TOWN OF CONCEPTION BAY SOUTH**

**Tax Recovery Plan**  
**For the Year Ended December 31, 2021**

**A. Status of 2020 Objective**

The Town was not able to recover 25% of the 2019 outstanding current year owed tax receivable balance by December 31, 2020.

Summary of reasons for meeting / not meeting the (Prior Year) objective include:

This was largely due to the COVID-19 pandemic. The pandemic placed a large number of residents in a difficult financial situation and the town was sympathetic to their plight. Additionally, with the shut-down of normal operations of the town, many of the normal collection activities were suspended.

## **B. 2021 Objective(s)**

The Town's objective is to recover 25% of the current year owed outstanding tax receivable by December 31st each year. In addition, the Town is also actively pursuing all older accounts in efforts to reach settlements on accounts with balances outstanding for longer than 2 years.

In order to ensure the availability of sufficient municipal services, it is important that residents and businesses make their payments or make suitable payment arrangements to Council by February 28<sup>th</sup>, or otherwise be placed on the Town's arrears listing and held subject to the Town's arrears recovery actions as presented in this report.

Under the Government of Newfoundland and Labrador's Community Sustainability Partnership (CSP), the Town must implement and maintain a Tax Recovery Plan and Tax Receivable Summary by establishing objectives, timelines and procedures to recover unpaid taxes from the current and previous years.

The Town is subject to these accountability measures in order to receive future Municipal Operating Grant (MOG) funding and a share of Provincial Gas Tax Revenue Sharing funding.

The Town must also present municipal audited annual financial statements in compliance with Public Sector Accounting Board (PSAB) standards and an approved annual budget to receive municipal operating grants.

Moreover, the Town will take all reasonable actions towards the recovery of taxes in arrears while ensuring the tax recovery process being followed is fair and reasonable to the tax payer and the Town, and within the authority provided under the Municipalities Act, 1999.

## **Tax Year Planning Schedule**

- Tax Notices are mailed out first week of January
- Taxes are due on February 28
- Taxes are considered unpaid after February 28



- Taxes are considered in arrears after February 28
- Tax Recovery Plan begins January 1

### **C. Payment Options**

- In person at the Town Hall – (Office hours are Monday to Friday, 8:00 am to 4:30 pm) Drop Box Available outside of regular office hours.
- Cash, Cheque, Money Order (Make payable to Town of Conception Bay South)
- Interac, Visa, Master Card (credit card payments through PlastiQ)
- Mail (Address: PO Box 14040, Stn Manuels, Conception Bay South, NL A1W 3J1)
- On-line Banking
- Pre-Authorized Payment
- Tax Installment Plan (12-month interest free payment plan) A deferral of payments due in April, May and June was optional due to COVID-19 Pandemic. If the option was taken, payments resumed in July and were adjusted to ensure account was paid in full by year end.
- Other: \_\_\_\_\_

### **D. Exemptions:**

Exemption Criteria:

Exemption Summary:

### **E. Tax Recovery - Action Plan**

- Annual Tax Bills are mailed in early January
- Statements showing interest and current balance are mailed in after February 28 deadline and every month thereafter.
- Interest is charged on accounts 30 days past the billing date unless payment arrangements have been made under the 12 Equal Payment Plan.
- Payments from the Town for goods and services, and deposit refunds are intercepted and applied to outstanding tax accounts.
- For all accounts who still have current year and prior taxes outstanding past December 31 of the current year, escalated collection efforts are initiated.
- Permits are withheld from individuals who are in arrears until outstanding balance is paid.

- Reminder letters are sent to taxpayers who are in arrears warning of possible further action if payment arrangements are not made.
- Telephone contact is made with taxpayers to make payment arrangements.
- Notices of possible discontinuance of services, power of sale of vacant land or non-occupied property or use of third-party collection agency with deadlines for response or contact from taxpayer to make suitable payment arrangements are issued.
- Hand-delivered notification of disconnection of services.
- Disconnection of services as per Section 132 of the Municipalities Act, 1999.
- Accounts are submitted to collection agency for recovery.
- Property liens are undertaken as per Section 132 of the Municipalities Act, 1999.
- Legal action as per Section 133 of the Municipalities Act, 1999.
- Sale of vacant land or non-occupied property as per Section 139 of the Municipalities Act, 1999.

#### **F. Arrears Monitoring Procedure**

The Director of Finance will monitor the tax accounts in arrears using Microsoft Dynamics.

The following measures will take place to monitor tax receivable accounts:

- Documenting issuances of invoices
- Maintaining receipt of payments
- Maintaining record of accounts payable
- Documenting all recovery actions taken on each account
- Maintaining a report on each tax recovery account
- Identifying accounts requiring a more active recovery approach
- Identify accounts that are in threat of becoming legally uncollectable
- Provide status information for reporting to Council

#### **G. Reporting Tax Arrears Activity**

Council:

The Director of Finance will provide

- Verbal reports on the status of the tax arrears to Council at
- Quarterly public council meetings.

The reporting updates will include:

- Current tax receivable balance
- Status of recovery activity
- Recovery issues that require input or action from Council

Department of Municipal and Provincial Affairs:

The Town will provide a copy of the approved Tax Recovery Plan (TRP) and Tax Receivable Summary (TRS) to the Department of Municipal and Provincial Affairs by June 30th of each year.

- carried unanimously

**7. Financial and Administrative Services Committee Report**

**Resolution #21-244**

**Deputy Mayor Murphy/Councillor Bursey**

Be it so resolved that the recommendations/decisions made at the Financial and Administrative Services Committee Meeting of June 8, 2021 be accepted as presented.

- carried unanimously

**9. RECOMMENDATIONS OF ECONOMIC DEVELOPMENT AND TOURISM  
(Chair, Councillor Cheryl Davis)**

Presentation of recommendations of meeting held on June 8, 2021

**1. Economic Development and Tourism Committee Meeting Report**

**Resolution #21-245**

**Councillor Butler/Councillor Bursey**

Be it so resolved that the recommendations/decisions made at the Economic Development and Tourism Committee meeting of June 8, 2021 be accepted as presented.

- carried unanimously

Councillor Butler stated that the last of the T’Railway Repairs are now completed such that this section of the trail is now safe for pedestrian and cycling access. This section suffered significant undermining as a result of the January 2020 storm event posing an immediate risk for collapse of the T’Railway. The section has now been realigned such that the walking surface has been moved inland by approximately 3.5 meters from its previous location and away from the undermined embankments. Proper signage has been put in place to warn users of the potential dangers and risk associated with walking outside of the designated walking area. Please continue to use caution in this area and along all areas of our T’Railway. The safety of our residents continue to be our top priority.

Councillor Butler commented on a recent Tourism Spotlight Series Webinar she had attended.

Councillor Butler stated that trail counts along the T’Railway have reached 136,893 since November 21 to the end of May. Please remember to be considerate of your fellow trail users and practice trail etiquette – keep your pets on a leash, stoop and scoop, keep to the right, and ring your bell if your approaching a walker from behind on your bike.

Councillor Butler stated that in the coming weeks, the Town will launch an online tree giveaway to residents and organizations. We are hoping to have 170 trees available through a generous grant from TD Green Spaces and the Arbor Day Foundation. Anyone interested in receiving a tree will be requested to apply online for a voucher to pick up their tree at one of our three local business partners. Keep an eye on our social media and Shoreline Newspaper for more details in the coming weeks. This is another initiative supporting the Town’s commitment to climate change adaptation.

Councillor Butler stated that the Town is proud to support an initiative by Music NL this summer called Summer Trail Mix. We encourage trail users to scan QR codes you see on signage along our trails to access a playlist of local artists, including 4 from Conception Bay South – Justin Fancy, Darcy Scott, Mallory Johnson and Quote the Raven.

Councillor Bent congratulated Ocean Quest Adventures on their CBDC Tourism Business Award of Excellence presented by Hospitality Newfoundland and Labrador.

Councillor Bent stated that the Conception Bay Area Chamber of Commerce hosted their Annual General Meeting on May 26, 2021. I would like to congratulate the incoming executive, Tom Williamson, Andrea Gosse and Jerry Young. Longtime Chair Margo Soucy is now sitting as Past Chair. I would like to acknowledge Margo’s dedication over the past number of years and thank her for

her role in re-building the Chamber to the vibrant, active organization that is so important to our investment attraction initiatives.

Councillor Bent stated that the Conservation Corps of Newfoundland and Labrador and the Conception Bay South Parks Commission have partnered together to hire six individuals from the town to work as this years Green Team. They will work together to beautify our town on legacy projects at Manuels River, Chamberlains Park, KEEP and the Community Gardens in July and August.

Councillor Youden declared a conflict of interest as his daughter is involved with the Conservation Corp. He vacated the meeting at 8:26 p.m. and returned at 8:27 p.m.

Councillor Bent stated that the Town is thrilled to support the Youth Ventures Program by waiving application and permit fees and assisting them through learning about the entrepreneurial process. The program is targeted to youth participants between the ages of 12-29 to start up and run their own summer business between June and September, in conjunction with CBDC.

Mayor French vacated the meeting at 8:30 p.m.

## 10. OTHER COMMITTEE REPORTS

Councillor Hillier advised that a special meeting of Council has been scheduled for June 29, 2021 at 7:00 p.m. to discuss the proposed project by Ocean Choice International.

## 11. ADJOURNMENT

The meeting adjourned at 8:32 p.m.

**Resolution #21-246**  
**Councillor Bursey/Councillor Youden**

Be it so resolved that the meeting adjourn.

- carried unanimously

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Terry French  
Mayor

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Richard Murphy  
Deputy Mayor

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Gail Pomroy  
Town Clerk