



# AGENDA

Corporation of the Town of Kirkland Lake  
Regular Meeting of Council  
Council Chambers  
October 20, 2020  
4:40 p.m.

1. **Call to Order and Moment of Silence**

2. **Approval of the Agenda**

***BE IT RESOLVED THAT** the Agenda for the Regular Meeting of Council held on October 20, 2020 beginning at 4:40 p.m. be approved as circulated to all Members of Council.*

3. **Declaration of Pecuniary Interest**

4. **Petitions and Delegations**

4.1 **E4M Integrity Commissioner Report**

***BE IT RESOLVED THAT** the delegation by E4M be received.*

4.2 **Penny and Garry Fournel – Kirkland Ave. Encroachment Agreement**

***BE IT RESOLVED THAT** the delegation by Penny and Gary Fournel be received.*

5. **Acceptance of Minutes and Recommendations**

***BE IT RESOLVED THAT** Council accept the minutes of the following meetings:*

- *Minutes of the Regular Meeting of Council held October 6, 2020*

6. **Reports of Municipal Officers and Communications**

6.1 **COVID-19 Update, Verbal**  
**Ric McGee, CAO**

***BE IT RESOLVED THAT** the verbal update titled “**COVID-19 Update**” be received.*

6.2 **Request to Purchase Land – 8 Calbeck Avenue**  
**Ashley Bilodeau, Director of Development Services**

***BE IT RESOLVED THAT** Report Number 2020-DEV-054 entitled “**Request to Purchase Land – 8 Calbeck Avenue**”, be received,*

**PLEASE NOTE: All items on this Agenda are for Council’s consideration and will be voted on at the meeting.**

*THAT Council authorizes the Corporation of the Town of Kirkland Lake to enter into an agreement of purchase and sale to sell 8 Calbeck Avenue to Emilie Lacaille for a sale price of \$10,000, including reimbursement of \$5,000 if an occupancy permit is issued within one year from the date of the sale closing date, \$3,000 if an occupancy permit is issued within two years of the date of the sale closing date and no reimbursement if the property is not developed within two years.*

6.3 Encore Club – Request to Waive Tipping Fees  
Ashley Bilodeau, Director of Development Services

***BE IT RESOLVED THAT*** Report Number 2020-DEV-055 entitled “**Encore Club - Request to Waive Tipping Fees**”, be received, and

*THAT Council authorize staff to waive 100% of the tipping fees for the Encore Club to dispose of one (1) waste bin associated with disposal of unsold items.*

6.4 Corporate Policy Manual  
Meagan Elliott, Clerk

***BE IT RESOLVED THAT*** Memorandum Number 2020-CLK-007 entitled “**Corporate Policy Manual**” be received,

*THAT Council for the Corporation of the Town of Kirkland Lake approves the policies listed in Attachment 1 to this Report as the in force and effect Policy Manual for the Town of Kirkland Lake,*

*THAT all other policies not contained within Attachment 1 to this Report are hereby repealed, and*

*THAT staff be directed to present a by-law to repeal any policies passed by by-law that are not mandated to be passed by by-law.*

6.5 Award of RFP-559-20 Engineering Assessment, Design and Contract Administration Services for Kirkland Lake Gold Water/Sewer Servicing  
Michel Riberdy, Director of Public Works

***BE IT RESOLVED THAT*** Report Number 2020-PW-009 entitled “**Award of RFP-559-20 Engineering Assessment, Design and Contract Administration Services for Kirkland Lake Gold Water/Sewer Servicing**”, be received,

*THAT Council hereby awards RFP-559-20 Engineering Assessment, Design and Contract Administration Services for Kirkland Lake Gold Water/Sewer Servicing to EXP Services Inc. in the amount of \$213,490.00 (HST excluded),*

*THAT staff is hereby authorized to execute the necessary documents to complete the terms of RFP-559-20, and*

*THAT staff be directed to include \$153,490.00 dollars in the 2021 Capital Budget as a pre-approved project.*

6.6 Safe Restart Agreement – Phase 2 Consideration  
Keith Gorman, Director of Corporate Services

**BE IT RESOLVED THAT** Report Number 2020-FIN-007 entitled “**Safe Restart Agreement – Phase 2 Consideration**”, be received, and

*THAT staff be directed to prepare, finalize and submit an application for Phase 2 funding consideration.*

7. Consideration of Notices of Motion

8. Introduction, Reading and Consideration of By-Laws

By-Law 20-082 Being a by-law to authorize the Mayor and Clerk to execute an agreement and to appoint Kim Cholette as the Integrity Commissioner for the Town of Kirkland Lake

**BE IT RESOLVED THAT** the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

**By-law Number 20-082**, being a by-law to authorize the Mayor and Clerk to execute an agreement and to appoint Kim Cholette as the Integrity Commissioner for the Town of Kirkland Lake

By-Law 20-083 Being a by-law to authorize the Mayor and Clerk to execute an agreement with Penny and Garry Fournel for a portion of the Kirkland Avenue road allowance in Swastika

**BE IT RESOLVED THAT** the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

**By-law Number 20-083**, being a by-law to authorize the Mayor and Clerk to execute an agreement with Penny and Garry Fournel for a portion of the Kirkland Avenue road allowance in Swastika

**9. Questions from Council to Staff**

9.1 Strategic Plan Items  
Stacy Wight, Councillor

***BE IT RESOLVED THAT*** the question from Councillor Stacy Wight regarding Strategic Plan items be received.

**10. Notice(s) of Motion**

**11. Councillor's Reports**

11.1 Councillor Updates

***BE IT RESOLVED THAT*** the verbal updates from members of Council be received.

**12. Additional Information**

12.1 Letter from MPP John Vanthof

***BE IT RESOLVED THAT*** the letter dated October 1, 2020 from John Vanthof be received.

12.2 2020 Victims and Survivors of Crime Awareness Week

***BE IT RESOLVED THAT*** the letter dated October 5, 2020 from Victim Services of Temiskaming & District be received, and

***THAT*** staff be directed to create a policy for proclamations.

12.3 Ombudsman Investigation

***BE IT RESOLVED THAT*** the letter dated October 13, 2020 from the Office of the Ombudsman be received.

**13. Closed Session**

***BE IT RESOLVED THAT*** Council move into a Closed Session pursuant to Section 239(2) to discuss 1 land disposition matter, 1 litigation matter, and 1 matter involving identifiable individuals.

13.1 Minutes of the Closed Session of Council held October 6, 2020

13.2 Request to Purchase – McKelvie Ave.  
Ashley Bilodeau, Director of Development Services

13.3 Statement of Claim – 9775706 Canada Inc. vs TKL, TKL Solar Inc., Energie Kapuskasing Energy Inc., 2325524 Ontatio Inc., 2325524 Ontario Inc. O/A Sentinel Solar, Sentinel Solar Corp., Sentinel Solar Holdings Ltd. – Withdrawn  
Richard McGee, CAO

13.4 Employment Contract  
Ric McGee, CAO

**14. Matters from Closed Session**

**15. Confirmation By-Law**

By-law 20-084            Being a by-law to confirm the proceedings of Council at its meeting held October 20, 2020

***BE IT RESOLVED THAT** the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;*

***By-law Number 20-084, being a by-law to confirm the proceedings of Council at its meeting held October 20, 2020.***

**16. Adjournment**

***BE IT RESOLVED THAT** Council adjourn the October 20, 2020 Regular Meeting of Council.*



# MINUTES

Corporation of the Town of Kirkland Lake  
Regular Meeting of Council  
Council Chambers  
October 6, 2020  
4:40 p.m.

## Attendance

Acting Mayor: Casey Owens  
Councillors: Pat Kiely *electronically – delegated Chair to Acting Mayor*  
Stacy Wight  
Patrick Adams  
Eugene Ivanov  
Rick Owen  
Absent: Dennis Perrier  
Staff: Chief Administrative Officer: Ric McGee  
Clerk: Meagan Elliott  
Director of Corporate Services: Keith Gorman  
Director of Development Services: Ashley Bilodeau  
Director of Community Services: Bonnie Sackrider  
Director of Public Works: Michel Riberdy  
Fire Chief: Rob Adair  
Manager of Economic and Development: Wilf Hass  
Human Resources Supervisor: Kassandra Young  
Waste Management Manager: Richard Charbonneau

## 1. Call to Order and Moment of Silence

Acting Mayor Casey Owens requested a moment of silence.

## 2. Approval of the Agenda

Moved by: Patrick Adams

Seconded by: Eugene Ivanov

**BE IT RESOLVED THAT** the Agenda for the Regular Meeting of Council held on October 6, 2020 beginning at 4:40 p.m. be approved as circulated to all Members of Council.

**CARRIED**

## 3. Declaration of Pecuniary Interest

Acting Mayor Casey Owens requested those present to declare any pecuniary interest with matters appearing on the agenda. None noted.

**4. Petitions and Delegations**

4.1 MP Charlie Angus

Moved by: Stacy Wight  
Seconded by: Rick Owen

**BE IT RESOLVED THAT** the delegation by MP Charlie Angus be received.

**CARRIED**

4.2 Penny Fournel – Kirkland Ave. Encroachment

Moved by: Rick Owen  
Seconded by: Patrick Adams

**BE IT RESOLVED THAT** the delegation by Penny and Gary Fournel be received.

**CARRIED**

**5. Acceptance of Minutes and Recommendations**

Moved by: Eugene Ivanov  
Seconded by: Stacy Wight

**BE IT RESOLVED THAT** Council accept the minutes of the following meetings:

- Minutes of the Regular Meeting of Council held September 22, 2020

**CARRIED**

**6. Reports of Municipal Officers and Communications**

6.1 COVID-19 Update, Verbal  
Ric McGee, CAO

Moved by: Patrick Adams  
Seconded by: Rick Owen

**BE IT RESOLVED THAT** the verbal update titled “**COVID-19 Update**” be received.

**CARRIED**

6.2 Request to Encroach onto the Kirkland Avenue Road Allowance in Swastika”  
Ashley Bilodeau, Director of Development Services

Moved by: Stacy Wight  
Seconded by: Rick Owen

**BE IT RESOLVED THAT** Report Number 2020-DEV-052 entitled “**Request to Encroach onto the Kirkland Avenue Road Allowance in Swastika**”, be received,

**THAT** staff be directed to reject the request to encroach onto the Kirkland Avenue road allowance in Swastika, and

**THAT** the applicants be advised to remove the encroaching structure no later than October 30, 2020.

**DEFEATED**

Moved by: Rick Owen

Seconded by: Patrick Adams

**BE IT RESOLVED THAT** Report Number 2020-DEV-052 entitled “**Request to Encroach onto the Kirkland Avenue Road Allowance in Swastika**”, be received, and **THAT** staff be directed to present an encroachment agreement for the Kirkland Ave property in Swastika at the October 20, 2020 Regular Meeting of Council.

**CARRIED**

6.3 Airport Land Lease

Ashley Bilodeau, Director of Development Services

Moved by: Rick Owen

Seconded by: Patrick Adams

**BE IT RESOLVED THAT** Report Number 2020-DEV-046 entitled “**Land Lease Agreement - Kirkland Lake Airport**” be received, and **THAT** a By-law be presented to Council to authorize the execution of a ten (10) year land lease agreement with Dr. Bill Durocher for the land his private hanger occupies at the Kirkland Lake Airport.

**CARRIED**

6.4 Waste Reduction Week 2020

Ashley Bilodeau, Director of Development Services

Moved by: Stacy Wight

Seconded by: Patrick Adams

**BE IT RESOLVED THAT** Report Number 2020-DEV-053 entitled “**Waste Reduction Week 2020**”, be received, and **THAT** October 19 – 25, 2020 is hereby declared by Council as Waste Reduction Week in the Town of Kirkland Lake.

**CARRIED**

6.5 Lobby Advertising

Bonnie Sackrider, Director of Community Services

Moved by: Stacy Wight

Seconded by: Eugene Ivanov

**BE IT RESOLVED THAT** Report Number 2020-CS-008 entitled “**Lobby Advertising**”, be received,

**THAT** staff be directed to present a report on the stand alone kiosk option before the end of 2020, and

**THAT** staff be directed to contact user groups to gauge interest in advertising in the Complex lobby.

**CARRIED**

6.6 Police Services Board Recommendations

Meagan Elliott, Clerk

Moved by: Rick Owen



Seconded by: Eugene Ivanov

**BE IT RESOLVED THAT** Memorandum Number 2020-CLK-006 entitled “**Police Service Board Recommendations**” be received,

**THAT** staff be directed to assess the warrants to determine if Main Street should be designated a Community Safety Zone and report back to Council in Q1 of 2021, and

**THAT** no action be taken to permit additional recreational vehicles to be included in the Town of Kirkland Lake Off-Road Vehicle By-Law.

**CARRIED**

6.7 Training, Education and Development Policy  
Kassandra Young, Human Resources Supervisor

Moved by: Stacy Wight

Seconded by: Rick Owen

**BE IT RESOLVED THAT** Report Number 2020-HR-006 entitled “**Training, Education and Development Policy**” be received,

**THAT** Council for the Corporation of the Town of Kirkland Lake hereby approves the revised Policy as presented, and

**THAT** staff be directed to insert the approved policy into the Corporate Policy Manual and upload the Training, Education and Development Policy to the Town’s website.

**CARRIED**

6.8 Kirkland Lake Water Treatment Plant PLC and SCADA Replacement  
Michel Riberdy, Director of Public Works

**BE IT RESOLVED THAT** Report Number 2020-PW-005 entitled “**Kirkland Lake Water Treatment Plant PLC and SCADA Replacement**”, be received,

Moved by: Patrick Adams

Seconded by: Eugene Ivanov

**BE IT RESOLVED THAT** Report Number 2020-PW-005 entitled “**Kirkland Lake Water Treatment Plant PLC and SCADA Replacement**”, be received,

**THAT** Council hereby awards the Kirkland Lake Water Treatment Plant PLC and SCADA replacement to Stroma Automation Solutions at an upset limit of \$215,236.97 (HST excluded),

**THAT** Council approves \$26,125.89 (HST excluded) to the Ontario Clean Water Agency for support services to facilitate the Kirkland Lake Water Treatment Plant PLC and SCADA replacement project,

**THAT** staff is hereby authorized to execute the necessary documents to complete the terms and conditions of RFB No.: OCWA056KLSCADA,

**THAT** Council authorizes the reallocation of \$160,000.00 from the Energy Efficiency Capital Project to the SCADA Upgrade in the 2020 Approved Capital Budget with the residual amount carried forward as a fifteen-month project into the 2021 Capital Budget, and

**THAT** staff be directed to include \$90,000.00 dollars in the 2021 Capital Budget for SCADA Upgrades as a pre-approved project.

**CARRIED**

6.9 Award of RFT-557-20 Supply and Delivery of Winter Sand  
Michel Riberdy, Director of Public Works

Moved by: Stacy Wight

Seconded by: Patrick Adams

**BE IT RESOLVED THAT** Report Number 2020-PW-008 entitled “**Award of RFT-557-20 Supply and Delivery of Winter Sand**”, be received,

**THAT** Council hereby awards RFT-557-20 Supply and Delivery of Winter Sand to A. Miron Topsoil Limited in the amount of \$29,560 plus HST, and

**THAT** staff is hereby authorized to execute the necessary documents to complete the terms of RFT-557-20.

**CARRIED**

7. Consideration of Notices of Motion

None noted.

8. Introduction, Reading and Consideration of By-Laws

Moved by: Rick Owen

Seconded by: Patrick Adams

**BE IT RESOLVED THAT** the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

**By-law Number 20-080**, being a by-law to authorize the execution of an agreement with William Durocher for a portion of municipal property located at the Kirkland Lake Municipal Airport.

**CARRIED**

9. Questions from Council to Staff

9.1 Audible Crosswalk

Patrick Adams, Councillor

Moved by: Patrick Adams

Seconded by: Eugene Ivanov

**BE IT RESOLVED THAT** the question from Councillor Patrick Adams regarding the Audible Crosswalk be received.

**CARRIED**

10. Notice(s) of Motion

None noted.

**11. Councillor's Reports**

11.1 Councillor Updates

Moved by: Stacy Wight  
Seconded by: Rick Owen

**BE IT RESOLVED THAT** the verbal updates from members of Council be received.

**CARRIED**

**12. Additional Information**

12.1 Notice of Integrity Commissioner Report for Oct. 20, 2020 Meeting

Moved by: Eugene Ivanov  
Seconded by: Stacy Wight

**BE IT RESOLVED THAT** the verbal notice of an Integrity Commissioner Report coming to the October 20, 2020 Regular Meeting of Council be received.

**CARRIED**

**13. Closed Session**

Moved by: Rick Owen  
Seconded by: Patrick Adams

**BE IT RESOLVED THAT** Council move into a Closed Session pursuant to Section 239(2) to discuss 1 land disposition matter.

**CARRIED**

*Council moved into Closed Session at 7:18pm*

13.1 Minutes of the Closed Session of Council held September 22, 2020

13.2 Request to Purchase Laneway – Queen Street  
Ashley Bilodeau, Director of Development Services

*Council rose from Closed Session at 7:28pm*

**14. Matters from Closed Session**

None noted.

**15. Confirmation By-Law**

Moved by: Patrick Adams  
Seconded by: Stacy Wight

**BE IT RESOLVED THAT** the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

**By-law Number 20-081**, being a by-law to confirm the proceedings of Council at its meeting held October 6, 2020.

**CARRIED**

**16. Adjournment**

Moved by: Eugene Ivanov

Seconded by: Rick Owen

**BE IT RESOLVED THAT** Council adjourn the October 6, 2020 Regular Meeting of Council.

**CARRIED**

*The meeting adjourned at: 7:29pm*

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Pat Kiely, Mayor

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Meagan Elliott, Clerk

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# REPORT TO COUNCIL

Meeting Date: 10/20/2020

Report Number: 2020-DEV-054

Presented by: Ashley Bilodeau

Department: Development Services

## REPORT TITLE

Request to Purchase Land – 8 Calbeck Avenue

## RECOMMENDATION(S)

**BE IT RESOLVED THAT** Report Number 2020-DEV-054 entitled “**Request to Purchase Land – 8 Calbeck Avenue**”, be received,

**THAT** Council authorizes the Corporation of the Town of Kirkland Lake to enter into an agreement of purchase and sale to sell 8 Calbeck Avenue to Emilie Lacaille for a sale price of \$10,000, including reimbursement of \$5,000 if an occupancy permit is issued within one year from the date of the sale closing date, \$3,000 if an occupancy permit is issued within two years of the date of the sale closing date and no reimbursement if the property is not developed within two years.

## BACKGROUND

The lots along Calbeck and Balsam were originally part of an old plan of subdivision (M120), which was comprised of undeveloped 40x100 lots. When the price of gold started to rise, the Town looked at ways to encourage new residential construction in the Town and focused on the completion of this portion of subdivision. A new survey was registered in order to create larger lots, which are more desirable to build on. Ten (10) of the lots created were sold privately from 2009 - 2010; two (2) lots were sold in 2019. These lots, among others, were part of the auction of land that took place in the spring of 2014 to encourage residential development in Kirkland Lake. Four (4) lots on Calbeck and Balsam Avenue, remain available for purchase.

Ms. Lacaille has submitted a request to purchase 8 Calbeck Avenue and has agreed to a purchase price of \$10,000 subject to the following conditions:

- A \$500 non-refundable deposit;
- \$5,000 reimbursement if an occupancy permit is issued within one year of the sale closing date;

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- \$3,000 reimbursement if an occupancy permit is issued within two years of the sale closing date; and
  - No reimbursement if the property is not developed within two years.

## **R A T I O N A L E**

The property is currently vacant and recorded in the municipal surplus lands listing.

## **O T H E R A L T E R N A T I V E S C O N S I D E R E D**

Council may decide not to sell the land to Ms. Lacaille or counter offer.

## **F I N A N C I A L C O N S I D E R A T I O N S**

Ms. Lacaille has offered \$10,000 for the property subject to the following conditions:

- A \$500 non-refundable deposit;
- \$5,000 reimbursement if an occupancy permit is issued within one year of the sale closing date;
- \$3,000 reimbursement if an occupancy permit is issued within two years of the sale closing date; and
- No reimbursement if the property is not developed within two years

## **R E L A T I O N S H I P T O S T R A T E G I C P R I O R I T I E S**

The Strategic Plan identifies a need to be fiscally responsible. Proceeding with the sale of surplus municipal land is fiscally responsible.

## **A C C E S S I B I L I T Y C O N S I D E R A T I O N S**

Not applicable.

## **C O N S U L T A T I O N S**

Keith Gorman, Treasurer

## **A T T A C H M E N T S**

Schedule "A" – Aerial Representation

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# Schedule "A" – Aerial Representation





# REPORT TO COUNCIL

Meeting Date: 10/20/2020	Report Number: 2020-DEV-055
Presented by: Richard Charbonneau	Department: Development Services

## REPORT TITLE

Encore Club – Request to Waive Tipping Fees

## RECOMMENDATION(S)

**BE IT RESOLVED THAT** Report Number 2020-DEV-055 entitled “**Encore Club - Request to Waive Tipping Fees**”, be received, and

**THAT** Council authorize staff to waive 100% of the tipping fees for the Encore Club to dispose of one (1) waste bin associated with disposal of unsold items.

## BACKGROUND

Once a year, the Encore Club takes time to go through the accumulated items that have been donated for their yard sale endeavors. They typically acquire a bin from B & R Enviro to dispose of unsold items every year and pay the associated tipping fees. Unfortunately, as a result of COVID-19 and the inability to host their yard sale events, they have surplus items that have been donated and limited revenue. The Encore Club is requesting the waiving of tipping fees for one bin.

## RATIONALE

To try and reduce the impact on the landfill, the Encore Club has contacted the Salvation Army to determine if they had capacity for the unsold items. The Salvation Army is also struggling with a surplus of items and is not willing to take the items. All salvageable clothing has been donated to the Diabetes Association.

Staff have recommended to the Encore Club that arrangements be made to prohibit or eliminate the amount of donations being brought to the property. The Encore Club has insisted that these measures are already in place. Signs have been posted and notifications have been provided. The President of the Encore Club has stated that



many residents have used the Encore Club as an alternative to taking materials to the landfill, which incurs costs related to the proper disposal that the Encore Club cannot afford.

## **OTHER ALTERNATIVES CONSIDERED**

Council may choose to deny the request and resolve that staff be directed to advise the Encore Club that the request for the waiving of tipping fees is denied.

## **FINANCIAL CONSIDERATIONS**

Financially, staff estimate that the disposal of the waste bin will cost between \$250.00 and \$700.00, depending upon the size of the bin that is utilized.

## **RELATIONSHIP TO STRATEGIC PRIORITIES**

Council has expressed support for the local business community. This becomes even more prominent given the unprecedented times associated with the COVID-19 pandemic. Assisting the Encore Club to resolve this issue is consistent with Council's strategic priorities.

## **ACCESSIBILITY CONSIDERATIONS**

Not applicable.

## **CONSULTATIONS**

Linda Belanger, President of the Encore Club

## **ATTACHMENTS**

Attachment 1 – Letter from Encore Club

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## **Attachment 1**

TO WHOM IT MAY CONCERN

Hello - My name is Linda Belanger and i am the President of the Encore Club of Kirkland Lake. I have been with the Encore for more than 20 years. We are presently planning to get a garbage bins from B & R Enviro in the next week to get rid of a lot of garbage which has accumulated at the Encore Club mostly Yard Room Items of which there is a lot of junk. We usually get a bin every year. This year with Covid it seems everyone in town has been accumulating as well, going through their homes and now getting rid of their junk as well, and bringing it all to the Club. With Covid we did not qualify for any financial help due to the fact that we do not have enough revenue coming in and our staff are all Volunteers. We are a Non-Profit Organization and the funds in our account are getting really low at this time. Even though we were closed throughout Covid, bills still needed paying and we also had to install cameras for our safety due to 3 break-ins the first week of shutdown. This bin will cost approximately \$1,000 including tipping fees for the KL Dump. We are asking if you could please consider waiving the tipping fee. We would very much appreciate your help in this matter. If you would like to discuss this further with me, please feel free to give me a call. I have also discussed not the tipping fees but other matters with Mayor Pat Kiley and he is very much aware of our situation. I don't think he would mind if you contacted him about this as well. I am usually in my office daily from 8:30 am to 1 pm and after that I am usually at home working on Club things. My Phone # at the club is 705-567-7973 Club- My Office 705-567-8747

I thank you in advance, I remain

Yours truly

Linda Belanger, President



# MEMORANDUM TO COUNCIL

Meeting Date: 10/20/2020

Memo Number: 2020-CLK-007

Presented by: Meagan Elliott

Department: Corporate Services

## MEMO TITLE

Corporate Policy Manual

## RECOMMENDATION(S)

**BE IT RESOLVED THAT** Memorandum Number 2020-CLK-007 entitled “**Corporate Policy Manual**” be received,

**THAT** Council for the Corporation of the Town of Kirkland Lake approves the policies listed in Attachment 1 to this Report as the in force and effect Policy Manual for the Town of Kirkland Lake,

**THAT** all other policies not contained within Attachment 1 to this Report are hereby repealed, and

**THAT** staff be directed to present a by-law to repeal any policies passed by by-law that are not mandated to be passed by by-law.

## BACKGROUND

Streamlining and modernizing policies has been identified as a strategic priority to define which policies are current and which version of a policy is the most up to date version. Staff presented a report with a Policy Manual to Council at the September 8, 2020 Regular Meeting of Council which was referred back to staff, to provide more information surrounding the policies listed to be repealed:

***BE IT RESOLVED THAT*** Report Number 2020-CLK-004 entitled “**Corporate Policy Manual**” be received,

***THAT*** report 2020-CLK-004 be referred back to staff to include reasons for repealing those on the list and to provide the policy as an attachment for review, and

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*THAT policy HS2020-033 be moved to the repealed list.*

**CARRIED**

## **R A T I O N A L E**

It is very important to streamline the policy manual to ensure all staff and Council are using the proper policies. Attachment 1 lists the policies that are to be in force and effect and Attachment 2 includes these policies in the new template for reference. Attachment 3 lists the known policies to staff that will not be included in the policy manual moving forward and Attachment 4 provides these policies for reference.

This project has had a number of challenges. There may be other policies not included on either list. These policies will be deemed to be repealed with the passage of the presented recommendation. A few of the known policies to not be included in the manual were passed by by-law that will need to be repealed.

Policies that staff are currently working on include:

- Banner / Flag Policy
- Communication Policy
- Customer Enquiries Policy
- Budget Policy
- Collections Policy
- Hiring Policy
- Overtime Policy

Staff have been directed to upload policies to the website which will occur when the complete Policy Manual is approved.

## **A T T A C H M E N T S**

Attachment 1 – Policy Listing  
Attachment 2 – Corporate Policy Manual  
Attachment 3 – Policy Repeal List  
Attachment 4 – Repealed Policies

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<b>POLICY NUMBER</b>	<b>TITLE</b>	<b>DATE APPROVED</b>	<b>DATE REVIEWED</b>
HS2020-001	H&S Policy	June 2006	October 2020
HS2020-002	CAO Responsibilities	April 2009	October 2020
HS2020-003	Contractor Health and Safety	June 2006	October 2020
HS2020-004	Contractors Package	January 2009	October 2020
HS2020-005	Department Head Responsibility	April 2009	October 2020
HS2020-006	Employee Responsibility	April 2009	October 2020
HS2020-007	Health and Safety Coordinators Responsibility	June 2018	October 2020
HS2020-008	Supervisor Responsibility	April 2009	October 2020
HS2020-009	Visitors	April 2006	October 2020
HS2020-010	Posted Materials	April 2009	October 2020
HS2020-011	Recognize Phase	August 2017	October 2020
HS2020-012	Assessment Phase	August 2017	October 2020
HS2020-013	Control Phase	August 2017	October 2020
HS2020-014	Airport	January 2013	October 2020
HS2020-015	Confined Spaces	August 2017	October 2020
HS2020-016	Emergency Equipment	March 2018	October 2020
HS2020-017	Emergency Response	March 2018	October 2020
HS2020-018	Hazard Reporting	June 2006	October 2020
HS2020-019	Hearing Loss Prevention	January 2013	October 2020
HS2020-020	Hot Work	March 2018	October 2020
HS2020-021	Housekeeping	April 2009	October 2020
HS2020-022	Incident Reporting	February 2009	October 2020
HS2020-023	Lockout Tagout	June 2006	October 2020
HS2020-024	MSD Awareness	August 2007	October 2020
HS2020-025	Non-Routine Work	August 2017	October 2020
HS2020-026	PPE	August 2009	October 2020
HS2020-027	Safe Driving	April 2009	October 2020
HS2020-028	Safe Purchasing	May 2008	October 2020
HS2020-029	Violence and Harassment	May 2018	October 2020
HS2020-030	WHMIS	May 2008	October 2020
HS2020-031	Work Refusal	March 2018	October 2020
HS2020-032	Working Alone	March 2018	October 2020
HS2020-033	JHSC	June 2006	October 2020
HS2020-034	HS Training and Orientation	August 2007	October 2020
HS2020-035	First Aid	April 2010	October 2020
HS2020-036	Workplace and Pre Use Inspections	August 2017	October 2020
HS2020-037	Preventative Maintenance	May 2008	October 2020
HS2020-038	Accident Investigation	May 2008	October 2020
HS2020-039	Audit Review	March 2011	October 2020
HS2020-040	Communication	May 2008	October 2020
HS2020-041	Continuous Improvement	June 2006	October 2020
HS2020-042	Return to Work	August 2007	October 2020
HS2020-043	Work Integration	March 2018	October 2020
HS2020-044	Mandatory Face Covering	August 2020	October 2020
CORP2020-001	Accessible Customer Service	November 2009	October 2020
CORP2020-002	Accessible Employment - OADA	September 2016	October 2020
CORP2020-003	Accountability and Transparency	May 2019	October 2020
CORP2020-004	Capital Asset Management Policy	June 2019	October 2020
CORP2020-005	Code of Discipline, Corporate	January 2016	October 2020
CORP2020-006	Code of Ethics and Equal Opportunity Program	February 2009	October 2020
CORP2020-007	Customer Service Standards	January 2016	October 2020
CORP2020-008	Delegation of Power of Duties	December 2007	October 2020
CORP2020-009	Education and Training	June 2016	October 2020
CORP2020-010	Hiring and Nepotism	July 2015	October 2020
CORP2020-011	Hiring and Nepotism Addendum #1 Hiring Students	December 2015	October 2020
CORP2020-012	Hiring and Nepotism Addendum #2	December 2015	October 2020
CORP2020-013	Information Systems Security and Usage Policy	March 2009	October 2020
CORP2020-014	Mobile Device Use	May 2013	October 2020
CORP2020-015	Municipal Alcohol Policy	May 2013	October 2020

<b>POLICY NUMBER</b>	<b>TITLE</b>	<b>DATE APPROVED</b>	<b>DATE REVIEWED</b>
CORP2020-016	Naming Policy	January 2016	October 2020
CORP2020-017	Overtime	June 2015	October 2020
CORP2020-018	Pay All Employees	January 2016	October 2020
CORP2020-019	Payout of Retroactive Wages	December 2010	October 2020
CORP2020-020	Return to Work Program Policy	August 2007	October 2020
CORP2020-021	Sick Leave and Attendance Management	July 2016	October 2020
CORP2020-022	Temporary Working from Home	May 2020	October 2020
CORP2020-023	Town-Owned Vehicles	January 2006	October 2020
CORP2020-024	Travel Expense	January 2008	October 2020
CORP2020-025	Whistleblower Policy	October 2016	October 2020
HR2020-001	Benefits Policy - Non Union	February 2009	October 2020
HR2020-002	Pandemic Planning	April 2020	October 2020
HR2020-003	Pay Policy - Non Union	October 2009	October 2020
DEV2020-001	Code of Conduct for Building Officials CBO	July 2018	October 2020
DEV2020-002	Leasing of and Encroachments onto Municipal Property	July 2020	October 2020
DEV2020-003	Property Sales and Other Land Uses to Residents in Arrears	February 2011	October 2020
DEV2020-004	Tipping Fee Reduction for Demolition of Buildings	April 2005	October 2020
DEV2020-005	Tree Canopy	February 2019	October 2020
DEV2020-006	By-Law Enforcement	April 2019	October 2020
PW2020-001	Sanitary Sewer Blockage	July 2020	October 2020
PW2020-002	Streetlight Maintenance	June 1984	October 2020
CS2020-001	Library Personnel Employee Status	March 2005	October 2020
FIN2020-001	Commodity Price Hedging Agreements	September 2007	October 2020
FIN2020-002	Credit Card Payments	September 2019	October 2020
FIN2020-003	Investment Policy	September 2012	October 2020
FIN2020-004	Signing Authority	January 2020	October 2020
FIN2020-005	Tangible Capital Assets	July 2012	October 2020
N/A	Council Code of Conduct	March 2019	October 2020
N/A	Council Staff Relations Policy	March 2019	October 2020
N/A	Integrity Commissioner Inquiry Protocol	March 2019	October 2020
CNCL2020-001	Council Pregnancy Leave	March 2019	October 2020
FIRE2020-001	Volunteer Firefighters Ability to Work	January 2016	October 2020

POLICY	
Policy Number: HS2020-001	Date Approved: June 2006
Department: Health and Safety	Date Reviewed: October 2020
Health and Safety Policy	

### 1. Policy Statement

The Town of Kirkland Lake (the Corporation) is committed to the prevention of occupational illness and injury to all employees in the workplace.

In fulfilling this commitment, the Town of Kirkland Lake will take all reasonable and necessary actions to provide and maintain a safe and healthy work environment for all employees. Pursuant to legislation, acceptable industry standards and practices; the Town of Kirkland Lake will strive to eliminate reasonably foreseeable hazards that may result in personal injuries, illnesses, fires, security losses, and damage to property.

### 2. Purpose

Health and Safety related questions, concerns or comments should be directed to any department supervisor or manager, Safety Committee member or Safety Coordinator. Please refer to the Health and Safety Bulletin Board for a list of Safety Committee members.

### 3. Scope

Not Applicable

### 4. Definitions

Not Applicable

### 5. Policy & Procedures

**Employers** are legislatively mandated to implement and maintain a safe and healthy work environment. The Town of Kirkland Lake is dedicated to taking all reasonable actions to eliminate workplace illness and injury.

**Supervisors and managers** have the responsibility to ensure that safe and healthy work conditions are maintained in assigned work areas. Supervisors must ensure that employees work in compliance with the Act and regulations.

**Employees** have the responsibility to work in accordance with legislated standards, employer Safe Work procedures and practices. Employees have a duty to report any hazard or contravention of the Act or regulations to the supervisor, manager, safety committee member or employer.

**Section 25** of the Ontario Occupational Health & Safety Act outlines mandatory and general responsibilities for employers, supervisors and employees.

## 6. Summary

The Town of Kirkland Lake promotes and reiterates the expectation of all employees and their participation in maintaining a safe and healthy work environment.

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**CAO**

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**DATE**

In accordance with the Occupational Health and Safety Legislation, this policy will be reviewed, signed and dated on an annual basis and posted in a conspicuous location in the workplace.



POLICY	
Policy Number: HS2020-002	Date Approved: April 2009
Department: Health and Safety	Date Reviewed: October 2020
<b>Chief Administration Officer (CAO) Responsibilities</b>	

### 1. **Policy Statement**

The Corporation shall ensure the CAO is competent and understands their imposed duties and responsibilities as defined under Section 25, 26, 27 and 28 of the Occupational Health and Safety Act, standards and other applicable regulations. The CAO of the Town of Kirkland Lake shall be held accountable for responsibilities as defined.

### 2. **Purpose**

The Chief Administrative Officer (CAO) for the Town of Kirkland Lake (the Corporation) shall ensure all health and safety obligations are being met through promoting and overseeing a comprehensive workplace health and safety program.

### 3. **Scope**

Not Applicable

### 4. **Definitions**

Not Applicable

### 5. **Policy & Procedures**

**The CAO has specific responsibility for:**

- Approval of the Corporation's rules and other actions to implement the Occupational Health & Safety Act and policies on health and safety;
- Preparation of reports to the Council on any instances where, pursuant to the Occupational Health & Safety Act:

- An order is issued by the relevant Ministry or other regulatory agency and there is not full compliance within the specified time;
- Employees refuse to work for reason of danger to their health or safety;
- Management decides not to implement a recommendation of the Safety Committee established pursuant to the Occupational Health & Safety Act.

The CAO has the overall responsibility for ensuring the development and maintenance of the health and safety program and that all managers reporting to the CAO are implementing the program competently.

The CAO shall ensure the individuals assigned to coordinate health and safety activities have experience and knowledge in the applicable safety legislation, incident investigation, workplace inspections and certification training and/or health and safety designation.

**The CAO shall:**

- Appoint competent Department Heads and Supervisors;
- Include an evaluation on the performance of the Department Heads in the area of health and safety in an annual performance assessment;
- Allocate a budget for the health and safety program, to ensure that the working environment is maintained in a healthy and safe condition;
- Establish health and safety performance objectives and priorities;
- Develop and demonstrate a positive health and safety attitude and working environment;
- Assign an individual to coordinate the health and safety activities of the workplace;
- Conduct a complete workplace inspection on an annual basis;
- Require notification of all incidents/near misses and accidents through health and safety incident investigation reports;
- Require design input and pre-start review before new/modified equipment or operation is put into service;

- Ensure the Corporation's health and safety program meets or exceeds legislated requirements;
- Implement an emergency plan and ensure that all employees have been properly trained to comply;
- Respond in writing to formal written recommendations from the Safety Committee within 21 days of receiving them;
- Ensure training of all employees in safe work practices and job safety requirements;
- Ensure information sessions are conducted as required;
- Ensure incident investigations are conducted as required;
- Ensure employee safety observations are completed as per health and safety inspections and pre-use inspection policy;
- Ensure compliance with all rules, procedures, safe work and hygiene practices, health and safety standards and use of personal protective equipment are enforced;
- Ensure employees are aware of any known hazards or potential danger to the employee's health and safety;
- Ensure the inspection and maintenance program for equipment/machinery in the workplace is being followed;
- Ensure an annual evaluation of Department Heads, supervisors and employees' safety performance is completed and provide regular feedback and instruct employees as warranted.

## **6. Summary**

An annual performance review is to be conducted to measure each of the above listed responsibilities will be performed by the Council. Success shall be noted, and recommendations will be documented for further.

## **Legislation/Standards/Regulations**

Section 25 & 26 of The Occupational Health and Safety Act, R.S.O. 1190, Section 25 and 26

## **LEGISLATION / STANDARDS**

- Occupational Health & Safety Act
- Town of Kirkland Lake Health and Safety Policies and Regulations



POLICY	
Policy Number: HS2020-003	Date Approved: June 2006
Department: Health and Safety	Date Reviewed: October 2020
Contractor Health and Safety Policy	

### 1. Policy Statement

Prior to commencement of any work with the Corporation; all contractors shall agree to the conditions and ensure that all work shall be performed in accordance with governing legislation, regulations and industry standards. Contractors shall be required to understand their responsibilities in the areas of health and safety.

The Corporation will hold contractors and their employees accountable and impose appropriate consequences should violations or concerns arise. Contractors shall comply with the health and safety initiatives of the Corporation and any violations will result in consultation with the Corporation to improve performance or result in the termination of the contract. The Corporation shall ensure the contractor is made aware of health and safety rules specific to the workplace(s) and emergency response and evacuation procedures.

### 2. Purpose

The Town of Kirkland Lake (the Corporation) may use contractors to perform maintenance work, construction work, repairs, specialized job tasks, and other job assignments not performed by the Town of Kirkland Lake employees.

To ensure that all Contractors exercise due diligence and provide a Health and Safety Policy and a Safety Program to identify possible workplace hazards and carry out the appropriate corrective action to prevent accidents or injuries arising from these hazards. To satisfy that any work or service being performed while engaged by the Corporation is done with the highest regard to Health and Safety in accordance with the Occupational Health and Safety Act. .

### 3. Scope

This policy applies to all Contractors who perform work on any of the Corporation's properties as contracted by the Corporation. Exclusions from this policy are groups

that perform daily activities such as delivery and providing of services or goods to the Corporation such as stationary supplies, parcel delivery, etc.

#### **4. Definitions**

Contractor refers to a person or entity external to the Corporation. A Contractor is a third party or retained for the completion of a task, projector construction assignment.

#### **5. Policy & Procedures**

**Prior to retaining the services of a contractor, the contractor shall:**

- Agree to sign and submit to the Corporation's contract administrator a signed Contractor Health & Safety Orientation Package;
- Provide to the Corporation a copy of:
  - The contractor's health and safety policy, if the contractor has 5 or more employees;
  - WSIB Clearance Certificate or letter of good standing, to demonstrate Contractors are insured and in good standing with the Workplace Safety and Insurance Board (WSIB) or have their own coverage for any potential or possible liability, risk or injury. A new WSIB Clearance Certificate may be requested every 6 months. Without such proof of indemnity, no Contractor may engage or proceed in their duties or services with the Corporation;
  - All certificates and proof of competencies as required for the scope of work being performed;
  - General Liability insurance;
  - Training records for employees to the identified hazards identified for the work and work area they are to be performing such as:
    - WHMIS and proof of safety orientation.
    - When the contractor does not have this basic training, they shall be required to have required training completed prior to commencement of work.
    - (M)SDS for any chemicals brought into the work location.
- The Contractor shall understand and follow established rules and procedures for health and safety at the Corporation.

- A copy of all contractor documents will be retained in the contractor's file.

**While any work or services are being performed by the contractor on behalf of the Town of Kirkland Lake:**

- The Contractor shall ensure designated supervisors are competent as defined by the Ontario Occupational Health and Safety Act to manage their employees;
- Shall not be in possession, purchase, transfer of possession, or report to work under the influence of an intoxicating substance such alcohol, illegal drugs or misuse of prescription drugs.
- In the event that a Contractor is required to enter a work area that is normally restricted to employees the Contract Administrator will inform the Department Head or supervisor at that work area to ensure the Contractor is aware of the relevant workplace safety rules and is under the supervision of a regular employee.

***The Contractor shall:***

- Ensure the health and safety of their employees;
- Provide qualified employees for the work being performed;
- Ensure all work performed is in accordance with governing legislation/regulation/Industry Standards and as outlined here within;
- Provide their own Personal Protective Equipment (PPE) or any associated materials, tools, or apparatus with respect to Health and Safety and be recognized in accordance with the Corporation's Health and Safety Policies and Procedures, and the Occupational Health and Safety Act. All PPE or other safety-related materials provided by a third party are the responsibility of the said party and must be in compliance with the Canadian Safety Association Standards (CSA) and Regulations.

***All employees of the contractor shall:***

- Work in compliance within legislation, industry standards and rules specific to the assigned workplace(s);
- Wear the required personal protective equipment and maintain the equipment in good working order;
- Use all safety devices, and guards provided;
- Immediately report to their manager or supervisor any:

- Defects in any personal protective equipment.
  - Defective safety devices, guards, or equipment that they are assigned to use.
  - Defective lighting, equipment, ventilation, floor, railing, guard, or structure.
  - Unsafe condition, unsafe acts, practices or procedures.
  - Injuries or incidents that might have caused any injury.
  - Incident that has caused or might have caused any property damage.
  - Immediate or potential hazards.
- Use tools, equipment, materials, and perform processes that they are trained and have been authorized to use;
  - Use tools, equipment and materials only in the manner intended;
  - Regularly inspect work area, and keep workplace safe and orderly;
  - Maintain good housekeeping at all times in their assigned work areas;
  - Refrain from any horseplay or any other unacceptable or unsafe conduct;
  - Cooperate with the Safety Committee of the Town of Kirkland Lake.
  - Know all emergency procedures applicable in the assigned workplace(s);

The Contract Administrator shall confirm that where a person is killed or critically injured from any cause at a workplace that the Contractor's responsibilities have been met under the Occupational Health and Safety Act, Section 51. All accidents and or near misses are reported by the Contractor to the applicable agency, i.e. WSIB, MOL, etc, and the Contract Administrator by copy immediately.

### **Training**

The contractor shall ensure the required training be completed prior to commencement of contract.

Training requirements shall be established prior to awarding of contract.



## 6. Summary

### **Evaluation**

A performance review will be conducted annually or at the conclusion of services to determine if the contractor will be used again for services after the end of the contract or if the contract will be renewed.

### **LEGISLATION / STANDARDS**

Occupational Health and Safety Act (OHSA)

Canadian Standards Association (CSA)

Workplace Safety and Insurance Act

Town of Kirkland Lake Health and Safety Policies and Procedures



POLICY	
Policy Number: HS2020-004	Date Approved: January 2009
Department: Health and Safety	Date Reviewed: October 2020
Orientation Package for Contractors	

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## **Introduction**

Attention Contractor:

Congratulations on your awarded / tendered contract and activity with the Town of Kirkland Lake (the Corporation).

Please note that in addition to documentation that is required to be completed in the Contractor Process, the Town has set out a policy on Contractor Compliance to ensure that all Contractors adhere to the Corporation's Health and Safety Policies and Procedures and ensure that they are in compliance under Provincial Legislation, Regulations, the Occupational Health and Safety Act (OHSA) to satisfy that any work or service being performed while engaged by the Corporation is done with the highest regard to Health and Safety.

### **1. Policy Statement**

The Corporation's Occupational Health & Safety Policy is reviewed by the Joint Health and Safety Committee and endorsed by the CAO annually. It states the Corporation's commitment to provide a healthy and safe work environment for all staff. The policy is posted on all health and safety notice boards.

### **2. Purpose**

This **Health & Safety Orientation Package for Contractors** is an overview of the Health and Safety policies, programs and procedures in place with the Town of Kirkland Lake. It also outlines pertinent health & safety legislation and the responsibilities of the various workplace parties. It will assist you in fulfilling these obligations and serves as a safety orientation document to supplement other materials required for completion by contractors engaged in activity or a contractual arrangement with the Corporation.

### **3. Scope**

As per our Contractor Safety Policy, please note that all Contractors are expected to be in compliance with the **Occupational Health and Safety Act (OHSA)** and any related regulation that is in relation to the work or activity that your firm has been awarded/tendered for by the Town.

The Occupational Health and Safety Act (OHSA) came into force on October 1, 1979. The Act provides the basic framework for making Ontario's workplaces safe and healthy. The Act:

- ✓ Fosters the internal responsibility system in several ways: by requiring a Joint Health and Safety Committee or worker representatives; by requiring employers to have a Health & Safety policy and program; and by making contractors directly responsible for health and safety;
- ✓ Imposes both general and specific duties on the workplace parties to protect health and safety;
- ✓ Gives workers three basic rights: the right to know and receive training about potential hazards; the right to participate in resolving health and safety concerns; and the right to refuse unsafe work;
- ✓ Sets out penalties for contraventions and provides inspectors with broad powers to inspect workplaces, investigate accidents and complaints, and issue orders for compliance.

#### **4. Definitions**

Not Applicable

#### **5. Policy & Procedures**

##### **Designated Responsibilities**

A constructor shall ensure, on a project undertaken by the constructor that,

- ✓ The measures and procedures prescribed by OHSA and the Regulations are carried out on the project;
- ✓ Every employer and every worker performing work on the project complies
- ✓ with the OHSA and Regulations; and
- ✓ The Health and Safety of workers on the project are protected.

##### **Notice of Project**

Where so prescribed, a constructor shall, before commencing any work or project, give to a Director (Ministry of Labour) a notice in writing of the project containing such information as may be prescribed.

In addition to the requirements under the OHSA and provincial regulations, all contractors who submit proposals to complete work required by the Town must:

- ✓ Review and understand the Town's Health and Safety Policies and Procedures.

- ✓ Provide satisfactory evidence, i.e. Certificate of clearance showing good standing with the Workplace Safety & Insurance Board of Ontario (as requested, every six months).

Perform duties in compliance with applicable Legislation(s). e.g. Occupational Health and Safety Act & Regulations, and the Workplace Safety & Insurance Act.

- ✓ Work cooperatively with the Corporation to ensure minimal risk of injury to employees and visitors.
- ✓ Submit a copy of their Health and Safety Policy and Program if they employ more than five workers as required by the Occupational Health and Safety Act.
- ✓ Submit copies training records for employees to the identified hazards identified for the work and work area they are to be performing.
- ✓ Ensure that employees are properly licensed, qualified as required by contract, and trained for their duties.
- ✓ Provide and maintain necessary safety equipment for employees.
- ✓ Take every precaution reasonable for the protection of the worker.

During the course of the contract, as required, the Corporation shall monitor the contractor's performance for Occupational Health and Safety compliance.

**With respect to our contractors working with the Town of Kirkland Lake, please do not hesitate to contact the Contract Administrator, should you have any safety questions or concerns with respect to any Town employee engaged or working in direct relation to your activity/contract/project.**

### **Workplace Hazardous Materials Information System**

WHMIS is a Canada wide information system created through the collective efforts of industry, labour and government at the Federal, Provincial and Municipal levels. The purpose is to provide knowledge for the protection of workers Health & Safety and this is known as the "Right To Know" legislation. The 3 main parts of WHMIS are: Labels, MSDS, and Education/Training

### **Hazard Management**

The responsibility for resolving Health & Safety issues lies with all workplace parties. This concept is referred to as the Internal Responsibility System and is built upon the principle that the workplace parties are in the best position to identify and control Health & Safety issues cooperatively.

**Employees and Supervisors are strongly encouraged to refer to Part V, Section 43 “Right to Refuse or Stop Work” of the Occupational Health and Safety Act to ensure a clear understanding of your rights and responsibilities.**

### **Injury and Incident Reporting and Accident Investigations**

With respect to the issues of Incident & Accident Investigation and Injury Reporting, all Contractors are responsible for their own employees and equipment. The Contract Administrator shall be notified and copied immediately on any Health and Safety or related issue (by copy of a Contractor Incidents, Accidents and Injuries in the workplace).

#### ***Injury and Incident Reporting***

Awareness regarding Incident and Accident trends allows for the opportunity to implement measures to prevent or minimize the possibility of those incidents from happening again. In addition to prevention, more serious injuries requiring healthcare treatment or lost time away from work will require the filing of a compensation claim (Form 7) with the Workplace Safety & Insurance Board.

**Where a person is killed or critically injured from any cause at a workplace immediate reporting is a requirement under the Occupational Health and Safety Act Section 51.**

#### ***Contract Worker Injury Reporting Steps***

1. Promptly obtain first aid/medical aid, if required.
2. Immediately notify your direct supervisor and provide him/her with details of the occurrence.
3. The supervisor will complete the incident report, have the worker sign it and provide the worker with a copy. The supervisor will also provide the worker with paperwork to be completed by the attending healthcare professional to help in early and safe return to work.
4. The supervisor shall investigate the incident and take preventative actions to prevent a reoccurrence.
5. The supervisor shall notify the contract administrator immediately in the case of critical injuries and within 24hrs of any other injuries sustained by their employees.

### ***Incident & Accident Investigation***

All incidents that cause or have the potential (near-miss) to cause workplace injuries, occupational illnesses and/or property damage shall be investigated. The Contract Administrator shall be notified within 24 hours.

### **Early and Safe Return to Work**

Contractors are expected and required to manage their own Return to Work Processes, procedures and matters relating to Modified Duties in accordance with the Workplace Safety and Insurance Act.

The goal of the Return to Work (RTW) program is to help workers return to work as soon as it is medically possible following an injury or illness. Returning to daily work and life activities can actually help in recovery and reduce the chance of long term disability.

Contractors are expected to have their own staff appropriately trained and equipped to handle First Aid matters in accordance with Regulation 1101, pursuant to the Occupational Health and Safety Act and under Section 3 of the Workplace Safety and Insurance Act.

### **General Safety Rules, all employees working for a Contractor should:**

1. Report to work well-rested and give your full attention to your job tasks. Distraction or lack of focus is a major contributor to workplace accidents.
2. Never report to work under the influence of alcohol, drugs (prescription or non-prescription) or other substances that will impair your abilities and endanger your Health or Safety or that of any other person. No person shall be permitted to remain on the premises while under the influence.
3. Never engage in inappropriate behavior, such as horseplay, fighting and/or practical jokes that could create an unsafe condition.
4. Do not wear loose or ragged clothing, dangling neckwear or bracelets near moving parts of machinery or electrically energized equipment.
5. Report all unsafe acts to your immediate supervisor.
6. Report all unsafe conditions that are encountered to your immediate supervisor.
7. Do not operate any machinery or equipment if it is known to be in an unsafe condition.

8. Never use unfamiliar machinery, equipment or tools without proper instruction and authorization. Always use the correct tool for the job, do not improvise.
9. Do not engage in tasks or other activities (e.g. talk on cell phone) when conducting tasks or operating equipment or vehicles where full attention is required.
10. Always wear the seat belts in mobile equipment or vehicles that are equipped with them. The operator and passengers shall use the belts whenever the equipment or vehicle is moving.
11. Wear and maintain all required personal protective equipment (PPE) that is required for the specific work being performed.
12. All injuries, no matter how minor, must be reported immediately.
13. Report any significant allergies or other medical conditions which might be encountered while at work (e.g. bee stings). Take all the necessary steps to manage this issue in case of exposure (e.g. Epi-pen).
14. Refrain from parking, even temporarily, in designated fire lanes.
15. Obey all warning signs, signals and alarms.
16. Understand the principles of the Workplace Hazardous Materials Information System (WHMIS) and know where the Material Safety Data Sheets (MSDS) are located in your workplace for the products you may work with.
17. Only store and handle flammable liquids in approved safety containers. Proper lids and caps must always be used on storage containers.
18. Do not dispose of any flammable liquids or other hazardous materials by pouring them down a sewer or drain. Ask your supervisor for information regarding the proper disposal of hazardous materials.
19. Do not attempt to repair defective wiring or other electrical equipment. Report defective electrical equipment to your immediate supervisor. Electrical can only be repaired or serviced by a qualified person.
20. Whenever completing work at a height ensure you use the appropriate ladder. Faulty or makeshift ladders must not be used. When working at a height at or above 3 meters proper fall arrest equipment must be worn.
21. Use proper lifting techniques when lifting. Have a secure footing, bend your knees, keep your back straight, take a firm hold of the object being lifted,



ensure your view is not obstructed and slowly straighten your legs. Avoid twisting, over reaching or other awkward positions that will likely contribute to an injury.

22. Avoid manual lifting of materials, articles or objects that are too heavy. Wherever possible, use mechanical lifting devices to lift and move heavy objects or ask for assistance from others.

## **6. Summary**

### **Related Regulations**

In addition to the OHSA, there are a number of related regulations that provide more specific information for certain types of work activities. Some of these regulations that apply to work conducted by the Town of Kirkland Lake employees and/or contractors include but not limited to:

- Workplace Hazardous Materials Information System (O.Reg. 860)
- Control of Exposure to Biological and Chemical Agents (O.Reg. 833)
- First Aid Requirements (O.Reg. 1101)
- Industrial Establishments (O.Reg. 851)
- Construction Projects (O.Reg. 213/91)
- Confined Spaces (O.Reg. 632/05)
- Firefighters Protective Equipment (O.Reg. 714/94)
- Roll-over Protective Structures (O.Reg. 856/90)
- Training Programs (O.Reg. 780/94)
- Window Cleaning (O.Reg. 859/90)
- Designated Substances (O.Reg. 835-846)

### **Town of Kirkland Lake Health and Safety Policies**

In reference to Contractor Health and Safety Compliance, note the:

- Health and Safety Policy
- Lockout / Tagout Policy
- Hazard Reporting Policy
- Confined Spaces Policy
- Accident Investigation Policy
- WHMIS Program Policy
- Workplace Violence Policy
- Contractors Health and Safety Policy

## **Contractor Orientation Checklist**

The checklist is to be completed by all Contractors in accordance with the attached Safety Orientation Package. Each line must be answered and the completed form signed by both the Contractor and the Contract Administrator. All checklist answers indicated with a NO response must be explained on the following page. The Contract Administrator will maintain the completed checklist on the Contractors file.

1. I have read and understand the Town of Kirkland Lake Health & Safety Orientation Package.

Yes  No

2. I understand the requirements and responsibilities of the Corporation and mine as the Contractor.

Yes  No

3. I have read and understand the Town of Kirkland Lake Health & Safety Policy.

Yes  No

4. I understand my responsibilities as a Contractor regarding Safety Compliance.

Yes  No

5. The Contractor is in compliance with the Provincial Legislation and Regulations in, but not limited to the Occupational Health and Safety Act, The Workplace Safety and Insurance Act, Regulation 560 (WHMIS) and Regulation 1101 (First Aid Requirements).

Yes  No

6. The Contractor has an existing Health and Safety Policy and Safety Program and is available for review upon request (if greater than five employees).

Yes  No

7. The Contractor is aware of the Corporation's workplace's safety policies, procedures and guidelines.

Yes  No

8. The Contractor provides and maintains its own personal protective equipment (e.g. safety goggles, gloves, respirator, protective clothing etc.) required for work.

Yes  No

9. The Contractor has its own list/binder for WHMIS and Material Safety Data sheets (MSDSs) for the hazardous materials that may be used for the project/contract/work.

Yes  No

10. The Contractor shall conduct their accident, injury and incident investigations and will advise the Contract Administrator immediately by notice.

Yes  No

***ALL CHECKLIST ANSWERS INDICATED WITH A NO RESPONSE MUST BE EXPLAINED***

**Contractor:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Contract Administrator:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Copies: 1. Contract Administrator (retains original) 2. Contractor

POLICY	
Policy Number: HS2020-005	Date Approved: April 6, 2009
Department: Health and Safety	Date Reviewed: October 2020
Department Head Responsibility Policy	

### 1. Policy Statement

The Corporation shall ensure Department Heads are competent and understand their duties and responsibilities as required and mandated by legislation, regulation, standards, policies and protocols. The Corporation shall hold all Department Heads accountable for their defined responsibilities. The Corporation is committed to maintaining a healthy and safe workplace.

### 2. Purpose

To ensure Department Head(s) of the Town of Kirkland Lake (the Corporation) are competent, know and understand their imposed duties and responsibilities with respect to workplace health and safety.

### 3. Scope

Not Applicable

### 4. Definitions

#### **Department Head**

A person who has charge of a workplace or authority of supervisors and employees.

#### **Competent Person**

A person who is qualified based on knowledge, expertise, training and experience to organize work and manage performance. A competent person is familiar with acts, legislation, regulations and standards that apply to the workplace and has the knowledge of any potential or actual danger that may compromise health or safety.

## 5. Policy & Procedures

### **All Department Heads shall ensure performance and shall:**

- Ensure that all obligations under the Occupational Health and Safety Act are met by having a complete understanding of the Town of Kirkland Lake Health & Safety Program to satisfy the requirements of *Due Diligence* in the workplace.
- Conduct and participate in training, information sessions, meetings, tail-gate meetings, and safety talks relevant to health and safety in the workplace;
- Ensure training of all employees in safe work practices and job safety requirements;
- Conduct monthly workplace inspections;
- Conduct incident, complaint and work refusal investigations;
- Provide induction training to new and transferred employees and reinforcement/refresher training to all employees including consistently providing information, instruction and supervision;
- Enforce all rules, procedures, safe work and hygiene practices, health and safety standards and use of personal protective equipment;
- Ensure employees are aware of the existence of any known hazards or potential danger to the employee's health and safety;
- Respond and correct identified and known unsafe/substandard acts and conditions;
- Ensure reporting and investigating all incidents/accidents resulting in personal injury and/or property damage;
- Ensure employees have all the proper equipment, material and protective devices to complete job tasks properly and safely and that the devices are in good condition;
- Ensure the inspection and maintenance program for equipment/machinery in the workplace is being followed;
- Informing senior management of any known occupational health and safety concerns;
- Annually evaluate supervisors and employees' safety performance and provide regular feedback, including corrective measures and commend supervisors and employees as warranted;

- Take every reasonable precaution necessary to ensure a healthy and safe workplace;
- Co-operate with the Safety Committee;
- Appoint competent supervisors;
- Establish a budget for health and safety and return to work activities.

## **6. Summary**

An annual performance review shall be conducted to measure each of the above listed responsibilities.

An annual report will be produced by the Health and Safety Coordinator outlining the results of the annual review. Success will be noted and recommendations will be documented for further review.

### **Legislation/Standards/Regulations**

The Occupational Health and Safety Act, R.S.O. 1190, Section 25 and 26



POLICY	
Policy Number: HS2020-006	Date Approved: April 2009
Department: Health and Safety	Date Reviewed: October 2020
Employee Responsibility	

## 1. Policy Statement

The Corporation is committed to providing and maintaining a healthy and safe workplace by enforcing the same health and safety standards for all employees. All employees shall exercise their responsibilities in accordance to applicable legislation and the Corporation's specific policies and protocols pertaining to the workplace.

Employees shall be held accountable for their responsibilities and an annual performance review will evaluate their success. Employees shall comply with the Corporation's health and safety initiatives. Violations of applicable legislation, standards, policies and protocols, shall be subject to progressive disciplinary action up to and including termination.

## 2. Purpose

The purpose of this policy is to ensure that the employees understand their responsibilities and comply with legislation, standards and Town of Kirkland Lake's (the Corporation) health and safety policies and procedures.

## 3. Scope

This Policy applies to all employees of The Corporation of the Town of Kirkland Lake.

## 4. Definitions

Not Applicable

## 5. Policy & Procedures

**All employees shall:**

- Work in compliance with all applicable legislation, standards and policies;

- Know, understand and work in a safe manner following safe operating practices and procedures;
- Know and adhere to all workplace specific responsibilities, policies and protocols;
- Know, understand and follow established rules and procedures for handling hazardous materials;
- Know and understand the consequences of health and safety violations and understand they may be subject to the Corporation's progressive discipline process;
- Wear the required personal protective equipment and maintain the equipment in good working order;
- Use all safety devices, and guards provided;
- Not be in possession of, drinking of, or being under the influence of alcohol or reporting to work under the influence of the same;
- Not be in possession of, purchase, transfer of possession, or being under the influence of an intoxicating substance such as illegal drugs or the misuse of prescription drugs, or reporting to work under the influence of the same;
- Not remove or make ineffective any protective device required;
- Immediately report to their manager or supervisor any:
  - Defects in any personal protective equipment;
  - Defective safety devices, guards, or equipment that they are assigned to use;
  - Defective lighting, equipment, ventilation, floor, railing, guard, or structure;
  - Unsafe condition, unsafe acts, practices or procedures;
  - Injuries or incidents that might have caused any injury;
  - Incident that has caused or might have caused any property damage;
  - Immediate or potential hazards.
- Use only the tools, equipment, materials, and perform processes where trained and authorized;
- Use tools, equipment and materials only in the manner intended;
- Regularly inspect work area, and keep the workplace safe and orderly;
- Maintain good housekeeping at all times in their assigned work areas;



- Refrain from any horseplay or any other unacceptable or unsafe conduct;
- Cooperate with the Safety Committee.

### **Communication**

Health and Safety responsibilities shall be communicated to all employees during their initial orientation upon hire, and through periodic training and meetings. All employees shall participate in all applicable health and safety training.

## **6. Summary**

### **Training**

Each employee must complete training as required.

### **Evaluation**

An annual performance review to measure each of the above listed responsibilities will be performed by the Department Heads and/or supervisors.

### **Legislation/Standards/Regulations**

The Occupational Health and Safety Act, R.S.O. 1190, Section 28

POLICY	
Policy Number: HS2020-007	Date Approved: June 2018
Department: Health and Safety Policy	Date Reviewed: October 2020
Health & Safety Coordinators Responsibilities	

### 1. **Policy Statement**

As part of the *"Internal Responsibility System"*, the Corporation will appoint a Safety Coordinator who will report directly to Management to oversee the implementation of the Health and Safety Program.

The CAO will ensure that the Safety Coordinator has the necessary tools and equipment to perform their duties as assigned in the workplace.

This will be accomplished through training on applicable Safety Legislation, Hazard Identification, Incident Investigation and Planned Workplace Inspections or any required Safety Certification training program.

### 2. **Purpose**

To clearly define the roles and responsibilities of the Safety Coordinator within the Town of Kirkland Lake (the Corporation) workplaces.

### 3. **Scope**

The Safety Coordinator's name and usual work location shall be posted on the Safety Board so he/she is familiar to all employees.

### 4. **Definitions**

Not Applicable

### 5. **Policy & Procedures**

#### **Safety Coordinator**

- Participate as a member of the Workplace Safety Committee, as practicable.
- Assist with the performance of the monthly workplace inspections, if requested.

- Assist with incident/accident investigations, if requested.
- When requested, act as a company liaison with regulatory agencies such as the Workplace Safety and Insurance Board, The Ontario Ministry of Labour or the Ministry of Environment, and other programs as directed by the Employer.
- Be a known resource to all employees regarding their rights and obligations in health and safety.
- Work with all levels of Management and Employees to coordinate the health and safety activities.
- Conduct H&S responsibilities as outlines in the job descriptions and the Corporation's Health & Safety policies.

## 6. Summary

### **Evaluation**

An annual performance review to measure each of the above listed responsibilities will be performed by the Safety Coordinator's Direct Supervisor or the CAO.



POLICY	
Policy Number: HS2020-008	Date Approved: April 2009
Department: Health and Safety	Date Reviewed: October 2020
Supervisor Responsibilities	

### 1. **Policy Statement**

The Town of Kirkland (the Corporation) recognizes the importance of engaging supervisors with health and safety responsibilities to achieve a healthy and safe workplace. Supervisors shall be competent, understand and comply with their imposed duties and responsibilities; as mandated in all applicable legislation, regulations and standards. The Corporation shall hold supervisors accountable to their defined responsibilities.

### 2. **Purpose**

The policy outlines a standard for supervisors and further describes expectations and how the supervisor shall carry out their responsibilities; pertaining to the health and safety of all employees.

### 3. **Scope**

This Policy applies to all Supervisors of The Town of Kirkland Lake.

### 4. **Definitions**

#### **Supervisors shall:**

- Conduct and participate in training, information sessions, meetings, tail-gate meetings, and safety talks relevant to health and safety in the workplace;
- Ensure training of all employees in safe work practices and job safety requirements;
- Perform monthly workplace inspections as required;
- Conduct and participate in incident, complaint and work refusal investigations;
- Perform employee safety observations;

- Provide induction training to new and transferred employees and reinforcement/refresher training to all employees including consistently providing information, instruction and supervision;
- Enforce rules, procedures, safe work and hygiene practices, health and safety standards and use of personal protective equipment;
- Advise employees of the existence of any known hazards or potential danger to the employee's health and safety;
- Respond to and correct any identified or known unsafe or substandard acts, contraventions or hazardous conditions;
- Respond to and investigate all incidents/accidents resulting in personal injury and or property damage and analyze all accidents, attempting to establish the true cause and take the corrective action most likely to prevent a reoccurrence of the accident or accidents similar in nature;
- Ensure the inspection and maintenance program for equipment/machinery in the department is being followed;
- Inform the Department Head and Safety Committee of any known and/or identified health and safety concerns;
- Annually evaluate employee safety performance;
- Investigate and analyze work methods and practices and when possible develop new and improved safe work practices;
- Verify on a continuing basis that all Corporate safety policies, regulations and work practices are consistently being applied by all employees and provide regular feedback including corrective measures;
- Ensure that all emergency equipment and supplies are in correct operating condition and properly located;
- Take all reasonable precautions to ensure the protection of employees;
- Co-operate with the Safety Committee/Safety Representative.

## **5. Policy & Procedures**

### **Supervisor Health & Safety Authority**

In order to carry out their responsibilities, the supervisor has the authority to:

- Suspend operations in the interest of safety;
- Have unsafe conditions corrected;

- Prevent access to unsafe areas;
- Shutdown unsafe equipment;
- Correct unsafe acts of subordinates;
- Recommend discipline for violations of safe practices in accordance with the Corporation's Code of Discipline Policy;
- Authorize overtime to correct unsafe conditions;
- Plan and schedule safety meetings and safety talks with employees;
- Carry out investigations and job hazard analysis studies;
- Request assistance from a Department Health and Safety Representative;
- Request additional authority and assistance from other supervisors.

## 6. Summary

### **Evaluation**

An annual performance review shall be conducted to measure each of the above listed responsibilities and ensure accountability. This procedure shall be reviewed annually with collaboration of the department head managers and the Safety Committee.

### **Acknowledge Success and Recommendations**

An annual report will be produced by the Health and Safety Coordinator outlining results of the annual review. Success will be noted and recommendations will be documented for further review.

### **Training**

Supervisors shall complete recognized competency training and training on hazards and legislative requirements as required.

### **Legislation/Standards**

The Occupational Health and Safety Act, R.S.O. 1190, Section 27

POLICY	
Policy Number: HS2020-009	Date Approved: April 2006
Department: Health and Safety	Date Reviewed: October 2020
Visitors Policy	

### 1. Policy Statement

As part of the Corporation's ongoing commitment to providing a healthy and safe work environment for all employees, it is the policy of the Corporation that all Visitors will be integrated into our Health and Safety Program.

### 2. Purpose

The purpose of this policy is to ensure the health and safety of all workplace parties by controlling and monitoring Visitor activities to all workplaces of the Corporation of the Town of Kirkland Lake.

### 3. Scope

This policy is applicable to all Department Heads, supervisors and reception personnel. As with all matters relating to health and safety, responsibilities are shared among all workplace parties.

### 4. Definitions

**VISITOR** - A Visitor to any workplace in the Corporation of the Town of Kirkland Lake is a person(s) other than customers and pick-up and delivery personnel, temporarily entering the workplace and who may be admitted to areas generally off limits to the public. A Visitor is usually on business but is not under contract.

**WORKPLACE REPRESENTATIVE** - A workplace representative can be a manager, supervisor or any employee in the workplace who is well-informed in the TKL Health and Safety Program and is designated to monitor a Visitor.

## **5. Policy & Procedures**

Visitors to the Corporation's workplaces must be informed of and abide by all safety rules and when required, wear personal protective equipment (PPE). Visitors must follow the directions of the workplace representative and remain in designated areas. Visitors must immediately report any injuries or illness and/or unusual occurrences or conditions during their visit to a workplace representative.

- On arrival Visitors will be asked to read and sign the Visitor Sign in Form. Visitors must sign out upon completion of their visit.
- Visitors must enter the workplace through the public reception entrance. Visitors may not enter through the worker entrance or through other points of access.
- A workplace representative will ensure that Visitors receive adequate and continuing supervision during the entirety of their visit to the workplace.
- A workplace representative will clearly identify any areas of the workplace that are strictly prohibited.
- A workplace representative will clearly identify any Personal Protective Equipment (PPE) required to be worn by the Visitor prior to the Visitor coming into contact with the specific area/hazard.
- All Visitors shall wear all required PPE as identified by workplace representative.
- Visitors are prohibited from using any Corporation's equipment, vehicles and machinery.
- A workplace representative will monitor and supervise the activity of Visitors. Visitors are to be supervised at all times and must have clear direction on the purpose of their presence and activity.
- All Visitors must be made aware of the emergency evacuation protocols in case of an emergency situation.
- It is imperative that Visitors abide by the Corporation's Health and Safety Policies.

## **6. Summary**

### **Evaluation**

This policy shall be reviewed and or amended by the JHSC annually to ensure it remains current.



## **LEGISLATION / STANDARDS**

- Town of Kirkland Lake Health and Safety Policies and Procedures



POLICY	
Policy Number: HS2020-010	Date Approved: April 2009
Department: Health and Safety	Date Reviewed: October 2020
<b>Posted Health and Safety Materials</b>	

## 1. Policy Statement

The Corporation shall ensure Department Heads are competent and understand their duties and responsibilities as required and mandated by legislation, regulation, standards, policies and protocols. The Corporation shall hold all Department Heads accountable for their defined responsibilities.

## 2. Purpose

To ensure Department Head(s) of the Town of Kirkland Lake (the Corporation) are competent, know and understand their imposed duties and responsibilities with respect to workplace health and safety.

## 3. Scope

The Corporation is committed to maintaining a healthy and safe workplace.

## 4. Definitions

**Department Head** - A person who has charge of a workplace or authority of supervisors and employees.

**Competent Person** - A person who is qualified based on knowledge, expertise, training and experience to organize work and manage performance. A competent person is familiar with acts, legislation, regulations and standards that apply to the workplace and has the knowledge of any potential or actual danger that may compromise health or safety.

## 5. Policy & Procedures

**All Department Heads shall ensure performance and shall:**

- Ensure that all obligations under the Occupational Health and Safety Act are met by having a complete understanding of the Town of Kirkland Lake Health & Safety Program to satisfy the requirements of *Due Diligence* in the workplace.
- Conduct and participate in training, information sessions, meetings, tail-gate meetings, and safety talks relevant to health and safety in the workplace;
- Ensure training of all employees in safe work practices and job safety requirements;
- Conduct monthly workplace inspections;
- Conduct incident, complaint and work refusal investigations;
- Provide induction training to new and transferred employees and reinforcement/refresher training to all employees including consistently providing information, instruction and supervision;
- Enforce all rules, procedures, safe work and hygiene practices, health and safety standards and use of personal protective equipment;
- Ensure employees are aware of the existence of any known hazards or potential danger to the employee's health and safety;
- Respond and correct identified and known unsafe/substandard acts and conditions;
- Ensure reporting and investigating all incidents/accidents resulting in personal injury and/or property damage;
- Ensure employees have all the proper equipment, material and protective devices to complete job tasks properly and safely and that the devices are in good condition;
- Ensure the inspection and maintenance program for equipment/machinery in the workplace is being followed;
- Informing senior management of any known occupational health and safety concerns;
- Annually evaluate supervisors and employees' safety performance and provide regular feedback, including corrective measures and commend supervisors and employees as warranted;
- Take every reasonable precaution necessary to ensure a healthy and safe workplace;
- Co-operate with the Safety Committee;
- Appoint competent supervisors;

- Establish a budget for health and safety and return to work activities.

## **6. Summary**

### **Evaluation**

An annual performance review shall be conducted to measure each of the above listed responsibilities.

An annual report will be produced by the Health and Safety Coordinator outlining the results of the annual review. Success will be noted and recommendations will be documented for further review.

### **Legislation/Standards/Regulations**

The Occupational Health and Safety Act, R.S.O. 1190, Section 25 and 26



POLICY	
Policy Number: HS2020-011	Date Approved: August 2017
Department: Health and Safety	Date Reviewed: October 2020
Recognize Phase of the Hazard Assessment	

### 1. **Policy Statement**

The Town of Kirkland Lake (the Corporation) shall maintain a RAC System designed to eliminate injuries and property damage.

There are three separate steps (policies) that comprise this System. Each step is needed, in the established order to ensure a properly flowing System. The policies are as follows:

- Step One Recognize Phase of Hazard Assessment Policy
- Step Two Assessment Phase of Hazard Assessment Policy
- Step Three Control Phase of Hazard Assessment Policy.

### 2. **Purpose**

To establish a System within the workplace to list all the work activities performed by employees and identify health and safety hazards posed by the activities and the work environment. This System is done in three steps; Recognize (R), Assess (A), and Control (C) the hazards of the workplace.

This policy shall explain the Recognize Phase of the Hazard Assessment. The purpose of this step is to create an inventory list of activities and hazards to both persons and properties.

### 3. **Scope**

Communication of the Corporation's RAC System to all Employees will be conducted annually.

The Management Team and Safety Committee Members will be trained in RAC.

The Hazard Assessment System requires that all three steps be completed to complete the process.

#### 4. Definitions

**Hazardous Condition / Act** - Any changing set of circumstances that have potential to cause an injury or illness. Something dangerous in the workplace.

#### 5. Policy & Procedures

A review/revision of the Hazard Assessment for The Town of Kirkland Lake shall be done by the Department Heads/Supervisors of each department and by the Safety Committee annually and when a workplace accident/incident or injury occurs.

The steps are to Recognize (R), Assess (A), and Control (C) the hazards of the workplace.

The purpose of each of these steps is:

**Recognize (R):** To create an inventory list of hazards in the workplace that identifies hazards and dangers to both persons and properties. To ensure that the Management Team and Safety Representatives know how to identify hazards.

**Assess (A):** By rating hazards we are able to prioritize the level of the hazard and the urgency or danger presented by the specific hazard.

**Control (C):** The elimination, reduction, or control of the identified hazards from causing personal injury or property damage. Create a registry/inventory of controls that include Safe Operating Practices (SOPs).

#### 6. Summary

##### **Responsibilities**

##### ***The Town of Kirkland Lake shall:***

- Ensure a Hazard Assessment is created for each department within the Corporation.
- Provide training to all employees in the recognition of safety hazards and unsafe conditions.
- Ensure this policy is regularly reviewed and or amended to ensure continuous improvements.

***Department Heads/Supervisors shall:***

- Ensure all employees are trained to recognize and report safety hazards and unsafe acts or conditions.
- Complete training in conducting Hazard Assessments.
- Create, in conjunction with the Safety Committee/Rep, Safety Coordinator, and Senior Management, a Hazard Assessment for their Department.

POLICY	
Policy Number: HS2020-012	Date Approved: August 2017
Department: Health and Safety	Date Reviewed: October 2020
Assessment Phase of the Hazard Assessment	

## 1. Policy Statement

The rating method of rating hazards is a system that looks at a variety of factors to evaluate the hazards in three categories being High, Medium, and Low.

- High rated hazards are to be controlled immediately.
- Medium rated hazards are to be controlled - a plan is required.
- Low rated hazards are to be controlled - a plan is required but these are the lowest priority.

Hazard ratings will be reevaluated following the implementation of controls to assess for additional risks that may be present due to the new controls.

## 2. Purpose

To establish a system within the workplace to identify hazards, rate the hazards for the potential injury or property damage and then identify and implement controls registry; to prevent the hazard from causing injury or damage. This System is done in three steps; Recognize (R), Assess (A), and Control (C) the hazards of the workplace.

## 3. Scope

By rating hazards the Town of Kirkland Lake (the Corporation) shall prioritize the level of the hazard and the urgency or danger presented by a specific hazard.

## 4. Definitions

Not Applicable



## **5. Policy & Procedures**

The Hazard Assessment Form shall be used to complete this analysis. Using the hazards identified in Step One – Recognize, rate each hazard on the hazard inventory list established by conducting an Assessment of Risk. See page 2 of the Workplace Hazard Assessment Form for more information.

- List all the work processes or work areas.
- Identify and record the potential hazards in each of the work processes or work areas listed.
  - A hazard is something that has the potential to cause harm, personal injury, or damage to property. There doesn't have to be a previous incident.
  - Review Injury and Incident investigations available.
  - Review Safety Committee meeting minutes.
  - Review applicable Legislation.
  - Review Safe Operating Procedures.
  - Consider all contributing factors such as:
    - People
    - Equipment
    - Material
    - Environment
    - Process
- See Workplace Hazard Assessment Form, page 2 for detailed steps to Assessing the Risk.
- Refer to Step Three Control Phase of the Hazard Assessment Policy.

### **Training**

Each Employee must complete the Health & Safety Training as assigned. This will include the reporting of hazards, incident and injuries.

All Department Heads/Supervisors and Safety Committee Members shall receive additional training as assigned.

## **6. Summary**

### **Evaluation**

The RAC system is reviewed annually to ensure all controls are in place and new hazards have been added to the process. If any new hazards are identified by the means outlined in Step One - the hazard assessment shall be updated to reflect the added inventory item, the rating of the hazard and the required controls.

An annual formal review of the Hazard Assessment System will be made by the Management Team, Safety Coordinator and Safety Committee through the workplace hazard assessment document.

### **Legislation/Standards/Regulations**

Ontario Occupational Health and Safety Act, R.S. O. 1990



POLICY	
Policy Number: HS2020-013	Date Approved: August 2017
Department: Health and Safety	Date Reviewed: October 2020
Control Phase of the Hazard Assessment	

### 1. Policy Statement

Once hazards have been identified and assessed, the next step in the process is to determine the effectiveness of existing controls and suggest improvements that may be necessary. In the case of existing controls, the Town of Kirkland Lake (the Corporation) will determine their effectiveness.

### 2. Purpose

To establish a System within the workplace to develop a step-by-step description for each activity rated as a major (HIGH loss potential) hazard to prevent the hazard from causing injury or damage. This System is done in three steps; Recognize (R), Assess (A), and Control (C) the hazards of the workplace.

### 3. Scope

The purpose of the third step is developing work instruction that includes safety features/controls at each step of the activity

### 4. Definitions

**Safe Operating Practice (SOP)** - A set of instructions for a job, process, or machine that when correctly followed will provide optimum safety to the Employee.

Safe Operating Practices will be used at The Corporation to:

- Train employees performing activities how to avoid exposure to hazards.
- Benchmark safe work guidelines for activities being reviewed during Job Observations.

## **Responsibilities**

### ***Department Heads/Supervisors shall;***

- Ensure Owner's Manual and Operating Instructions accompany all new equipment being installed in the workplace.
- For pre-existing equipment where no operating instructions are available, the Department Head/Supervisors must determine the requirements for the SOP.
- Inform their respective Employees as to where they may access the SOP.
- Ensure Employees are trained on the SOP procedures.
- Ensure that Employees are adhering to the SOP.
- Working with employees in each department to review SOP procedure annually, sign-off to ensure they are still applicable to the workplace.

### ***Safety Coordinator will:***

- In conjunction with the Department Heads/Supervisor, create SOP's for all high rated hazards.
- Evaluate controls to ensure they are effective.

### ***All Employees shall follow the:***

- Instructions and practices according to the Corporation.
- Step by step process as outlined in the SOP.

## **5. Policy & Procedures**

The Department Heads and Supervisors will work in association with the Safety Committee and Safety Coordinator to establish controls for preventing personal injury or property damage.

- There are three lines of defense to be considered when putting into place controls:
  - At the Source (hazard).
  - Along the path.
  - At the employee.
- *The first control is always elimination.*

- If elimination of the hazard is not possible then a review of other controls is made to determine which control or combination of controls will prevent injury or damage.
  - Substitution.
  - Engineering.
  - Administration.
- The last line of defense is the use of Personal Protective Equipment (PPE).
  - This type of control should only to be used in conjunction with other controls.
  - The usage of PPE is allowed when there is no option but to protect the employee.

Once the appropriate controls have been identified and put in place:

- The effectiveness of these controls is to be reviewed during:
  - Monthly Workplace Inspections and reported on the Monthly Workplace Inspection Report Form.
  - Job Observations and reported on the Job Observation Form.
  - Daily supervision of employees by the Department Heads and Supervisors.
  - Annual review of hazard assessment
  - Pre-Start Health and Safety Review

All activities rated as a major loss potential (Hazard Potential Class High) shall have a corresponding Safe Operating Practice (SOP). Controls will be considered for each step of the SOP.

- SOP's shall be written in consultation with:
  - Owner's Manual and Operating Instructions.
  - Industry Standards.
  - Operators of the equipment.
  - Employees exposed to the hazard.
  - Safety Committee or Safety Representative.
  - If questions arise regarding understanding the requirements of a SOP, a Competent Person as defined by the Legislation shall be consulted.

- On an annual basis, the Safe Operating Practice for each major loss potential will be reviewed.
- Additionally, any SOP where there is or was any of the following conditions met will have a review of the SOP completed at that time:
  - Serious or Critical injury.
  - Change to equipment or process.
  - Pending Legislation.
  - New modification or Manufacturer instruction.

## **Training**

Each Employee shall be trained and sign-off on every SOP that applies to their work area.

Department Heads and Supervisors shall inform their respective employees as to where they may access the SOP.

## **6. Summary**

### **Evaluation**

The Safety Committee Member performing the Monthly Workplace Inspection will perform random job observations to determine if employees are adhering to the SOPs.

On an annual basis, the Safe Operating Practice for each major loss potential will be reviewed by the Department Head/Supervisor and the Safety Coordinator.

Additionally, any SOP where there is /or was, any of the following conditions met will have a review of the SOP completed at that time:

- Serious or Critical injury.
- Change to equipment or process.
- Pending Legislation.
- New modification or Manufacturer instruction.

Department Heads and the Safety Committee shall review each SOP procedure annually, and sign-off.

### **Legislation/Standards/Regulations**

Ontario Occupational Health and Safety Act, R.S. O. 1990

POLICY	
Policy Number: HS2020-014	Date Approved: January 2013
Department: Health and Safety	Date Reviewed: October 2020
Airport Safety	

## 1. Policy Statement

Safety at the Kirkland Lake Airport and maintaining the confidence of the travelling public in the safety of the aviation industry, is vital. Through the introduction of a Safety Management System we are committed to provide a systemic, explicit and comprehensive process for managing airside safety risks.

By embracing this Safety Management System, the Corporation will be able to establish safety as an integral part of the airport culture which will include:

- Recognizing that safety is paramount.
- Minimizing risks associated with aircraft operations.
- Developing and continuously improving the airport's safety processes and performance.
- Identifying hazards, assessing risks and implementing control measures.
- Documenting safety activities and maintaining records.
- Auditing our system on a regular basis.

## 2. Purpose

To ensure risks arising from the Airport are identified and controlled in order to protect the safety of the employees that work at this location.

## 3. Scope

This policy applies to any Town of Kirkland Lake (the Corporation) employees who work at the airport.

## 4. Definitions

Not Applicable

## **5. Policy & Procedures**

Reporting of any real or perceived safety issues is essential to the success of our Safety Management System and is encouraged. Therefore, anyone who reports an aviation safety issue or makes suggestions that seek to improve aviation safety will not be subject to disciplinary action except in cases involving unlawful acts, gross negligence or willful violations where the individual is deemed responsible.

To be effective our Safety Management System must work from the bottom up and to do that it must have support from the top down. We are committing to providing that support and encourage everyone to become actively involved in the management of airside safety risks at our airport.

In addition, all employees of the Corporation are expected to comply with all the Corporation's Health & Safety Policies. Where there is a discrepancy between the Canadian Labour Code, and the Provincial Legislation, in terms of Safety requirements or Practices, the Canadian Labour Code shall take precedence.

## **6. Summary**

### **Legislation**

Canadian Labour Code





POLICY	
Policy Number: HS2020-015	Date Approved: August 2007
Department: Health and Safety	Date Reviewed: October 2020
Confined Spaces	

### 1. Policy Statement

The Corporation's policy is to identify all confined spaces, control the hazards associated with confined space entry and protect all employees from injury or death. Each entry into confined spaces requires a hazard assessment and Confined Spaces Entry Permit. The Physical Services Department Head/Supervisors are responsible for the overall implementation of the policy, which will be monitored and updated as required, by the Physical Services Health and Safety Representative and the Health and Safety Coordinator.

### 2. Purpose

The objective of the confined spaces policy is to create awareness, guidelines and education to all employees on the risk of injury or death while working in a compartment designated as a confined space.

This policy should be used in conjunction with other controls to ensure the safety and health of all employees. Prevention is the primary focus of this policy and procedure.

### 3. Scope

This policy is in effect for the Town of Kirkland Lake (the Corporation).

### 4. Definitions

**Confined Space** means an enclosed or partially enclosed space that:

- a) Is not designed or intended for human occupancy except for the purpose of performing work;
- b) Has restricted means of access and egress;
- c) May become hazardous to an employee entering it due to its design, construction, location or atmosphere;

- d) The materials or substances in it, or;
- e) Any other conditions relating to it, and it includes but is not limited to: a tank, silo, storage bin, process vessel or other enclosure not designed or intended for human occupancy. When an employee is required to enter therein to protect the employee from a dangerous atmosphere, prevent the employee from becoming entrapped in stored material, or otherwise ensure the employee's safety.

### **Atmospheric Hazard**

- The accumulation of flammable, combustible or explosive agents;
- An oxygen content in the atmosphere that is less than 19.5 per cent or more than 23 per cent by volume or
- The accumulation of atmospheric contaminants, including gases, vapours, fumes, dusts or mists that could:
  - Result in acute health effects that pose an immediate threat to life;
  - Interfere with a person's ability to escape unaided from a confined space.

## **5. Policy & Procedures**

### **Corporation Town of Kirkland Lake will:**

Provide training and educational material to all employees regarding the Confined Spaces Policy and Program.

### **Department Head/Supervisors will:**

Know the applicable sections within the Occupational Health and Safety Act and the Workplace Safety and Insurance Act regulations relative to confined space entry.

- Review annually the confined space education/training program for their department.
- Enforce the confined space entry policy/ regulations; and
- Maintain records of training and ensure the training coordinator receives information regarding training of personnel.
- Conduct a Hazard Assessment before an employee enters a confined space. The assessment must be signed and dated and a written entry plan must be created.

When there is a possibility of unauthorized entry, ensure that each confined space entrance is:

- Adequately secured;
- Provided with adequate barricades, warning signs or both;
- Appoint a person with adequate knowledge, training and experience to conduct an assessment of the hazards related to the confined space(s) and maintain a record detailing their qualifications;
- Appoint a person with adequate knowledge, training and experience to perform atmospheric testing as often as necessary before and while an employee is in the confined space to ensure it is safe;
- Participate in the review of the Confined Space Entry Program.

**Health and Safety Representative/JHSC will:**

- Periodically review the confined space entry procedures in consultation with the JHSC and document this review via appropriate means.
- Periodically review the confined space education/training program for their department.
- Maintain records of training and ensure the Health and Safety Coordinator receives information regarding training of personnel.

**Employee will:**

- Identify a confined space;
- Know the procedures and equipment used for confined space entry;
- Not enter a confined space unless a Confined Space Entry Permit has been provided by the supervisor; and
- Inspect equipment and ensure it is operational prior to use. If at any time, the equipment required appears to be in anyway, inoperable or damaged, it must not be used for confined space entry until such time that it is replaced or repaired;
- Know the procedures in the event of an emergency;
- Any person having a requirement to enter a confined space shall recognize that working alone is prohibited.

### **Confined Space Attendant will:**

- Remain stationed outside and near the entrance to the confined space (or if two entrances, in a location where they can best perform their duties);
- Remain in constant communication with all employees inside the confined space and not perform any other duties that interfere with their ability to monitor the confined space entry;
- Record the entry and exit of employees into the space on the Confined Space Entry Permit;
- Monitor the safety of the employees inside the confined space and provide assistance to them without entering the space;
- Order the space to be evacuated if the employees inside the confined space show signs or symptoms of exposure, an emergency outside the confined space exists or the attendant cannot perform their duties safely;
- Summon rescue response if required and perform or assist with non-entry rescue if required.

**Note:** The Confined Space Attendant must not enter the confined space at any time; unless a new attendant is available to replace them and they are adequately trained and equipped to safely enter the space.

- Shall not allow unauthorized entry into the confined space and advise the workplace supervisor;
- Contact the Department Head/Supervisor and stop the work if the confined space entry permit requirements are not being followed or there is question as to the safety of the space.

### **Procedure**

- Confined spaces shall be identified and assessed by a competent person with adequate knowledge, training and experience;
- Entry into confined spaces shall be avoided. Where possible, work shall be conducted by alternate means from outside of the space;
- All health and safety hazards shall be eliminated or controlled by engineering, administrative or other control measures before entry into a confined space;
- Personal Protective Equipment (PPE) and other control measures shall be selected based on the results of a hazard assessment;

- Any person entering or performing Attendant duties at a confined space shall receive adequate training to perform their roles;
- A confined space permit shall be completed before entry into a confined space;
- A confined space entry plan will be established for each identified confined space. The plan will include:
  - Duties of employees;
  - Rescue procedures/personnel and equipment;
  - Methods of communication;
  - Personal Protective Equipment;
  - Lockout/isolation of energy;
  - Attendants;
  - Means of entry/exit;
  - Atmospheric testing;
  - Ventilation Procedures including (Oxygen Deficient and Toxic Atmospheres);
  - Co-ordination between multiple employers using the Confined Space Coordination Document.
- A lead employer must be identified when the confined space entry work involves multiple employers or contractors;
- Record keeping shall be completed to ensure the documentation required for all confined space entries is maintained as required.

## **6. Summary**

### **LEGISLATION / STANDARDS**

Ontario Occupational Health and Safety Act

Workplace Safety and Insurance Act

POLICY	
Policy Number: HS2020-016	Date Approved: March 2018
Department: Health and Safety	Date Reviewed: October 2020
Emergency Equipment	

## 1. Policy Statement

The Town of Kirkland Lake (the Corporation) shall have a complete list of all emergency equipment indicating the frequency of when each item shall be inspected. The location of emergency equipment is identified on the site/floor plan reference document for each department and shall be posted and accessible to all employees. The frequency when each item shall be inspected is included on the Emergency Equipment Inspection Checklist form.

The Corporation shall ensure the appropriate selection and adequate quantity of equipment is available. Emergency Equipment shall be inspected and maintained regularly to ensure adherence to Ontario Fire Code, the Ontario Building Code and all other applicable legislation.

## 2. Purpose

To ensure adequate and appropriate emergency equipment is available to all employees and is properly maintained.

## 3. Scope

This policy shall be reviewed annually. To ensure proper equipment is available; shall be evaluated monthly during the emergency equipment inspection.

## 4. Definitions

Not Applicable

## 5. Policy & Procedures

**Department Heads shall:**

- Ensure emergency equipment users are provided with proper training;

- Ensure department heads, supervisors and safety committee members are provided with proper emergency equipment inspection training.

**Supervisors shall:**

- Post and maintain in their workplace a copy of all required floor plans;
- Attend emergency equipment inspection training;
- Participate or conduct emergency equipment monthly inspection as required.

**Safety Committee shall:**

- Attend emergency equipment inspection training;
- Conduct or participate in emergency equipment monthly inspections as required.

**Procedures**

***Emergency Equipment Maintenance Duties***

The following duties shall be performed by any Department Head/supervisors or safety committee member, unless otherwise specified and they have received proper training in emergency equipment inspection methods:

***Monthly***

Conduct monthly inspections as follows: (Please note this inspection can be included as a part of the monthly workplace inspections)

- Check all exit lights to ensure that they have not been damaged and that they are functioning properly;
- Check the fire alarm system AC power lamp and trouble signal, if applicable to ensure that it is in proper service;
- Check all exits to ensure that they are not obstructed in any way;
- Ensure all access roadways and fire routes are clearly marked;
- Ensure adequate clearance from sprinklers (if applicable);
- Check the voice communication systems and loudspeakers, if applicable;
- Inspect all doors in fire separations to ensure that they are not damaged and that they are in proper working order. Ensure that they closed and sealed properly;
- Inspect and test the emergency lighting system, generator, batteries, units and lamps to ensure that they are in proper working order;

- Inspect all portable fire extinguishers to ensure that they are charged;
- Inspect all first aid kits and ensure they are properly stocked and kept in an accessible location;
- Check eye wash stations and deluge showers, if applicable, to ensure they are in proper working order;
- Check fall arrest/high angle rescue, self-contained breathing apparatuses, working at heights retrieval systems, spill response kits if applicable;
- Document the date and time of the inspection and all items checked;
- If any maintenance and/or repairs are required; complete the Equipment Repair Log form;
- Forward a copy of the Emergency Equipment Inspection Checklist to the site department head or designate and the safety committee;
- Inspector shall ensure appropriate follow-up is conducted on items reported. Confirm corrective action work has been completed properly.

### ***Annually***

A review shall be conducted by the Safety Coordinator to ensure that:

- Correct selection of equipment has been made;
- Adequate number of equipment is available;
- Equipment is properly located for ease of use.
- Conduct a complete test of the building fire alarm system, inspect and service all fire extinguishing systems (sprinkler systems) and hoses. These procedures shall be conducted by a trained and qualified person. The certified individual shall provide an inspection/service certificate, and this certificate shall be posted.
- Conduct fire alarm drills in all buildings.
- Service all portable fire extinguishers. A service shall include a full inspection, and any required maintenance and re-charging. These procedures shall be performed by a trained and qualified person. All fire extinguishers shall have a tag, which provides a service number and a record of service. This tag shall be filled out by the certified individual each time the fire extinguisher is serviced.
- **NOTE:** At any time a fire extinguisher is used, this service shall be performed as soon as possible so that the extinguisher is re-charged and readily available.



- Complete the Emergency Equipment Inspection Checklist form. Ensure to document the date and time of the inspection, all items checked, and any maintenance and/or repairs done. Attach documentation/certificates of all services performed by certified individuals.
- Forward a copy on the Emergency Equipment Inspection Checklist to the site Department Head or designate and the Safety Committee.

## 6. **Summary**

### **Training**

All department heads, supervisors and safety committee members responsible for emergency equipment inspections; shall receive training of inspection methods.

### **Legislation/Standards/Regulation**

Ontario Fire Code, O. Reg. 388/97

Ontario Building Code Act

Applicable Municipal Codes and Regulations



POLICY	
Policy Number: HS2020-017	Date Approved: March 2018
Department: Health and Safety	Date Reviewed: October 2020
Emergency Response	

**1. Policy Statement**

The Town of Kirkland Lake (the Corporation) recognizes emergency response planning and policies are imperative to minimize injuries and property damage that may result from accidents and emergencies, including personal injuries, fire, explosion, toxic chemical spills, gas leaks, and natural disasters.

**2. Purpose**

The purpose of this policy is to ensure all reasonable actions are taken to ensure the health and safety of all employees in the workplace. This policy serves as the basis for preparing, assigning responsibilities, acquiring necessary equipment, and providing the training needed to respond effectively and quickly to all emergencies.

**3. Scope**

This policy applies to The Corporation of The Town of Kirkland Lake.

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

The Corporation’s emergency response program shall include the following elements and shall be implemented in the event of any of the following situations:

- Emergency evacuation plans for each of its departments.
- Designated safe meeting place that employees shall meet at after an emergency evacuation of a workplace.
- Designated Shelter in Place location for instances where staying inside the building is safer for the employees.

- Trained and certified First aid attendants in accordance with the Corporation's First Aid Policy.
- Emergency equipment in accordance with all applicable Health and Safety Legislation and the Corporation's Emergency Equipment Policy.
- Emergency Contact lists.
- Potential emergency situations may include:
  - Medical Emergencies – Refer to First Aid Policy for First Aid and Injury Incident Investigation Policy for more information.
  - Fire;
  - Gas Leaks;
  - Robbery;
  - Bomb threat;
  - Noxious odors;
  - Tornado;
  - Earthquake;
  - Power Failure;
  - Motor vehicle accidents;
  - Chemical spills;
  - Crime prevention;
  - Workplace violence;
  - Weather conditions;
  - Flood;
  - Power outage.

## **Procedure**

### ***The Corporation shall***

- Develop and implement Emergency Plans and Procedures for each of their work locations.
  - The Emergency Plan and Procedures shall include:
    - Floor plans with exit routes.
    - Employee assembly points (Safe meeting places).

- Training and education of Employees.
- Emergency Contact Numbers.
- Ensure that Department Heads, Supervisors and Employees are educated on the Emergency Plans and Procedures.
- Post in the workplace and have available to the Department Heads and Supervisors printed copies of the Emergency Plans and Procedures.

Annually test the effectiveness of the plan and procedures through mock situations or evacuations.

The Corporation's emergency response program shall include the following elements and shall be implemented in the event of any of the following situations:

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- Designated safe meeting place that employees shall meet at after an emergency evacuation of a workplace.
- Designated Shelter in Place location for instances where staying inside the building is safer for the employees.
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- Emergency Contact lists.
- Potential emergency situations may include:
  - Medical Emergencies – Refer to First Aid Policy for First Aid and Injury Incident Investigation Policy for more information.
  - Fire;
  - Gas Leaks;
  - Robbery;
  - Bomb threat;
  - Noxious odors;
  - Tornado;
  - Earthquake;
  - Power Failure;
  - Motor vehicle accidents;

- Chemical spills;
- Crime prevention;
- Workplace violence;
- Weather conditions;
- Flood;
- Power outage.

***The Department Heads shall***

Ensure that:

- The Emergency Plan and Procedures are prominently posted and maintained in their work location.
- All new hires, transferred Employees shall have the Emergency Plan and Procedures reviewed with them during their first day at the workplace. Emergency Contact Numbers are posted on H&S Board and posted at or near primary phones.
- All fire extinguishers are to be inspected monthly by the Safety Committee.
- All first aid stations shall be inspected monthly by the Safety Committee. On an annual basis the following equipment shall be inspected by a Certified Technician:
  - Fire Alarm /Notification System.
  - Sprinkler and/or other Fire Suppression Systems.
  - All fire extinguishers.
- In the event of an Emergency:
  - The Department Head or designate shall be the Emergency Response Coordinator (ERC) and be responsible for the implementation of the Emergency Plan and Procedure; and assign safety duties to Supervisors (e.g. Wardens). The Emergency Plan and Procedure shall include all workplace floor plans with exit routes and emergency equipment for all employees, employee assembly points, assigned responsibilities and the emergency response plan.
    - The emergency response plan shall be made available for the local fire department upon request.

- The ERC shall coordinate all emergency response activities using the Emergency Response Coordinator Checklist to organize and implement the Emergency Plan and Procedures in an Emergency situation.
- In case of the absence of the ERC and alternate shall be appointed to assume responsibility for emergency response duties.
- The ERC shall be the Corporation's primary liaison with emergency service providers. He/She shall ensure the directions of the fire department, or other emergency services, are followed.
- In an emergency situation the ERC shall recognize that the Corporation's highest priority is employee's safety and that this takes precedence over all other priorities.
- The ERC shall alert employees to the situation through the use of the public address system or by sounding a general alarm/notification system.
- The ERC is responsible for ensuring that the appropriate authorities are contacted such as the fire department, police, etc.
- The ERC shall assign one person to remove the (M)SDS book and visitors log from the workplace.
- Upon the arrival of firefighters, the ERC shall provide access and vital information to firefighters and inform the fire officer regarding conditions in the workplace and coordinate the efforts of Department Heads/Supervisors with those of the fire department as required.
- The ERC shall conduct a general inspection in conjunction with the Safety Coordinator and Safety Committee Member before giving the all clear for employees to return to the building if it is safe to do so.
- Work shall resume only when authorized by the ERC after conferring with the fire department.
- On a regular basis, test the Employees knowledge and understanding of the Emergency Plan and Procedures.

***The Department Heads / Supervisors shall***

- As assigned by the ERC, the acting Department Heads/Supervisors of each department shall become Wardens.
- In the event of an Emergency circumstance, ensure that the:
  - Wardens shall ensure they evacuate their staff to the designated assembly area.

- Wardens are required to station themselves at a designated exit and to remain, unless life threatening to do so, at the exit until all employees are safely out of the workplace.
- Each Warden is responsible for gathering all the employees in their department/section to ensure that everyone is accounted for.
- The Warden has the responsibility of notifying the ERC if an employee is not accounted for.

***The Safety Committee / Safety Coordinator shall***

- Conduct an Emergency Evacuation drill at least annually in cooperation with the ERC.
  - Results of this drill shall be recorded and reviewed during the next Safety Committee Meeting to identify areas that require improvement and/or areas of success.
  - The ERC shall address any concerns which require follow up.

***The employees shall***

- In an Emergency circumstance, follow the Emergency Plan and Procedures of the respective workplace.
- All employees of the workplaces share an equal role in ensuring that:
  - All emergency exits are free of obstruction.
  - Access to the emergency equipment is not obstructed.
- In the event of an Emergency, employees shall ensure that:
  - They proceed directly to the assembly areas and report to their Warden.
  - They do not return to their work location until the ERC has given the all clear signal to the Wardens.
  - They participate in all workplace Emergency Evacuation drills.

**Emergency Evacuation Plan and Procedure**

***All employees shall:***

- Upon hearing the alarm/notification system, employees are to exit the building via the nearest safe exit, in a calm, safe but quick manner. Never ignore an alarm/notification system!

- Each employee shall review their work location at the start of each shift, to ensure they are aware of the location of the nearest exit door and an alternate exit.
- After exiting the building, each employee shall find his/her way to the meeting place as designated on the evacuation plan. If the meeting place is not safe, then use the alternate meeting place as designated on the evacuation plan. The Supervisor/Warden shall perform a head count; let them know you are safe or that you require medical attention.
- All employees shall remain outside of the building until the all clear signal is received from the ERC.
- All employees shall be advised through the ERC in the event that it is unsafe to return to work. Do not leave the premises without authorization.

***All ERCs shall:***

- Call 911 or the appropriate emergency number and confirm that emergency personnel are responding.
- Inform employees of actual emergency and take the roll call which shall include visitors.
- Inform responding emergency personnel and police of:
  - Unaccounted employees as determined by roll call.
  - Emergency location in the building.
  - Type of emergency.
  - Any other known hazards.

***All Wardens shall:***

- Gather and evacuate all employees from their work area.
- Report to the designated place of assembly.
- Perform a roll call - a count of all employees and Visitors.
- Assess if medical treatment is required for their employees.

A post-evacuation assessment shall be done by the ERC and including the Wardens and Safety Committee to identify problems in the evacuation plan. Remedial measures can then be taken.



## **Specific Emergency Procedures**

### ***Bomb Threats***

#### **Bomb Threats by Phone**

- Get as much information from the caller as possible:
- When is the bomb going to explode?
- Where is it right now?
- What does it look like?
- What kind of bomb is it?
- What shall cause it to explode?
- Did you place the bomb?
- Why?
- What is your address?
- What is your name?
- Keep the caller on the line and record everything that is said.
- Try to take note of the following:
- If the speaker is male or female.
- If the speaker has a distinctive accent.
- If the voice is disguised, muffled or strange-sounding.
- If the voice is shrill or deep.
- Any background noises (e.g. traffic, bus passing, bell ringing, fax or printer sounds).
- Any indoor or outdoor sounds.
- Call and notify the police as soon as the caller hangs up.
- Record the call information using a Threatening Call Information Report form.

#### **Bomb Threats by Mail**

- The first person reading the document shall insert the document into a Mylar or plastic cover to avoid smearing possible fingerprints and then take it to the ERC who shall then coordinate a bomb search with the assigned Supervisors/Wardens.

## ***Search Procedures***

- The ERC shall put on identification so they can be easily recognized by outside agencies and staff. A location shall be designated as the Control Centre where all members of the search team can report their findings. Search Team personnel shall conduct a systematic and predetermined search of their area of duty.
- Priority needs to be given to a) outside areas, b) building entrances, c) washrooms, d) interior rooms, and e) janitor's closets, telephone rooms, etc, if not secure. If you are notified that a bomb threat has been made:
  - Quickly, but thoroughly check the work area for the presence of any bag, box, parcel or, letter that cannot be accounted for.
  - If you find a suspicious object, notify the ERC or Alternate.
  - Do not touch the object.
  - Do not assume it is the only one.
  - Wait for instructions to evacuate from the Supervisors.
  - If instructed to evacuate, refer to and follow the Evacuation Plan.

## ***Earthquake***

- Seek a safe location.
- If you are indoors, attempt to take cover under a table or desk and remain there until the tremors and shaking stops.
- If you are in a high building, stay out of the elevators and stairways.
- You can stand under a doorway as they are one of the strongest foundations of a building.
- If you cannot take cover under a desk or table, evacuate and avoid areas of potential flying glass and debris. Be sure to avoid buildings and overhead wires and do not re-enter buildings.
- If you are outdoors, move away from building and overhead wires, and do not enter building.
- Use common sense. Only go in search of a phone when you are completely sure it is safe to leave the location.

### ***Fire If you discover a fire:***

- LEAVE the area of the fire immediately.

- DO not attempt to fight the fire unless you are trained to do so and feel comfortable in doing so.
- Close the door to the area behind you.
- Pull the nearest red fire alarm pull station as you leave or notify the ERC to sound the Notification System.
- If you hear the evacuation or fire alarm/notification system, refer to and follow the Evacuation Plan.

### ***Gas Leak / Noxious Odors***

- In the event of a suspected explosion hazard or a severe adverse effect is experienced by any customers or employees: ACT
  - A – Activate the fire alarm/notification system.
  - C – All the applicable emergency services.
  - T – Then evacuate the building.
- Follow the Evacuation Plan.
- If possible and safe to do so, turn gas supply off to the building using the emergency gas shut off.
- Do not shut off lights upon exiting the building.

### ***Non-explosive Hazards***

- Ensure that Employees and customers do not become adversely affected by the odor.
- Pay particular attention to those employees with allergies and/or asthma.
- Vent the workplace as required.
- An Employer shall monitor open entryways leading into 'employee only' areas of the building.
- Determine the Source.
- Isolate the area where the incident has occurred and remove all employees and customers from the immediate area.
- Secure area.
- Ensure the area is secured, isolate and/or managed against all potential risks to Employees or Customers.

- Contact the Heating and Ventilation Contractor.
- Arrange to have the HVAC system filters replaced.
- In Case of a Leak of Non-Hazardous Gas (Class 2 Compressed Gas):
- Notify all persons in the area and report the leak to the supervisor as soon as possible.
- ELIMINATE all ignition sources.
- Find and stop source of leak if it is safe to do so. If you are unsure, call the appropriate response unit for assistance. Emergency numbers are located at all primary telephones.
- Report and document the occurrence as per Injury Incident Investigation Policy.

## ***Natural Disasters***

### **Heavy Rain / Floods**

#### **Precautions in Place**

- Place “wet floor” pylon in front entrance ways if mats are wet.
- Place signs on doors stating, “Caution, floors may be wet due to severe weather conditions.”
- Place additional mats at the front entrance to control excess water.

#### **Be Vigilant**

- Close entrance ways where rain is blown into workplace.
- Monitor automatic doors to ensure that they function properly – document on inspection list.
- Provide extra vigilance (floor inspection every ½ hour) at entrance ways and first 15 meters (fifty feet) inside workplace.

#### **Inspect the Building**

- Clean up any spilled chemicals or flammable liquids immediately.
- Check electrical system for any sparks or obvious damage.
- Check sewage and water line for leaks.
- Check for any gas leaks or fires that may have started.

#### **Expect Roof to Leak**

## **Snow / Blizzard / Ice Storms**

### **Stay Inside**

- Do not evacuate a building unless obvious structural damage is visible. Encourage customers to stay inside – high winds may blow objects around.

### **Structural Check**

- Delegate an employee to conduct an internal perimeter check continuously for obvious structural damage. Investigate any concern area.
- If building has sustained obvious structural damage, evacuate the building, moving everyone to a clear spot away from any buildings, trees, streetlights, power lines, etc.

### **Check for Injuries**

- Assist anyone who is injured or trapped under debris.

### **Take Pictures**

- Take pictures of any damage. Each picture shall include time and date the picture was taken, the name or initials of the person who took the picture, and a brief reason for the picture.

### **Whom to Call**

- Contact Property Conservation Member of Emergency Response Team.
- Contact Safety Member of Emergency Response Team.
- If this is a provincial or regional event – contact the emergency information hot-line.

## **Hurricanes, High Winds, and Tornadoes**

### **Seek Cover**

- Move all customers and employees to a designated safe area of the building.
- Stay away from the front of the workplace, as glass may shatter from flying debris.
- Stay inside.
- Do not evacuate a building unless obvious structural damage is visible.

- Where applicable encourage customers to stay inside – tornadoes can backtrack.

### **Structural Check**

- Delegate an employee to conduct an internal perimeter check continuously for obvious structural damage. Investigate any areas of concern.
- If building has sustained obvious structural damage, evacuate the building moving everyone to a clear spot away from any buildings, trees, streetlights, power lines, etc.

### **Check for Injuries**

- Advise all staff and customers to look around for anyone that may be seriously injured. Do not move the seriously injured unless they are at risk of further injuries.
- Have first aid providers triage all injuries and treat the most serious first.
- Call 911 for any life-threatening injuries.
- Assist anyone who is injured or trapped under debris.

### **Expect Floods**

- Floods often follow torrential downpours.
- Flash floods occur during tornadoes. If the workplace is in a low-lying area, the potential for flooding increases.

### **Inspect the Building**

- Check for any gas leaks or fires that may have started.
- Clean up any spilled chemicals or flammable liquids immediately.
- Check electrical system for any sparks or obvious damage.
- Check sewage and water line for leaks.

### **Take Pictures**

- Take pictures of any damage. Each picture shall include the time and date the picture was taken, the name or initials of the person who took the pictures.

## ***Power Failure***

If there is potential danger to building occupants, or if the power failure occurs after hours, weekends or holidays, notify hydro provider (i.e. Hydro One).

- If a blackout occurs without warning:
  - Turn off all light switches. The voltage may fluctuate and damage any lights that are on.
  - Set all equipment and appliance switches to the OFF position. This is to protect against kicking out the circuit breakers, blowing fuses, or damaging equipment when the full surge or current hits as the power comes back on.
  - Take measures to protect the equipment. Remember that air operated controls and water pressure may be affected.
  - Extinguish all flames in buildings.
  - Increase ventilation by opening windows. If the failure lasts more than a few minutes, it shall be necessary to evacuate persons from darkened areas (restroom, stairwells, or other areas with no windows or natural lighting).
  - Report all persons trapped in elevators to hydro provider.
  - If it becomes necessary to evacuate the premises during a blackout, be sure to protect all valuables and make sure that all equipment is safe when the power comes back on.
  
- During periods of very heavy power usage, the area utility company may have to reduce voltage. This is commonly called a BROWNOUT and may occur during periods of high air conditioner usage. In the event of a brownout, the following steps should be taken.
  - Turn off all lights and equipment not necessary for safe operation.
  - Turn off all window air conditioners. Central air conditioning may have to be shut down. However, general ventilation shall be maintained in centrally air-conditioned buildings at diminished levels.
  - Identify equipment which may be sensitive to low voltage and take positive steps to prevent its damage.
  - Full cooperation during a brownout is extremely important. Such cooperation may possibly prevent the loss of all electrical power.
  
- If an emergency exists, activate the building alarm/notification system.

- All building evacuations or localized evacuations shall occur when an alarm/notification system sounds continuously and/or when an emergency occurs. When the alarm/notification system sounds, refer to and follow the Evacuation Plan.

### ***Robbery***

Do not attempt to apprehend or contain the armed robber.

- Keep it short and smooth
  - Handle the entire procedure as if you were making a sale to a customer.
- Obey the Robber's orders
  - Let the robber know you intend to obey.
  - If you are not sure of what the robber is telling you to do, ask.
  - Keep calm and observe what he/she is wearing. Remember what he/she says.
  - Try to note the robber's height as he/she exits - if it is safe to do so.
- Tell the Robber about any possible surprises
  - If you will reach for something or move in some way, tell the robber what to expect.
  - If someone is in the back room or is expected in the store, tell the robber.
- Do not argue with the Robber
  - Give him/her all the cash and merchandise they want.
- Do not fight the Robber
  - Do not resist.
- Do not use weapons
- Do not chase or follow the Robber.
  - Chasing the robber is an invitation to violence.
  - The police may mistake you for one of the robbers.
- Call the Police.
  - Write down all the descriptions and details while you are waiting for the police to arrive.



- Discontinue business until the police are finished.
- Provide First Aid for people when needed; remain with the injured person until the ambulance arrives.
- Complete the Suspect Identification Form.
- Protect the Crime Scene.
  - Close the workplace.
  - Restrict access to the area where the offense took place.
  - Do not remove or disturb any objects, documents, or other materials from the scene.
  - Preserve the area for fingerprinting.
- Follow the direction of the Police Department.
  - If possible, ask any witnesses to remain until the Police arrive on scene.
  - Obtain the name and badge number of the attending Police Officer.

### ***Spill Response***

- Check the source of the spill.
- Identify the spill material.
- Determine if the spill source can be stopped safely.
- Place a caution pylon at spill location to warn others of the potential slip, trip, or fall hazard or cordon off to deter unauthorized personnel from entering the area of the spill.
- Access the Material Safety Data Sheet from the department (M)SDS.
- Follow: precautions, spill procedures and disposal procedures found in Preventive Measures in the (M)SDS.

Ensure all required Personal Protective Equipment is used during any spill cleanup!

### **Clean up of Spills not requiring disposal:**

- Use a mop/sponge and pail of soapy water to wash a liquid spill from the floor/shelving. Dispose liquid into wastewater drain.
- Use a broom to sweep up granular solid spills into a plastic garbage bag. Dispose into solid waste container.

**Clean up of Spills requiring disposal: Follow (M)SDS clean up instructions**

- Notify the Department Head/Supervisor of the spill.
- Access a Spill Response Kit.
- Use floor sweeping compound or absorbent pads to absorb liquid spill.
- Place solid spill or contaminated sweeping compound into metal/plastic drum (as per (M)SDS instructions).
- Seal and label the drum.
- Remove drum to an isolated area for disposal.

**Training**

Each Employee shall complete training on the Emergency Plan and Procedures.

**Evaluation**

- This plan shall be reviewed on an annual basis.
- Should this plan be put into place, practice or not, a review shall be conducted by the Safety Committee and the ERC following the resolution of the emergency. At that time, it shall be reviewed during the next safety meeting and findings shall be documented within the minutes and appropriate actions taken.
- On a monthly basis, the Safety Committee Member shall during the Monthly Workplace Inspection:
  - Randomly test Employees knowledge and understanding of the Emergency Plan and Procedures and record on the Job Observation Form and Monthly Workplace Inspection Report Form.
  - Inspect each of the:
    - Fire Extinguishers.
    - First Aid Kits.
    - Fire Exits.
    - Record all findings on the Monthly Workplace Inspection Report Form and Monthly Workplace Inspection Checklist Form.
  - Ensure that the required Emergency Plan and postings are posted as required.
  - Job observations using the Job Observation Form shall be conducted on an ongoing basis to ensure that all Employees are knowledgeable on their

roles during an Emergency situation as noted above under potential emergency situations.

## 6. **Summary**

### **Legislation/ Standards/ Regulations**

The Ontario Occupational Health and Safety Act, R.S.O. 1990

Ontario Fire Code

Applicable Municipal Codes and Regulations



POLICY	
Policy Number: HS2020-018	Date Approved: June 2006
Department: Health and Safety	Date Reviewed: October 2020
Hazard Reporting	

**1. Policy Statement**

As part of the Town of Kirkland Lake’s (the Corporation) on-going commitment to providing a healthy and safe work environment for all employees; it is the policy of the Corporation that any employee that recognizes a safety hazard or unsafe acts or conditions must file a Safety Hazard Report Form with their supervisor or Department Head.

**2. Purpose**

Occupational health and safety legislation requires all employees to report hazards and unsafe conditions to their Supervisor. The immediate hazard control reporting process allows employees to report hazardous conditions or practices as they notice them. It also allows for prompt reporting and subsequent corrective action that can be initiated prior to the monthly workplace inspection and should result in a reduction of workplace hazards.

**3. Scope**

This policy is applicable to all employees of the Corporation. The Corporation shall make every reasonable effort to ensure all applicable legislation, regulations, standards, policies and procedures are communicated and adhered to. All the Corporation's health and safety policies shall be regularly reviewed to ensure continuous improvements.

**4. Definitions**

**Hazardous condition / act** - is any changing set of circumstances that has a potential to cause injury or illness

## 5. Policy & Procedures

### **Responsibilities**

All workplace parties shall comply with all legislated mandated imposed responsibilities and requirements.

#### ***The Town of Kirkland Lake shall:***

- Provide awareness training to all employees in the recognition of safety hazards and unsafe conditions.
- Ensure this policy is regularly reviewed and or amended to ensure continuous improvements.

#### ***Department Heads/Supervisors shall:***

- Ensure all employees are trained to recognize and report safety hazards and unsafe acts or conditions.
- Respond to all reports of safety hazards and unsafe acts or conditions.

#### ***Employees shall:***

- Work in compliance with legislation, regulations, standards, policies and procedures;
- Participate in training to recognize and report safety hazards and unsafe acts and conditions
- Immediately report all hazards and unsafe acts or conditions to their Department Head/Supervisor.

#### ***The Joint Health and Safety Committee shall:***

- Review all Safety Hazardous Report Forms and monitor follow-up actions.

### **Procedures**

- Report the hazard immediately to the supervisor or Department Head.
- Alert any nearby employees of the hazard.
- Fill out a written Hazard Report Form
- The Department Head/Supervisor shall be notified immediately, and he/she evaluates the hazard and takes appropriate actions. If both parties were not

satisfied, a certified employee member of the Joint Health & Safety Committee would be contacted immediately.

- The Department Head/Supervisor will take corrective actions as soon as possible. If immediate corrective actions are not possible, a plan will be put in place to address the hazard, including steps to be taken, with timeframes and responsibilities assigned. Temporary corrective actions will be taken if needed before permanent corrective actions can be taken.
- The Safety Committee will review and follow up on any corrective actions.
- The Hazard Assessment will be reviewed and any new hazard identified will be added.

### **Hazard Rating**

Hazards can be assigned a priority classification to help with scheduling and implementation of hazard controls as recommended by the committee.

#### ***Class 'A' Hazard***

A major condition or practice that is likely to cause a serious, permanent disability, loss of a body part, death or an extensive loss of building assets, equipment or materials within the workplace

#### ***Class 'B' Hazard***

A serious condition or practice that is likely to cause a serious injury resulting in temporary disability of an employee, or major damage to the building, equipment or materials however is non-disruptive and not quite considered a Class 'A' Hazard

#### ***Class 'C' Hazard***

A minor condition or practice likely to cause a non-disruptive, non-disabling injury or illness, or non-disruptive property damage

## **6. Summary**

### **Training**

Communication of policies and instructions are provided to all employees to recognize and report safety hazards and unsafe acts or conditions.

### **Legislation/Standards**

Occupational Health and Safety Act



POLICY	
Policy Number: HS2020-019	Date Approved: January 2013
Department: Health and Safety	Date Reviewed: October 2020
Hearing Loss Prevention	

### 1. **Policy Statement**

It is the policy of the Corporation to ensure that mandatory hearing protection is worn by all employees, Supervisors, Department Heads, visitors, contractors and consultants who may be working in areas where the noise level is regularly above 85dB.

Class “A” hearing protection is required by all individuals present within the designated work areas, and all employees and other individuals shall be trained in the use of the proper personal protective equipment (PPE).

The Corporation will ensure the control of noise exposures by eliminating or substituting noisy equipment, or implementing engineering, administrative or PPE controls for the protection of all employees and other individuals in the Corporation’s workplaces. The Corporation will assess and apply the most effective control measures and will evaluate both the methods of noise exposure controls and the program as a whole periodically, at least annually.

### 2. **Purpose**

The purpose of this program is to identify the potential for noise hazards in the Town of Kirkland Lake’s (the Corporation) workplaces that could damage the hearing of employees, provide safety education and training for employees who could be exposed to high noise levels, control noise exposure levels in the workplace and to ensure that the measures taken for the protection of all workers are adequate.

### 3. **Scope**

This policy applies to all employees of the Corporation that may be exposed to high noise levels.

#### **4. Definitions**

Not Applicable

#### **5. Policy & Procedures**

##### **Responsibilities:**

##### **CAO**

- Be responsible for the purchasing and replacement of PPE, the costs of engineering and/or administrative controls, and for any costs associated with audiometric testing.
- In conjunction with the health and safety committee, determine the timing of future Occupational Noise Surveys. The Corporation will bear the full cost of those surveys.

##### ***Department Head/Supervisors***

- Train on and monitoring the use of PPE for hearing protection in their work area.
- Ensure proper PPE is worn.
- Keep written records of training, the type of training provided, and the dates when training occurred.

##### ***Employees***

- Attend the required training, wear and maintain the appropriate PPE to protect their own hearing.

All employees will be provided hearing protection when working in high noise areas, such as earplugs, and are required to wear hearing protection as a precautionary measure in higher noise areas of the workplace.

##### ***Safety Committee/Coordinator***

- Recommends the specific training to ensure compliance with this policy and with legislative requirements for the protection of workers from noise hazards.
- Performs workplace inspections to identify any hazards present and notifies management.



### **Measuring and Monitoring Sound Levels:**

Sound levels within the workplace will be measured by a competent person and hazardous areas for excessive sound levels will be identified. As the necessary controls are applied, there is provision to conduct periodic noise surveys particularly with the introduction of new equipment, perceived changes with old equipment, changes in work practices or procedures, or with employee complaints.

### **Posting of Signs:**

Highly visible signs are required in work areas to warn employees and other individuals of high sound levels and informing all that hearing protection is required. Signs are required where noise levels are expected to exceed 85dB.

### **Control of Noise Exposures:**

The most effective methods of noise abatement are normally engineering controls, or at the source. Administrative controls may include rotation of work schedules; these can be effective in limiting worker exposures. Mandatory hearing protection is required where noise levels remain excessive, and care must be taken to ensure that requirements are met.

### **Hearing Protection Devices:**

Hearing protectors must meet the requirements in CSA Standard Z94.2-02, Hearing Protection Devices – Performance, Selection, Care and Use. Muffs and earplugs have been recommended as Class “A”. Any devices must be maintained in good order and worn to ensure effectiveness.

### **Conducting Audiometric Testing:**

Employees who are exposed to excessive noise levels must undergo audiometric testing. The purpose of the testing is to have a baseline measurement of an employee’s hearing and to monitor changes at regular intervals. This testing also affords a technician the opportunity to check an employee’s hearing protection to ensure a good fit and an adequate level of protection.

## **6. Summary**

### **Training**

All employees who have the potential to be exposed to excessive noise levels in the workplace will require education as to the adverse health effects of high noise levels

and the measures that can be taken to reduce noise exposures. This training can be delivered by Department Heads/Supervisors or the Safety Coordinator. Records of training will be maintained. Training will include the proper use of PPE, and other individuals will also be oriented with respect to the specific high noise hazards present and the proper use of hearing protection.

### **Evaluation**

This policy will be reviewed at least annually, and additional reviews may be undertaken with changes in workplace procedures or operations, or addition of new equipment or machinery that could impact plant noise levels. This policy is also applicable to other areas of the workplace where excessive noise levels may be detected in the future.

### **Legislation/Standards/Regulations**

Occupational Health and Safety Act

Workplace Safety and Insurance Act



POLICY	
Policy Number: HS2020-020	Date Approved: March 2018
Department: Health and Safety	Date Reviewed: October 2020
Hot Work	

**1. Policy Statement**

Any employee who performs Hot Work shall receive authorization by his or her Department Head/Supervisor prior to engaging in the performance of Hot Work. The Department Head/Supervisor must ensure that the employee is properly trained to perform the work. Once authorized the employee shall follow and adhere to all applicable legislation, regulations, standards, policies and procedures.

**2. Purpose**

The objective is to establish a policy that ensures the safety of all affected employees, contractors, subcontractors and any other person(s) at the workplace while Hot Work is being performed.

**3. Scope**

This policy applies to all employees at the Town of Kirkland Lake (the Corporation) including contractors, and subcontractors.

**4. Definitions**

**Hot Work** - Any work using an open flame or spark producing apparatus. Hot Work includes but is not limited to, welding, cutting, burning, grinding, soldering, and any related heat producing jobs that could ignite combustible materials or flammable atmospheres.

**Designated Safe Hot Work Area** - Is an area that has been designed and constructed for the performance of open flame or spark producing work. (i.e. maintenance shop).

## **5. Policy & Procedures**

This policy applies to all employees at the Town of Kirkland Lake (the Corporation) including contractors, and subcontractors. Any employee who performs Hot Work shall receive authorization by his or her Department Head/Supervisor prior to engaging in the performance of Hot Work. The Department Head/Supervisor must ensure that the employee is properly trained to perform the work. Once authorized the employee shall follow and adhere to all applicable legislation, regulations, standards, policies and procedures.

### **Responsibilities:**

#### ***Department Heads/Supervisors***

- Shall ensure that everyone follows the Hot Work policy and is the ultimate authority for the health and safety standards at the Corporation.
- Ensure that all employees, contractors, and/or subcontractors adhere to the Corporation's Hot Work procedure and fill out the required Hot Work Permit form.
- Ensure all employees that perform Hot Work are properly trained.

#### ***Employees***

- It is the responsibility of all employees, contractors, and/or subcontractors at the Corporation to follow the Hot Work procedure and adhere to the Corporation's health and safety program.

### **Procedure**

- The Department Head/Supervisor shall identify if there is a need for a Hot Work Permit by assessing the area where the work is to be performed;
- The Department Head/Supervisor shall ensure adequate ventilation is provided by inspecting the ventilation in the area where Hot Work is to be conducted:
  - The ventilation system/equipment must be running and in proper working order.
- The Department Head/Supervisor and the employee shall check to make sure the area is cleared of combustibles:
  - Floors are to be swept and clean of combustibles;
  - Flammable liquids, dust, lint and any oil deposits are to be removed;

- Explosive atmospheres eliminated;
- Combustible floors wet down, covered with damp sand, or fire-resistant sheets.
- The Department Head/Supervisor and the employee shall make sure the area is screened off with the proper welding screen if applicable;
- The Department Head/Supervisor and the employee shall ensure fire extinguishing equipment is readily available and located at the edge of the area where Hot Work is to be done:
  - Those to use the fire extinguishing equipment shall be trained on how to operate.
- The Employee shall ensure all equipment is in good repair prior to beginning use by conducting an inspection on all equipment and personal protective equipment (PPE) prior to beginning use, this include checking for wear and tear on all equipment and PPE;
- Use appropriate PPE. The following equipment must be worn as applicable:
  - Class 3 Welding Helmet or Class 4 Welding Hand Shield as per CSA Standard Z04.3-02, when welding;
  - Class 2C Eye protection as per CSA Standard Z04.3-02, when torching/cutting;
  - Fire proof clothing;
  - CSA approved safety footwear;
  - Leather gloves;
  - Leather apron;
  - Leather chaps;
  - Hearing protection, when necessary;
  - No loose items are to be worn;
  - No contact lenses are to be worn.
- Handle the equipment in a safe manner;
- Employees must be trained in the safe operation and maintenance of the equipment to be used;
- If work is stopped for an extended period of time; the equipment shall be shut down and secured to prevent accidental sparking;

- Equipment must never be left unattended;
- Inform Department Head/Supervisor upon completion of the work so they may follow up to ensure all reasonable precautions are taken.

### **Hot Work Within 3 Meters (10 feet) of a Flammable Source**

If Hot Work is to be performed within 3 meters (10 feet) of a flammable or combustible source the following procedure shall be followed:

- Fill out Hot Work Permit form and receive written authorization from supervisor prior to proceeding with work;
- Rope off the work area;
- Remove all sources of ignition away from work area;
- Blank off all sources of fuel including potential spark hazards;
- Lock and tag (signed and dated by the employee/contractor) out the pipes carrying the potential source of fuel;
- Purge lines of flammable sources as reasonably practicable and ensure a fire extinguisher is available at the work area;
- Assign a designated fire watch person for the work area.

### **Fire Watch**

Fire watchers are required whenever welding or cutting may result in a fire, or any of the following conditions exist:

- Appreciable quantities of combustible materials (either building components or contents) are closer than 11 m (35ft.) to the location of the work;
- Appreciable quantities of combustibles are more than 11m (35ft.) away, but are easily ignited by sparks;
- Wall or floor openings within an 11 m (35ft.) radius expose combustible materials in adjacent areas (including concealed spaces in walls or floors);
- Combustible materials are adjacent to the opposite side of metal partitions, walls, ceilings, or roof tops and are likely to be ignited by conduction or radiation;
- This is determined by the Department Head/Supervisor and the Employee when they are developing the Hot Work plan.

Fire extinguishing equipment shall be made readily available and training of its use shall be provided. Fire watchers shall know how to immediately sound an alarm in

the event of fire. They shall watch for fires in all exposed areas, try to extinguish them only when obviously within their capacity and/or sound the alarm. Maintain a fire watch for at least one hour after completion of welding or cutting operations to detect and extinguish possible smoldering fires. In addition, hourly rounds should be made up to 3 hours following completion of Hot Work.

If the work is done by a contractor, the contractor shall be responsible for the fire watch, extinguishers, and any necessary screens or tarpaulins. However, the final responsibility for Hot Work always rests with the Corporation.

## **6. Summary**

### **Training**

Training for employees performing Hot Work must include:

- Safe operation and maintenance of the equipment being used;
- Fire and safety precautions;
- Proper use and maintenance of personal protective equipment;
- Proper use of fire extinguishing equipment;
- Emergency evacuation procedures.

### **Evaluation**

- A review of adherence to this procedure and the appropriate Safe Operating Practice (SOP) shall be conducted by the Department Head/Supervisor at each occurrence of Hot Work.
- This policy shall be reviewed annually.

### **Legislation/ Standards/ Regulations**

Ontario Occupational Health and Safety Regulations

Ontario Fire Code

POLICY	
Policy Number: HS2020-021	Date Approved: April 2009
Department: Health and Safety	Date Reviewed: October 2020
Housekeeping	

### 1. Policy Statement

It is the policy of the Corporation that every employee will maintain their work environment in a state of cleanliness and neatness in order to protect themselves, co-workers, customers, and contractors/sub-contractors engaged in any corporation activity.

### 2. Purpose

Maintaining a clean and orderly workplace reduces the risk of injury due to slips, trips, falls, fire and other hazards. Good housekeeping practices will contribute to hazard control while increasing efficiency. Housekeeping is everyone's responsibility. The goal is to make the workplace safe, neat, comfortable, and functional.

### 3. Scope

This policy is applicable to all employees of the Town of Kirkland Lake (the Corporation).

### 4. Definitions

Not Applicable

### 5. Policy & Procedures

- Rubbish and waste material must be removed from work areas as soon as possible. A work area includes but is not limited to, office work space, employee lounge, waiting rooms, workshop, work bench, interior and exterior of vehicles including heavy equipment and storage areas.
- All work areas and public access areas should be checked on a regular basis to ensure good housekeeping practices.



- Excess stock must be stacked neatly in the storage/warehouse area to prevent falling merchandise.
  - Space used for passage such as hallways, walkways and stairways shall be kept clean and clear at all times.
  - Eliminate the slipping hazard caused from oil and liquid spills by immediately cleaning them up and eliminating the source(s) of the spill.
  - All shelves, floors, and work surfaces shall remain as dust-free as possible.
  - All entry mats shall be checked regularly for hazardous ripples or curling and be immediately rectified.
  - Any broken or damaged merchandise, material and furniture shall be removed from the floor and stored in designated area until item is disposed according to corporate policy.
  - Keep sprinklers, fire alarms and fire extinguishers clear at all times.
  - Follow maintenance requirements for machinery, lighting and tools.
  - **Winter Precautions:** Snow and ice on walkways, parking lots, entries, shipping platforms, stairs, and work areas shall be removed by salting to prevent slipping. Overhead icicles shall be carefully removed in order to avoid any hazards or falling icicles injuring persons or damaging property. Personal protective equipment is to be worn during icicle removal.
- \* The end of a shift is considered complete only when the work area is cleaned up and tools, equipment and merchandise are returned to their proper storage place.

## **Responsibilities:**

### ***The Town of Kirkland Lake***

The Corporation will provide awareness and training material to educate all employees in good housekeeping practices.

### ***Department Heads/Supervisors***

- Managers and supervisors are to identify all the housekeeping, storage and waste disposal requirements for their department.
- Develop written up-to-date policies and procedures for housekeeping and storage that include relevant requirements.
- Ensure all employees are made aware of good housekeeping practices and procedures.

### ***Joint Health and Safety Committee / Safety Coordinator***

- The Joint Health and Safety Committee members and Safety Coordinator are to ensure good housekeeping practices and procedures are in place.
- Record any and all deficiencies found during monthly workplace inspections.
- Ensure all employees are provided with good housekeeping practices and procedures awareness training.

### ***Employees***

- Maintain a clean and orderly workplace in accordance with listed procedures.
- Report any and all hazards and deficiencies to supervisor or department health and safety representative.

## **6. Summary**

### **Legislation/Standards**

Occupational Health and Safety Act

POLICY	
Policy Number: HS2020-022	Date Approved: February 2009
Department: Health and Safety	Date Reviewed: October 2020
Incident Reporting	

### 1. **Policy Statement**

All incidents of illness and injury are to be reported immediately using the prescribed procedure.

### 2. **Purpose**

To ensure that all instances of illness and injury of an employee are reported so that The Town of Kirkland Lake (the Corporation) may implement prevention measures and ensure proper medical attention is obtained.

### 3. **Scope**

This policy is in effect for all employees of The Town of Kirkland Lake

### 4. **Definitions**

**Injury** - an event that results in physical harm to an employee.

**Illness** - a deviation from the normal healthy state of the body.

**Critical Injury** - life threatening events that result in a loss of consciousness, substantial loss of blood, a fractured leg, arm, wrist, hand, ankle, foot or more than one toe or more than one finger, loss of leg, arm, hand or foot, or more than one toe or more than one finger, burns to the majority of a human body and loss of vision.

### 5. **Policy & Procedures**

- 1) If First Aid treatment is needed, the employee must see the First Aid Attendant.
- 2) All incidents of illness and injury are to be reported immediately to the employee's Department Head / Supervisor. Any delay in reporting must be explained.

- 3) All incidents will be reported verbally to the Department Head / Supervisor who will complete the incident reporting forms. Accident investigation will be completed if needed.
- 4) Report to Management if the result is lost time, to ensure the appropriate person is assigned to manage the claim.
- 5) If the employee sought medical attention and/or is disabled from performing their regular work, written notice must be provided to the Safety Committee / Rep within 1 week of the occurrence, or awareness of the occurrence.
- 6) When an incident investigation is required the Safety Committee is to be notified as soon as possible.
- 7) The Workplace Safety and Insurance Board (WSIB) will be notified when an injury or illness results in lost time, medical attention being sought or modified work is required for more than 7 days.
- 8) **Ministry of Labour:** Where an accident of a fatal or serious nature occurs: Notice must be given to the Ministry of Labour immediately. DO NOT DISTURB THE SCENE\* UNTIL PERMISSION HAS BEEN GIVEN BY A MOL INSPECTOR.  
\*exception – It may be necessary to disturb the scene if:
  - (a) saving life or relieving human suffering;
  - (b) maintaining an essential public utility service or a public transportation system; or
  - (c) preventing unnecessary damage to equipment or other property.

### **Critical Injury Reporting**

When an individual becomes critically injured the following procedure is to be followed:

- 1) Ensure First Aid and/or EMS is initiated.
- 2) Immediately complete the Accident Report fully and contact immediate Department Head/Supervisor.
- 3) The Department Head/Supervisor or CAO will immediately call the MOL Health and Safety Contact Centre at 1-877-202-0008 to report injuries that meet the definition of "critical".
- 4) Only Department Heads/Supervisors or the CAO will be taking these "critical/fatality" reporting calls at the MOL office. You will be asked a series of questions. Answer as accurately as you can.
- 5) Have the appropriate staff member investigate the incident/scene immediately.

- 6) If you know the injury is critical, say so. If you are not sure, say so. If the injured person refused to give you their name or advise where they were going for medical treatment, say so. Members of the public are not required to provide us (the Corporation) with their personal information. We cannot force this information from them and are prohibited from detaining a member of the public, insisting on medical aid, etc.
- 7) The MOL Inspector will then decide if the scene needs to remain secured and will advise you whether or not an inspector will be dispatched. They will all have different interpretations and answers/direction/etc.
- 8) A MOL Critical Injury Report letter must be sent to the MOL office within 48 hours as a follow-up to the initial phone call to their office.

Ontario Ministry of Labour – Director  
14<sup>th</sup> Floor 400 University Avenue  
Toronto, ON, M7A 1T7

- 9) Ensure WSIB forms are completed if the injury is to a staff member within 72 hours.

### **Treatment**

- First Aid Treatment is to be administered as the first step. If the qualified first aider determines that additional medical attention is required transportation will be supplied to the employee, via taxi or ambulance, to the nearest treatment facility.
- If the employee is to go home, transportation is provided, if required.

### **Recording**

- All First Aid Records and Injury/Illness Reports are to be completed as soon as possible and retained. Copies are to be made available to treating physician(s), Workplace Safety and Insurance Board or the Ministry of Labour as required.
- All Incident Investigation Forms should be tracked for further analysis and reference.

### **Follow-Up**

- The Department Head/Supervisor will follow up with the injured employee upon returning to work.
- Any required follow-up from incident investigation or recommendations are to be reported through the Safety Committee.

## 6. Summary

### **Training**

All employees will receive training on Injury Illness Reporting as a part of Orientation and as required as per their training profile.

### **Evaluation**

The policy will be reviewed annually.

### **Legislation/ Standards/ Regulations**

Ontario Occupational Health and Safety Act, R.S.O. 1990

POLICY	
Policy Number: HS2020-023	Date Approved: June 2006
Department: Health and Safety	Date Reviewed: October 2020
Lockout Tagout	

### 1. Policy Statement

All equipment lockout / tagout procedures are carried out to eliminate the risk of personal injury and equipment damage from unexpected energization, start-up, movement or release of stored energy.

### 2. Purpose

To establish a safe procedure for locking out machines.

### 3. Scope

This policy applies to all employees of Town of Kirkland Lake (the Corporation), contractors and subcontractors doing work at this Corporation.

### 4. Definitions

Not Applicable

### 5. Policy & Procedures

#### Responsibilities

#### ***CAO is responsible for:***

- Ensuring that employees receive adequate training in lockout/tagout prior to performing work that requires lockout/tagout;
- Ensuring that Department Heads/Supervisors are competent to understand the requirements of lockout/tagout procedures;
- Program development, ongoing support and program evaluation;
- Ensuring that an assessment of energy hazards for each piece of equipment has been conducted;

- Ensuring that annual lockout reviews are conducted with authorized employees;
- Ensuring that only controlled locks will be used for lockout/tagout;
- Communicating this Lockout Program to contractors doing work in our facilities.

***Department Heads/Supervisors are responsible for:***

- Keeping up-to-date records for employees who have lockout/tagout training;
- Ensuring an adequate supply of locks and tags are provided to employees who need to lock and tag equipment;
- Auditing and enforcing this policy up to and including disciplinary action, when necessary;
- Requesting lockout/tagout training for employees by job requirement.

***Authorized employees are responsible for:***

- Adhering to this policy at all times;
- Asking when unsure of procedures to lockout/tagout equipment;
- Maintaining and caring for the locks, tags and other devices complying with the lockout/tagout procedures.

***Affected employees are responsible for:***

- Understanding and co-operating with all lockout/tagout procedures.

**Procedure**

Any time a person performs maintenance, service, repairs or sets-up energized equipment that could be dangerous, he/she is to lock/tag it out to make sure that the equipment is safe to work on. This includes:

***A. Initial Main Power Shut-Off and Lockout by the Person In Charge***

- 1) The operator is personally responsible for initially stopping or shutting down the machine in the normal manner, i.e. by pushing the stop button;
- 2) After the machine has stopped and, where applicable, loads on electrical lines are shut off, the main disconnect switch shall be opened and locked in the open (off) position by the operator and other qualified person under his direction, i.e. an electrician or mechanic;



- 3) After the disconnect switch has been locked out, employees shall keep clear of moving machinery until the start button or switch has been pushed to check that the correct master switch has been disconnected;
- 4) A lockout tag should be added to each padlock indicating equipment name, the nature of work, date, employee or department responsible for the work, etc.;
- 5) The presence of the lock belonging to the person in charge is evident that the machine is properly and completely shut down and in a safe condition for work to commence. Except as required and directed by the person in charge for purposes of interim testing etc., the lock shall only be removed after all work has been completed and equipment is safe and ready to operate;
- 6) The person in charge shall only remove the lock and this responsibility shall **NOT** be delegated;
- 7) If a machine is to be taken out of service, it shall be shut down and locked out by the operator and remain locked out during the entire period that it is out of service;
- 8) The person in charge may call in a qualified person to do the repairs required.

#### ***B. Multiple Locks and Lockout Bars***

- 1) After the machine has been shut down and locked out by the person in charge, each employee or foreman working in or on the machine shall be protected by personally placing his own safety lock on the disconnect switch. The key for his lock must be retained on his person while his lock is in place;
- 2) Where several employees or trades are working on the machine, provision for additional locks can be made through the use of a lockout bar as illustrated in **Figure 1**. This can be made to accommodate any number of locks by placing another lockout bar in the last hole of the previous bar;



**Figure 1**

- 3) A lockout tag should be attached to each padlock indicating equipment name, the nature of work, date, employee name or department responsible for the work, etc.;
- 4) Each employee should be impressed with the fact that, even though the disconnect switch may already be locked, he is not protected until he attaches his own personal lock.

### ***C. Leaving the Work***

- 1) When work has been completed, each employee should report this fact to the person in charge. Each employee may then remove this personal lock and tag prior to leaving the machine;
- 2) If work is not completed at the end of the day or shift, each employee shall report the status of the work to the person in charge of the incoming shift before removing his personal lock and tag. The incoming shift shall place their locks and tags as previously described before commencing work on the machine. The person in charge shall not remove his lock until the person in charge of the incoming shift has placed his lock on the machine;
- 3) It will be noted that, although an employee removed their locks on leaving the machine, the lock belonging to the person in charge is still in place. Therefore, at no time will the machine be left unlocked until all work has been completed.
- 4) If an employee has forgotten to remove their lock once equipment is repaired and the person is no longer onsite or working, the following people are authorized to cut the locks: Supervisor, Department Head or, CAO. This can only be done after the employee has been contacted by telephone to ensure that he/she is no longer onsite, or supervisor can ensure that work is completed and equipment is safe to start.

### ***D. Use and Control of Padlocks***

- 1) A lock shall be issued to each employee who requires same and will bear a mark of identification and will be the responsibility of that employee.

### ***E. Personal Safety Padlock Instructions***

- 1) This lock is furnished for your **PERSONAL SAFETY** and is to be used **ONLY** for locking-out equipment controls.

- 2) Before you start to work on a machine, ensure that it's disconnect switch is in the "off" position. You must then place your lock on the switch to prevent its being accidentally closed;
- 3) There is no master key and only one regular key for this lock. It is therefore impossible for any other employee to unlock your padlock;
- 4) Where more than one individual is working on a machine, each man shall use his own personal padlock to lock open the disconnect switch. Therefore, the disconnect switch will remain locked upon until the last man has completed his work;
- 5) The breaking of a padlock on a switch without authority might very easily be an act responsible for the death or serious injury of one or more workmen.

Specific procedures for lockout are provided in the Safe Operating Practices (SOP) for the equipment and machinery or process in the workplace.

- Only employees trained in lockout procedures (authorized) shall lock out equipment;
- Department Heads/Supervisors shall provide awareness training regarding specific lockout systems and procedures in their department;
- Employees affected by the lockout procedure shall be notified verbally and through the use of a lock and tag (a visual indication that the equipment has been removed from use).
- Lockout procedures will be posted at applicable locations close to the equipment.

## **Training**

All authorized employees receive formal lockout training when they are hired or post into a job requiring lockout as part of their duties. This training is repeated every 3 years, when audits reveal that the lockout program is not being adhered to or when legislation changes.

Training includes:

- a) Legislative requirements for lockout;
- b) Lockout terminology;
- c) Classification of hazards and guarding;
- d) Type and magnitude of energy available in the workplace;

- e) Energy isolation and control;
- f) The Corporation's Lockout Procedure;
- g) Lockout supplies – lock & key control, ordering, etc.;
- h) A competent person provides machine / device specific instructions at the departmental level.

### **Annual Re-Certification Training**

**Authorized employees** complete an **Annual Lockout Certification** with their Supervisor. This certification requires that the employee be able to correctly complete the lockout of a specific piece of equipment while being observed by their Supervisor.

**Affected employees** are introduced to the Lockout Program during orientation. An annual review, done in the form of a Health & Safety Talk includes definitions, legislation, and the steps to locking out equipment and the role of affected employees.

### **Program Audit and Review**

The Corporation has designed a **Lockout / Tagout Audit** tool:

- a) To monitor compliance to this Lockout Procedure;
- b) To provide a mechanism for employee suggestions to improve our program.

Both Department Head/Supervisors and members of the JHSC are trained to use this tool.

### **Rules**

- a) All personnel shall comply with the requirements of the Lockout/Tagout Program;
- b) Only authorized employees may actually apply locks and tags;
- c) Authorized personnel must be in control of the key to their lock at all time (key in pocket);
- d) Failure to comply with this program will result in disciplinary action.

## 6. Summary

### **Legislation/Standards**

- Occupational Health & Safety Act R.S.O. 1990
- Industrial Establishments (Reg. 851) – Machine / device Guarding 42 (1 to 7)  
CSA Z432-94 Safe Guarding of Machine/device ry
- OSHA CFR 1920.147 The Control of Hazardous Energy



POLICY	
Policy Number: HS2020-024	Date Approved: August 2007
Department: Health and Safety	Date Reviewed: October 2020
Musculoskeletal Disorders Awareness	

## 1. **Policy Statement**

It is the policy of the Corporation to provide employees with a safe and healthy workplace. To this end the Corporation is committed to focusing attention on employees' overall wellness and, in particular, educating employees about the risks of musculoskeletal disorders and ways to avoid them.

## 2. **Purpose**

The purpose of this policy is to create awareness and education of the growing prevalence of Musculoskeletal Disorders (MSD) in the workplace. Prevention is the primary focus of this policy and program.

## 3. **Scope**

This policy is in effect for all employees of the Town of Kirkland Lake (the Corporation).

## 4. **Definitions**

A Musculoskeletal Disorder (MSD) is defined as an injury or disorder of the muscles, tendons, ligaments, joints, nerves, blood vessels, or related soft tissue.

The term MSD is not a discrete medical diagnosis, rather an umbrella reference to various types of injuries.

MSD may be referred to as

- a) Repetitive strain injury,
- b) Cumulative trauma disorder, or
- c) Repetitive motion injury.

Examples of Musculoskeletal Disorders include:

- a) Back pain,
- b) Tennis elbow (lateral epicondylitis),
- c) Shoulder strains,
- d) Tendonitis, and
- e) Rotator cuff syndrome.

Causes or aggravations of these types of injuries are found in sports, household activities, and activities of daily living, work and recreational stressors.

## **5. Policy & Procedures**

### **Responsibilities**

#### ***The Town of Kirkland Lake***

The Corporation will provide awareness and education materials to all employees to aid in the prevention of MSD.

#### ***Managers/Supervisors***

- a) Ensure that all employees are using safe work practices.
- b) Improve their knowledge of measures to reduce MSD
- c) Review injury statistics quarterly with the JHSC/Safety Reps to identify work areas for MSD
- d) Ensure all employees perform their tasks in a safe manner and make corrections as necessary.
- e) Lead by example (i.e. always direct and perform work in a safe manner).

#### ***Health and Safety Representative/JHSC***

- a) Regularly inspect the workplace to ensure a safe and healthy environment.
- b) Be trained on MSD and prevention ideas
- c) Make recommendations to the Corporation on how to eliminate,
- d) Control or reduce hazards or risks that increase the likelihood that employees may develop an MSD.
- e) Involve employees, as needed, in inspections.

## ***Employees***

- a) The employees will:
- b) Ensure that the safe work practices they use include good ergonomics and other measures that prevent MSD.
- c) Report anything that may be a hazard or risk factor that would cause or contribute to an MSD to their supervisor.
- d) Take part, when requested, in a workplace inspection to advise of any ergonomic hazards.

## **6. Summary**

### **Training**

All employees will be trained on proper lifting and material handling as well as MSD risk factors. A copy of the employee training will be kept on file.

### **Evaluation**

This policy will be reviewed annually. The effectiveness of the training will be evaluated through job observations.

### **Legislation/Standards**

MSD Prevention Guideline for Ontario 2007





POLICY	
Policy Number: HS2020-025	Date Approved: August 2017
Department: Health and Safety	Date Reviewed: October 2020
Non-Routine Work	

### 1. Policy Statement

In the event an employee(s) is assigned to non-routine work, the Department Head/Supervisor or experienced designate must conduct a pre-work meeting with all affected employees to review the activities of the work for hazards. When hazards are identified; controls shall be implemented that may include Safe Operating Procedures. A job planning procedure shall be written.

### 2. Purpose

To ensure that employees at the Town of Kirkland Lake (the Corporation) who are assigned to non-routine work; are aware of the potential hazards associated with the non-routine task/activity, that controls are in place in order to protect the health and safety of the employees, and that all employees receive adequate training prior to performing the work.

### 3. Scope

This policy affects all employees of The Town of Kirkland Lake

### 4. Definitions

**Activity** - A set of actions required to complete a job.

**Non-Routine Work** - Activities that are not generally performed on a regular basis.

### 5. Policy & Procedures

#### **Responsibilities**

#### ***Department Heads/Supervisors***

- Assign competent employees to work tasks.

- Ensure Non-Routine Work Hazard Assessment is completed and documented.
- Ensure all employee performing Non-Routine Work are properly trained prior to starting work.
- Establish and document Safe Operating Practices (SOPs) as required.
- Ensure all safety equipment is available for the work.

### ***Employees***

- Inform their supervisor when assigned non-routine work
- Shall follow the Non-Routine Work Form as documented.
- Shall not perform any Non-Routine Work that they have not received proper training and documentation on.
- Participate in Non-Routine Work Hazard Assessment as required.
- Use SOPs as required to conduct the work.

### **Procedures**

- Department Head, Supervisor or experienced designate conducts a pre-work meeting with all affected Employees involved, in addition to a Safety Committee Member, the following will be discussed and adhered to:
- All potential hazards associated with the non-routine task/activity must be identified, and controls must be established and fully implemented.
- The Supervisor must establish SOPs, and these procedures must be documented on the Non-Routine Work Form. All employees involved must be trained on these procedures. All necessary safety equipment required to complete the work must be outlined and all employees involved must receive instructions on proper use and maintenance of the equipment.
- Equipment Specific SOPs may already be established for equipment to be used in the Non-Routine Work. Check on the Health and Safety Website under the SOP menu to see if the necessary equipment SOP has been developed.

All employees involved must sign the Non-Routine Work Form to confirm that they have received all required instruction/ training and documentation before commencing work

## 6. Summary

### **Training**

Affected Employees will receive the appropriate training as deemed necessary and documented on the Non-Routine Work Form.

### **Evaluation**

An evaluation regarding adherence to this policy will be conducted by the Safety Committee.

### **Legislation/ Standards/ Regulations**

Ontario Occupational Health and Safety Act, R.S.O. 1990



POLICY	
Policy Number: HS2020-026	Date Approved: August 2009
Department: Health and Safety	Date Reviewed: October 2020
Personal Protective Equipment	

## 1. Policy Statement

It is the Corporation's policy to provide the best possible protection against hazards in the workplace. All individuals working within each Department must wear PPE as required by the Health and Safety rules, standard operating procedures, policies, procedures, and programs.

All personal protective clothing and equipment shall be of safe design and construction for the work to be performed and shall be maintained in a sanitary and reliable condition. Only those items of protective clothing and equipment that meet or exceed Canadian Standards Associations (CSA) and/or American National Standards Institute (ANSI) standards shall be accepted for use.

Careful consideration shall be given to comfort and fit of PPE in order to ensure that it shall be used. PPE shall be provided and without exception used, when it has been determined by the Department Head/Supervisor or H&S Coordinator that its use is required and that such usage shall lessen the likelihood of an occupational injury and/or illness. Employees will be issued PPE by their Department Head/supervisor.

## 2. Purpose

The purpose of Personal Protective Equipment (PPE) is to protect workers from the risk of injury by creating a barrier against workplace hazards. PPE should be used in conjunction with other controls to ensure the safety and health of all employees. The purpose of this policy is to create awareness, guidelines and education of the growing prevalence of accidents in the workplace due to the improper selection, donning, care and maintenance of PPE. Prevention is the primary focus of this policy and program.

### 3. Scope

All employees of the Corporation shall receive training on the purpose, importance, limits and maintenance of the PPE they are required to use. Employees found not using the PPE provided; are subject to disciplinary action up.

### 4. Definitions

**Personal Protective Equipment (PPE):** Device or apparel worn by the employee as a means of control against hazards or the possibility of injury (e.g., head, eye, hand, foot, body, respiratory or hearing protection)

### 5. Policy & Procedures

#### **Responsibilities**

#### ***Town of Kirkland Lake shall:***

- Only permit PPE to be used which meets or exceeds CSA and/or ANSI standards.
- Ensure the PPE is adequate as required by:
  - Legislation;
  - MSDS;
  - Operators or Manufacturers Manual;
  - Safe Operating Procedure (SOP);
  - Industry standards.

#### ***Department Heads/Supervisors shall:***

- Communicate the importance of wearing PPE and its importance to safety in the workplace;
- Ensure there is an efficient supply of PPE for use;
- Ensure PPE is properly fitted to the Employee;
- Train Employees in the appropriate use of PPE;
- Identify hazards in the workplace where PPE would be necessary;
- Ensure that all employees use the PPE as directed and without fail;

- Control situations where employees are found not using the PPE as directed through coaching or appropriate discipline;
- Ensure that PPE is being properly maintained;
- Communicate this procedure to all visitors, contractors and any other person(s) within the workplace exposed to the hazards.

***Employees shall:***

- Participate and complete the required training on PPE;
- Without exception, wear the PPE as directed by their Department Head/Supervisor, SOP and equipment operators or manufactures manual;
- Take all precautions to safely complete the work routine;
- Identify hazards to a Department Head/Supervisor or Safety Committee member where the use of PPE is or may be required for further assessment;
- Immediately report to their Department Head/Supervisor, missing or defective PPE;
- Maintain the PPE as trained;
- Not perform work with improper or inadequate PPE.

***Safety Committee shall:***

- Review hazards within the workplace and recommend the use of PPE for all applicable situations;
- Ensure all PPE meet the requirements outlined in the legislation, regulations and standards;
- Investigate hazardous situations and advise Department Heads/Supervisor of possible solutions and required PPE.

**Procedure**

The Corporation shall take every precaution reasonable in the circumstances for the protection of all employees. Appropriate steps shall be taken to identify, assess and address all workplace hazards.

- Refer to recognized standards such as CSA and/or ANSI for guidance on the proper PPE requirements for the work task;
- Involve employees in evaluation of PPE to gain information regarding fit, comfort and acceptance;

- Consider physical comfort of PPE and ensure it is ergonomically suitable for each employee;
- Evaluate cost considerations;
- Check fit and ensures each Employee is fitted properly for their PPE.
- Obtain advice and expertise from technical experts if required;
- Ensure compliance with required legislation, regulation and standards;

**PPE Standards**

Specific Requirements for PPE for each Department will be determined through the hazard assessment, established by Safety Committee in conjunction with the Department Heads and Safety Coordinator. The chart below outlines what standards are required for each type of PPE used. All employees will be required to wear PPE appropriate to their job tasks and work areas as established in the Hazard Assessment.

<b>PPE</b>	<b>Acceptable</b>
Footwear	<ul style="list-style-type: none"> <li>• Non-slip Footwear. All footwear must state either on the footwear or on documentation that accompanied the footwear when purchased, that they are non-slip or slip resistant</li> <li>• Soft sole footwear with the above indication is deemed as non-slip footwear for the purpose of the Corporation’s workplaces</li> <li>• Insulated winter boots - footwear properly insulated for the protection of inclement weather</li> </ul>
Safety Footwear	<p>As per CSA Standard Z195.1-01, Protective Footwear and Z195.1-02, Selection, care, and use of protective footwear.</p> <p>CSA Grade 1 (must have a green triangle with the CSA logo, and a green label indicating Grade 1).</p>
Safety Glasses and/or Face Shields	<p>As per CSA Standard Z94.3-02 and Z94.4-02 Protective Eye-wear and CSA Standard Z 94.2-01 Eye and Face Protector</p> <p>As per CSA Z94. 3 Eye and Face Protectors, Z94.3.1 Selection, Use and Care of Protective Eye-wear</p> <ul style="list-style-type: none"> <li>• Class 1A – Protective spectacles with side protection for</li> </ul>

	<p>impact</p> <ul style="list-style-type: none"> <li>• Classes 2A – Direct ventilated goggles for impact protection</li> <li>• Class 2B – Non-ventilated goggles and indirect ventilated goggles for impact, dusts, and splash protection. (Eye cup or cover goggles for dust and splash worn with Class 6B face shield, when at risk of acid splash, chemical burns, etc...)</li> <li>• Class 6A Face shield for impact and splash protection</li> <li>• Class 6B – Face Shield with glare protection</li> </ul>
Gloves	<ul style="list-style-type: none"> <li>• Cut Resistance- As per ANSI/ISEA 1005 – 2005 Standard – Cut Resistance</li> <li>• Rubber (Impervious) Chemical Resistance</li> <li>• Heat Resistant (Oven Mitts), flame resistant made of Aramid, Kevlar or Nomex</li> <li>• Winter Gloves</li> </ul>
High Visibility Safety Vest	As per CSA Standard Z96-02
Fall Arrest Equipment  Harness, Self-Retracting Devices and Lanyard	<ul style="list-style-type: none"> <li>• Harness Equipment shall be as per CAN/CSA- Z259.10-M90 – Full Body Harnesses</li> <li>• Self Retracting Devices shall be as per CAN/CSA—Z259.2.2-M98 – Self-Retracting Devices for Personal Fall-Arrest Systems</li> <li>• Lanyard Equipment shall be as per CAN/CSA-Z259.1-M99 – Safety Belts and Lanyards</li> </ul>

## 6. Summary

### Training

All Employees of the Corporation shall receive training on the purpose, importance, use, limits and maintenance of the PPE they are required to use. This training shall be provided during orientation and annual health and safety training as required.



## **Evaluation**

Job observations shall be conducted on an on-going basis to ensure that all employees are adhering to legislation, regulation, standards, policies and protocols. This shall be recorded on the Job Observations form. Annually, the Safety Coordinator will audit the use of PPE in each department to ensure compliance with company and regulatory standards.

## **Legislation/Standards/Regulations**

Ontario Occupational Health and Safety Act R.S.O. 1990

Applicable Canadian Standards

Applicable American National Standards



POLICY	
Policy Number: HS2020-027	Date Approved: April 2009
Department: Health and Safety	Date Reviewed: October 2020
Safe Driving	

## 1. **Policy Statement**

All Corporation employees who use their own vehicle or the Corporation's vehicles for work purposes are required to comply with this policy.

Any employee traveling for the purpose of work will ensure that their vehicle is insured, is safe and in good working order (i.e. regularly maintained and inspected; tires in good condition etc.).

In adherence to the provincial laws in Ontario, employees are not permitted to use a handheld cell phone (personal or company) or operate any electronic device while driving.

Employees are required to provide to the Corporation, on an annual basis, proof of current drivers license and car insurance.

## 2. **Purpose**

To outline the safety responsibilities of employees who drive Town of Kirkland Lake (the Corporation) owned vehicles or personal vehicles for Corporation business.

## 3. **Scope**

This policy applies to all employees who drive for business purposes.

## 4. **Definitions**

Not Applicable

## 5. Policy & Procedures

### **Roles & Responsibilities**

#### ***Department Heads/Supervisors***

- Keep records of all Driver Safety Training.
- Ensure Corporation vehicles have an Emergency Kit and First Aid Kit.
- Include on-the-road safety during Safety Talks or in communications to staff.
- Monitor weather conditions, and alert employees when driving is not safe due to weather conditions.
- Ensure Corporation vehicles are properly maintained and inspected before each use.
- Ensure Corporation vehicles have winter tires while the temperature is consistently below 5 degrees.
- Thoroughly investigate all reports of motor vehicle accidents and/or near misses and identify/implement corrective actions.
- Document all employee call in reports of motor vehicle incidents/accidents.

#### ***Employees***

- Complete the Driver Safety Training and any reviews as directed by your Department Head/Supervisor.
- Ensure personal vehicles have an Emergency Kit.
- Ensure personal vehicles have winter tires while the temperature is consistently below 5 degrees.
- Report any concerns that you have about traveling on Corporation business (e.g. car condition, licensing, weather, road closures, medication usage issues).
- Immediately, or as soon as possible, report any incidents/accidents that occur while on the road to your Department Head/Supervisor.
- If another motor vehicle is involved, get the required information on the driver (insurance, address etc.)
- Call police (911) if necessary.
- Seek medical attention if necessary.

- Provide a copy of the Police Report to the Department Head/Supervisor.

### **Safe Driving Procedure**

1. Conduct a general visual inspection of vehicle, check tires and wear and tear of the vehicle. Report any defects to the Department Head and do not use the vehicle if there are any safety issues.
2. Driver must be of legal age, possess a valid license and insurance.
3. Avoid driving at night when possible.
4. Fasten seat belts.
5. Wear prescribed eye wear if necessary.
6. In certain weather conditions windows may need to be wiped or scraped.
7. Be sure all fluids are within safe operating levels.
8. Reduce speed when weather conditions are poor and do not use cruise control.
9. Avoid driving altogether when weather conditions are far too hazardous.
10. Ensure you are physically capable of driving safely (alert, free of medication that cause drowsiness; alcohol and drug free; not fatigued).
11. Do not engage in road rage behaviour.
12. Yield to traffic as required or when in doubt.
13. Check your mirrors and find your blind spots and don't drive in other drivers' blind spots.
14. Be aware of traffic around you by looking ahead, behind, and from side to side and make sure other road users see you and they know what you are doing.
15. Keep a safe distance from other vehicles.
16. Ensure that cyclists are given the courtesy and space they require to ride safely.
17. Don't make sudden lane changes; use your signals.
18. When stopping, check mirrors and begin braking early and stop smoothly.
19. Don't crowd your driving space with passengers or belongings.
20. Keep to the right of the road or in the right-hand lane on multi-lane roads unless you want to turn left or pass another vehicle.
21. Slow down as you come to intersections and look carefully for traffic lights, pedestrians and cyclists.

22. Obey the speed limit and all signs and signals.
23. Follow all applicable laws and this Safe Driving policy with respect to the use of cell phones and other mobile electronic devices when operating a motor vehicle.
24. Avoid any behaviour that distracts you from driving (e.g. eating).
25. If your car breaks down, stay in the car, call police and your Department Head/Supervisor, then wait for assistance.

### **Cell Phone/Electronic Device Procedure**

1. Do not use any hand-held device or electronic device while driving.
2. Keep your hands on the wheel.
3. If talking on the phone while driving is unavoidable, use a Bluetooth device or earpiece with a built-in microphone, or with another type of hands-free device.
4. Although voice activation and functions of handheld devices are permitted under provincial legislation, communication should be kept to a minimum and where possible continued later at a more convenient time.
5. If there is no “hands-free” device available, do not use the communication device until the vehicle is pulled over to the side of the road in a legal and safe location and is in a stopped and parking engaged position.
6. While driving, refrain from conducting “distracted driver practices” such as personal grooming, eating a meal, the manipulation of electronic devices, entering information on GPS devices, reading printed material, watching entertainment devices, and using a music device such as an I-pod or MP3 player.

## **6. Summary**

### **Training**

- All staff who travel on company business must take Driver Safety Training at orientation.

### **Evaluation**

This policy will be reviewed annually.

## **Legislation/Standards/Regulations**

Ontario Occupational Health and Safety Act

Highway *Traffic* Act, R.S.O. 1990, c. H.8., including Bill 31, Transportation Statute Law Amendment Act (Making Ontario's Roads Safer), 2015



POLICY	
Policy Number: HS2020-028	Date Approved: May 2008
Department: Health and Safety	Date Reviewed: October 2020
Safe Purchasing	

## 1. Policy Statement

The Corporation is committed to employee and environmental Health and Safety. The Corporation purchases many products for use in the workplace, some of which have the potential to affect the Health and Safety, well-being and the environment of our employees.

The Corporation will establish processes to ensure that:

- Any goods and equipment purchased are assessed for identifying existing or potential Health, Safety, and Ergonomic risk factors prior to the acquisition of products.
- Appropriate controls are put into place; these could be engineered Policies and Procedures or PPE.
- Assessments (Pre-start Reviews) will also be conducted on any modification projects to existing processes or equipment.
- The assessments will identify what training is required for Employees to perform their work in a safe manner.
- The assessment process will allow for consultation from the end user of the equipment and/or process, or the Safety Committee.
- Safe Operating Procedures (SOP's) will be developed if determined necessary through the course of the assessment.
- The Corporation maintains compliance with occupational Health, Safety and Environmental Legislation and/or standards.

## 2. Purpose

To establish the Town of Kirkland Lake's (the Corporation) procurement procedures and incorporate Occupational Health, Safety, Ergonomic and Environment Principles into the Purchasing Process by:

- Establishing an efficient, cost-effective and consistent process for identifying and addressing potential Health, Safety, Ergonomic and Environmental Risk Factors prior to the acquisition of products.
- Maintain compliance with applicable Legislation, Standards and/or Codes.
- Establish an efficient, cost-effective and consistent process for identifying and addressing potential environmental risk factors prior to the acquisition of products.
- Maintain compliance with environmental legislation and/or standards.

### **3. Scope**

This policy will be adhered to by all employees of The Town of Kirkland Lake.

### **4. Definitions**

Not Applicable

### **5. Policy & Procedures**

At all times, the Management of the Corporation encourages any and all employees to bring occupational Health, Safety, Ergonomic, and Environmental concerns to the attention of Management and make recommendations for their improvement.

The Corporation will promptly respond to requests for information on Health, Safety, Ergonomic, and Environmental issues arising from any of its Employees regarding the purchasing or modification of equipment or products.

This policy will be followed when there is a:

- Change to an existing piece of:
  - Equipment
  - Tool
  - Chemical
- Change to an existing process or procedure.
- Addition of a new:
  - Piece of equipment
  - Tool
  - Chemical
- Addition of a new process or procedure.



The Corporation will endeavor to do everything reasonable to ensure that safety concerns are evaluated and controlled before an employee is exposed to any new chemical, tool, equipment, or process.

The Corporation will solicit input in advance of the any of the above-mentioned changes or additions to the chemicals, tools, equipment, or processes, regarding any safety concerns arising from the change. The following person(s) or group(s) will be contacted for their input:

- Front line Employees impacted by the change'
- All Department Heads and Supervisors of the Employees impacted by the Change;
- Safety Committee Members;
- Safety Coordinator;
- Purchasing Agent.

When advance consultation with the above noted person(s) or group(s) is not practical, the Corporation will actively solicit input on safety concerns arising from the change during the implementation phase to ensure that safety concerns are evaluated and addressed.

The Corporation will ensure that during the purchasing process, written confirmation that all applicable Health, Safety, Ergonomic, and Environmental Standards, Codes, and Legislation have been met.

As part of the procurement process, the Safe Purchasing Checklist will be completed.

A comprehensive review of the (M)SDS, if applicable, will be undertaken to determine the need for additional:

- Training
- PPE
- Ventilation
- Safe Operating Procedures
- Spills Procedures
- Employee Testing

Where practical, the Corporation will use or select the chemicals and/or products with the lowest risk to Employees and the environment.

The Corporation will endeavor to purchase products with ease of disposal or recyclability.

The Corporation will ensure that the correct PPE is available to the Employee before the new chemical is brought into the workplace.

As per the Corporation's Health and Safety Training Policy, a training review will be undertaken before any employee is exposed to any new chemical, tool, equipment, or process.

## **6. Summary**

### **Training**

This Policy will be communicated to all employees involved in the purchasing of any goods and services for the Corporation, in addition to members of the Safety Committee, and all Department Heads.

The above noted communication shall be considered the training regarding this Policy.

### **Evaluation**

This Policy will be evaluated at a minimum on an annual basis. If concerns are raised the Policy will be reviewed as necessary.

### **Required Forms**

Safe Purchasing Checklists

### **Legislation / Standards/ Regulations**

Ontario Occupational Health and Safety Act and Regulations

Applicable CSA/ANSI Standards

Applicable Safety Codes (i.e. Ontario Building Code, Electrical Safety Authority, etc)

POLICY	
Policy Number: HS2020-029	Date Approved: May 2018
Department: Health and Safety	Date Reviewed: October 2020
Violence and Harassment in the Workplace	

## 1. Policy Statement

The Corporation is committed to treating all employees with respect and fairness. To that end the Corporation will endeavour to maintain a workplace free from all types of violence and harassment. The Corporation shall consider all acts of violence (including sexual and domestic violence), harassment, sexual harassment, bullying and psychological harassment, to be unacceptable.

The Corporation is committed to investigate and follow-up on all reported incidents. The Corporation will take all reasonable actions to stop inappropriate behaviour and protect employees.

## 2. Purpose

All employees have the right to equal treatment without discrimination of any kind. They have the right to be free from all workplace bullying, harassment including sexual and psychological harassment. They have the right to be protected in the workplace from violence arising in the work setting as well as domestic violence that may spill over into the workplace.

## 3. Scope

This policy applies to all employees of The Town of Kirkland Lake (the Corporation).

## 4. Definitions

### **Domestic Violence**

Any intentional or reckless act or omission that causes bodily harm or damage to property; any act or threatened act that causes a reasonable fear of bodily harm or damage to property; psychological or emotional abuse; forced confinement; or sexual abuse.

## **Lockdown**

- A protective action when faced with an act of violence;
- A state of containment or a restriction of progression;
- An emergency protocol to prevent people or information from escaping;
- People taking refuge in a secure location for protection from a dangerous external event; and;
- A security measure in which those inside a building (e.g. a prison, school, or hospital) are required to remain confined in it for a time.

## **Sexual Violence**

Any sexual act or act targeting a person's sexuality, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

## **Workplace Harassment**

Is defined as engaging in a course of vexatious comment or conduct against an employee in a workplace that is known or ought reasonably to be known to be unwelcome, or workplace Sexual Harassment.

## **Workplace Sexual Harassment**

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

## **Workplace Violence**

- The exercise of physical force by a person against an employee, in a workplace, that causes or could cause physical injury to the employee,
- An attempt to exercise physical force against an employee, in a workplace, that could cause physical injury to the employee,

- A statement or behaviour that it is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee.

## **5. Policy & Procedures**

### **Responsibilities**

#### ***The Corporation***

- Develop a policy and procedure to deal with all types of violence and harassment in the workplace.
- Ensure a hazard assessment to determine the potential for violence in this workplace
- Take all reasonable steps to protect the health and safety of all employees, including control measures based on the hazard assessment mentioned above.
- Provide awareness and education to all employees on preventing and dealing with potential and real harassment, bullying or violence threats and encounters.
- Empower employees to make and act on decisions regarding risk of violence.
- Ensure investigations into harassment complaints and reports of potential or actual violence are completed in a timely manner.
- Maintain confidentiality except what is reasonably necessary to protect employees from injury and harm.
- Review program at least annually, or more often as needed.

#### ***Department Head/Supervisor***

- Set a good example.
- Take reasonable steps to protect the health and safety of all employees.
- Participate in the harassment complaint procedure, informing Senior Management or the Human Resources department of the need for investigation.
- Participate in the violence reporting and investigation process.
- Contribute to the hazard assessment for potential violence, initially and after a violent incident has occurred at work.

- Maintain confidentiality except what is reasonably necessary to protect employees from injury and harm.
- Support and assist any employee complaining or workplace harassment, bullying or violence.
- Take disciplinary action against those found to have exhibited workplace harassment, bullying or violence, regardless of seniority as per the Corporation's Discipline policy.

### ***Employee***

- Ensure that all corporate workplaces are free from workplace harassment, bullying or violence.
- Treat individuals with respect and dignity and do not engage in threats and acts of harassment, bullying and violence as per definitions.
- Report any actual or potential issues of violence or harassment to their Supervisor, Department Head or the Human Resources department.
- If the alleged perpetrator is their Supervisor, Department Head, notify the Human Resources Coordinator or the CAO. If the Human Resources Coordinator or CAO is the alleged perpetrator, then report the incident to the Safety Committee.
- Complete training on violence, harassment and bullying.

### ***Safety Committee/Safety Representative***

- Participate in the Hazard Assessment for violence, making recommendations for controls.
- Participate in investigations, as required.
- Participate in the annual review of this policy.
- Conduct workplace inspections that include recognizing signs of violence in the physical condition of the building and ensuring that controls are in place and working.

### **Procedure**

All Corporation employees will be made aware of this policy and how to carry out the following procedures:

- Prevent or minimize the risk of violence.

- Recognize and control potentially violent situations.
- Recognize harassment and bullying.
- Respond to incidents and obtain assistance.

### **Hazard Assessment**

An assessment of the workplace shall be made to determine where the potential for violence exists. The Recognize, Assess, Control and Evaluate (RACE) process for conducting this assessment will be used.

The Hazard Assessment shall be reviewed annually at a minimum, and anytime an incident of violence occurs, to determine what changes need to be made to prevent a re-occurrence. The Corporation shall advise the Safety Committee/Representative of the results of the assessment.

### **Controlling the Risks**

The results of the assessment shall be used to put controls in place and to create/update this program.

Known risks from individuals with a history or known occurrence of violent behaviors at the Corporation shall be made known to those exposed to this individual or where the potential exists for violence because of these behaviors. No more personal information shall be disclosed than is reasonably necessary to protect the employee from physical injury.

### **Communication**

This policy and procedure, along with our Hazard Assessment, shall be posted on the Health & Safety Board in each workplace so that every employee has access to it.

All workplace parties shall be informed of the Corporation's zero tolerance position on violence, harassment and bullying. This shall be done through Safety Talks, posters in the workplace and discussion at meetings.

### **Preliminary Step**

If an employee feels that he/she is experiencing harassment (unwelcome or unwanted behavior) from another employee, they should first attempt to address the issue with that person. Be polite and advise the other employee that their conduct is unwelcome or unwanted. This can be done in writing or verbally, in which case it is wise to have a witness to the conversation.

## **Summoning immediate assistance**

Employees should call for their supervisor/Department Head if they need immediate assistance to deal with workplace violence or harassment.

The supervisor/Department Head shall call the police if an act of violence has occurred or someone is threatened with violence in the workplace.

Acts of violence, and threatened acts of violence, are covered by Canada's Criminal Code, which is enforced by the police.

In cases of violence, the supervisor/Department Heads may use a lockdown to secure and protect people inside the facility who are in the proximity of an immediate threat. In some cases, a building evacuation may be required. Lockdown and evacuation procedures are part of the Corporation's Emergency Plan.

## **Reporting incidents or threats of workplace violence and harassment**

Employees should report issues of workplace violence, harassment or bullying to their Supervisor or Department Head.

Violence issues should be reported immediately by any and all employees. Where the employee reasonably believes physical danger either occurred or was imminent, there shall be no reprisal of any employee for reporting such incidents:

- The employee should remove themselves from the situation immediately.
- Once safe, they should report the incident to their supervisor/Department Head.
- If the employee cannot remove themselves safely, they are to signal or call for help as able.
- If there is physical injury, the employee shall be given first aid or other medical treatment as required.
- Reporting requirements shall be followed as with other workplace injuries.
- Notification to the Safety Committee/Safety Rep is required if an employee is disabled or needs medical attention due to workplace violence.

Harassment issues may be reported after a preliminary step has been taken as described above. However, if that preliminary step does not work or if the circumstances are such that the employee feels unable to take this step, they should bring their concern immediately to their supervisor or acting supervisor.

If the employee's Department Head/Supervisor or Member of Council is the alleged perpetrator, the employee may report the incident to the CAO or Human Resources



Department. If the Human Recourses Coordinator or CAO is the alleged perpetrator, then report the incident to the Safety Committee.

The Department Head/Supervisor, CAO or Human Resources shall keep the employee safe and begin the investigation process.

If the alleged perpetrator is not an employee of the Corporation, the employee shall report it to their Department Head/Supervisor. If the employee feels their immediate safety is in danger they should contact their Department Head/Supervisor or police to attend the location for assistance. For non-employees who have committed an act of workplace harassment, bullying or violence, the Corporation may take action against the individual through civil court proceedings to protect its employees and/or property.

### **Reporting Domestic Violence**

Domestic Violence that has the potential to spill into the workplace shall be reported by the employee (victim) to their Department Head/Supervisor to safeguard that employee at work. Controls shall also be put in place to protect any workplace party that may be exposed.

At any time, if the Corporation reasonably knows that an employee is suffering from domestic violence; actions shall be taken to protect the victim at work. These actions may include but are not limited to: barring the perpetrator from the workplace areas, moving the employee's workstation and changing their telephone extension.

Information shall only be shared within the Corporation on a 'needs-to-know' basis in order to protect the employee.

### **Investigation Process – Harassment**

The Department Head/Supervisor, CAO or Human Resources shall:

- Listen to the employee's concern.
- Ask the employee (Complainant) to set down in writing the nature of the harassment including where, possible places, dates and times.
- Ask the employee for names of witnesses
- Confer with the CAO or Human Resources department so that a person shall be designated to investigate the complaint.

An Investigator shall be designated to investigate the complaint. They shall:

- Meet with the complainant to clarify and document their story.
- Meet as soon as possible with the person(s) (Respondent) who is alleged to have been the source of the harassment or violence, if that person is an employee of the Corporation. They shall advise them of the complaint and give them an opportunity to provide his/her side of the story. This process may take several meetings.
- Ask the Respondent to provide his/her response in writing, along with names of witnesses.
- Determine, in consultation with the Complainant and the Respondent, if an informal resolution of the complaint is possible. This might take the form of a face-to-face meeting, an apology, or some other information resolution.
  - If the complaint can be informally resolved, the CAO or Human Resources department shall retain a copy of the written complaint, together with a memo outlining the resolutions in a separate file.

If an informal resolution is not possible, the Investigator shall:

- Interview the witnesses and any other individuals who may have information which might assist in the investigation.
- Meet with the Complainant and the Respondent individually to share the results of the investigation, providing a final opportunity for input from each one before a final decision is reached.

If it is determined that harassment has occurred, the CAO or the Human Resources department shall:

- Meet with the Respondent's Department Head/Supervisor or CAO/Human Resources Coordinator to determine what action is appropriate in the circumstances. This might include counselling, separation of the Complainant from the Respondent, and/or discipline up to and including dismissal.
- The Investigator shall meet with the Complainant to advise them of the nature of the action taken.
- A copy of the results of the investigation shall be provided to the Complainant and Respondent in writing. A best practice is for this report to be given within 5 business days of the report being completed.
- If it is determined that no harassment took place: The Investigator shall so advise the Complainant and the Respondent. A copy of the results of the investigation shall be provided to the Complainant and Respondent in writing.

- If the Investigator concludes that the complaint is frivolous, vexatious or made in bad faith, the Investigator may:
- Refer the matter to the CAO, the Human Resources department, and/or the Complainant's Department Head/Supervisor to consider appropriate action.
- The name of a complainant or an alleged harasser or the circumstances of the complaint shall not be disclosed to anyone except where disclosure is necessary to investigate the complaint or take corrective action and/or required by law.
- A record of the complaint together with the results of the investigation shall be kept in a confidential file in the Human Resources department.

All information gathered in the investigation process shall be documented.

### **Investigation Process – Violence**

When a Supervisor or Department Head receives a report of violence they shall:

- Ensure all persons involved have received appropriate first aid or medical treatment.
- Ensure persons are in a safe place.
- Call the police, based on the nature of the violence and concerns of the employees or others involved in the situation.

**NOTE:** Any physical assault in our workplace shall be reported to the police. If the supervisor or Department Head is unsure, they should contact the police and the police shall then decide whether the incident is a matter for them to handle. If the employees or other parties involved request to have the police notified, the supervisor or Department Head shall do so.

- Secure the scene.
- Notify the CAO, the Human Resources Coordinator and any potentially affected employee's or others about the situation.

### **Begin the Investigation Process Immediately**

Members of the investigation team shall be made up of competent persons who can be impartial and have knowledge, training and experience regarding workplace violence issues and understand relevant legislation.

In completing the investigation they shall:

Sensitively interview the victim(s).

- Take witness names, contact information and statements.
- Attempt to address and resolve the complaint between the parties involved.
- Take special considerations for privacy and sensitivity for the victim in the situation.
- Determine actions required to prevent re-occurrences and implement controls
- Record all information on the Violent Incident Reporting Form.
- Meet with the victim and perpetrator to disclose the results of the investigation.
- A copy of the results of the investigation shall be provided to the victim and perpetrator in writing.
- Make changes to the Hazard Assessment and this procedure, as needed.
- Only communicate changes to the Hazard Assessment and this procedure through the Safety Committee minutes. All other information collected through the investigation is considered confidential.

### **Potential Outcomes**

Victims of workplace harassment or violence are encouraged to come forward. However, employees are cautioned against false accusations. False accusations can destroy a person's reputation and credibility. An employee guilty of making false accusations will be disciplined and may be suspended or dismissed in accordance with the Discipline Policy.

Disciplinary action may be considered based on the severity of the incident, intent to injure or harm, events leading up to the incident, prior history, whether the complaint was made in good faith. Disciplinary action may include, but are not limited to: an apology, progressive discipline, and training, referral to an assistance program or dismissal.

Assistance shall be provided for employees involved in a violent issue at work. This assistance may include an Employee Assistance Program (EAP) or counselling.

Suggested prevention or remedial actions are made as a result of the investigation process.

## **Confidential Information and Communication**

Reports from investigations into violence and harassment shall be kept by the Corporation in a confidential file and be readily available for examination by a health and safety officer.

Changes to the company Hazard Assessment and this procedure shall be communicated to the workplace through the Safety Committee minutes. All other information is considered confidential.

## **Follow-up**

Preventive and remedial actions made as a result of violence or harassment investigations shall be tracked through the Safety Committee minutes, for example, add a light to the back receiving entrance door.

Responsibility and time frames for completion shall be assigned and tracked. No confidential information shall be shared in this process.

## **6. Summary**

### **Training**

All employees shall be trained, using the contents of this procedure,

Training shall be completed:

- When there are significant changes to the risks encountered;
- When there are significant changes to the workplace violence policy or program; and/or
- When circumstances indicate additional instruction or training is needed such as when procedures are not being followed or employees do not know about them.

### **Evaluation**

This policy and procedure shall be reviewed once a year or when an incident occurs.

### **Legislation/Standards/Regulations**

Criminal Code of Canada

Ontario Human Rights Code

Occupational Health and Safety Act

Workplace Safety and Insurance Act

Corporation of the Town of Kirkland Lake Code of Discipline Policy dated July 23, 1993,

Municipal Freedom of Information and Protection of Privacy Act



POLICY	
Policy Number: HS2020-030	Date Approved: May 2008
Department: Health and Safety	Date Reviewed: October 2020
WHMIS 2015 – New Version	

### 1. **Policy Statement**

Each controlled substance within the Town of Kirkland Lake (the Corporation) shall have hazards identified and shall be properly handled, controlled, and disposed of, to prevent accidents or illness in the workplace.

### 2. **Purpose**

The purpose of the WHMIS Program Policy is to protect workers by providing them with the information needed to work safely with controlled products in the workplace.

### 3. **Scope**

This policy is applicable to all employees of the Corporation.

### 4. **Definitions**

Not Applicable

### 5. **Policy & Procedures**

#### **Procedure**

1. An up-to-date list of hazardous chemicals and physical agents, which are present in the workplace, shall be maintained. A hardcopy of the master inventory list shall be kept in the office of the Health and Safety Coordinator to ensure safe keeping and updates.
2. All hazardous materials, not exempt from WHMIS legislation, shall be identified with a WHMIS label.
3. All new products require a (Material) Safety Data Sheet (M)SDS. A hard copy will be filed within the department's (M)SDS binder.

4. A training program for WHMIS shall be followed which include: use and interpretation of MSDS, labels, general health and safety fundamentals, and WHMIS hazards, which are specific to the workplace.
5. Appropriate Personal Protective Equipment (PPE) must be worn when mixing, spraying or handling chemicals.
6. Always use the most effective but least toxic chemicals.
7. When applying chemicals, they must be treated with care and caution appropriate to the particular chemical being used. Always read the label.
8. Always ensure that application is one at the minimum effective rate and only used in targeted areas.
9. If using chemical sprays outside, allow for minimum wind drift and never spray during high winds.
10. Rinse out empty containers and dispose of the rinsing agent and container safely.
11. Inspect vehicles for contamination after unloading. Decontaminate immediately if required.
12. When working alone and it becomes necessary to handle chemicals, notify your Department Head/Supervisor before doing so.
13. Store chemicals in proper designated areas.
14. Do not keep food, drink, cups, etc. anywhere near where chemicals are used or stored.
15. Never eat, drink or smoke in a work area where chemicals are being used.
16. Never rub your eyes or touch your mouth while working with chemicals.
17. Always wash your hands thoroughly after use.
18. Discard contaminated clothes or soiled gloves in a safe place.
19. Proper identification placards are to be mounted on vehicle spraying units and storage areas.
20. If a leak occurs outside, keep people and animals away from the contaminated area. Decontaminate the area and report the spill to the Ministry of Environment.

### **Responsibilities**

As with all matters relating to health and safety, responsibilities are shared among all workplace parties.



### ***The Town of Kirkland Lake***

The Corporation shall provide proper training to all employees to ensure that controlled products are handled, stored, controlled and properly disposed of to prevent injuries/illness in the workplace.

#### ***Department Heads/Supervisors***

- Department Heads/Supervisors shall maintain an inventory of hazardous materials found in the workplace and ensure that controlled products used in the workplace are properly labeled.
- Ensure that (M)SDS for controlled products are current and are easily accessible for worker's reference.
- Ensure that employees who handle controlled products receive orientation; WHMIS training followed by annual reviews or as prescribed by the JHSC.

#### ***Health and Safety Representatives/ JHSC***

- Health and Safety Reps/JHSC shall regularly review the WHMIS program to ensure (M)SDS are current and easily accessible.
- Review and maintain records for the employee WHMIS education/training program for their department.
- Perform periodic workplace inspections to ensure all safety procedures are being followed when controlled products are handled.

#### ***Employees***

- Employees are responsible for participating in WHMIS training programs.
- Following safe procedures when handling controlled products including the wearing of PPE as prescribed by the employer, the product label, or the product (M)SDS .report unsafe conditions such as controlled products that are inappropriately labeled, or that do not have a MSDS.

## **6. Summary**

### **Training**

All employees will be trained on use, handing, storage, controlled and proper disposal of controlled products of to prevent injuries/illness in the workplace. This training will be a combination of generic and workplace specific training.

## **Legislation/Standards**

Hazardous Products Act

Controlled Product Regulations

Ontario Occupational Health and Safety Act

Workplace Hazardous Material Information System

Workplace Safety and Insurance Act

POLICY	
Policy Number: HS2020-031	Date Approved: March 2018
Department: Health and Safety	Date Reviewed: October 2020
Work Refusal	

## 1. Policy Statement

All employees have the right to refuse work they believe may harm them or harm another. There shall be no reprisal by the Town of Kirkland Lake (the Corporation) when an employee has acted in accordance with this policy and legislation.

## 2. Purpose

A formal work refusal process allows workplace parties the opportunity to constructively resolve workplace health and safety issues.

The following outlines circumstances when an employee may exercise their right to refuse work:

- When any machine, equipment or tool that the worker is using or is told to use is likely to endanger himself or herself or another;
- When the physical condition of the workplace or workstation is likely to endanger himself or herself;
- Workplace violence is likely to endanger himself or herself;
- When any machine, equipment or tool that the worker is using, or the physical condition of the workplace, contravenes the Act or regulations and is likely to endanger himself or herself or another.

There are circumstances that exempt an employee's right to refuse unsafe work. This includes:

- When the employee's refusal to work would directly endanger the life, health or safety of another person;
- When the hazards are inherent in the employee's work or are normal conditions of the employee's employment which includes:
  - A person employed in, or a member of, a police force to which the Police Services Act applies;

- A firefighter as defined in subsection 1(1) of the Fire Protection and Prevention Act;
- A person employed in the operation of:
  - A correctional institution or facility;
  - A place secure custody designated under section 24.1 of the *Young Offenders Act* (Canada);
  - A place of temporary detention under the *Youth Criminal Justice Act*;
  - A hospital, sanatorium, long-term care home, psychiatric institution, mental health center or rehabilitation facility;
  - An ambulance service or a first aid clinic or station;
  - A laboratory operated by the Crown or licensed under the Laboratory and Specimen Collection Center Licensing Act;
  - A laundry, food service, power plant or technical service of facility used in conjunction with an institution, facility or service.

### 3. **Scope**

This policy applies to all employees working for The Town of Kirkland Lake.

### 4. **Definitions**

Not Applicable

### 5. **Policy & Procedures**

#### **Responsibilities**

##### ***Employees shall***

Immediately report work refusal to Department Head or Supervisor;

- Participate in the work refusal investigation as required;
- Comply with the decision of the Ministry of Labour (MOL).

##### ***Department Head/Supervisor shall***

- Conduct work refusal investigations when an employee brings forward a refusal issue;

- Ensure the employee remains safe at all times during the investigation;
- Notify the Safety Committee;
- Notify and work in cooperation with the Ministry of Labour (MOL);
- Ensure all corrective actions are implemented and comply with MOL orders if required.

***Safety Committee shall***

- Participate in the Work Refusal Investigation;
- Notify and work in cooperation with the Ministry of Labour (MOL) if necessary.

***Ministry of Labour Inspector shall***

- Investigate and make a determination if the refusal of work, workplace and equipment is safe;
- Provide a written decision on the investigation to the workplace.

**Procedure**

***Report of refusal to work***

- Upon refusal, the employee shall report to his/her Department Head/Supervisor who shall immediately investigate the report with a Safety Committee employee representative, an employee representative or union representative.
- The Work Refusal investigation shall be recorded.
- The employee shall remain at a safe place near his/her workstation until the investigation is completed unless the Department Head/Supervisor assigns the employee to reasonable alternative work, or gives other directions to the employee;
- No employee shall be assigned to the work being refused and under investigation unless the employee has been advised of the other employee's refusal and reasons for their refusal in the presence of a Safety Committee, union or an employee representative;
- During a Work Refusal Investigation an employee(s) is to be considered at work and is to be paid by the Corporation for the time spent to perform the investigation and for an employee who may choose to perform the work that is being investigated.

### ***Refusal of work following an investigation***

Where following the investigation or any steps taken to deal with the circumstances that cause the employee to refuse work, the employee still believes that he/she has reasonable cause to refuse work; a further level of investigation is required. The CAO, Department Head/Supervisor, employee, or a person on behalf of the Corporation shall notify an MOL Inspector.

### ***MOL Inspection***

- The MOL Inspector is to investigate the situation with the original investigator or designate. This person shall be made available and is to attend the investigation without delay.
- Following the investigation, the MOL Inspector shall decide if the machine, device, tool, workplace or area is likely to endanger the employee or another person.
- The Inspector shall provide his/her decision in writing to the Corporation, employee and other people involved.
- If no corrective actions are ordered, the Department Head/Supervisor shall review the findings by the MOL with all employees affected and shall post the MOL report as required.
- If corrective actions are ordered by the MOL; the Department Head/Supervisor shall review the corrective action required with all employees affected and shall work with the Safety Committee to ensure compliance with the order in the time frame as deemed by the MOL inspector. A copy of the report shall be posted as required.
- Once the corrective actions have been completed and if agreed and signed off by the Safety Committee representative, the Notice of Compliance provided by the MOL shall be completed and sent to the MOL. This shall also be posted in the workplace. The Notice of Compliance and corrective action taken; shall be reviewed with all employees affected.

### ***Bilateral work stoppage***

- A certified member who has reason to believe that dangerous circumstances exist at the workplace may request that a supervisor investigate the matter, the supervisor shall promptly do so in the presence of the certified member.
- If the original certified member has reason to believe that dangerous circumstances continue after the initial Department Head/Supervisor's

investigation and remedial actions if any have been taken; the certified member may request that a second certified member representing the other workplace party investigate the matter.

- The second certified member shall promptly investigate the matter in the presence of the first certified member.
- If both certified members find that the dangerous circumstances exist, the certified member may direct the employer to stop the work or to stop the use of any part of a workplace or any equipment, machine, device, tool or article,
- If all attempts have failed to resolve the work stoppage; MOL Inspector shall be called to resolve the cause and he/she shall provide the certified members with a written decision.

In the event of a Work Refusal or Bilateral Work Stoppage, please refer to the Occupational Health and Safety Act.

### ***Follow up***

The Hazard Assessment will be reviewed and updated as needed following a Work Refusal Investigation to ensure the hazard that caused the investigation is captured on the Hazard Assessment Form.

## **6. Summary**

### **Training**

All Department Heads/Supervisor and Safety Committee Members shall receive training on how to handle and respond to work refusals. All employees shall be trained on the work refusal process during orientation and shall receive refresher training as required and instructed.

### **Evaluation**

This policy shall be reviewed on an annual basis, or when utilized during a refusal to work.

### **Legislation/Standards/Regulations**

Ontario Occupational Health and Safety Act, R.S.O. 1990, c. 0.1, s. 43(1) – (13) and s. 45

POLICY	
Policy Number: HS2020-032	Date Approved: March 2018
Department: Health and Safety	Date Reviewed: October 2020
Working Alone	

### 1. Policy Statement

The Department Head/Supervisor, in consultation with the Safety Coordinator and with the employee who may be working alone, will:

- Assess the conditions or circumstances under which the employee is required to work alone; and
- Develop and document a plan respecting the methods to be taken to ensure, so far as is reasonably practicable, the safety, health and welfare of the employee at that workplace, including a means of providing emergency assistance.

### 2. Purpose

To promote employee awareness and facilitate employee safety while working alone.

### 3. Scope

The Working Alone policy applies to employees of Town of Kirkland Lake (the Corporation) when both of the following conditions exist:

- The employee is the only employee for the Corporation at that workplace at any time; and;
- Is not directly supervised by a Department Manager/Supervisor or the Corporation, or another person designated as a Supervisor by the Corporation, at any time.

### 4. Definitions

**Working Alone** - means the performance of any work function by an employee who:

- Is the only employee for that Employer at that workplace at any time; and



- Is not directly supervised by his or her Employer, or another person designated as a Supervisor by his or her Employer, at any time.

**Hazard Assessment** - is the analysis of the risks and hazards, and the establishment of a corrective action plan to effectively manage work place risks to life safety and or the environment. The assessment must clearly identify the individuals responsible for required actions.

**Effective Means of Communications** - means radio, telephone, or other electronic communication device.

## **5. Policy & Procedures**

The Department Head/Supervisor, in consultation with the Safety Coordinator and with the employee who may be working alone, will:

- Assess the conditions or circumstances under which the employee is required to work alone; and
- Develop and document a plan respecting the methods to be taken to ensure, so far as is reasonably practicable, the safety, health and welfare of the employee at that workplace, including a means of providing emergency assistance.

### **Responsibilities**

#### ***Department Head/Supervisor***

- Identify risks or hazards associated with the work to be performed (hazard assessment) or the environment where the work is to be done.
- Conduct and document a job hazard analysis/ hazard assessment for each specific type of work.
- Communicate the results of the hazard assessment to all affected employees and others conducting similar work.
- Provide written procedures for employees required to work alone. This should eliminate or minimize identified risks.
- Develop effective methods of communication for employees who may require emergency assistance. When electronic devices are not feasible, an effective contact system must be established and the length of time an employee may be out of contact with a Department Head/Supervisor (the frequency of regular communications) must be based on the results from the hazard assessment and clearly communicated/understood.

- Document when working alone is permitted and or prohibited and ensure this is effectively communicated to all employees.
- Schedule potentially hazardous work for times when Department Heads/Supervisors and appropriate help will be available.
- Where possible provide adequate staffing (for example: buddy system) for hazardous tasks performed during off-hours or at remote locations.

### ***Employee***

- Participate in the working alone hazard evaluation and risk management decisions with the Department Head/Supervisor.
- Follow safe work practices outlined in safe work procedures.
- Maintain regular communication as directed by Department Head/Supervisors.

### **Procedure**

- Safety plans must be developed for all employees that are to work alone as part of their required duties.
- Include an assessment of all work areas for potential health and safety hazards through a Hazard Assessment.
- Identify how hazards will be eliminated or controlled.
- Identify an effective means of communication available including an emergency contact system for the employee in the event of an emergency.
- Specify procedures and effectively communicate the procedures to all affected employees.

### **Working alone is prohibited when the work involves**

- Confined space entry.
- An installation, equipment, or conductor operating at a nominal voltage of 300 volts or more, except while testing equipment or troubleshooting.
- Electrical systems rated at more than 750 volts.
- A portable ladder that exceeds 6 meters in length and is not securely fastened, or work with a ladder that is likely to be endangered by traffic.
- The use of fall arrest equipment.

- Machine and power tools that could cause critical injury.
- Quick-acting acutely toxic material as described by the Material Safety Data Sheet.
- Use of supplied air respiratory equipment or self-contained breathing apparatus.
- Use of a vehicle, crane or similar equipment near a live power line where it is possible for any part of the equipment or its load to make contact with the live power line.
- A vehicle, crane, mobile equipment, or similar material handling equipment where the operator does not have full view of the intended path of travel.
- Welding operation where a fire watcher is required.
- Tasks which, based on the risk assessment conducted by the Supervisor in consultation with the employee and the Safety Committee are deemed to require more than one person.

## **6. Summary**

### **Evaluation**

A review of adherence to this policy will be conducted on an annual basis by the Safety Coordinator.

### **Legislation/ Standards/ Regulations**

Ontario Occupational Health and Safety Act, R.S.O. 1990

POLICY	
Policy Number: HS2020-033	Date Approved: June 2006
Department: Health and Safety	Date Reviewed: October 2020
<b>Joint Health and Safety Committee</b>	

### 1. Policy Statement

The Joint Health & Safety Committee will determine and assign responsibilities for an effective workplace health and safety program.

### 2. Purpose

The Town of Kirkland Lake (the Corporation) will facilitate the creation of Joint Health & Safety Committees (JHSC) where all its Employees can act together to recognize, assess and control health and safety hazards. The JHSC members will help stimulate an awareness of safety issues and an atmosphere of co-operation between Management and Workers thereby enhancing the workplace Internal Responsibility System.

### 3. Scope

A JHSC is required at a workplace at which twenty or more workers are regularly employed. The JHSC should consist of at least two members for a workplace where at least 50 workers are employed, and at least four members for a workplace where fifty or more members are employed. The Corporation is comprised of several workplaces of different sizes. Each facility has a respective JHSC or Safety Rep.

### 4. Definitions

**Terms of Reference** - General rules and structure of the Safety Committee.

**Safety Committee** - A committee formed by both workers and management representatives as prescribed in the Act.

**Co-Chair Person** - A Safety Committee is chaired cooperatively by a member from the worker group and a member from management.

**Worker** - An Employee who has no management authority.

**Management** - Employees who exercise control of the company, who have charge of the workplace and have the authority to employ/assign work and/or discipline/terminate Employees.

**Certified member** – Safety Committee member who is successfully completed certification training required by the Workplace Safety and Insurance Board under the Workplace Safety and Insurance Act, 1997.

**Alternate members** - is a person who will serve as a substitute person acting in the place of the original Safety Committee member should a member not be available.

## 5. Policy & Procedures

### Responsibilities

#### ***CAO is responsible for:***

- Ensuring that a Health & Safety Committee is established and maintained;
- Supporting the Committee;
- Responding to recommendations within 21 days.

#### ***Department Heads/Supervisors are responsible for:***

- Supporting the Committee;
- Assigning inspectors to conduct monthly inspections and responding to the concerns;
- Notifying a JH&S worker member when an accident or incident has occurred.

#### ***The Joint Health and Safety Committee is responsible for:***

- Following the guidelines in the Occupational Health and Safety Act.
- Ensuring the proper application of this policy.
- Responding to safety concerns raised by employees;
- Reporting any hazards and deficiencies found and recorded on the “Hazard Report” form;
- Recommending safety policies and procedures;
- Conducting workplace inspections.
- Meeting at least quarterly.

- Reviewing accident/incident and hazard reports and making recommendations to management to reduce recurrences.
- Promoting health and safety in the workplace.
- Encouraging employees to work safely and to report hazards or unsafe conditions immediately to the Department Head/Supervisor.
- Being present for, and assist in, accident and work refusal investigations.
- Review safety training conducted by the company.
- Accompanying the Ministry of Labour (MOL) Officers on workplace inspections.
- Being present at the start work workplace testing (i.e. industrial hygiene testing).

## **Procedure**

### ***Composition of Safety Committee:***

Each workplace within the corporation that has at least 20 employees will establish a JHSC with the following composition:

1. 50% of the members are non-management workers;
2. Members will be asked to make a commitment as committee members for a minimum 1-year term;
3. The worker members are selected by the workers they represent;
4. One management member and one worker member, at minimum are certified by the MOL;
5. The names and work location of all members are posted in the workplace.
6. For workplaces with 20-49 employees, the committee will be made up of at least 2 members.
7. For workplaces with 50 or more employees, the committee will be made up of at least 4 members.

## **Selection**

- The Safety Committee members representing the workers will be chosen by the workers, by vote among the workers they will represent. In workplaces with unions, committee worker members may be chosen by the union.
- The CAO will appoint the management members of the Safety Committee.

- Vacancies on the Safety Committee shall be posted. Where more than one worker applies, there shall be a vote by the workers to determine the new member. Vacancies must be filled as quickly as possible.
- Selection of Certified Members is through a voting process among the worker members for a worker representative and will be selected by the CAO for management members.
- There must be two (2) Co-Chairs; one co-chair who represents the workers and one co-chair who represents management, this is also done through a voting process among the management member for a management representative and through a voting process among worker members for a worker representative.
- Where there is a failure to select a worker to the Safety Committee, if in a unionized workplace, the CAO will contact the collective bargaining unit to discuss their Right to Participate as deemed in the Occupational Health and Safety Act. The CAO will work closely with the collective bargaining unit to assist them in getting Worker representation to the Safety Committee. If this cannot be successfully done collectively as a group, then the CAO may be required to contact the Ministry of Labour to request further assistance.
- Where there is a failure to select a worker to the Safety Committee, if in a non-unionized workplace, the CAO may be required to contact the Ministry of Labour to request further assistance.

**New Members:**

New members of the JHSC receive:

1. A copy of the OHSC and Regulations;
2. A binder for keeping meeting minutes;
3. Past safety minutes, as requested;
4. Past safety inspections.

Previous safety training will be documented in training files.

**Meetings:**

- The Committee will meet at least quarterly, but each workplace within the corporation will determine their meeting schedule and may meet monthly or bimonthly if they feel it is necessary. Members are responsible for making arrangements with their Department Head/Supervisor for attendance at the safety meetings;

- A schedule for the upcoming health and safety meetings is developed, published and posted in the workplace;
- An agenda is developed by the management and worker co-chair before each meeting and circulated to the committee members;
- Members will be given time to prepare for the meetings. Any time spent in JHSC meetings or preparing for meetings will be paid;
- Written minutes of the meeting are to be taken outlining the following:
  - Meeting date, time, length and location;
  - JH&SC members, those attending and visitors present;
  - Review of previous business – including tracking of outstanding items;
  - Review of accident and injury data for previous month;
  - Review of inspection findings;
  - New business;
  - Date, time and location of the next meeting;
  - Corrective actions taken for hazard or trends identified.
- Minutes are published by the management co-chair and circulated within a week as follows:
  - Safety Committee members, Safety bulletin boards, Supervisors, Department Heads, Human Resources, CAO.

### **Quorum**

- Safety Meetings will be held when all JHSC members are in attendance or where there are more worker representatives than Management members attending.
- Members who will not be able to attend a meeting must notify a co-chair of the Safety Committee in advance, so that the meeting can be rescheduled if a quorum is not available.
- Only Safety Committee members and invited guests may attend meetings.

### **Inspections**

- Worker Members of the Committee must inspect the workplace for unsafe conditions on a monthly basis.
- The findings of the inspection are recorded on an inspection form. All unsafe conditions must be rated for risk level, i.e. high, medium or low.



- Each report is copied to the Department Head/Supervisor who has responsibility for corrective action and submitted to the Committee for review at the next JHSC meeting.
- Workplace Monthly Inspections will include all emergency equipment.

### **Work Refusals**

- When a Worker exercises his or her right to refuse work that is believed to be unsafe, the Department Head/Supervisor shall promptly notify a member of the Safety Committee.
- The member shall participate in all stages of the investigation including the resultant Ministry of Labour investigation if it should arise.

### **Formal written recommendations**

Most recommendations that the Safety Committee shall make are informal and can and should be dealt with through normal channels. Normally it will be within the Department Head/Supervisor's powers to implement controls as soon as possible after being advised by the Safety Committee of the recommended corrective action.

Formal recommendations are those that are expressly written and directed toward the Senior Management (CAO) for a written response within twenty-one (21) days of receiving. Concerns that might become the subject of formal recommendations are those that require:

- The establishment of new policies, programs, processes or procedures.
- The allocation of significant funds.
- Additional training and/or education of employees.
- A repeat item on the Safety Committee agenda that has not yet been resolved.

If the Safety Committee agrees that a matter needs to go to the Senior Management for his/her input, a formal recommendation will be drafted by the co-chairs and sent to the CAO for review and response. Recommendation forms will:

- Be prepared separately from Safety Committee meeting minutes and be highlighted within the minutes to signify their importance.
- Identify the hazard or concern and what is required to implement corrective measures (include supporting background information as needed).
- Contain the signatures of the Safety Committee Co-Chairs.

- Be sent to Senior Management (CAO) within 1 week of the Committee Meeting.
- Senior Management to provide a written response (within 21 days) and include their signature.

### **Postings**

- The Health and Safety Bulletin Board shall have the Safety Committee member names, positions and departments/areas in which they work.
- The agenda is to be posted prior to the meeting.
- Minutes are to be posted on the Health and Safety Bulletin Board.
- A copy of the workplace inspection shall be included with the minutes and any recommendations/communications as a result of injury/incident investigations shall be posted.

The Safety Committee shall post all reports or surveys conducted by management on the Health and Safety Bulletin Board as well as any Ministry of Labour notice of visits or non-compliance orders

## **6. Summary**

### **Training:**

At least 1 management member and 1 worker member from each committee will be required to take the MOL Certification Part 1 and 2 training.

All other (non-certified) Safety Committee members are required to take the following training that pertains to their legislated responsibilities:

- Workplace Inspections
- Accident/Incident Investigations
- Recognize, Assess, Control and Evaluate Hazards
- Safety Committee Roles & Responsibilities.

### **Evaluation**

This policy will be reviewed annually.

### **Legislation/Standards/Regulation**

Ontario Occupational Health and Safety Act

POLICY	
Policy Number: HS2020-034	Date Approved: August 2007
Department: Health and Safety	Date Reviewed: October 2020
Health and Safety Orientation and Training	

### 1. Policy Statement

Prior to their first shift of work the Town of Kirkland Lake (the Corporation) shall conduct health and safety orientation for all new employees, existing employees starting a different job, being transferred or returning from an extended absence.

### 2. Purpose

Orientation provides new employees and/or existing employees starting a different job, being transferred, returning from an extended absence with the tools to perform their jobs while promoting health and safety awareness for the protection of those workers. Training is a control to prevent injury and damages in the workplace. Our comprehensive training program is designed to prevent or reduce the frequency of injury and severity if an injury should occur.

### 3. Scope

New and current employees, students, supplied labour, full and part time and/or existing employees starting a different job, being transferred or returning from an extended absence.

### 4. Definitions

Not Applicable

### 5. Policy & Procedures

#### **Responsibilities**

#### ***The CAO shall:***

- Provide orientation and educational materials to protect the Health & Safety of all employees.

- Ensure an Annual Health and Safety Training Needs Analysis is completed in the first quarter of the year.
- Determine how training will be delivered.
- Include training needs in the annual continuous improvement plan (CIP).
- Establish training objectives.
- Ensure all Records of Certification and Competencies are up to date and kept on file.

***Department Heads/Supervisors shall:***

- Provide information, instruction and competent supervision to protect the health and safety of all employees and shall ensure that safety, health and wellness issues are addressed during orientation.
- Be responsible for ensuring all Employees are properly trained.
- Review and audit the employees' knowledge and ability to perform the task safely through Job Observations.
- Assist the CAO in the annual review of Health and Safety Training Needs Analysis.
- Annually review all records of Certification and Competencies and ensure they are up to date and on file.
- Provide all employees with initial job instructions during orientation and as required in refresher training and properly document all completed training.

***Safety Coordinator shall:***

- Coordinate the scheduling and delivery of orientation process.
- Ensure that all health & safety and wellness issues are addressed during orientation.
- Complete the Mandatory Training for New Employees Form

***Employees***

The employees will:

- Participate in the Health and Safety orientation process.
- Use orientation training diligently in keeping the workplace healthy and safe.

## **Procedure**

### ***Health and Safety Training Needs Analysis will be conducted:***

- On an Annual basis in the first quarter by the CAO in cooperation with the Safety Coordinator.
- Before any new equipment (Pre-Use Inspection) is purchased for operation by an Employee of the Corporation.
- Upon the implementation of any new Legislated requirement.

As a result of the above noted Health & Safety Training Needs Review, the Corporation will establish appropriate training.

### ***Training***

- Employees will receive training on the legislative requirements and hazards that they are expose to.
- Employees with specialized job assignments (non-routine work) outside the normal job classification will be assigned additional training requirements, as needed.
- Managers/Supervisors and Members of the Safety Committee will receive enhanced training on Safety Committees and how they function, Workplace Inspections and Injury / Incident Investigations to ensure that they are fully capable of performing their roles and responsibilities within the Health and Safety Program

Topics include but are not limited to:

- Legislated Health and Safety Responsibilities;
- H&S rules for the workplace;
- Right to Refuse Work;
- Right to Participate (Safety Committee);
- Right to Know;
- Health and Safety Policy;
- Early and Safe Return to Work;
- Workplace Violence and Harassment;
- Worker Awareness;

- Supervisor Competency;
- Reporting injuries/illnesses, hazards and near misses;
- Safety Committee/Safety Rep responsibilities;
- Work Refusal;
- WHMIS;
- Designated substances (as applicable);
- Material Handling;
- Emergency Response;
- Personal Protective Equipment (as applicable);
- Working at Heights (as applicable);
- Musculoskeletal Disorders (MSD);
- Working at Heights (as applicable).

***WHMIS Training***

- WHMIS training is required for all new Workers.
- Combination of Generic and Workplace specific training will be done.
- A yearly review of WHMIS training will be performed.
- Department specific (M)SDS sheets are to be placed in each department and all employees are instructed as to their purpose and usage on an annual basis or when new products arrive. This is for products used in each department.

***Certifications and Competencies***

Positions requiring Certifications/ Competencies:

Job Title	Certificates and Competencies

Employees who have the above listed responsibilities/tasks must demonstrate, on an annual basis that they possess the required licenses and/or certificates and are competent to perform their duties. A Record of Certificates and Competencies shall be kept in the employee's file.

***Employee Orientation for New Hires:***

New Hires shall receive Orientation Training and a workplace tour on or before they begin their first shift by the Department Head/Supervisor or designate. In addition to the training outlined in this policy, training shall consist of review of Hazards Assessment, Health & Safety Policy, Applicable Policies, Applicable Legislation and Regulations, Procedures, Safe Operating Practices. The workplace tour will include an introduction to the Safety Committee/Safety Rep and First Aider, as well as the locations of the emergency equipment and First Aid station. Periodic documented observations shall be conducted by the supervisor during the probationary period of hire to ensure an understanding of the skills attained during initial orientation training.

***Employee Orientation for Promotions, Transfers or Return from Extended Leave:***

Training is required for an employee who has been promoted from a worker to a supervisory position, transferred from one department to another regardless of how short the duration, been hired on a contract basis, is a student employee, supplied labour and/or an employee returning from an extended leave (1 year or more). The orientation and appropriate training shall take place prior to the employee performing the duties of their new position. Periodic documented observations shall be conducted during the probationary period for new hires or promoted or transferred employees.

***Initial Job Instruction***

- Employees will receive training on their job activities from their immediate Department Head/Supervisor on:
  - Equipment/Process operating instructions;
  - Manufacturer's Operating Manuals;
  - Safe Operating Practices(SOPs) found on- line under the SOP menu of the Health and Safety website.
- The Training will be delivered by one of the following ways:
  - Qualified competent person;

- On line training (use of the System 24-7 website).

The training will be conducted based on the schedule established by the reporting Department Head/Supervisor with review and follow up conducted within the first 30, 60 and 90 days of the probationary period. Training will be recorded and kept in the employee's file.

## **6. Summary**

### **Evaluation**

An evaluation of training will be conducted annually and/or as required by the Department Head/Supervisor who shall observe safe work practices and procedures during the monthly workplace inspection.

### **Legislation/Standards**

Ontario Occupational Health and Safety Act

Workplace Safety and Insurance Act



POLICY	
Policy Number: HS2020-035	Date Approved: April 2010
Department: Health and Safety	Date Reviewed: October 2020
First Aid	

### 1. **Policy Statement**

The Town of Kirkland Lake (the Corporation) is committed to the health and safety of all employees. The Corporation shall ensure prompt and reasonable medical treatment to help reduce the severity of injuries and illness.

### 2. **Purpose**

First aid is the immediate care given to a person who is injured or becomes ill. Emergencies requiring first aid can happen at any time and can vary from minor injuries such as cleansing a cut and applying a bandage, to more serious injuries such as an individual suffering a heart attack. The implementation of the measures outlined in this policy will ensure these situations can be dealt with quickly and effectively. Workplaces are required to meet or exceed the minimum standards set out by Regulation 1101-First Aid Requirements.

### 3. **Scope**

This policy must be adhered to by all employees of The Town of Kirkland Lake.

### 4. **Definitions**

Not Applicable

### 5. **Policy & Procedures**

#### **Roles and Responsibilities:**

#### ***Managers/Supervisors***

- Determine the requirements for first aid training and ensure that sufficient numbers of employees are currently trained to comply with Regulation 1101;
- Ensure a first aid kit is provided in the workplace and maintained as required;

- Ensure there is a qualified first aid attendant(s) in the workplace as required;
- Report/Investigate all injuries as mandated.

### ***Joint Health and Safety Committee / JHSC***

- Ensure a minimum number of employees are first aid/CPR trained as per requirement;
- Ensure that employees who are first aid/CPR trained maintain a current certificate;
- Inspect, maintain and replenish first aid kits as per policy requirements.

### ***First Aid Attendant***

- Promptly and safely provide first aid when required and requested;
- Ensure all injuries and first aid treatment provided is reported to management;
- Record first aid treatment provided in first aid record book;
- Record all first aid supplies use on first aid supplies inventory list (in first aid kit).

### ***Injured Employees***

- Promptly obtain first aid treatment and /or medical attention;
- Report injury to management.

### **First Aid Stations and Kits**

#### ***Availability of First Aid Stations/Kits***

The Corporation shall ensure first aid stations/kits are located within quick and easy access for all employees in all workplace areas throughout the municipality and company vehicles. Kits will be readily accessible and will not be in a locked environment or locked container.

#### ***Required Components in First Aid Stations and Kits***

Each first aid station/kit must be adequately stocked with supplies pursuant to First Aid Regulations including a current First Aid manual.

## **Stretcher and Blanket Compliance**

It is legislatively mandated that employing more than fifteen and less than 200 employees in any one shift at a place of employment; provide and maintain at least one stretcher and two blankets.

## **Number of Trained Qualified First Aiders**

The Corporation shall ensure there will be a qualified First Aid attendant(s) on every shift. First Aid training shall be received from an approved provider and training must be current. First Aid attendants must work in the immediate vicinity or within proximity of the First Aid Station.

## **First Aid Treatment/Advice Recorded**

The Corporation shall ensure the first aid attendant(s) records all circumstances surrounding the incident as described by the injured employee. Each station will maintain a separate log book. The treatment record must include the following:

- Date of the injury;
- Time of the injury;
- Names of witnesses;
- Nature and exact location of the treatment given.

## **Posted First Aid Materials**

The Corporation shall ensure the following material is available at all First Aid Stations(s)/Kits and posted on the health and safety bulletin board:

- WSIB First Aid Regulation 1101;
- Form 82-In Case of Injury at Work poster
- At or on or near the First Aid kits or station(s);
  - In a high traffic area (employee entrance, near time clock, bulletin board);
  - In company vehicles or vehicle First Aid kit;
  - Posted in languages used in the workplace.
- Valid First Aid Certificate Posted;
- Location of First Aid Stations/Kits.

## First Aid Requirements- Supplement to Policy

Regulation	Employees per Shift	Required Training	Required Equipment
Reg. 8	1-5 people in any one shift.	At all times, the First Aid Station must have 1 person trained in Emergency First Aid & CPR.	Reg. 8 First Aid Kit
Reg. 9	6-15 people in any one shift.	At all times, the First Aid Station must have 1 person trained in Standard First Aid & CPR.	Reg. 9 First Aid Kit
Reg. 10	16-199 people in any one shift.	At all times, the First Aid Station must have 1 person trained in Standard First Aid & CPR.	Reg. 10 First Aid Kit and a First Aid Station containing 2 blankets and 1 stretcher
Reg. 11	200 or more people	At all times, the First Aid Room must have 1 person trained in Standard First Aid & CPR	First Aid Room

### First Aid Kit Inspection Record

**The Corporation shall** ensure that supplies are always available for the treatment of injuries or illness.

All First Aid Kits will be inspected monthly by the Joint Health Safety Committee (JHSC) or Safety Rep. The inspection will be recorded on the First Aid Kit checklist, which will include the kit requirements, the date of inspection, and the name/initials of the inspector.

If kits are lacking items, this information shall be documented and reported. The Town of Kirkland Lake shall ensure the items are promptly replenished.

The first aid attendant shall report to the JHSC or designate when supplies are low;

## **Transportation**

The First Aid attendant shall exercise reasonable judgement. If ambulance service is not warranted; the First Aid attendant shall use an approved taxi service to transport the injured employee to seek medical attention.

The First Aid attendant in charge shall accompany the injured employee to seek medical attention or accompany the injured employee to their home.

The First Aid attendant in charge will contact management or designate on duty and will ask for assistance in addressing the injured employee's refusal of transportation. Direction will be given on how to ensure the injured employee is safely transported to his/her chosen destination.

## **6. Summary**

### **Legislation**

Ontario Occupational Health and Safety Act

Workplace Safety and Insurance Act

POLICY	
Policy Number: HS2020-036	Date Approved: August 2017
Department: Health and Safety	Date Reviewed: October 2020
Workplace and Pre Use Inspections	

## 1. Policy Statement

The Corporation of the Town of Kirkland Lake recognizes that Health and Safety Inspections are an essential part of our overall Health and Safety Program.

Health & Safety inspections allow The Corporation of the Town of Kirkland Lake the opportunity to assess the quality of the workplace conditions, equipment and methods, the success of or the need for safety programs initiatives, and the quality and adequacy or controls for substandard conditions/hazards in the workplace. Also whether employees are working safely in adherence to established safe work practices/instructions.

The Corporation of the Town of Kirkland Lake believes that Health and Safety Inspections are pivotal tools available to them to identify and control hazards **before** they result in injury, illness, and property damage.

## 2. Purpose

This Policy provides a procedure for ensuring that Health and Safety inspections are conducted properly and are consistent. It also outlines the inspector and the frequency with which inspections shall take place.

## 3. Scope

All levels of management will participate in the inspection process, through planned, scheduled workplace inspections as outlined below. In addition, representatives from the Ministry of Labour, Fire Department and Health Department may, at any time, request to conduct a workplace inspection.

## 4. Definitions

Not Applicable

## 5. Policy & Procedures

### Procedure

- Workplace Inspections will be held on a monthly basis. A schedule of the Workplace Inspection will be determined jointly by the Co-chairs of the Safety Committee and a copy of the scheduled Workplace Inspection will be posted on the Health and Safety Bulletin Board.
- The function of the inspection is to identify and record unsafe work practices and equipment, and potential or real workplace hazards.
- Identify any hazards which require immediate action and initiate corrective action where required, and document on the Monthly Workplace Inspection Report.
- A copy of the Monthly Workplace Inspection Report Form completed by a Safety Committee Worker Member shall be submitted to the Department Head, if no hazards are identified this will be documented on the report. A copy of the inspections is to be kept on file and readily available for future reference.
- The Safety Committee and Supervisors shall prepare the Monthly Workplace Inspection Report for each inspection, including findings and recommendations for corrective actions, and report at the next scheduled Safety Committee meeting.

	<b>Health and Safety Inspection Frequency</b>
Employee Pre-Use Inspections	Daily or before use of specific equipment
Safety Committee Member	Monthly
Manager / Supervisor	Monthly with Safety Committee Member
CAO	Annually

### **Workplace Inspection Process**

#### ***Responsibilities:***

#### **The CAO shall**

- Perform an annual inspection of the workplace.
- This inspection is used to review the Health and Safety Program and make improvements to the program.

- Corrective action requirements are recorded, by who, date and signature.
- The Corporation will set parameters for conducting regular workplace inspections as part of the Continuous Improvement Program.

**The Department Heads and Supervisors shall**

- Perform monthly, three (3) job observations of Employees (random selection) in their department performing their work activities in a safe manner.
- Record health and safety hazards reported by workers.
- Required actions are recorded and any deficiencies corrected.
- In cooperation with the Safety Committee, perform a Monthly Workplace Inspections.
- The Managers and Supervisors are responsible to correct the identified recommendations.
- Housekeeping checks are to be performed daily.
- Corrective actions taken where required and recorded.

**The Safety Committee shall perform a monthly workplace inspection as outlined below.**

- Monthly Safety Committee Inspection Process
  - Monthly Workplace Inspections will be a pre-scheduled event so that:
    - An Employee Representative of the Safety Committee conducts the inspection.
    - All of the Employee Certified Members have an opportunity to participate in a Workplace Inspection on a regular basis.
    - The entire workplace is inspected on a monthly basis.
    - An inspection occurs on all shifts on a rotating basis.
    - A Management Member of the Safety Committee or the Department Head can participate in the inspection.
- The Safety Committee Member will:
  - Use the Corporation's Monthly Workplace Inspection Checklist Report Form to ensure that all required items are inspected.
  - Advise the Department Head of any imminently hazardous condition and/or practices.



- Record on the Monthly Workplace Inspection Report Form any Employee contacts made during the inspection in the comment section. The Safety Committee Member will also record the number of workers interviewed during the Monthly Workplace Inspection on the Monthly Workplace Inspection Report Form under the area entitled “Number of Workers Interviewed”.
- Refer to the previous month's Monthly Workplace Inspection Checklist Form and Monthly Workplace Inspection Report Form to assess any corrective measures implemented and to identify any outstanding items.
- Record any noted substandard conditions onto the Monthly Workplace Inspection Report Form.
- When inspecting the First Aid Kits record their findings onto the First Aid Kit Inspection Log Forms found inside each First Aid Kit.
- Upon completion of the Inspection, the completed Monthly Workplace Inspection Checklist Form and Monthly Workplace Inspection Report will be:
  - Forwarded to the Department Head workplace for signature, review and response.
  - Forwarded to other members of the Safety Committee in advance of the next Safety Committee meeting.
  - Forwarded to all Department Heads/Supervisors especially those who have the responsibility for corrective action and to submit to the Safety Committee a record of all corrective actions taken.
  - Discussed at the next Safety Committee meeting.
  - All findings of the inspection are recorded on the Monthly Workplace Inspection Report and Monthly Workplace Inspection Checklist Form.
  - All unsafe conditions must:
    - Be identified (work area, equipment, structure, issue/hazard).
    - Be rated for risk level (High, Medium or Low).
    - Indicate recommended corrective actions.
    - Indicate who is to complete these actions, when and through what means.

- Department Heads/Supervisors will follow up on all corrective actions within 1 month of the expected timeframe for completion indicated on the Workplace Inspection Report Form.

Management Responses to recommendations must be documented and returned to the inspectors. The JHSC or Safety Rep will conduct and document follow up with Management regarding recommendations, responses, remedial actions taken and timeframes for the review.

### ***Job Task Observation***

During an inspection, one job task must be observed: It is required that the person conducting the inspection discuss with the employee, the routine(s) observed, any problems associated with the routine or related tasks and identify whether further review is needed. This will be reported on the Monthly Workplace Inspection Report Form under the title “Number of Workers observed for safe work practices”.

In addition to planned inspections, the following inspections can and will take place:

- **Unplanned inspections:** The Safety Committee and Supervisors are delegated the authority to conduct unplanned inspections as they see fit.

### ***Documentation***

- Notations regarding any infractions or unsafe acts, methods, or conditions must be made and reviewed with the Department Supervisor and or Manager.
- Follow-up regarding corrective action must be documented and included in the minutes of the next Safety Committee meeting.

### ***Corrective Action***

- Immediate hazards must be corrected promptly by Department Head/Supervisor, CAO and/or Safety Co-ordinator.
- Certified Employee Safety Committee representative, Department Heads/Supervisor, CAO and/or Safety Co-ordinator or a competent person such as a service provider must investigate and improve conditions identified in the inspection.
- Corrective action requiring repairs or alteration will be initiated.
- Corrective actions requiring major costs and/or changes in work processes will be discussed with the CAO and/or Department Head/Supervisor and if necessary the Safety Committee with submit a formal recommendation to the CAO on the Safety Committee Recommendation to Employer Form. When

corrective actions have been completed, this is noted on the Monthly Workplace Inspection Report Form with the date of completion. A copy is sent to one of the Co-chairpersons of the Safety Committee.

- Employees affected by any corrective actions taken will be informed and instructed on the changes by their Manager/Supervisor.
- Corrective Actions will be evaluated to determine if any new hazards have been created by the Supervisor/Manager and/or Safety Committee and will be recorded on the Inspection Form.
- If a new hazard is created a Hazard Assessment will be conducted. Once the Hazard Assessment is completed the following will be addressed:
  - Rating of hazard (major, moderate, minor).
  - Recommendation for corrective action.
  - Assignment of responsibilities for corrective action with time frame.
  - Action taken (who, what, when, where, how).
  - Follow up on completion.
- Each department should maintain a file of inspection reports.

### **Operator Pre-Use Inspection Process:**

#### ***Responsibilities***

#### **The Department Head/Supervisor shall:**

- Establish a list of Equipment for their Department that requires pre-use inspections.
- Annually and with any new equipment perform an analysis in conjunction with the Safety Committee on all equipment within their facility to determine which equipment requires a Pre-Start up Inspection.
- Implement the Pre-Use Inspection Checklist within their facility.
- Collect at the end of every month and retain for three months the completed Pre-Use Inspection Checklist Forms.
- Ensure all employees are properly trained in pre-use inspections.
- Ensure all employees follow Safe Operating Practices (SOP).

- Ensure Corrective Action and Follow up required to deficiencies noted on the Pre-Use Inspection Checklist are follow up on and documented on the Equipment Repair Log.
- Review all checklists and corrective actions to ensure all deficiencies have been addressed.

**The Safety Committee shall:**

- Annually perform an analysis in conjunction with the Department Head/Supervisor, on all equipment within their facility to determine which equipment requires a Pre-Use Inspection.
- In association with the Department Head/Supervisor, perform a monthly workplace inspection. Confirm during that inspection that the Pre-Use Inspections are being completed.

**The Employee (Equipment Operator) shall:**

- Before the daily usage of the designated equipment perform a Pre-Use Inspection on the equipment.
- Document their Inspection on the Pre-Use Inspection Checklist Form.
- Immediately report any defects to the Department Head, complete the Equipment Repair Log Form and if appropriate, will tag-out equipment. If the worker has made the corrective measures, it must also be documented on the Pre-Use Inspection Form prior to using the equipment. Only use equipment that passes the Pre-Start Up Inspection.

**Inspect:**

- All safety interlocks switches function properly.
- All emergency stop buttons are functioning properly.
- That all guards must be in place.
- Electrical cords are in good condition with no cuts, frays, exposed wiring.
- The safe operation of the machine (sound, smell, visual, etc).

## **6. Summary**

### **Training**

Only individuals who have the Workplace Inspection training may conduct Workplace Inspections.

Certified Safety Committee Members will have taken Workplace Inspection and Hazard Recognition as part of their certification program.

All Managers and Supervisors will take Workplace Inspection and Hazard Recognition training.

Each Employee shall complete the Health & Safety Training as per their assigned Employee profile.

### **Evaluation**

An annual review will be conducted to measure each of the above listed responsibilities by the co-chairs of the Safety Committee. This policy will be reviewed annually.

### **Legislation/ Standards/ Regulations**

Ontario Occupational Health and Safety Act, R.S.O. 1990,

POLICY	
Policy Number: HS2020-037	Date Approved: May 2008
Department: Health and Safety	Date Reviewed: October 2020
Preventative Maintenance	

### 1. Policy Statement

It is the policy of the Town of Kirkland Lake (the Corporation) to prevent incidents/accidents through the scheduling of regular maintenance of equipment, tools, and/or vehicles that are vital to the regular operations of the municipality.

### 2. Purpose

Preventive maintenance is a very important part of incident prevention as well as averting equipment breakdown. The purpose of Preventive Maintenance is to avert any/all incidents or accidents resulting from an avoidable cause. Preventive Maintenance will be used in conjunction with the safe operation of the equipment along with proper PPE (where applicable).

### 3. Scope

This policy is applicable to all employees of the Corporation.

### 4. Definitions

Not Applicable

### 5. Policy & Procedures

- Preventive Maintenance procedures will be found in each Department's Operating Guidelines or in the owner's manual of each appliances/vehicles.
- Preventive maintenance includes activities such as greasing, adjusting, cleaning etc. as prescribed in the operator or owner's manual or in the SOPs (safe operating procedures).
- An inventory list of equipment that requires routine Preventive Maintenance will be created.

- Preventive maintenance is a scheduled event and will be recorded on Maintenance Recording Form. The Maintenance Recording Form also includes a description of the scheduled frequency (i.e. daily, weekly, etc.) when the Preventive Maintenance task must be performed and the components to be inspected/maintained.
- On an annual basis, the Safety Committee in cooperation will complete an inventory of all equipment within the work location that requires a preventive maintenance program.
- New equipment brought into the workplace will be reviewed by the Safety Committee to establish if it requires a preventive maintenance program.
  - If it does, the equipment shall be added to the Maintenance Recording Form.
- All Preventive Maintenance shall be performed by a qualified and competent person. The person completing the maintenance will sign off and date the maintenance forms and include a description of the work performed.
- Any deficiencies will be noted on the maintenance form and recommendations will be made to Management for correcting the deficiency. Any corrective actions taken will note what was done, who completed it and when.

## **Responsibilities**

### ***Corporation of the Town of Kirkland Lake***

The Corporation will provide awareness and education materials to aid all employees required to implement and carry out the preventive maintenance program.

### ***Department Heads/Supervisors***

Department Heads/Supervisors shall be responsible and accountable to the Health and Safety Coordinator for the overall development, implementation and enforcement of a preventive maintenance program.

Develop Standard Operation Procedures (SOP's) associated with the preventive maintenance of all equipment.

The manuals will identify scheduled PM activities and their frequency such as daily, weekly, monthly, quarterly, yearly, etc. maintenance requirements. Assess all hazards associated with the maintenance activities and ensure that proper controls are developed and implemented.

### ***Health and Safety Representative/JHSC***

Joint Health and Safety Committee members shall be responsible for the periodic review of all preventive maintenance records and to assess all hazards associated with the maintenance activities and ensure that safe practices and controls are applied. The program will be reviewed at least annually and opportunities for improvement will be brought to management.

### ***Employees***

Employees shall be responsible for safely following the specified preventive maintenance program in accordance with Departmental SOP's and the manufacturer's instructions and recommendations.

## **6. Summary**

### **Legislation/Standards**

Ontario Occupational Health and Safety Act

Workplace Safety and Insurance Act



POLICY	
Policy Number: HS2020-038	Date Approved: May 2008
Department: Health and Safety	Date Reviewed: October 2020
Accident Investigations	

### 1. Policy Statement

This policy is to ensure that any accident investigation performed will be completed to the satisfaction of The Town of Kirkland Lake and the Ministries involved.

### 2. Purpose

The objective of accident investigation is a fact-finding mission only and is not intended to place blame. The purpose of this policy is to ensure that all accidents, injuries, and illnesses are investigated to try to prevent the likeliness of the incident occurring again.

### 3. Scope

When followed, this policy will result in recommendations for corrective action. Prevention is one of the main focuses of this policy.

### 4. Definitions

**Disabling Injury** – any injury or illness that results in either time loss, or modified duties. Disabling injuries / illness can be either temporary (sprained wrist), or permanent (severed limb), depending on whether or not the employee is expected to make a full recovery.

**First Aid** – emergency treatment administered by a first responder to an injured or sick person before professional medical care is available.

**Medical Aid** - treatment received for an injury that results in attention received from a recognized health care provider but that does not result in time away from scheduled work or a wage loss. Also referred to as Health Care.

**Rescue/Revival or other Emergency Procedures** - any incident that requires emergency procedures to be implemented, such as hazardous substance spill, bomb threat, and violence prevention procedures.

**Critical Injury** - include any of the following:

- Places life in jeopardy;
- Produces unconsciousness;
- Results in substantial loss of blood;
- Involved the fracture of a leg or arm but not a finger or toe;
- Involves the amputation of a leg, arm, hand or foot but not a finger or toe;
- Consists of burns to a major portion of the body: or
- Causes the loss of sight in an eye

**Fatality** - An injury resulting in loss of life.

**Incident** - means an accident that arises out of and occurs in the course of employment in an industry to which the Workplace Safety and Insurance Act applies and includes:

- A willful and intentional act, not being the act of the worker who suffers the accident,
- A chance event occasioned by a physical or natural cause,
- A disablement, and
- A disabling or potentially disabling condition caused by an occupational disease.

**Occupational Disease** - Occurs where a worker suffers from an occupational disease and is thereby disabled from earning full wages at work at which the worker was employed, or the death of a worker caused by an occupational disease; and the disease is due to the nature of any employment in which the worker was employed, whether under one or more employments.

**Property Damage** - An event where contact is made between two objects resulting in alteration of one or both objects.

**Fire** - An event where undesired combustion occurs.

**Environmental Releases** - An accidental discharge of a physical, biological or chemical substance into the workplace and/or community.

**Near Miss** - An event that under different circumstances could have resulted in physical harm to an individual or damage to the environment, equipment, property and/or materials.

## 5. Policy & Procedures

### Reporting Protocol

Type of Incident	Investigation Time Frame
Near Miss	Review at Safety Meeting to determine need to investigate.
First Aid	Review at Safety Meeting to determine need to investigate.
Health Care/Medical Aid/Lost Time	Within 24 hours of report and Workplace Safety and Insurance Board reporting as required.
Fatality	Immediate with Joint Health & Safety Committee (JHSC) and Ministry of Labour (MOL).
Critical Injury	Immediate with MOL.
Occupational Disease	Immediate upon notification.
Property / Merchandise Damage exceeding \$500	Immediate.
Property Damage less than \$1000	Review at Safety Meeting to determine need to investigate.
Fire	Immediate.
Environmental Release	Immediate.

#### **Responsibilities:**

##### ***Manager/Supervisor***

- Make proper notifications as needed;
- Shall participate in the investigation of any and all injuries. Incidents that occur in their department;
- Ensure that the appropriate First Aid is given;

- Complete Incident Investigation Form;
- When applicable, provide the worker with a copy of the Incident Investigation Form;
- Provide transportation to a medical facility or the worker's home;
- Investigate the accident, determine causes and take corrective action where appropriate;
- If Workplace Safety and Insurance Board (WSIB) reporting is necessary, complete the WSIB Form 7 as required. Provide communication of follow up action to affected employees.

### ***Safety Committee***

- Where possible, will participate in all injury/incident investigations;
- Monthly review of all injury/incident reports, analyze information and make recommendation to management to reduce recurrences;
- The Safety Committee will follow-up with contact to the appropriate Department Head/Supervisor to ensure correct measures have been taken. If there is no implementation of the recommendations, the contributing factors could surface in another accident/incident.

### ***Safety Coordinator***

- Participate in the Incident Investigation as necessary to facilitate Manager/Supervisor and Safety Committee through the process;
- Keeps all Incident Investigation Form records on file and available;
- Ensure all Corrective Action items for Incident Investigations are completed and properly recorded.

### ***Employee***

- Report all accidents, incidents, near misses or any event or circumstance related to the above list in the definitions in this policy to Department Head/Supervisors immediately;
- Participate in the Incident Investigation process as requested;
- Participate in the Return to work Program as required.

## **Procedure**

***The Department Head/Supervisor, Safety Committee Member and/or First Aid Attendant will:***

- **Respond**

- Report to scene of injury/illness;
- Immediately report all accidents, incidents, near misses or any event or circumstance related to the above list of definitions in this policy to the Department Head/Supervisors;
- Prevent or minimize risk of further injuries or property damage;
- Provide emergency care and medical aid for the injured person. If medical attention is required, ensure proper reporting with WSIB is completed. Secure barricade or isolate the scene as appropriate (critical injury, chemical spill, etc.). \*\*\*In the event of a critical injury/fatality the scene must be cordoned off and undisturbed, contact the MOL. The scene may not be released until the MOL investigation is completed. \*\*\*
- Collect all evidence. for example, pictures of injury and/or scene that may be disturbed prior to the completion of investigation;
- Determine the extent of the damage to equipment, material, building or environment investigation;
- Restore operating functions, to extent possible.

- **Collect Information**

- All information collected is to be done as soon as possible after the injured worker and the area where the injury occurred have been addressed. Ideally the information will be collected at the scene of the injury, but only if it is safe to do so, otherwise find a selected meeting area where the information can be collected properly (i.e. meeting room, office area).
- The Investigator will interview eyewitnesses and people involved and record the statement on the Incident Investigation Form.
- Interview witnesses as soon as possible in a private area and record the witness statement on the Incident Investigation Form.
- Make observations, on site assessment of the scene and record the information on the Incident Investigation Form.
- Take pictures if possible, if not draw a diagram of the scene. Indicate sizes, distances, and weights of objects involved if applicable. Consult

with outside experts if applicable (i.e. suppliers, equipment designers, engineers, etc.).

- **Analyze Information**

- Identify the primary/secondary hazardous conditions/practices.
- Identify the primary/secondary actions.
- Identify the primary/secondary cause of the injury/illness.
- Identify contributing factors that may have acted alone or interacted with one another such as:
  - People;
  - Equipment;
  - Material;
  - Environment;
  - Process;

- **Write Report**

- Use Incident Investigation Form to identify the primary and secondary causes.
- The Investigator and/or Safety Committee will make recommendations to Management that will be effective in preventing a similar injury or illness.
- Include a Corrective Action Plan to address recommendations and include who is responsible, what is to be done, how it is to be done and establish the time frame for completion.
- Send the report to the Department Heads and Safety Committee.

- **Corrective Action Plan**

- Establish a Corrective Action plan and record on Incident Investigation Form. Include the who, what, where, when and how.
- Evaluate the effectiveness of the remedial actions.
- Record on Incident Investigation Form the corrective actions that were taken, the date when corrective action items were completed, and who completed them.
- Include in the minutes of the Safety Committee Meeting in order to communicate recommendations to the employer.

- Communicate the corrective action changes through the use of Internal Notification.
- Review the hazard assessment to determine whether contributing factors have been previously captured and if not to include now in the hazard assessment.

- **Communication**

- There is both internal and external communication that will/may be necessary during the Incident/Illness Reporting. The following is a list of examples for both:
- Internal Notifications to:
  - Employer;
  - Employee;
  - Manager/Supervisor;
  - Safety Committee.
- Methods of Internal Notification that can be used but is not limited to:
  - Minutes of the Safety Committee;
  - Management holding staff meeting with employees;
  - Postings on the Health and Safety Board;
  - Future Safety Talks designed to address the findings of the investigation.
- External Notifications to:
  - Critical and Fatal injuries immediately notify the MOL;
  - Incidents requiring medial – dial 911 (where available) or transport worker to medical aid;
  - WSIB within 3 days for injuries requiring medical treatment, injury resulting in a loss time, injuries requiring modified work for more than 7 days beyond the day of injury;
  - Chemical releases immediately to the Ministry of the Environment;
  - Other Insurers as required for property damage, public incident, etc.

- **Report Review**

- At each of the Safety Committee meetings a review will be done of any and all investigations completed since the last meeting
- The purpose of the review is to determine if any additional investigations need to be conducted and to ensure that the quality of the investigations meet the standards
- Regular quarterly reports of all injury/incidents, near misses, first aids and medical aid treatment will be conducted to review data information collected and to review the need for any further type of investigation required or Corrective Action Plans.

## **6. Summary**

### **Training**

All Managers/Supervisors, Safety Coordinator, Safety Committee Members shall complete the Incident Investigation training

### **Evaluation**

This Safety Committee Co-chairs will ensure that these reviews take place at each Safety Committee meeting.

This policy will be reviewed annually

### **Legislation/Standard/Regulations**

Ontario Occupational Health and Safety Act, R.S. O. 1990



POLICY	
Policy Number: HS2020-039	Date Approved: March 2011
Department: Health and Safety	Date Reviewed: October 2020
<b>Audit Review (Health and Safety Management System)</b>	

## 1. Policy Statement

An Audit plan will be developed annually and will identify the department(s) to be audited, criteria, scope, responsibilities, schedule, and approvals of the Audit.

The person(s) chosen as the Auditor must be able to provide an objective assessment of our Health & Safety system and be a trained Auditor.

The Auditor will be given 60 days to complete the audit and record the findings. In preparation for the audit the Auditor will require access to the following: (this is not an all-inclusive list)

- Floor plans of department to be audited;
- Health & Safety records (workplace inspections, First Aid reports, Incident investigations etc.) for the last 12 months prior to the audit date;
- Contact information for the Department Head;
- Names, positions and schedules of all employees to schedule interviews with;
- Company policies, procedures, forms, training records any and all information that pertains to audit scope;
- The department to be audited will provide a meeting space for interviews, a list of required PPE to the Auditor prior to the auditing date. Access and explanation to all work processes of that department including those that may not be used or performed during the duration of the audit;
- If there are any identifying barriers to auditing this shall be noted in the report. For example, part of the building was under construction, 2 workers scheduled to be interviewed were ill on the days of auditing;
- Other resources as needed.

## 2. Purpose

The Town of Kirkland Lake (the Corporation) will perform an audit of our Health & Safety system and identify gaps in our system, with the overall goal of reducing workplace injuries and illnesses.

## 3. Scope

The audit is to be performed annually by our Internal Auditor. Only certain departments will be Audited each year. The departments to be audited will be laid out in the Audit plan.

## 4. Definitions

Not Applicable

## 5. Policy & Procedures

### **Responsibilities**

#### **CAO**

- Select Auditor(s) to complete the Audit.
- Ensure Auditors are qualified and complete the Auditor Training.
- Provide documentation and resources as requested by the Auditor(s).
- Review the Audit findings and record any findings that may be discrepancies.
- Create, or assist the Auditor(s) in the creation of, the Action Plan.
- Sign off on the completed Action Plan.
- Review at least quarterly the progress of the Action Plan until all non-conformities are corrected.

#### ***Department Heads/Supervisors***

- Participate in the Audit process as required.
- Provide any information requested by the Auditor(s) or Senior Management.

#### ***Employees***

- Cooperate with the Auditor(s) and CAO during the Audit.
- Provide any information requested by the Auditor(s) or Senior Management.

### ***Joint Health & Safety Committee/Health & Safety Representative***

- Participate in the Audit process as required.
- Provide any information requested by the Auditor(s) or Senior Management.

### ***Auditor(s)***

- Complete Auditor Training.
- Complete a review of the previous years' action before starting the audit.
- Conduct the Audit within the timeframe provided.
- Document all evidence collected during the Audit.
- Contact employees, Supervisors, Department Heads and other persons as necessary during the Audit.
- Determine the findings for the Audit as either Conformity or Non-conformity for each section of the Audit based on the collected evidence.
- Ensure the CAO completes a review of the Audit and findings.

### **Procedure**

#### ***Step One – Audit Review from Previous Year***

- Confirm all audit findings from the previous year's Audit were included on the previous year's Action Plan.
- Review all completed action items from the previous year's Audit to ensure they were implemented and are effective.
- Review the current status of all outstanding action items from previous year's audit and ensure they will be completed as planned.
- Document all findings from this review and ensure all outstanding non-conformity items from your previous years' Action Plan are recorded on your current Audit.
- Ensure outstanding issues from the previous year's Audit are made priorities on this year's Audit.

#### ***Step Two– Audit Performed by the Qualified Auditor***

- Using our own policies and procedures determine what is being asked of the workplace, Supervisors, Department Hears and employees.

- Mandatory, a document dated within the previous 12 months for verification of conformity.
- In addition to the document, sufficient corroborating evidence to support the verification of conformity must be provided (i.e. your policy states “monthly meetings” should have 12 months’ worth of meeting minutes, not just one month’s). The three additional verifications are:
  - ✓ Observation of the criterion.
  - ✓ Interview of employees to validate the criterion.
  - ✓ Record of the verification.
- Each criterion in the audit will either be determined as “conformity” or as “non-conformity”.
- For a finding of “non-conformity” the Auditor must document what evidence could not be verified.

***Step Three – Senior Management Sign-Off***

- Senior Manager (CAO) must review the audit report.
- Senior Manager will sign-off the findings.
- If the Senior Manager disagrees with the findings this is recorded but the original audit report cannot be changed.
- If the Auditor agrees with the Senior Manger’s findings then this is also noted in the report.

***Step Four – Action Plan***

- For all “non-conformity” findings the Senior Manager or their designate, will create an action plan.
- Each item in the action plan will have a person(s) assigned to the responsibility of corrective actions.
- At least 2 action plan items will be completed in the current calendar year.
- Each item in the action plan will describe the corrective action.
- Each item in the action plan will have a timeline for completion.
- All action plan items will be initiated within six (6) months of the audit completion date.

- Priority will be given to those items that are a major or serious non-conformity that may endanger an employee's life or be a direct violation of the OHSA and any items still outstanding from the previous years' action plan.

#### ***Step Five – Improvements***

- We will implement the action plan as assigned.
- Senior Management will review the Action Plan at least quarterly until all non-conformities are corrected.
- The action plan will be implemented in all departments of the Corporation.

## **6. Summary**

### **Review & Communication:**

A communication piece will be issued to all employees within our firm on the audit prior to the audit being performed.

The audit results will be reviewed with the JHSC and then made available to everyone by being posted on the Safety Board.

This policy and procedure will be reviewed as needed but at least annually.

POLICY	
Policy Number: HS2020-040	Date Approved: May 2008
Department: Health and Safety	Date Reviewed: October 2020
Communication	

**1. Policy Statement**

It is the policy of the Corporation to provide employees with updates on Health and Safety information both new and existing through an effective communication program and to integrate Health and Safety into all activities at the Corporation. To help employees recognize and control hazards in the workplace, safety talks will be delivered to all employees on a weekly basis, or when a job task requires one before starting the job.

**2. Purpose**

The purpose of communication and safety talks is to aid employees in becoming skillful in health and safety requirements for the tools, equipment, materials, and procedures used in the workplace. Communication and safety talks will promote everyday health and safety regardless of the tasks being performed. Communication and safety talks will demonstrate to employees the Town of Kirkland Lake's (the Corporation) commitment to health and safety.

**3. Scope**

This policy is applicable to all employees of the Corporation.

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

**Responsibilities:**

***The Town of Kirkland Lake***

- The Corporation will ensure the communication of Health and Safety Information/Materials on an ongoing basis to all Employees;
- The Corporation will provide awareness and education materials to all employees required in the delivery of safety talks;
- Integrate Health & Safety into all aspects and work locations of the Corporation.

### ***Department Heads/Supervisors***

- Communicate Health and Safety Information/Materials on an ongoing basis to all Employees;
- Department Heads/Supervisors shall schedule and deliver safety talks in their respective departments to all employees at least once a week.
- Department Heads/Supervisors shall ensure that all employees attend scheduled talks. A record of attendance is to be maintained and forwarded to the Health and Safety Coordinator.

### **Health and Safety Coordinator**

- Develop topics of Communication and determine how Communication will be done;
- Keeps all Health and Safety Communication records on file and available as required;
- Health and Safety Reps/JHSC shall regularly review safety talk schedules and maintain schedule and employee attendance records.

### ***Employees***

- Employees are responsible for participating in the safety talk program;
- As with all Health and Safety Policies and programs employees are encouraged to take any comments and suggestions to their department Health and Safety Rep.

### **Procedure**

Safety talks shall be scheduled and communicated to all employees at least once monthly. Safety talks may be scheduled more than once monthly in order to ensure inclusion of all employees. They do not, however, replace formal training and should take approximately five minutes to present.

## ***Communication***

Communication shall be accomplished by the following methods:

- Meetings;
- Training Sessions;
- Safety Talks;
- Bulletin Boards;
- Poster Programs;
- Advertising Program;
- Newsletters and Booklets;
- Payroll Inserts;
- Formal Written Response;
- Electronic Messages.

## ***Topics***

Topics to be included in the Communication of Health and Safety at the Corporation may include but are not limited to:

- Review of the Health and Safety Program;
- Incident Trends;
- Investigation Reports;
- Claims Experience Reports;
- Inspection reports;
- Safety Committee minutes;
- Early and Safety Return to Work Program;
- Safety Legislation newly passed into law or updates;
- Ministry of Labour Inspection Reports;
- Progress on Safety Action Plans;
- Off-The-Job Health and Safety activities like Healthy Lifestyle Information (i.e. Employee Assistance Program, Wellness Initiative, Vehicle Safety, Personal Health and Safety, Health and Safety at home, recreational Health and Safety and Leisure Health and Safety).



Safety at Home is also included in sessions to encourage safety consciousness. Changing behaviors both in the workplace and at home is vital to creating a safety culture.

## **6. Summary**

### **Legislation/Standards**

Ontario Occupational Health and Safety Act

Workplace Safety and Insurance Act



POLICY	
Policy Number: HS2020-041	Date Approved: June 2006
Department: Health and Safety	Date Reviewed: October 2020
Continuous Improvement	

### 1. Policy Statement

The Corporation will perform an annual review of the safety program. Based upon findings, an Action Plan for improvements will be developed, responsibilities assigned and corrective measures implemented.

### 2. Purpose

To demonstrate The Town of Kirkland Lake's (the Corporation) commitment to Health and Safety by implementing an ongoing managed process for Health and Safety Improvements with the goal of ensuring that the Corporation's Health and Safety Program remains effective.

### 3. Scope

This policy applies to all employees and workplaces of the Corporation.

### 4. Definitions

**Health & Safety Objective** – An overall health & safety goal, arising from the facility and corporate safety policy, that an organization sets itself to achieve, and which is quantified where practicable.

**Health & Safety Target** - A performance requirement, quantified where practicable to the organization or parts thereof, that arise from the health & safety objectives and that needs to be set and met in order to achieve those objectives.

### 5. Policy & Procedures

Health & Safety Program Review will be conducted annually and it will include:

- A review of all Health & Safety Policies.
- Health & Safety Training Requirements.

- All policies are to be dated, and revisions recorded.
- Revised documents are to be distributed and communicated to employees.
- A review of Health & Safety Trends.

A Continuous Improvement Action Plan will be determined and it will include:

- Goals for the year including timelines.
- Assigned responsibility for each department to achieve the goals as established.
- The CAO will approve the plan and support the plan through allocating needed resources in people, time and money.
- The plan must be reasonable and adapted to the Corporation's business cycle.
- The plan will be reviewed at least quarterly with the CAO.

The Continuous Improvement Program that is created is based upon but is not limited to the following information:

- Data and reports collected throughout the year through audits either by internal or outside firms and the annual inspection of the facility by the CAO.
- Information collected through Monthly Workplace Inspections conducted in conjunctions with Management and the Safety Committee.
- Suggestions received from the Safety Committee and Department Heads/Supervisors.
- Information collected through the Safety Committee Meeting Minutes.
- New Information from Ministry of Labour (i.e. Safety Blitz Information, New or updates to Regulations/Legislation).
- Annually Health and Safety Program Review.
- Annually Health and Safety Trends Review.

## **6. Summary**

**The CAO will:**

- Produce a Health and Safety Continuous Improvement Plan and review the Plan with the Safety Coordinator and Safety Committee.
- Conduct an Annually Workplace Inspection.

- Review internal and external Health and Safety trends regularly.
- Integrate health and safety into all aspects of the Corporation.
- Record health and safety program reviews and changes.
- Review the Health & Safety Program annually.
- Complete a Health & Safety Trends Review.
- Develop Health & Safety Objectives.
- Communicate progress of objectives with employees.
- Encourage Health and Safety Off-The-Job activities for all employees.
- Celebrate and acknowledge successes with employees as goals are achieved.



POLICY	
Policy Number: HS2020-042	Date Approved: August 2007
Department: Health and Safety	Date Reviewed: October 2020
Return to Work	

## 1. Policy Statement

The Corporation is committed to the successful return to work and recovery of municipal employees who sustain personal injury arising out of and in the course of their employment with the Corporation or who suffer from an occupational disease by assisting in early intervention and safe return to work. It is our policy to take all responsible steps to return injured and ill employees to their pre-injury job as quickly as possible. The Corporation and its employees are committed to co-operate and participate in the success of the Return to Work Program. The Corporation will ensure the privacy and confidentiality of the injured employees to the extent possible.

## 2. Purpose

The objective is to increase the awareness of disability issues for all employees and reduce the days lost due to absences from injuries and illness. Where the employee is unable to return to their pre-injury employment as a result of an occupation or non-occupational injury, the goal will be to return them to alternative work, which is consistent with their functional abilities. Establishing a fair and consistent process for employees returning to work in compliance with current and future legislative obligations will result in reduced WSIB costs.

## 3. Scope

This policy applies to all employees of the Town of Kirkland Lake (the Corporation).

## 4. Definitions

**Alternative Work** - Offering the employee a position other than his/her regular job to meet the temporary restrictions. This can be within their current department of work, other departments or other work that is available based on suitability of jobs available to meet the worker's needs.

**Available Work** - Available work is work that exists with the injury employer at the pre-injury worksite, or at a comparable worksite arranged by the employer. In determining if availability of work, WSIB considers:

- Whether a job vacancy has been posted, advertised or otherwise communicated, or,
- Evidence of hiring or transfers that occur on or after the date the worker is fit for suitable work.

**Functional Abilities** - This indicates what the injured employee's present physical capabilities are, as per their treating physician's recommendations. This form can also be used when a physician visit is not required. When no treating health professional is used, the form is completed jointly with the injured employee and their Supervisor to determine what they are capable of doing. Always with the understanding that any work that causes an increase in pain or soreness is to be immediately stopped and reported to the Supervisor/Department Head.

**Health Professional** - Includes a medical doctor, chiropractor, registered nurse (extended class), physiotherapist and dentist.

**Medical Aid / Health Care** - When an injured employee requires aid beyond First Aid by a Health Professional.

**Modified Work** - Modified work is any job, task, function or combination thereof that an employee who suffers from a diminished physical capacity may perform safely without risk of re-injury, exacerbation of disability or risk to others. It is also commonly referred to as "suitable work".

**Permanent Accommodation** – When WSIB assesses an injured employee and determines they have reached a plateau (i.e. their injury is not expected to get any better or worse), they are considered at MMR – Maximum Medical Recovery. If the employee still has limitations, they are considered to have a Permanent Impairment (PI) and WSIB will ask the employer to permanently accommodate this employee. When determining if XXX can accommodate the employee on a permanent basis, the following must be considered:

- The **availability** of a permanent position within the employee's limitations.
- The **medical evidence** supporting the employee's ability to perform the essential duties of the position.
- The **qualifications** of the employee to meet the minimum requirements of the position.

- Any **training** that may be required for the employee to meet the minimum requirements of the position.

**Physical Demands Analysis** - The evaluation and assessment of the physical strength, mobility, coordination and vision required to perform a particular job and the assessment of physical and chemical hazards that an employee is subject to when performing the regular duties of that job.

**Reduced-Hours Work** - Less than full-time work to meet the temporary restrictions. In the case of a part-time employee, this could result in a shorter work week or a vacation of days off during the week.

**Return to Work (RTW)** - Return to work is the process or strategy of safely returning employees to the workplace on a timely basis. The goal is to assist in the employee's active recovery and to work towards the resumption of the essential duties of their pre-injury job whenever possible.

**Suitable Work** - Suitable work means post-injury work (including the employee's pre-injury job) that is safe, productive, and consistent with the worker's functional abilities, and that, to the extent possible, restores the worker's pre-injury earnings.

**Temporary Accommodation-** Modified work is considered to be temporary, up to 6 months, however it may be extended if warranted by medical evidence. The duration of a temporary placement shall be discussed with the employee, Health Professional, Supervisor/Department Head responsible for the establishment of the modified work program.

**Work Reintegration** – A set of guidelines mandated by WSIB, aimed at ensuring that a worker has the best opportunities available for successful return to work with their employer. If the workplace parties have not been successful in returning the injured employee to work, WSIB will meet with them no later than 12 weeks from the date of injury.

**Work Transition** – A Plan that outlines the assistance and services an employee requires to enable a return to work with the employer or, if required, to re-enter the labour market. WSIB will provide specialized work transition services between six and nine months from the date of injury.

## 5. Policy & Procedures

### Responsibilities

#### ***The Corporation will:***

- Provide awareness training and educational material to all employees regarding the RTW Program.
- Assign a RTW Program Coordinator.

#### ***Department Heads /Supervisors will:***

- When an incident occurs, immediately conduct or arrange for the completion of an incident investigation.
- Arrange transportation for the injured Employee if needed.
- Instruct and advise the Employee regarding the RTW Work Program.
- Ensure the injured Employee has the Return to Work Package.
- Ensure the injured Employee knows he or she must return to work, either the same day or on their next regularly scheduled shift.
- Complete form WSIB 0007A (Form 7) and accident investigation within 72 hours after learning of the reporting obligation. WSIB requires that a completed Form 7 be received within 3 days after learning of the reporting obligation. Record any first aid obtained.
- Identify suitable work with the employee and review the injured worker's present job position/description to establish if the position can be modified to accommodate the injured worker's restrictions/capabilities.
- Prepare a formal written modified work offer.
- Meet with the employee to discuss the RTW Plan and to sign the modified work offer.
- Develop an RTW plan in co-operation with employee and monitor the plan.
- Communicate with the employee weekly throughout recovery and keep a contact log of the communication.
- Complete all necessary forms as required by WSIB.
- If the employee is unable to return to regular duties and is deemed to have a Permanent Impairment, contact the Human Resources for assistance with the accommodation process.



***RTW Program Coordinator will:***

- Have experience or training in RTW or Disability Management.
- Ensure all employees receive awareness training about the RTW program.
- Ensure RTW program information is accessible to all employees.
- Re-communicate the requirements of the program to the employees at the time of injury or illness.
- Assist with the development of an RTW plan in co-operation with employee and the Department Head/Supervisor.
- Set up regular meetings to review the RTW plan and the employee's progress.
- Keep records of all documents relating to the RTW case file.
- Communicate with Department Heads/Supervisors and injured employees on a regular basis.
- Determine when independent assessment is needed or when additional assistance from the WSIB is required.
- Create an emergency evacuation plan for employees requiring accommodations if an alternative plan is needed.
- Communicate with WSIB, including changes in injured workers duties, wage changes, failure of any party to cooperate in the RTW program and when the employee is back to full regular duties.
- Get the CAO and/or WSIB involved if there is a dispute between the injured worker, and the Department Head/Supervisor or RTW Coordinator.
- Review the RTW program annually.

***Employees will:***

- Immediately report all accidents and illnesses and obtain necessary first aid and/or health care.
- If filing a claim for benefits, review and sign a completed WSIB Form 7.
- Provide the Department Head/Supervisor and RTW Coordinator with a copy of the page 2 of the WSIB Form 8 provided by the Health Care Professional before start of next shift or communicate the functional abilities information to the Corporation as soon as possible.

- Obtain a Functional Abilities Form, WSIB 2647A (FAF) from Department Head/Supervisor for subsequent doctors visits, complete and sign employee's section of Functional Abilities Form to consent to disclosure of functional abilities information.
- Communicate to the RTW Coordinator once a week on your progress in returning to normal duties and update any functional abilities information needed.

### **Training**

All employees must complete training on their responsibilities for the RTW program and the goals and objective of the RTW program during orientation. This training must be reviewed annually.

### **Evaluation**

An annual review of the policy will be conducted by the RTW Coordinator. The RTW Coordinator will track and analyze all incidents to determine performance measures. A copy of this review will be provided to the CAO so that improvements can be added to the Continuous Improvement Plan and the budget for RTW can be reviewed.

## **6. Summary**

### **Legislation/Standards**

Ontario Occupational Health and Safety Act

Workplace Safety and Insurance Act

POLICY	
Policy Number: HS2020-043	Date Approved: March 2018
Department: Health and Safety	Date Reviewed: October 2020
Work Integration	

## 1. Policy Statement

The primary focus of the new policies, which took effect on July 15, 2011, is to return injured/ill employees **back to work with their injury employer** to the extent possible. The WR policies integrate the legislative provisions of Return to Work, Re-employment, and Labour Market Re-entry.

## 2. Purpose

Work Reintegration (WR) is a return to work process mandated by WSIB which came into effect July 15, 2011. WSIB WR policies are aimed at ensuring that an employee has the best opportunities available for successful return to work with their employer or, if required, in the labour market.

## 3. Scope

Work Reintegration is the process of returning to work following a period of disability. It encompasses the many ways in which this can happen. For example, a graduated return to work, workplace accommodations, and/or retraining to return to work with either the injury employer or a new one.

## 4. Definitions

Not Applicable

## 5. Policy & Procedures

### **Work Reintegration Principles**

This policy sets out general Work Reintegration principles:

- Appropriate and early work reintegration maintains an employee's dignity and productivity and plays an important role in their recovery and rehabilitation.

- Where barriers occur, they are responded to quickly through early support and intervention.
- An employee's prospects for successful work reintegration both in the short and long term are often best achieved by maximizing opportunities for return to work with the injury employer, including retraining for a suitable occupation (SO) with that employer.
- When necessary, an employee will be offered programs that are of high quality and practical.

### **Work Reintegration Process**

- Starts as soon as the employer learns that an employee has suffered a work-related injury/disease.
- Goals must be set out for the program in order to return the employee to their pre-injury work to the best extent possible.
- The employer will make reasonable accommodations for the employee during this process, to the point of undue hardship.
- Work reintegration continues throughout the recovery and impairment period.
- Adapts to changes as they arise.
- Includes a stay at work process

### **Stay at Work Process**

In cases where the employee has remained at work or has returned to work soon after the injury, but

- Is experiencing a wage loss due to the work-related injury/disease, or
- There is evidence of a permanent impairment (present or likely), or
- Job suitability concerns exist.

### **Responsibilities**

Workplace parties are expected to work together to monitor the employee's recovery and progress towards the final WR goal. The WSIB will review these cases as appropriate.

## **Suitable Work**

During the Work Reintegration process, injured employees will be offered suitable available work.

**Suitable work means:** post-injury work that is safe, productive, and consistent with the Employees functional abilities and that, to the extent possible, restores the Employee's pre-injury earning.

**Available work:** work that exists with the injury employer at the pre-injury worksite, or at a comparable worksite arranged by the employer.

The WSIB plays a direct role in supporting work reintegration. If the workplace parties have not been successful in returning the injured employee to work, WSIB will meet with them no later than 12 weeks from the date of injury. WSIB will provide specialized work transition services between six and nine months from the date of injury.

## **Responsibilities of the Workplace Parties**

Workplace parties must cooperate with each other and the WSIB in the RTW process by:

- Initiating early contact;
- Maintaining appropriate communication throughout the recovery period;
- Identifying and securing WR opportunities for the employee;
- Giving the WSIB all the relevant information concerning the Employees WR;
- Notifying the WSIB of any dispute or disagreement concerning the Employee's WR.

## ***The Corporation***

- Cooperate in the work reintegration process.
- Offer modified duties and or accommodations during the work reintegration process.
- When applicable, the employer may have the obligation to re-employ an injured employee who has been unable to work as a result of their work-related injury.

## **WSIB**

- Provide education and support to support the workplace parties' efforts and ensures compliance of their obligations.

### **Penalties for non-co-operation for both employees and employers**

#### ***Employee non-co-operation penalty***

- Reduction of wage loss benefits by 50 per cent (if continues beyond 14 calendar days, the employee's wage loss benefits may be further reduced or suspended)

#### ***Employer non-co-operation penalty***

- 50 per cent of the cost of the employee's wage loss benefits (if continues beyond 14 calendar days, 100 per cent of the cost of the employee's wage loss benefits, plus 100 per cent of the costs of the employee's work transition services, with the possibility of the full combined penalty lasting up to 12 months).
- Small employers (i.e., who employ fewer than 20 employees) are given a longer period to come into compliance, in recognition that they may not have the capability or resources immediately available to achieve WR outcomes

Employee and employer co-operation obligations continue until any remaining loss of earnings benefit to the employee is locked in at 72 months following the date of injury or the date there is no longer an employment relationship for reasons unrelated to the injury/illness, whichever is earlier.

### **Re-employment Obligations**

Employers have an obligation to re-employ their injured Employees if the following 3 conditions are met:

- The Employee has been "unable to work" as a result of the work-related injury/illness;
- The Employee was continuously employed for at least one year before the date of injury/illness;
- The employer regularly employs more than 20 employees.

## **Determining Suitable Occupation**

When workplace parties are unable to arrange a return to suitable and available work, a **work transition assessment** is provided to determine what help an employee may need to return to work with the injury employer or a new one. In most cases this assessment will be completed 6 to 9 months after the date of injury.

Following the assessment, the WSIB collaborates with the employee and employer to determine a suitable occupation for the employee.

- Employees are provided with meaningful input and choice in the process
- Enhanced Work Transition plans that can maximize earning potential are explored for young employees who are between the ages of 15 and 24 (on the date of injury), are not students, apprentices or learners, and have not had a chance to establish their earnings profile.

In determining a Suitable Occupation, the WSIB works with the employee and the Corporation and considers:

- The Employee's functional abilities;
- The Employee's employment-related aptitudes, abilities, and interests;
- What jobs are available with the injury employer through direct placement, accommodation, or retraining;
- Labour market trends, and the likelihood of the employee being able to secure and maintain work within the occupation with another employer, and;
- In accordance with applicable human rights legislation, any pre-existing non-work-related condition(s) (e.g., including non-physical disabilities such as a learning disability) an Employee may have, as well as any other human rights-related accommodation requirements.

## **Work Transition Plan**

This policy outlines work transition services for employees who need help to return to work in a different job with the injury employer, or to return to work with a new employer.

The injury employer may be involved in the development of the work transition plan from the beginning. The WSIB develops the Work Transition Plan with the injured employee, the injury Employer and, where appropriate, the union representative. All parties must sign the agreed upon plan. In some cases, the RTW Coordinator may sign on behalf of the employer.

Employees are provided input into what upgrading/retraining program they take and their choice of educational institution.

Work transition plans will not generally exceed three years, with one year for academic upgrading and two years for re-skilling / retraining.

Some employees retrain best by direct training on the job - these programs will last between four and 26 weeks.

Employees may receive job search training for two weeks, and job placement services for 10 weeks.

For qualified employees over 55, there is an option that allows them to plan their own work transition. These employees can either participate in a work transition plan with the WSIB or choose to self-direct their own plan over a period of 12 months and find employment on their own.

### **Work Transition Expenses**

The WSIB pays expenses that it considers appropriate for employees to participate in Work Transition assessments or plans.

Before the Work Transition plan starts, expenses such as tuition fees, books, supplies, special accommodation needs, equipment and travel are agreed to.

The Corporation will work with the WSIB to monitor the ongoing expenses of the Work Transition Plan.

### **Relocation Services**

Relocation is a work reintegration option that may be considered when a suitable occupation (SO) is not available with the injury employer or in the local labour market

The WSIB will pay for appropriate expenses directly related to the employee looking for work in the broader labour market

Once the employee has secured a job in the broader labour market, the WSIB will pay for appropriate expenses associated with that relocation

The decision on whether to relocate is the injured employee's.



## 6. Summary

### **Evaluation**

This policy will be reviewed annually.

### **Legislation/Standards/Regulations**

Ontario Occupational Health and Safety Act

POLICY	
Policy Number: HS2020-044	Date Approved: August 2020
Department: Health & Safety	Date Reviewed: October 2020
Mandatory Face Covering	

### 1. Policy Statement

Mask or face coverings are mandated for employees, visitors and customers upon entering and remaining within all Town of Kirkland Lake facilities.

### 2. Purpose

Increasing scientific evidence supports wearing a mask or face covering when in enclosed public spaces as an important measure in reducing COVID-19 transmission.

The Medical Officer of Health for the Timiskaming District, has mandated the wearing of a mask or face covering, pursuant to O. Reg 263/20 s.4(2) (or as current), to all employers and persons responsible for businesses or organizations within the district of Timiskaming, effective July 24, 2020 as of 12:01 am, as well as creation of a policy regarding use of masks or face coverings.

### 3. Scope

Beginning July 24, 2020, all employees, visitors and customers are required to wear a mask or face covering upon entering and remaining within all Town of Kirkland Lake facilities. The mask or face covering must cover the nose, mouth and chin.

- a. The following persons are exempted from the requirement to wear a mask or face covering and will not be required to provide proof of such exemption:
  - i. Children under two years of age, or children under the age of five years either chronologically or developmentally who refuse to wear a mask or face covering and cannot be persuaded to do so by their caregiver;
  - ii. Persons with medical conditions who cannot safely wear a mask or face covering (e.g. due to breathing difficulties, cognitive difficulties, hearing or communication difficulties);

- iii. Persons who cannot wear or remove a mask or face covering without assistance, including people who are accommodated under the Accessibility for Ontarians with Disabilities Act (AODA) or are protected under the Ontario Human Rights Code, R.S.O. 1990, c.H. 19 as amended;
  - iv. Employees who are in an area of the premise that is not designated for public access, or who are within or behind a physical barrier (e.g. Plexiglas).
- b. Temporary removal of the mask or face covering is permitted where necessary for the following purposes:
- i. Actively engaging in an athletic or fitness activity including water-based activities;
  - ii. Consuming food or drink;
  - iii. For any emergency or medical purpose.

#### **4. Policy & Procedure**

This policy will be implemented and enforced in “good faith” to primarily educate people on masks and face coverings and promote their use in enclosed public spaces.

- a. Persons with exemptions listed under 1a) are not required to show proof of exemption.
- b. Signs about the requirement to wear masks or face coverings shall be posted at all public entrances.
- c. Persons entering or remaining without a mask or face covering will be given a verbal reminder of the policy’s masking requirement.
- d. Employees will be trained on the policy, including where and how to properly wear a mask or face covering, and how to help and respond to customers who do not have a mask or face covering.
- e. A copy of this policy will be made available on request to a public health inspector or other person authorized to enforce the EMCPA.

**5. Summary**

This policy will remain in place until such order is revoked by the Chief Medical Officer, or until such time that the directive is modified.



POLICY	
Policy Number: CORP2020-001	Date Approved: November 2009
Department: Corporate	Date Reviewed: October 2020
Accessible Customer Service	

## 1. Policy Statement

The Town of Kirkland Lake is committed to:

- provide its goods and services in a way that respects the dignity and independence of all people
- give people with disabilities an opportunity, equal to that given to others, to obtain, use and benefit from goods and services
- integration of the provision of goods and services to persons with disabilities )
- review customer services based on customer feedback.

The Town of Kirkland Lake will communicate with people with disabilities in ways that take into account their disabilities.

The Town of Kirkland Lake is committed to serving people with disabilities who use assistive devices, service animals<sup>1</sup> and/or support persons<sup>2</sup> to access the town's goods and services.

## 2. Purpose

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) is a provincial act with the purpose of developing, implementing and enforcing standards that enhance the ability of persons with disabilities to access the goods and services that are available to others.

Accessibility Standards for Customer Service is the first standard to be passed as a regulation and become law in Ontario. Under this standard designated private and

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<sup>1</sup> A service animal for a person with a disability may be readily apparent for reasons relating to his or her disability. Alternately, a letter from a physician or nurse may be required to confirm that the animal is required for reasons relating to a disability. It is the responsibility of customers to ensure that their service animals are kept in control at all times.

<sup>2</sup> A "support" means, in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs or with access to goods or services.

public sector organizations must develop policies, procedures and practices pertaining to customer service for persons with disabilities.

### **3. Scope**

Not Applicable

### **4. Definitions**

Not Applicable

### **5. Policy & Procedures**

#### **Training**

The Town of Kirkland Lake will train all employees, volunteers and others who deal with the public or who are involved in the development and approvals of customer service policies, practices and procedures.

The accessible customer service training will be provided during orientation and in a timely manner. Staff will also be trained on an ongoing basis when changes are made to the town's policies, practices and procedures related to persons with disabilities.

Training records will be kept, including the dates when training is provided, number of individuals to whom training was provided and the signature of all those individuals trained on a particular date.

Training will include the following:

- purposes of Accessibility for Ontarians with Disabilities Act, 2005 and the requirements of the customer service standard
- The Town of KL's policies, practices and procedures relating to the customer service standard
- how to interact and communicate with people with various types of disabilities
- how to interact with people with disabilities who use an assistive device or require the assistance of a service animal or a support person
- workplace specific training to use the town's equipment for persons with disabilities
- what to do if a person with a disability is having difficulty in accessing the Town of KL's goods and services.

## **Feedback**

Feedback on provision of services to persons with disabilities can be made by using a feedback form, by mail, by e-mail or verbally. Verbal feedback will be documented by the receiver.

Feedback forms are reviewed regularly by department management/staff and timely responses provided. Nature and results of comments will be submitted annually to Accessibility Committee.

## **Documentation**

The Town of Kirkland Lake's Accessible Customer Service policy, procedures and practices will be available to any person upon request. When providing these documents or the information contained in them, to persons with disabilities, they will be given in a format that takes their disability into account.

Notification of interruptions that relate to provision of services for people with disabilities will be provided.

Sources: Accessible Customer Service Policy for City of London, Lennox-addington, Loyalist Township, Trent Hills County, Trillium Public Library

## **6. Summary**

Not Applicable

POLICY	
Policy Number: CORP2020-002	Date Approved: September 2016
Department: Corporate	Date Reviewed: October 2020
Accessible Employment Policy	

### 1. Policy Statement

The Town of Kirkland Lake (the Corporation) is committed and guided by the four core principles of dignity, equal opportunity, integration, independence, and supports the full inclusions of persons as set out in the Canadian Charter of Rights and Freedoms, and the Accessibility for Ontarians with Disabilities Act, 2005.

### 2. Purpose

This policy is intended to meet the requirements of the Integrated Accessibility Standards, Ontario Regulation 191/11 for the Employment Standard set forth under the Accessibility for Ontarians with Disabilities Act, 2005.

The Employment Standard builds upon the existing requirement under the Ontario Human Rights Code in relation to how to accommodate individuals with disabilities throughout the job application process and the employment relationship.

The Corporation shall use every reasonable effort to ensure that we meet the needs of people with disabilities, in a timely manner, through the implementation of this policy.

### 3. Scope

This policy applies to paid employees. This includes, but is not limited to, Members of Council, full-time, part-time, and seasonal employment. This policy shall include:

- Recruitment, assessment and selection;
- Informing employees of supports;
- Accessible formats and communication supports for employees;
- Workplace emergency response;
- Documented individual accommodation plans;



- Return to work process (refer to Early and Safe Return to Work Policy);
- Performance management, career development and advancement;
- Redeployment.

#### **4. Definitions**

Accessible Formats – May include but not limited to; large print, recorded audio and electronic formats, Braille and other formats usable by persons with disabilities.

Communication Supports – May include but not limited to; captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

Information – May include data, facts and knowledge that exists in any format, including text, audio, digital or images, and conveys meaning.

Career Development and Advancement – Provide additional responsibilities within an employee's current position and the movement of an employee from one job to another in an organization that may be higher in pay, provide greater responsibility or be at a higher level in the organization or any combination of them. Both additional responsibilities and employee movement, is usually based on merit or seniority, or a combination of both.

Performance Management – Activities related to assessing and improving employee performance, productivity and effectiveness with the goal of facilitating employee success.

Redeployment – The reassignment of employees to other departments or jobs within the organization as an alternative to layoff, when a particular job or department has been eliminated by the organization.

Support Person – In relation to a person with a disability, another person who accompanies the person with a disability in order to help with communication, mobility, personal care or medical needs or with access to goods, services or facilities.

#### **5. Policy & Procedures**

##### **Recruitment, Assessment and Selection**

The Corporation shall notify employees and the public about the availability of accommodations for job applicants with disabilities:

- During the recruitment process when job applicants are individually selected to participate in an assessment or selection process;
- If a selected applicant requests an accommodation, the Corporation shall consult with the applicant and provide and arrange for provision of suitable accommodations in a manner that takes into account the applicant's accessibility needs due to disability;
- Notify successful applicants of the policies for accommodating employees with disabilities.

### **Workplace Emergency Response Information**

The Corporation shall provide individualized workplace emergency response information to employees who have a disability:

- If the disability is such that the individualized information is necessary and the Corporation is aware of the need for accommodation due to the employee's disability;
- If the employee who receives individual workplace emergency response information requires assistance and with the employee's consent, we shall provide the workplace emergency information to the person designated by the Corporation to provide assistance to the employee;
- As soon as practicable after becoming aware of the need for accommodation due to the employee's disability;
- Review the information when the employee moves to a different location in the organization, when overall accommodation needs or plans are reviewed and when the Corporation reviews its general emergency response policies.

### **Workplace Information**

The Corporation will ensure that all workplace information is provided in accessible formats, if requested by an employee who has a disability. This includes but is not limited to the following:

- Any information the employee needs to perform the job duties. Including but not limited to: job descriptions, training, and manuals.
- General information that is available to all employees at work. Including but not limited to: company memos, communications, and postings.

## **Documented Individual Accommodation Plans**

The Corporation will develop a documented individual accommodation plan for each employee with a disability on an as required basis. The process may include:

- The participation of the employee in the development of the accommodation plan;
- The means by which the employee is assessed on an individual basis;
- Identification of the accommodation to be provided;
- Timelines for the provision of accommodations;
- The ways an employee can request an evaluation by an outside medical expert, or other experts (at the employer's expense) to determine if accommodation can be achieved, or how it can be achieved;
- The ways that an employee can request the participation of a representative from their bargaining agent or other representative from the workplace (if the employee is not represented by a bargaining agent) for the creation of the accommodation plan;
- The frequency with which the individual accommodation plan should be reviewed or updated determined, and how it should be done;
- The means of providing the accommodation plan in an accessible format, based on the employee's accessibility needs;
- The steps taken to protect the privacy of the employee's personal information;
- If an individual accommodation plan is denied, the reasons for the denial will be provided to the employee.

## **Return to Work Process**

The Corporation shall develop and have return to work processes in place for employees who are absent from work due to a non-occupational disability and require disability-related accommodations, in order to return to work. The Corporation will document these processes.

The return to work process shall include an outline of the steps the Corporation will take to facilitate the employee's return to work and use documented individual accommodation plans.

## **Performance Management, Career Development, Redeployment and Advancement**

The Town of Kirkland Lake will take into account the accessibility needs of employees with disabilities and/or individual accommodation plans of employees when:

- Using performance management processes;
- Providing career development and advancement information;
- Using redeployment procedures.

This will include adjusting performance benchmarks to accommodate for disabilities, providing coaching and feedback in a manner that is accessible, and providing accommodations needed to successfully learn new skills or take on additional responsibilities.

### **6. Summary**

In all cases this policy will remain in place unless specific items are otherwise addressed through new policies, while remaining compliant with the Accessibility for Ontarians with Disabilities Act, 2005.

This policy and its related procedures will be reviewed as required in the event of legislative changes.

Referenced Documents:

- Accessibility for Ontarians with Disabilities Act, 2005  
[http://www.elaws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_05a11\\_e.htm#BK19](http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_05a11_e.htm#BK19)
- Integrated Accessibility Standards, Ontario Regulation 191/11  
[http://www.elaws.gov.on.ca/html/source/regs/english/2011/elaws\\_src\\_regs\\_r111\\_91\\_e.htm#BK0](http://www.elaws.gov.on.ca/html/source/regs/english/2011/elaws_src_regs_r111_91_e.htm#BK0)
- Ministry of Community and Social Services, Making Ontario Accessible (Access ON)  
<http://www.mcscs.gov.on.ca/en/mcscs/programs/accessibility/index.aspx>
- Ontario Human Rights Code, 1990  
[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90h19\\_e.html](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.html)

POLICY	
Policy Number: CORP2020-003	Date Approved: May 2019
Department: Corporate	Date Reviewed: October 2020
Accountability and Transparency	

### 1. Policy Statement

This policy applies to all operations within the Corporation of the Town of Kirkland Lake and is prepared in accordance with Section 270 (1) 5 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended. The Act requires that all municipalities adopt and maintain a policy with respect to “the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public”.

### 2. Purpose

The purpose of this policy is to provide guidance on how the Corporation of the Town of Kirkland Lake ensures municipal matters are approached in an accountable and transparent manner.

### 3. Scope

Not Applicable

### 4. Definitions

In this policy, the terms “accountability” and “transparency” have the following meaning:

**Accountability:** The principle that the municipality is obligated to demonstrate and take responsibility for its actions, decisions and policies and that it is answerable to the public at large.

**Transparency:** The principle that the municipality will conduct its business in an accessible, clear and visible manner and that its activities are open to examination by its stakeholders.

## **5. Policy & Procedures**

Council of the Town of Kirkland Lake acknowledges that it is responsible to provide good government for its stakeholders in an accountable and transparent manner, guided by the following principles:

1. Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
2. Delivering high quality services to our citizens;
3. Promoting the efficient use of public resources;
4. Outlining the process by which decisions are made and implemented;
5. Ensuring Council, Administration and Staff are responsible for their actions in protecting the public interest.

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the Town of Kirkland Lake adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders. In addition, wherever possible, the Town of Kirkland Lake will engage its stakeholders throughout its decision making process which will be open, visible and transparent to the public.

### **5.1 Policy Requirements**

The principles of accountability and transparency shall apply equally to the political process, all town boards and committees, decision making practices and to the administrative management of the municipality.

#### ***Legislated Requirements***

The Town is accountable and transparent to its stakeholders by fulfilling various legislative responsibilities and disclosure of information, and shall conduct its business within its jurisdiction in accordance with the Provincial Statues, Ontario Regulations and any other applicable laws including but not limited to the *Municipal Act, 2001*, *Municipal Conflict of Interest Act*; *Provincial Offences Act*; *Municipal Freedom of Information and Protection of Privacy Act*; *Public Health Information and Protection of Privacy Act*; and *Public Sector Salary Disclosure Act*.

### ***Financial Accountability, Oversight and Reporting***

The Town of Kirkland Lake will be open, accountable and transparent to stakeholders in its financial dealings as required under the Act and has taken a leadership approach to accountability and transparency in areas of financial accountability, oversight and reporting. Some examples of how the municipality provides such accountability and transparency are as follows:

- External audits and reports (available at Town Hall and on website)
- Annual and quarterly financial statements
- Annual budget reports
- Asset management
- Purchasing/procurement practices
- Sale of land practices and procedures
- Budget process open to the public

Financial policies include:

- Commodity Price Hedging Agreements Policy
- Credit Card Payment Policy
- Investment Policy
- Tangible Capital Asset Policy

Reserves and reserve funds include:

- Centennial Committee Reserve
- Infrastructure Capital Reserve
- Kirkland District Health Centre Reserve
- Working Capital Reserve
- Landfill, Post Closure Reserve
- Parkland Reserve Fund
- Archer Drive Reserve Fund
- Employee Accumulated Sick Leave Reserve Fund
- Residential Development Reserve Fund
- Sewage Treatment Plant Reserve Fund

- Waterworks Capital Projects Reserve Fund
- Wastewater Capital Projects Reserve Fund

### ***Open Government***

The Town of Kirkland Lake shall provide governance in an open manner through communication, consultation and collaboration. All policies, procedures and practices shall ensure that its operations are transparent and that mechanisms are in place to make residents aware of how decisions are made and carried out and are able to participate in the decision making process.

All meetings of Council and its local boards, agencies and committees shall be open to the public when and as required under the Act, and members of the public will have an opportunity to make delegations or comments in writing on specific items at these meetings as outlined in the Town's Procedural By-law. Meetings are publicly advertised in advance, with the rationale for discussing matters *in closed meetings* being disclosed.

Town information shall be readily available to the public subject to the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*.

The following are policies, procedures and practices ensuring the Town is transparent in its operations and that residents are not only aware of how decisions are made and carried out, but that they are able to participate as well:

- Council Procedure By-law
- Public Posting and Distribution of Council Agenda Meeting Documentation
- Public Notice By-law
- Procurement By-law
- Land Sale and Disposition Policy
- Closed Meeting Investigator Policy
- Facility Naming Rights Policy
- Delegation of Powers and Duties Policy
- Records Retention By-law



### ***Internal Accountability and Ethical Standards***

The municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

- Human Resources Policies and Procedures
  - i Discrimination and Harassment-Free workplace
  - ii Violence-Free Workplace
  - iii Code of Ethical Behaviour
  - iv Behaviour and Conduct in the Workplace
  - v Performance Management Programme
  - vi Recruitment and Selection (including the hiring of immediate relatives)
- Code of Conduct for Council
- Integrity Commissioner Inquiry Protocol
- Council Staff Relations Policy
- Municipal Election Procedures
- Accessibility Customer Service Training Policy

### **5.2 Monitoring/Contravention**

This policy shall be reviewed within the first year of a new Council term or at such other time as may be deemed appropriate to ensure its effectiveness.

The Town Clerk shall be responsible for receiving complaints and/or concerns related to this policy.

Upon receipt of a complaint and/or concern, the Town Clerk shall notify:

- a. In the case of staff, the Department Head responsible for the areas;
- b. In the case of a closed meeting, the Closed Meeting Investigator; and
- c. In the case of Council, the Head of Council.

### **6. Summary**

Not Applicable

POLICY	
Policy Number: CORP2020-004	Date Approved: June 2019
Department: Corporate	Date Reviewed: October 2020
Capital Asset Management	

### 1. Policy Statement

The Town will manage infrastructure assets in a strategic, comprehensive, enterprise-wide manner through an integrated business approach that relies on well-devised strategies, trained knowledgeable staff, and good communication with all stakeholders to achieve desired service results.

The Town will promote life-cycle and risk management of all municipal infrastructure assets, with the goal of achieving the lowest total cost of ownership, while meeting the desired level of service. In order to do this effectively, all assets are to be treated as interrelated components in a unified system, rather than isolated parts. Town staff will evaluate, enhance, and maintain assets using a common framework and collaborative processes.

### 2. Purpose

The purpose of this policy is to provide an organization-wide commitment and set out the leadership to the development and implementation of the Town of Kirkland Lake's asset management (AM) program. It is intended to guide the consistent use of asset management across the organization, to facilitate logical and evidence-based decision-making for the management of municipal infrastructure asset, to improve accountability and transparency to the community through the adoption of best practices regarding asset management planning and to support the delivery of sustainable community services now and into the future.

### 3. Scope

Not Applicable

### 4. Definitions

Not Applicable

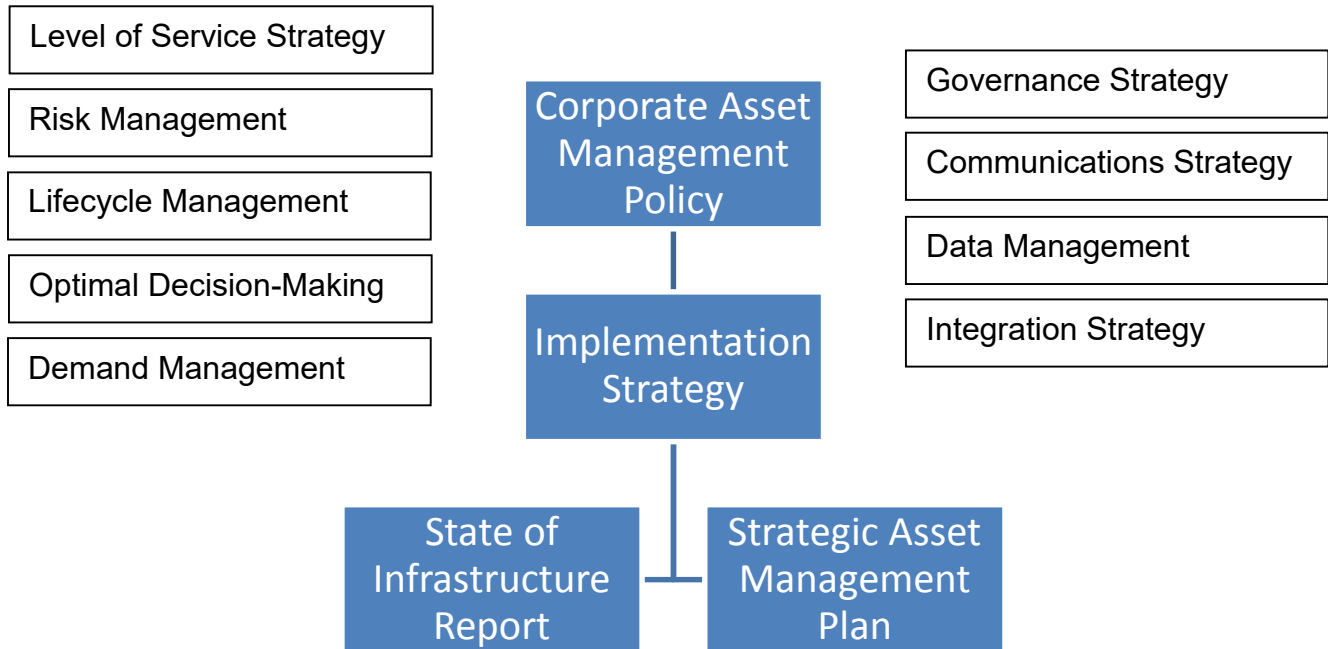
## **5. Policy & Procedures**

The policy will be accomplished by:

- Integrating asset management plans and practices with the Town's long-term financial planning and budgeting strategies. This includes the development of financial plans that determine the level of funding required to achieve short-term operating and maintenance needs, in addition to long-term funding needs to replace and/or renew municipal infrastructure assets based on full lifecycle costing.
- Developing meaningful performance metrics and reporting tools to transparently communicate and display the current state of asset management practice to Council and the community.
- Considering the risks and the vulnerabilities of municipal infrastructure assets to climate change and the actions that may be required including, but not limited to, anticipated costs that could arise from these impacts, adaptation opportunities, mitigation approaches, disaster planning and contingency funding. Impacts may include matters related to operations, level of service and lifecycle management.
- Integrating asset management throughout the organization's lines of business through references and linkages between corporate documents, such as, but not limited to, the Town's Official Plan, Parks Plan, Winter Maintenance Plan, Strategic Plan, Financial Plan, Community Improvement Plan, etc.
- Develop processes and provide opportunities for municipal residents and other interested parties to offer input into asset management planning wherever possible.

This policy will be reviewed on an annual basis and updated every five (5) years to ensure continuous improvements are made to this Policy.

### Governance Framework:



### Key Roles:

The development and continuous support of the Town’s asset management program requires a wide range of duties and responsibilities. The following outlines the persons responsible for these tasks:

#### Council:

Town policies are approved by Council. While staff, the public and other agencies may provide input on the nature and context of the policy, Council retains the authority to approve, update, amend or rescind policies. They are also responsible for the:

- Approval of the AM policy and the direction of the AM program;
- Maintaining adequate organizational capacity to support the core practices of the AM program;
- Prioritizing effective stewardship of assets in adoption and ongoing review of policy and budgets;
- Establishing and monitoring levels of service.

**Senior Management Team:**

- Development of policy and policy updates;
- Provide corporate oversight to goals and directions and ensure the AM program aligns with the Municipality's sustainable strategic plan;
- Ensure that adequate resources are available to implement and maintain core AM practices;
- Provide departmental staff coordination;
- Develop and monitor levels of service and make recommendations to Council;
- Track, analyze and report on AM program progress and results.

**Treasurer:**

- Manage policy and policy updates;
- Provide organization-wide leadership in AM practices and concepts;
- Provide departmental staff coordination;
- Monitor levels of service;
- Coordinate and track AM program implementation and progress.

**Chief Administrative Officer:**

- Provide organization-wide leadership in AM Practices and concepts;
- Work in conjunction with Treasurer for AM implementation and progress;
- Ensure senior management team staff coordination and participation and progress.

**Departmental Staff:**

- Utilize the new business processes and technology tools developed as part of the AM program;
- Participate in implementation task teams to carry-out AM activities;
- Implement and maintain levels of service;
- Provide support and direction for AM practices within their department;
- Track and analyze AM program progress and results.

**6. Summary**

Not Applicable



POLICY	
Policy Number: CORP2020-005	Date Approved: January 2016
Department: Corporate	Date Reviewed: October 2020
<b>Code of Discipline, Corporate</b>	

**1. Policy Statement**

Not Applicable

**2. Purpose**

All employees of the Corporation of the Town of Kirkland Lake share a common goal of providing the best possible service both within the Corporation and to the public, and to strive to reach the Corporation's goals and objectives.

In order to reach these goals, all line management shall strive through personal leadership and motivation, to maintain an atmosphere of trust and open communication with employees. They shall operate from the premise that problems which may arise from time to time are best resolved through open dialogue between the employee and the supervisor.

It is also recognized that unions can, and should, play a vital role in attempting to resolve problems at the earliest stage possible. To this end, management is committed to meet and discuss problems with the appropriate union representative of bargaining unit employees.

In the pursuit of achieving the Corporation's goals and objectives, it may become necessary for line management to contemplate some form of disciplinary action if circumstances warrant. If this situation should arise, it is the Corporation's position and philosophy that disciplinary action is designed to be corrective rather than punitive in nature. The effect of this would be to encourage employees to change unacceptable behavior, to deter similar acts of behavior and to motivate the employee towards achieving the overall goals of the Corporation.

For the most part, an employee shall be given the opportunity to improve unacceptable work performance or conduct insofar as this is reasonable and practical. However, there may be occasions where, due to the frequency or seriousness of an employee's misconduct, the most appropriate disciplinary measure is termination of employment by discharge. While it is hoped that these

situations will be most rare, it is recognized that this action would be required in the event that the employer/employee relationship is no longer viable.

In all actions involving disciplinary action, it is recognized that the employee has the right to access the grievance procedure as outlined in the respective collective agreement or his/her supervisor in the case of non-union employees.

### **3. Scope**

Not Applicable

### **4. Definitions**

Not Applicable

### **5. Policy & Procedures**

#### **5.1 Application of Discipline Policy**

Due to the variety of situations that may arise in an organization as diversified as the Corporation of the Town of Kirkland Lake, this document is intended to be a guideline only regarding the handling of disciplinary matters. However, it is important to recognize that, to the extent possible, a consistent approach to discipline is both appropriate and desirable. To this end, the Administration Department is available to discuss the appropriateness of contemplated disciplinary action.

#### **5.2 Prerequisites for Discipline**

An employee cannot, in most instances, be disciplined for, among other items, breach of Town of Kirkland Lake policy, violation of rules and/or regulations, or failure to perform satisfactorily unless it can be demonstrated that a reasonable employee should have been aware of what was expected.

Therefore, it is important to note that employees should be informed about the rules, regulations and policies governing all Town employees and specific information related to what is expected of the employee in the work environment. If an employee's behaviour is not acceptable, it must be pointed out to the employee what is expected of them and what the consequences of such behaviour would be. Unless the employment relationship is being terminated: such counseling should result in the behaviour being corrected.



A distinction should be drawn between disciplinary and non-disciplinary action. In instances where an employee is incapable of performing or conducting themselves satisfactorily, then the employee may be removed from that employment. Such removal, however, is non-disciplinary.

### **5.3 Disciplinary Action**

If an employee's actions are unacceptable and informal discussions have failed to correct the situation, it may be appropriate for the supervisor to consider some type of disciplinary action. It is extremely important that accurate records be kept by the supervisor with respect to all efforts to correct the undesired behaviour.

Prior to deciding whether or not disciplinary action is appropriate, the supervisor should investigate the situation in as fair and objective a manner as possible. Assistance in this matter is available from the Department Heads and Town Administrator. Supervisors are also reminded that employees can, and indeed should avail themselves of union representation when appropriate. To this end, the employee must be advised that they can have a union representative present when disciplinary action is being discussed. Indeed: this element is imperative as a case can, and in all probability will, be lost if the employee was not advised that they could have a union representative with them.

### **5.4 Types of Disciplinary Action**

Generally speaking, discipline falls into one of the following categories:

- a) Written Reprimand
- b) Suspension
- c) Discharge

Oral Warnings are generally not regarded as discipline unless they were intended to form part of the employee's record.

In imposing disciplinary action, it is important to note that generally such sanctions will be progressive. However, it may happen that an offence is so flagrant or serious that the only appropriate penalty is discharge without having imposed any lesser penalty.

#### ***I. Oral Warnings***

If informal discussions with the employee do not resolve the problem of a minor nature, the employee should be given an oral warning. This would

include a statement of what the employee did wrong, how It could be corrected and the possible consequences if corrective action is not forthcoming from the employee. In most circumstances this action will be sufficient to correct any inappropriate behaviour.

## ***II. Written Reprimand***

The written reprimand is a formal warning that an employee's conduct is unsatisfactory. It would normally be utilized for minor infractions or first occurrences. Written reprimands shall be addressed directly to the employee and clearly specify the infraction, the corrective measures required and the possible consequences if no improvement is forthcoming. The employee should be requested to acknowledge receipt by signing and dating the written reprimand. A copy shall be placed on the employee's Personal File and another copy shall be forwarded to the Town Administrator.

A written reprimand will normally be initiated and signed by the supervisor and handed directly to the employee. Where this is not possible, the written reprimand shall be sent by registered mail to the employee's last known home address.

## ***III. Suspension***

While it is anticipated that the number of suspensions for employees of the Town of Kirkland Lake would be minimal, there may be occasions when such action is necessary. Such could occur when a written reprimand fails to resolve a problem. It could also be imposed where an incident is of such a nature that a written reprimand would be inappropriate, for example, disorderly conduct, theft, fighting, or falsifying documents to name a few.

A suspension is the temporary removal of an employee from the place of work usually for a specified period of time, without pay. It is done in order to impose a definitive disciplinary measure for an act of misconduct and is designed to be corrective in nature. On very rare occasions, it may be necessary to suspend an employee indefinitely pending an investigation. This would occur, for example, if the employee committed a serious offence and the continued presence of this employee represents a threat to other employees. The employee is suspended while the investigation is going one but such investigation should be as expeditious as possible.

Suspensions must be immediately reported to both the Department Head and to the Town Administrator.

#### **IV. Discharge**

In the event that it is not possible to continue the Employer/employee relationship, it may be appropriate for the Corporation to consider discharging an employee. Discharge may be an appropriate sanction if an infraction is of a major nature; or it may be appropriate if an infraction is the latest in a series of offences which have been dealt with through progressive stages of the disciplinary process. These offences may or may not be related and may by themselves, not warrant discharge. However, when examined as a whole, the employee's record may indicate that the continuation of the employment relationship is not appropriate. Such events are known as the culminating incidents or the straw that broke the camel's back.

Discharge is the most serious sanction which the Employer can impose. The decision to proceed should be taken only after very careful consideration of all the available information and only when it is determined that the employee is no longer suitable for continued employment. It should be noted that only a Department Head can discharge an employee. This can only occur after a full discussion has taken place with the Town Administrator and at the discretion of the Town Administrator, subject to legal advice.

A letter of discharge should set out the facts and should include the reasons for the decision. It should be sent directly to the employee by registered mail and signed by the employee to acknowledge receipt. A copy shall be forwarded to the Town Administrator.

#### **V. Other Penalties**

Other penalties such as demotion or transfer may be applied. When such penalties are contemplated, the Town Administrator shall be consulted.

### **5.5 Factors Affecting the Degree of Penalty**

In all cases where disciplinary action is contemplated, it is important to ascertain that the corrective measure to be applied is consistent with the particular circumstances surrounding the infraction.

a) Seriousness of the Infraction

An Infraction is composed of two parts. The first part relates to the actual offence. The second part relates to the effect of that offence on the operational unit.

b) Effect or Potential Effect of Infraction

If the effect or potential effect on the operational unit is great, then the appropriate penalty will lean towards more severe discipline. The range of penalties outlined on pages 8, 9 & 10 is intended to apply in normal circumstances. In an abnormal situation, the penalty could far exceed the maximum penalty indicated. For example, consider the situation of a physical fight. In the normal course of events, it would generally be appropriate to apply a suspension. However, if that fight occurred in a control room filled with sensitive instruments and control equipment, and damage occurred to the equipment resulting in the shutdown of operations, the employees would be disciplined for fighting, for damaging equipment and for being responsible for the shutdown. The appropriate discipline might be discharge.

c) Uniformity of Application

This factor is of prime importance and is one of the major reasons for the existence of this policy. It is important that discipline for similar offences in similar circumstances be applied consistently for two reasons:

- i. From a staff relations perspective: employee reaction will be better with the knowledge that the discipline policy is applied fairly and consistently to all employees.
- ii. In the legal sense, arbitrators tend to look with disfavor on Employers with an inconsistent approach to this matter.

The appropriateness of the penalty from within the range suggested is determined by past practices of the Town of Kirkland Lake and current labour arbitration jurisprudence. It is necessary to investigate and find out what penalty has been applied in the past in similar circumstances. Therefore, the Town Administrator shall be consulted in this regard.

d) Prior Warnings

Repeated occurrences of the same offence, when documentation exists that prior warnings did occur, increase the degree of penalty that is appropriate. Generally, warnings are required before any discipline may be applied.

Although in the normal course of events a warning is required, there may be instances where misconduct or insubordination is so serious that suspension may be warranted.

e) Momentary Aberration or Premeditated Act

The discipline which would be imposed upon an employee could be affected by whether or not the action arose as a result of an impulsive act or whether it was premeditated. Generally, an impulsive act would tend to be subject to a lesser degree of penalty than a premeditated act.

f) Provocation

The consideration as to whether or not an employee was provoked into action enters into the determination of the degree of penalty.

Provocation does not absolve the employee of responsibility for their actions, but the existence of provocation might be a mitigating factor in considering discipline.

g) Misunderstanding

In such areas such as rules, regulations and performance standards the onus is on the Employer to make sure that the employee is aware of, and understands what is expected. Lack of knowledge and/or understanding of what is expected in such situations generally does not give rise to discipline.

Certain areas may exist where misunderstanding on the part of the employee does warrant disciplinary action. However, misunderstanding can affect the degree of penalty imposed. For example, consider the case where an employee misinterprets the motives of a supervisor in assigning different duties. As a result of this misinterpretation, the employee acts in a manner inconsistent with the responsibilities given to carry out such duties. In such an instance, the employee may be subject to discipline but the degree of discipline would be less than in a similar situation where no such misinterpretation exists.

When contemplating disciplinary action, consideration shall be given to employees who have identified substance abuse or other physical, personal or domestic problems. While such problems are not, by themselves, an excuse for misconduct, every effort should be made to encourage and assist an employee to seek and obtain professional assistance. If the employee's performance continues to deteriorate, it may be necessary to resort to disciplinary measures.

h) Seniority

An employee's length of service will have a bearing on the degree of penalty which may be applied. An employee with a long and unblemished service record will, in all likelihood, be treated more leniently than a recent hire for the same offence.

i) Past Performance

Another factor in the determination of the applicable penalty is the employee's previous record.

j) General Comments

It has been stated that uniformity is an important factor in applying discipline.

Mitigating circumstances may well require variations in supervisor's response to apparently similar offences, but whatever the response, it must be made evident to all employees that disciplinary actions depend upon the nature of the offence and the attendant circumstances.

When mitigating circumstances exist which affect the degree of penalty to be applied, such circumstances should be fully documented in order not to set a precedent and prejudice a penalty which may be applied at a later date for the same type of offence but where no mitigating circumstances exist.

Disciplinary action should not be delayed by an unwarranted length of time. Too great a time gap between the breach of discipline and supervisor's response tends to disassociate the offence from the corrective action.

## 5.6 Disciplinary Guidelines

The following is intended to be an overall guideline for the Corporation. The offences have been grouped in to one of four categories ranging from the least serious to the most severe. However, circumstances may be such that an offence might be a '*group 1*' in one branch of a Department and a '*group 2*' or even a '*group 3*' elsewhere or vice versa. It is intended to assist supervisors in deciding the severity of the offence as well as to indicate to employees how the Corporation would generally look upon various types of behaviour. The offences shown on the guidelines are not all inclusive and are intended to be used as a guide.

VERBAL WARNING	WRITTEN REPRIMAND	SUSPENSION	DISCHARGE
Group 1			
	Group 2		
		Group 3	
		Group 4	
Length of Suspension (without pay)		0 – 10 days	

***Group 1 Types of Offences:***

Minor in Nature:

- late without a reasonable explanation
- departs early without reasonable explanation
- interferes with the work of others
- wastes time while on duty

***Group 2 Types of Offences:***

More Serious in Nature:

- is discourteous or rude to members of the public or employees of other Branches or Departments
- is insubordinate
- improperly uses the services of another employee during working hours or uses the property of the Corporation at any time for other than officially approved activities
- disregards established safety practices
- fails to promptly report a work accident

- as a person in authority, condones or fails to take action when an employee has committed an infraction
- tampers with another employee's locker, tool box, etc.
- misuse of Town computers or information systems by violating computer policy

**Group 3 Types of Offences:**

Very Serious in Nature:

- fraudulently obtains documentation required for approval of leave is absent without permission
- tampers with attendance registers or time clocks deliberately misrepresents attendance
- acts in a manner likely to bring discredit to the Corporation while on duty
- makes a false statement in relation to any matter affecting appointment or employment
- makes or signs a false statement in relation to the performance of duties
- sleeps on duty
- falsifies expense or any other claim forms
- reports for duty impaired or is unfit for duty due to the influence of alcohol or illegal drugs
- consumes alcoholic beverages, legal drugs or illegal drugs which cause impairment while on duty, on or off of Town of Kirkland Lake premises.
  - this includes paid and unpaid breaks for employees who are required by their jobs to operate vehicles and/or equipment, or work in safety sensitive areas (such as water distribution) while on duty
  - for all other employees 'while on duty' pertains to only paid breaks
- fails to notify immediate manager of use of prescribed drugs causing impaired alertness and/or disorientation. Each employee is responsible for :



- determining any potential adverse effects of using prescribed or over-the-counter medication with his/her doctor or pharmacist
- Heading warning labels on medications re: impairment
- fails to account for, improperly withholds, misappropriates or misapplies any public money or property
- breach of confidentiality by an employee who is entrusted with or has access to employee personal information or any other information deemed by the Corporation or by legislation to be confidential in nature
- sustained, intemperate or unbalanced public criticism of either Corporate policy or procedures or the character or integrity of those responsible for the development or administration of policy or procedures

**Group 4 Types of Offences:**

Extremely Severe in Nature:

- assaults a supervisor or members of the public
- acts in contravention of the Corporation's policies on Conflict of Interest and Personal Use of Town Property
- commits an indictable offence or an offence punishable under any statute of Canada or any Province or territory which affects ability to perform the duties of the position
- steals or participates in the theft of public property
- willfully causes waste, damage or destruction of any public property
- operates a Town vehicle while employee's license is suspended
- sexual harassment of subordinates, supervisors or peers.

**5.7 Documenting Performance/Behavioural Problems**

Throughout the discussion of the various types of disciplinary actions available to supervisors, the importance of making and keeping records has been emphasized. It is part of the supervisor's responsibility and duty to keep records of an employee's performance and/or conduct. Further, copies of all disciplinary documentation shall be forwarded to the Town Administrator.

A record of the disciplinary action must be placed on the Personal File of the employee concerned. However, nothing of a disciplinary nature should be

placed on the employee file without the knowledge of the employee. If an employee declines to acknowledge the content of the document to be placed on their file, a notation should be made to this effect prior to filing the document.

Supervisors should consider the following in preparing and maintaining records and/or supervisory reports:

The records of an employee's performance/behaviour must be as complete and detailed as possible.

- a) The record must be dated and signed by the supervisor, and where appropriate, by the employee concerned.
- b) The record must state the action taken by the supervisor to remedy performance/behavioural problems.
- c) Both performance/behavioural problems and the effect or potential effect of these problems must be recorded.
- d) Those factors which were considered as affecting the degree of penalty for performance/behavioural problems should be specified.
- e) The record must be objective.
- f) All discipline records forwarded to the employee's Personal Pile shall be clearly dated and identified in the subject line as follows:
  1. "Discipline"-suspension (or whatever it actually is)
  2. Last three digits of S.I.N./surname

### **5.8 One Penalty for One Offence**

An employee may not be disciplined more than once for the same incident.

### **5.9 Consultation with the Town Administrator**

Further information or clarification concerning disciplinary action is available by contacting the Town Administrator at the Town Hall.

## **6. Summary**

Not Applicable

POLICY	
Policy Number: CORP2020-006	Date Approved: February 2009
Department: Corporate	Date Reviewed: October 2020
Code of Ethics and Equal Opportunity Program	

### 1. Policy Statement

The Code of Ethics is intended as a guide for all employees in their conduct in certain specified areas. It is not intended to be exhaustive or to provide specific guidelines in every circumstance.

### 2. Purpose

All employees have an obligation not merely to obey the law, but to act in a manner that is so scrupulous; their conduct will bear the closest public scrutiny.

Private interest must not provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct.

Private interests are all those aspects of an employee's activity outside those connected with official civic duties. These Include:

1. Financial interest;
2. Paid and unpaid activities beyond official duty;
3. Relationships with third parties who may be:
  - a) Employed by the Corporation;
  - b) Doing business with the Corporation;
  - c) Seeking employment or benefits from the Corporation.

It is important to emphasize that conflict of interest relates to the potential for wrongdoing as well as to actual or intended wrongdoing.

### 3. Scope

All Municipal Employees

#### **4. Definitions**

For the purposes of this policy, The Town of Kirkland Lake shall be referred to as “The Corporation”.

#### **5. Policy & Procedures**

##### **Outside Employment**

1. No employee may engage in outside work or a business undertaking as an employee that:
  - a) Interferes with the performance of duties under the employment of the Corporation;
  - b) Where an advantage is derived from employment with the Corporation;
  - c) Is likely to influence or affect the carrying out of municipal duties;
  - d) Is the same as, or parallel to, the function in which the individual is employed by the Town of Kirkland Lake.
2. Employees may take supplementary employment, including self-employment unless such employment:
  - a) Is performed in such a way as to appear to be an official act, or to represent a municipal opinion;
  - b) Unduly interferes with regular duties;
  - c) Constitutes an additional full-time job.
3. Senior Managerial and Supervisory Employees shall obtain permission from their Department Head before engaging in any non-municipal part-time employment.

Department Heads must obtain permission from the Chief Administrative Officer before engaging in any non-municipal part-time employment.

*Note: If the employment is of a controversial nature, the matter should be referred to the Chief Administrative Officer for approval.*

##### **Gifts, Favours and Services**

1. A Town Employee shall not accept a gift, favour or service from any individual or organization in the course of the performance of municipal duties other than:

- a) The normal exchange of hospitality among persons doing business;
  - b) Tokens exchanged as part of protocol;
  - c) Normal presentations made to persons participating in public functions.
2. Monetary or other payment may not be accepted for the performance of any service connected to municipal government.
  3. Employees shall not use the name “The Town of Kirkland Lake” to obtain discounts for privately purchased goods and services. Likewise, goods and services shall not be purchased by employees through any municipal purchasing agency and using payroll deduction for personal use except with consent of the CAO.
  4. Employees shall not receive or demand preferential treatment in the use of municipal facilities or services unless it is a requirement of formal duties or as provided for under the authority of Kirkland Lake Town Council.

### **Fraud and Other Similar Irregularities**

The Town of Kirkland Lake is committed to protecting its revenue, property, information and other assets from any attempt, either by members of the public, contractors, sub contractors, agents, intermediaries or its own employees, to gain by deceit, financial or other benefits. The Corporation is committed to implementing measures to detect and report the incidence of fraud, and also for investigating any suspected acts of fraud, misappropriation, or other similar irregularities.

Fraud, abuse, and other similar irregularities include, but are not limited to:

*Note: For the purposes of this policy the definition of fraud is as follows: intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right; an act of deceiving or misrepresenting.*

1. Forgery or alteration of documents (cheques, drafts, promissory notes, securities, time sheets, independent contractor agreements, purchase orders, etc.).
2. Any misappropriation or embezzlement of funds, securities, supplies or any other asset.
3. Any irregularity in the handling or reporting of money transactions.
4. Misappropriation of furniture, fixtures and equipment.

5. Seeking or accepting anything of material value from vendors, consultants or contractors doing business with the Corporation in violation of the Corporation's Code of Ethics.
6. Unauthorized use or misuse of The Corporation's property, equipment, vehicles, materials or records.
  - a) Unauthorized use or misuse may be recovered by the Corporation through payroll deduction or otherwise, and the responsible employee may be subjected to disciplinary action.
7. Any computer related activity involving the alteration, destruction, forgery, or manipulation of data for fraudulent purposes or misappropriation of the Corporation's owned software or hardware.
8. Any claim for reimbursement of expenses that are not made for the exclusive benefit of the Corporation.
9. Any similar or related irregularity.

It is the Corporation's intent to fully investigate any suspected acts of fraud, misappropriation or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the Corporation or any party who might be or becomes involved in or becomes/is the subject of such investigation.

#### **Reporting Procedures:**

1. Any employee who has knowledge of an occurrence of irregular conduct or has reason to suspect that a fraud has occurred, shall immediately notify his/her supervisor, Department Head or the Chief Administrative Officer. The employee shall not discuss the matter with anyone other than his/her supervisor, Department Head, or the Chief Administrative Officer and the police. Employees who knowingly make false allegations will be subject to disciplinary action. For the purposes of this policy, supervisors shall be the position to which an employee normally reports.
2. Upon notification from an employee of suspected fraud, the supervisor shall immediately notify the Department Head and Chief Administrative Officer. The supervisor shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the Department Head, Chief Administrative Officer and the police.
3. Upon notification or discovery of a suspected fraud, or if the Chief Administrative Officer has reason to suspect that a fraud has occurred, an

investigation of the fraud shall occur. The Chief Administrative Officer shall follow the protocol for investigating suspected fraud and shall manage the investigation with appropriate staff. In all circumstances where there appears to be reasonable grounds for suspecting that a fraud has taken place, the Chief Administrative Officer, in consultation with the Town Solicitor, will contact the Ontario Provincial Police – Kirkland Lake Detachment.

- a) The Chief Administrative Officer will ensure that those parties involved in the fraud investigation keep a detailed log of any relevant records including documents, conversations and formal interviews.

### **Security of Evidence**

Once a suspected fraud is reported, the Chief Administrative Officer, in consultation with the Town Solicitor, shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the investigator engaged to conduct the investigation or the police take control of the records to begin the investigation.

### **Confidentiality**

All participants in a fraud investigation shall keep the details and results of the investigation confidential.

### **Personnel Actions**

If a suspicion of fraud is substantiated by the investigation, disciplinary action, up to and including dismissal, shall be taken by the appropriate level of management, in consultation with the Human Resources Coordinator and the Town Solicitor, in conformance with the Town's policies and procedures

Unless exceptional circumstances exist, a person under investigation for fraud shall be given notice in writing of the essential particulars of the allegations following the conclusion of the investigation and prior to final disciplinary action being taken. Where notice is given, the person against whom allegations are being made may submit a written explanation to the Chief Administrative Officer no later than seven calendar days after the notice is received. This requirement is subject to any collective agreement provisions respecting the rights of employees during disciplinary proceedings.

## **Confidentiality**

Municipal employees are entrusted with information and data used for the administration of municipal service and not generally available to the public. Moreover, certain employees have access to information of a sensitive or confidential nature; which is not to be made known to others in the municipal service. Both types of information must be distributed on a need to know basis only.

Systems, procedures, reports and information developed by the Corporation shall not be given or loaned to, or shared with, any other persons, company or organization without the permission of the appropriate Department Head. Disclosure of information for personal gain or advantage is a form of theft.

The approval of the Manager of Economic Development & Tourism must be secured before information regarding computerized system is divulged.

1. Indiscriminate or negligent disclosure of information may:
  - a) Cause embarrassment to employees;
  - b) Betray a trust or confidence;
  - c) Create false impressions for the public or the Corporation employees.

Such action may result in disciplinary action being taken.

## **Public Statements**

1. The Department Head is responsible for making any statement concerning their department to the news media.
  - a) In large departments, the responsibility may be delegated to subordinates.
  - b) No statement on future Town of Kirkland Lake policy or future planning may be issued without prior approval from the Chief Administrative Officer.
2. Statements to the news media shall be confined to the topic at hand:
  - a) Only factual information will be included, no personal judgments.
  - b) Statements should be written rather than oral, whenever possible.



## **Criminal Code Offences**

Any employee charged with an offence under the Criminal Code of Canada may be suspended from employment depending on the nature of the offence and its relationship to the duties of the employee.

1. Circumstances will dictate whether the suspension is with or without pay;
2. Conviction of any moral offence may result in termination of employment with the Corporation.

## **Political Activity**

1. Municipal employees may run for and serve in elected offices providing no conflict of interest exists between the elected office and the employee's responsibilities to the Corporation.
  - a) Employees must understand that serving in an elective capacity could have a detrimental effect on work performance and on promotional opportunities.
2. All requests for leave of absence for running for School Board Trustee will be forwarded by the Department Head to the Chief Administrative Officer who, in determining a recommendation, will consider if such action is:
  - a) Likely to impair public confidence in the existing or subsequent performance of the employee's official duties;
  - b) Likely to interfere with the time and attention the employee is required to devote to the municipal position;
  - c) In affiliation with or sponsored by a Provincial or Federal political party;
  - d) Allowed based on the number of employees applying or already granted leave of absence.
3. A Town of Kirkland Lake employee will be entitled to a leave of absence without pay or benefits during campaigning for a municipal, provincial or federal election.
  - a) Upon election the employee must resign from the Town of Kirkland Lake.
  - b) An employee who is not elected will be entitled to return to the same or similar employment effective the day after the election.

## Penalties and Appeals

1. Any infraction or transgression of the Code of Ethics may result in the Corporation taking the following action:
  - a) Instruct the employee to divest himself/herself of the outside interest or transfer it to a blind trust;
  - b) Transfer the employee to another division of the department or arrange a transfer to another department (if a position is available);
  - c) Remove the employee temporarily from the duties which brought about the conflict of interest;
  - d) Accept the resignation of the employee;
  - e) Initiate disciplinary action in the form of:
    - i. A verbal or written reprimand;
    - ii. Suspension without pay for a period of time;
    - iii. A recommendation that the employee be terminated;
  - f) Press criminal charges.
2. The employee may appeal as prescribed in union contracts or in writing to the Chief Administrative Officer.

## **EQUAL OPPORTUNITY PROGRAM**

### ***Administration***

### **Policy**

The Town Kirkland Lake supports the principle of equal access to employment, promotions, training and career opportunities for all employees based upon job-related knowledge, skill and ability. Where any individual employee or prospective employee experiences disadvantages, due to harassment or prohibited discrimination, action will be taken to prevent, eliminate, or redress such disadvantages.

### **Objectives**

1. To ensure the basic rights of employees, and prospective employees, as stated in the Ontario Human Rights Code.
2. To influence attitudes in order to ensure “Equal Opportunity” exists in all employment situations.
3. To provide a resource to Town Officials, Department Heads, Supervisors, and employees, and to unions and associations on the subject of “Equal Opportunity” and “Human Rights” matters.

### **Responsibility of the Chief Administrative Officer**

1. To advise and represent departments of the Town of Kirkland Lake in resolving possible contraventions of the Ontario Human Rights Code.
2. To ensure that the principles, terms and conditions of the Equal Opportunity Program, as defined, are adhered to.
3. To respond to, and to make recommendations regarding those practices and policies, which are, identified as possibly being in conflict with the Equal Opportunity Program.
4. To ensure that employees are made aware of the Equal Opportunity Program, and those rights and responsibilities covered by it.

### **Responsibility of Management**

*Note: For the purpose of this Policy, “Management” includes the Town Chief Administrative Officer, Department Heads, Supervisors, or any person with immediate supervisory responsibility.*

1. To ensure that the principles, terms and conditions of the Equal Opportunity Program are adhered to.
2. To bring to the attention of the Chief Administrative Officer, practices, or policies, which, may be in conflict with the Equal Opportunity Program.
3. To utilize the Chief Administrative Officer in ensuring that employees are made aware of the Equal Opportunity Program.

### ***Employee Offences***

#### **Harassment**

1. No employee shall harass another employee or prospective employee. Some examples of this type of harassment are:
  - a) Unwelcome remarks, jokes, innuendos or taunting about a person's body, attire, age or marital status;
  - b) Unwelcome or intimidating invitation or requests, whether indirect or explicit;
  - c) Leering or other gestures;
  - d) Not speaking to another employee;
  - e) Belittling an employee's conduct, action or performance;
  - f) Unnecessary physical contact such as touching, patting, pinching, etc.
2. Sexual advances, requests for sexual favours and other verbal or physical conduct of sexual nature constitutes sexual harassment including when:
  - a) Submission to such conduct is made explicitly or implicitly a term or condition of employment.
  - b) Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment, promotion or movement within the organization.
  - c) Such conduct has the purpose or effect of humiliating an individual's work performance or creating an intimidating, hostile or offensive work environment.

#### ***Discrimination***

*Note: For the purpose of this policy, discrimination means different or unequal treatment, and includes the concept of systemic discrimination, in which neutral systems often have a disproportionate or disparate effect upon a*

*particular group. (e.g. height or weight requirements may negatively affect employment opportunities for women and men.)*

No employee shall discriminate against another employee or prospective employee because of that person's race, colour, place of origin, ancestry, sex (including pregnancy and breastfeeding), gender, gender identity, gender expression, age, marital status (including single status), family status, religious beliefs, physical disability, or any other category covered under the Ontario Human Rights Code.

### ***Complaint Processing***

#### **Employee Responsibility**

1. Employees who believe they have been the subject of harassment or discrimination have a responsibility to advise the offender that the action is unacceptable behaviour, and unwelcome.
2. Employees, knowledgeable of an occurrence of harassment or discrimination, may discuss the matter with the Chief Administrative Officer; the Department Heads; their immediate supervisor, or with their union or association.
3. Where due to a perceived involvement or bias, employees are not able to proceed through their supervisor or Department Head, they may report directly to the Chief Administrative Officer.
4. Employees may wish to discuss a complaint with the Ontario Human Rights Commission, or, if the matter is perceived to be of a criminal nature, proceed to the police.

#### **Management Responsibility**

Management shall report claims of an occurrence of harassment or discrimination to the Chief Administrative Officer and, concurrently unless there is a perceived involvement or bias present, through normal reporting channels within the department.

1. All written complaints received by departments, from the Ontario Human Rights Commission shall be immediately referred to the Chief Administrative Officer.

## **Chief Administrative Officer's Responsibility**

The Chief Administrative Officer shall be responsible for conducting an impartial and objective investigation on each formal complaint submitted.

### ***Investigation Report***

Complaints or allegations of harassment or discrimination should be reported immediately. On receipt of a complaint or an allegation, the Chief Administrative Officer shall carry out a preliminary review to determine whether or not there are reasonable grounds for further investigation.

*Note: All complaints shall be treated in complete confidence.*

1. If reasonable grounds exist, then the complainants shall make a full written and signed statement.
2. The Chief Administrative Officer shall advise the complainants that they have the right to file a complaint with the Ontario Human Rights Commission.
3. The Chief Administrative Officer shall advise the complainants that they have the right to report the matter to the police where there is an indication that a criminal offence has been committed.
4. The Chief Administrative Officer shall notify the appropriate Department Head. A copy of the complaint shall be served on the person(s) named in the complaint, and a copy shall be provided to the complainant.

*Note: The circumstances and the extent of the complaint will dictate whether the Chief Administrative Officer informs the Town Council, and the Town Solicitor.*

5. The Chief Administrative Officer shall undertake a thorough and complete investigation of the allegation.
  - a) Department Heads/Supervisors will be contacted to advise them where there is a need to interview staff members.
    - i. Interviews shall be carried out with persons identified as witnesses or information sources to the complaint.
    - ii. Where a person provides material information that may be used as factual evidence to support or refute the complaint, a written statement signed by the person shall be obtained.
  - b) All pertinent information shall be considered.

*Note: The Chief Administrative Officer's role is to be impartial and objective during the investigation.*

6. Where an allegation of harassment is filed involving a Town Council Member, Department Head, Supervisor, or a subordinate, the Town Solicitor shall accompany the Chief Administrative Officer during the investigation.
7. Where sufficient information has been obtained to warrant the action, a verbal or written report shall be provided to the Department Head concerned to determine if suspension, pending completion of the investigation, is appropriate.
8. Where appropriate, the Chief Administrative Officer may consult with the Ontario Human Rights Commission to review precedence in similar cases, in order to recommend a fair and just resolution to the matter.
9. The final written investigation report shall be discussed with the Department Head, or designate, prior to a final decision being made by the department.
10. The investigation report is viewed as a confidential document. Distribution shall be restricted to the Department Head and persons identified by the Chief Administrative Officer and Department Head, as needing to be informed of the situation.
11. The Department Head shall communicate the appropriate results of an investigation to the person or persons named as respondent in a complaint.
12. The Chief Administrative Officer shall send a letter explaining the findings of the investigation to the complainant.
13. A complainant who is not satisfied with the manner in which the investigation was carried out may take the matter to Town Council.
14. A complainant who is not satisfied with the results of the investigation may lodge the original complaint with the Ontario Human Rights Commission within the required time limits.
15. If the complaint is referred to the Ontario Human Rights Commission for investigation, the Chief Administrative Officer, if requested, shall provide assistance.
16. The Chief Administrative Officer shall be present at any internal hearings where the evidence or statements obtained during an investigation are at issue, (e.g grievance hearings).

### ***Protection Against Retaliation***

No member of management shall discharge, suspend, intimidate or impose any other penalty on, or otherwise discriminate against a person, because that person

has made a complaint or given evidence or assisted in any way in the investigation and resolution of a complaint of harassment or discrimination.

***Discipline***

1. Disciplinary action may range from verbal or written reprimand to, in more serious cases, suspension or termination.
2. A member of management who fails to take appropriate action shall be subject to discipline.

**6. Summary**

Not Applicable





POLICY	
Policy Number: CORP2020-007	Date Approved: January 2016
Department: Corporate	Date Reviewed: October 2020
Customer Service Standards	

### 1. Policy Statement

We strive to meet the following standards with each and every customer and appreciate their feedback.

- We will treat you with dignity and respect.
- We will treat you fairly while complying with all our policies, bylaws and regulations.
- We will ensure our services are accessible for all of our customers.
- We will identify ourselves to you by using our first name and the department in which we work.
- We will provide our service in the most cost-effective and timely manner possible.

### 2. Purpose

#### **Customer Service Standards**

The Town of Kirkland Lake delivers services that are focused on the customer. Kirkland Lake Town Council and Staff value our customers and are committed to providing excellent service in every aspect of our business.

### 3. Scope

Not Applicable

### 4. Definitions

Not Applicable

## 5. Policy & Procedures

### **MY311 – Customer Service Standards**

The mission of My311 is to ensure a single-point-of-access to non-emergency Town of Kirkland Lake program and service inquiries for all residents, businesses and visitors, in order to provide convenient, prompt, accurate and reliable Municipal government information and requests for service to the public, while making the best use of staff expertise, resources and technology.

#### ***Online Service Request Triage***

SERVICE STANDARD: Within 1 business day  
DESCRIPTION: Provide a tracking number for online service requests

#### ***Telephone Response***

SERVICE STANDARD: Answer 80 percent of calls in 75 seconds or less  
DESCRIPTION: Incoming calls to 311 Contact Centre

#### ***Complaint Response***

SERVICE STANDARD: Within 5 business days  
DESCRIPTION: Initial response to complaints about the 311 service

#### ***Email Response***

SERVICE STANDARD: Within 48 hours  
DESCRIPTION: Response to an email

#### ***Mail Out***

SERVICE STANDARD: Within 5 business days  
DESCRIPTION: Provide material mail outs

#### ***E-Updates***

SERVICE STANDARD: Daily weekdays  
DESCRIPTION: Website, Facebook, Twitter updates

Enquiries: Chief Administrative Officer 705-567-9361 #234

Clerk, 705-567-9361 #238

**6. Summary**

Not Applicable

POLICY	
Policy Number: CORP2020-008	Date Approved: December 2007
Department: Corporate	Date Reviewed: October 2020
Delegation of Powers and Duties	

### 1. **Policy Statement**

The Council of the Town of Kirkland Lake as a duly elected municipal government is directly accountable to its constituents for its legislative decision-making, policies, and administrative functions. Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

### 2. **Purpose**

The Municipal Act 2001 amended by Bill 130, as set out under section 270(1) requires that all municipalities shall adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy applies to all committees of Council, departments and staff.

### 3. **Scope**

Not Applicable

### 4. **Definitions**

- 1) Legislative Powers – Includes all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision making authority.

- 2) Administrative Powers – Includes all matters required for the management of the corporation, which do not involve discretionary decision-making.

## **5. Policy & Procedures**

The Council of the Corporation of the Town of Kirkland Lake when delegating its authority under the Municipal Act or any other Act will do so only under the following conditions:

1. All delegations of Council powers, duties or functions shall be effected by by-law.
2. Unless a power, duty, or function of Council has been expressly delegated by by-law, all of the powers, duties and functions of Council remain with Council.
3. A delegation of a power, duty or function under any by-law to any member of staff includes a delegation to a person who is appointed by the CAO or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
4. Subject to Item 3, a person to whom a power, duty or function has been delegated by by-law has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.
5. Council may revoke any delegation during its term of office without notice unless otherwise expressed by legislation.
6. Council may delegate legislative matters where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the limitations set out in the Act.
7. Administrative matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy, and must take into account the limitations set out in the Act.

In exercising any delegated power, the delegate shall ensure the following:

- Any expenditure related to the matter shall have been provided for in the current year's budget or authorized by the Town's purchasing by-law.
- The scope of the delegated authority shall not be exceeded by the delegate.
- Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy.

- All policies regarding insurance and risk management shall be complied with.
- Delegates shall ensure the consistent and equitable application of Council policies and guidelines.
- Any undertaking or contract with a third party shall be subject to the approval of Council through by-law and where necessary shall be reviewed by the Town's contracted solicitor.

## 6. **Summary**

### **Responsibilities:**

Town Council and staff are responsible for adhering to the parameters of this policy and for ensuring appropriate application of delegated authority.

### **Monitoring/Contraventions:**

The Chief Administrative Officer (CAO) shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the CAO shall initiate an investigation and if the complaint/concern is founded shall advise Council with a recommended course of action.

### **Legislative & Administrative Authorities:**

Section 270 of the Municipal Act, 2001 as amended by Bill 130 requires that the Town adopt and maintain a policy with respect to the delegation of powers and duties. This policy meets the requirement of this legislation to delegate powers and duties.

### **Enquiries:**

Chief Administrative Officer

Town Clerk

POLICY	
Policy Number: CORP2020-009	Date Approved: June 2016
Department: Corporate	Date Reviewed: October 2020
Education, Training and Development	

### 1. **Policy Statement**

It is the Policy of the Town of Kirkland Lake to encourage all permanent staff to participate in education and training to support their duties and responsibilities with the Town.

### 2. **Purpose**

Staff Education, Training and Development is a joint responsibility of the Town and the Employee. While Employees have an obligation to maintain competency and qualifications in their field, the Town also recognizes an obligation to support these growth and development efforts.

### 3. **Scope**

This Education, Training and Development Policy applies to all employees of the Town who meet the eligibility criteria.

### 4. **Definitions**

**Training & Development:** means any attempt to improve current or future employee performance by increasing the employee's performance through learning, by provoking the employee's perspective and/or increasing the employees' skills and knowledge.

**Education:** means the process of receiving or giving systematic instruction at a training venue, school or post-secondary institution resulting in a certificate, diploma or degree.

**Mandatory:** means required by the Employer, law or rules; compulsory.

**Discretionary:** means a decision determined at the Director's discretion or judgment.

## **5. Policy & Procedures**

Where a Director deems it necessary to send an employee to educational or training in the interest of the Town, or a Director approves discretionary education or training, attendance at such course shall involve no expense to the employee for tuition fees, books, transportation and related salary while on course, as long as proof of successful completion is submitted to the relevant Director.

### **ELIGIBILITY CRITERIA**

1. Satisfactory completion of probationary period;
2. Satisfactory performance and attendance as determined by the Director.

### **REIMBURSEMENT**

Where a Director requires mandatory and/or approves discretionary training which is determined to be beneficial to the Corporation, the Town may pay expenses relating to course fees, tuition, books, travel, accommodation and associated fees up to a maximum amount of \$2,000 per year. Wages while in attendance at the training is in addition to the annual maximum amount of \$2,000 per year .

Reimbursement will be provided to an Employee after successful completion of the training and/or courses within the approved training program by submitting a paid receipt and proof of successful completion to the Department Director.

Payments to an Employee will be forgiven over a two-year period following the successful completion of the training as follows:

- If the employee continues to be employed by the Town twelve (12) months after successful completion, the Town will forgive 50% of the total reimbursement paid to the employee.
- If the employee continues to be employed by the Town twenty-four (24) months after the successful completion, the Town will forgive the remaining 50% of the total reimbursement paid to the employee.

For clarity, if the Employee voluntarily leaves the employ of the Town anytime during the twenty-four (24) month repayment period, the Employee shall repay to the Employer, 100% of the monies paid to the Employee within the first twelve (12) months and 50% of the monies paid to the Employee within the second twelve (12) month period. After twenty-four (24) months from the successful completion of the



training, the Employee shall not be required to repay any amount to the Employer for payments made relating to training.

### **APPLICATION & APPROVAL PROCESS**

1. Employees are required to complete an *Application for Training form* to apply for Discretionary Training or Conference opportunities with as much advance notice as possible.
2. All applications require the approval of the Employee's Supervisor (if applicable) and Department Director.
3. Upon approval, the Employee may proceed to register for the training.
4. Employees are required to pay for the training and associated fees and then will be reimbursed in accordance with the process defined above. Under extenuating circumstances, exceptions may be made. All exceptions must receive prior approval from the Employee's Director before registration.
5. This Policy shall apply only to one (1) time training opportunities to advance and enhance an Employee's skills, knowledge and performance. Routine and regular credentialing is not eligible.

### **REQUIRED QUALIFICATIONS AT HIRE**

In the event an Employee is hired who does not have the qualifications for the position to which the person has been hired and the Town requires that such qualifications shall be obtained, the Human Resources Division shall require the Employee to sign an Employment Agreement obligating the Employee to complete the requirements within a reasonable time frame. This Agreement shall be a Condition of Employment. Failure to complete the requisite training shall constitute a breach of the Employment Agreement and may result in termination of employment.

This Employment Agreement shall be signed prior to engagement and shall be inserted into the Employee's personnel record.

### **ELECTED OFFICIALS ATTENDING SEMINARS OR CONFERENCES**

Elected or appointed officials attending any seminar or conference must submit a written report at the time when filing the expense report. That report shall be distributed to the Mayor and Members of Council.

If one or more persons attend the same conference, individual reports are required.

## **6. Summary**

Directors may determine it to be necessary to enroll an Employee in an education or training program or approve discretionary education or training requested by the Employee. Attendance at education and/or training programs shall include no expense to the employee for tuition fees, books, transportation and related salary while on course, and may be reimbursed for specific expenses up to a maximum amount of \$2,000 per year. These amounts shall be forgiven over a two-year period following the successful completion of the training.

POLICY	
Policy Number: CORP2020-011	Date Approved: December 2015
Department: Corporate	Date Reviewed: October 2020
<b>Hiring and Nepotism Policy - Addendum #1 Hiring Students</b>	

**1. Policy Statement**

Not Applicable.

**2. Purpose**

**HIRING STUDENTS**

This policy provides guidelines and direction for the hiring of students. The Corporation believes in and encourages employment opportunities:

1. For students to have certain tasks performed through their employ
2. To allow students to gain valuable career-related experiences

**3. Scope**

This policy applies to the recruitment, selection and hiring of persons to fill positions generally reserved for student employment both during the regular academic year, and during spring and summer periods.

**4. Definitions**

Not Applicable

**5. Responsibilities**

Department Heads and Supervisors with the assistance of the Human Resources/Benefit Clerk shall adhere to this policy and its purpose.

**6. Policy & Procedures**

1. The age criteria of 15 to 25 will be applied when reviewing applications unless job or subsidy funding requires specific age.

2. Summer Students positions are granted to someone who has completed high school and is entering, re-entering or returning to post-secondary studies in the fall.
3. Summer employment must not exceed a maximum of 4 years per student.
4. All jobs will be posted:
  - a) Internally to promote awareness within the employees of the Corporation
  - b) On Job Connect website
  - c) In local newspaper (optional)

Summer positions will be advertised in local newspaper during the December holiday season as students are usually home for the holidays.

5. The Corporation always hires the best qualified applicants without bias, based on qualifications, skills, training and ability to perform the work.
6. One-half of all total students hired in a given area may be relatives of staff and the remainder from the community at large.

## 7. **Summary**

Not Applicable.



POLICY	
Policy Number: CORP2020-010	Date Approved: July 2015
Department: Corporate	Date Reviewed: September 2020
Hiring and Nepotism Policy	

**1. Policy Statement**

Not Applicable

**2. Purpose**

To ensure that the Corporation always hires the best qualified applicants without bias based on qualifications, skills, training and ability to perform the work.

**3. Scope**

This policy applies to all union and non-union employees, including but not limited to, full-time, part-time, contract, casual/seasonal, temporary employees, and students. The same interview and screening process will apply to volunteers in all departments.

**Responsibilities**

The Chief Administrative Officer (CAO), Department Heads and Supervisors with the assistance of the Human Resources/Benefit Clerk shall adhere to this policy and its purpose.

Council is responsible for approving new/additional positions.

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

Advertising for all positions will be approved by the CAO and coordinated by the Human Resources/Benefits Clerk. He/she will collect all of the applications and forward them on the closing date to the appropriate Department Head and/or Supervisor.

Advertising shall be utilized in the most cost effective manner suited to the position. Advertising shall always include:

- Internal posting throughout the Corporation's offices and/or work locations as required by the various collective agreements
- In the Town of Kirkland Lake News page published every second Friday
- On the Corporation's website

All advertisements for employment opportunities with the Corporation will indicate that the Corporation is an equal opportunity employer and will include the following phrase:

- "We thank all applicants for applying, however, only those selected for an interview will be contacted."

The Corporation is an equal opportunity employer and does not discriminate in the hiring process on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, age, marital status, family status or disability.

All non-union positions shall be posted internally and externally simultaneously. Replacement of non-union positions for a period not exceeding six weeks may be filled without a competition.

The job qualifications for both internal and external job postings shall be specific to the requirements of the position.

For positions requiring call out or immediate response, candidates will be required to live within the Boundaries of the Town of Kirkland Lake.

The Department Head and/or Supervisor will review applications from qualified candidates to determine the candidates most suitable for interviews based on education, experience, and other related qualifications.

The interview panel will consist of two to four persons. At the discretion of the Department Head, additional staff members may be included in the interview panel as a resource. The CAO may participate in any of the above interviews.

The Department Head will coordinate the interview process. The Department Head shall recommend to the interview panel, the interview format, questions and any associated testing. Depending upon the position being recruited, further testing of the short listed candidates may be required. The Department Head or his/her

designate shall conduct all reference checks. All selections for hiring shall be discussed with the Chief Administrative Officer before an offer to hire is made.

Each successful full time applicant will receive a written offer of employment and depending upon the position, an employment agreement may be required.

All unsuccessful applicants who were interviewed will be provided with written notice that they were not successful within five days of the successful candidate's written acceptance.

All new employees must have a current WHMIS certificate, provide a copy of his/her driver's license (if applicable), and submit to a pre-employment medical if required.

Excluding Day Care, all new employees except for those laid off and re-hired within a two-year period will provide original criminal background check(s).

All Day Care staff, volunteers, and students require criminal reference checks. This includes vulnerable sector screening, which must be updated every five years. Offence declarations must be provided every year that Vulnerable Sector Checks are not required.

### **Nepotism**

The purpose of this section is to eliminate any inappropriate conflicts of interest or perception of bias in the selection process, promotional process or in the workplace in general, which may result in a reporting relationship between relatives. This policy applies to relationships between employees at the time of hire as well as those, which develop after hire. A reporting relationship is where one relative has the authority to administer monetary gain, conduct performance appraisals, recruit/recommend for hire or promotion or is responsible for administering discipline to another relative.

The definition for relative means father, mother, stepfather, stepmother, foster parent, brother, sister, spouse (including common-law spouse), child (including child of common-law spouse), stepchild, ward, father-in-law, mother-in-law, uncles, aunts, nephews, nieces or any individual who is permanently residing with a Corporation employee.

A relative of a Department Head or Supervisor shall not be hired for, or promoted to, employment within the same department in which he/she would be under the direct reporting authority of the Department Head or Supervisor.

A supervisor who becomes related to an employee in the direct line of authority of the supervisor shall notify the Chief Administrative Officer within 10 working days after the supervisor and employee become related.

All conflicts under this section shall be resolved by the CAO and the Department Head in a manner consistent with the purpose of this section and the relevant provisions of the Human Rights Code. If the resolution involves maintaining the employment of one or more relatives in a conflict within the meaning of this section, the resolution shall be in the best interests of the Corporation and the employees involved and shall be approved by Council.

A person serving in a supervisory position may not participate in decisions regarding hiring, reappointment, placement, evaluation, rate of pay, salary increases, promotion, tenure, monetary awards, or other personal interest for a relative employed for the Corporation, even when the supervisor is not in the direct line of authority.

It is understood that conflicts may occur in certain union posting situations, or in the case of promotion or transfer of unionized employees, in order to respect the collective agreement. In such cases, the conflict will be identified and monitored by the Department Head and/or Supervisor to ensure no bias takes place.

Department Head and Supervisors shall ensure that their respective employees are in compliance with this section.

The CAO's responsibility is to ensure that this policy and its procedure are adhered to at all times.

## **6. Summary**

Not Applicable





POLICY	
Policy Number: CORP2020-011	Date Approved: December 2015
Department: Corporate	Date Reviewed: September 2020
Hiring and Nepotism Policy - Addendum #1 Hiring Students	

**1. Policy Statement**

Not Applicable.

**2. Purpose**

**HIRING STUDENTS**

This policy provides guidelines and direction for the hiring of students. The Corporation believes in and encourages employment opportunities:

1. For students to have certain tasks performed through their employ
2. To allow students to gain valuable career-related experiences

**3. Scope**

This policy applies to the recruitment, selection and hiring of persons to fill positions generally reserved for student employment both during the regular academic year, and during spring and summer periods.

**4. Definitions**

Not Applicable

**5. Responsibilities**

Department Heads and Supervisors with the assistance of the Human Resources/Benefit Clerk shall adhere to this policy and its purpose.

**6. Policy & Procedures**

1. The age criteria of 15 to 25 will be applied when reviewing applications unless job or subsidy funding requires specific age.

2. Summer Students positions are granted to someone who has completed high school and is entering, re-entering or returning to post-secondary studies in the fall.
3. Summer employment must not exceed a maximum of 4 years per student.
4. All jobs will be posted:
  - a) Internally to promote awareness within the employees of the Corporation
  - b) On Job Connect website
  - c) In local newspaper (optional)

Summer positions will be advertised in local newspaper during the December holiday season as students are usually home for the holidays.

5. The Corporation always hires the best qualified applicants without bias, based on qualifications, skills, training and ability to perform the work.
6. One-half of all total students hired in a given area may be relatives of staff and the remainder from the community at large.

## 7. **Summary**

Not Applicable.

POLICY	
Policy Number: CORP2020-012	Date Approved: December 2015
Department: Corporate	Date Reviewed: October 2020
<b>Hiring and Nepotism Policy - Addendum #2 Vulnerable Sector Check</b>	

**1. Policy Statement**

Not Applicable

**2. Purpose**

Vulnerable people are considered to be individuals who are at greater risk of being harmed than the general public population because of their age, disability or other circumstances, whether temporary or permanent. All employees who are in a position of trust and responsible for the well-being of children or vulnerable people will be required to obtain a Vulnerable Sector Check. A database will be checked to see if the subject has received a pardon for a criminal offence of a sexual nature.

**3. Scope**

**New Employees or Volunteers:** Screening upon hire and thereafter, completed a minimum of every 2 years

**Present Employees or Volunteers:** Screening to be completed a minimum of every 2 years

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

Not Applicable

**6. Summary**

Not Applicable

POLICY	
Policy Number: CORP2020-012	Date Approved: December 2015
Department: Corporate	Date Reviewed: September 2020
<b>Hiring and Nepotism Policy - Addendum #2 Vulnerable Sector Check</b>	

**1. Policy Statement**

Not Applicable

**2. Purpose**

Vulnerable people are considered to be individuals who are at greater risk of being harmed than the general public population because of their age, disability or other circumstances, whether temporary or permanent. All employees who are in a position of trust and responsible for the well-being of children or vulnerable people will be required to obtain a Vulnerable Sector Check. A database will be checked to see if the subject has received a pardon for a criminal offence of a sexual nature.

**3. Scope**

**New Employees or Volunteers:** Screening upon hire and thereafter, completed a minimum of every 2 years

**Present Employees or Volunteers:** Screening to be completed a minimum of every 2 years

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

Not Applicable

**6. Summary**

Not Applicable



POLICY	
Policy Number: CORP2020-010	Date Approved: July 2015
Department: Corporate	Date Reviewed: October 2020
Hiring and Nepotism Policy	

**1. Policy Statement**

Not Applicable

**2. Purpose**

To ensure that the Corporation always hires the best qualified applicants without bias based on qualifications, skills, training and ability to perform the work.

**3. Scope**

This policy applies to all union and non-union employees, including but not limited to, full-time, part-time, contract, casual/seasonal, temporary employees, and students. The same interview and screening process will apply to volunteers in all departments.

**Responsibilities**

The Chief Administrative Officer (CAO), Department Heads and Supervisors with the assistance of the Human Resources/Benefit Clerk shall adhere to this policy and its purpose.

Council is responsible for approving new/additional positions.

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

Advertising for all positions will be approved by the CAO and coordinated by the Human Resources/Benefits Clerk. He/she will collect all of the applications and forward them on the closing date to the appropriate Department Head and/or Supervisor.

Advertising shall be utilized in the most cost effective manner suited to the position. Advertising shall always include:

- Internal posting throughout the Corporation's offices and/or work locations as required by the various collective agreements
- In the Town of Kirkland Lake News page published every second Friday
- On the Corporation's website

All advertisements for employment opportunities with the Corporation will indicate that the Corporation is an equal opportunity employer and will include the following phrase:

- "We thank all applicants for applying, however, only those selected for an interview will be contacted."

The Corporation is an equal opportunity employer and does not discriminate in the hiring process on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, age, marital status, family status or disability.

All non-union positions shall be posted internally and externally simultaneously. Replacement of non-union positions for a period not exceeding six weeks may be filled without a competition.

The job qualifications for both internal and external job postings shall be specific to the requirements of the position.

For positions requiring call out or immediate response, candidates will be required to live within the Boundaries of the Town of Kirkland Lake.

The Department Head and/or Supervisor will review applications from qualified candidates to determine the candidates most suitable for interviews based on education, experience, and other related qualifications.

The interview panel will consist of two to four persons. At the discretion of the Department Head, additional staff members may be included in the interview panel as a resource. The CAO may participate in any of the above interviews.

The Department Head will coordinate the interview process. The Department Head shall recommend to the interview panel, the interview format, questions and any associated testing. Depending upon the position being recruited, further testing of the short listed candidates may be required. The Department Head or his/her

designate shall conduct all reference checks. All selections for hiring shall be discussed with the Chief Administrative Officer before an offer to hire is made.

Each successful full time applicant will receive a written offer of employment and depending upon the position, an employment agreement may be required.

All unsuccessful applicants who were interviewed will be provided with written notice that they were not successful within five days of the successful candidate's written acceptance.

All new employees must have a current WHMIS certificate, provide a copy of his/her driver's license (if applicable), and submit to a pre-employment medical if required.

Excluding Day Care, all new employees except for those laid off and re-hired within a two-year period will provide original criminal background check(s).

All Day Care staff, volunteers, and students require criminal reference checks. This includes vulnerable sector screening, which must be updated every five years. Offence declarations must be provided every year that Vulnerable Sector Checks are not required.

### **Nepotism**

The purpose of this section is to eliminate any inappropriate conflicts of interest or perception of bias in the selection process, promotional process or in the workplace in general, which may result in a reporting relationship between relatives. This policy applies to relationships between employees at the time of hire as well as those, which develop after hire. A reporting relationship is where one relative has the authority to administer monetary gain, conduct performance appraisals, recruit/recommend for hire or promotion or is responsible for administering discipline to another relative.

The definition for relative means father, mother, stepfather, stepmother, foster parent, brother, sister, spouse (including common-law spouse), child (including child of common-law spouse), stepchild, ward, father-in-law, mother-in-law, uncles, aunts, nephews, nieces or any individual who is permanently residing with a Corporation employee.

A relative of a Department Head or Supervisor shall not be hired for, or promoted to, employment within the same department in which he/she would be under the direct reporting authority of the Department Head or Supervisor.

A supervisor who becomes related to an employee in the direct line of authority of the supervisor shall notify the Chief Administrative Officer within 10 working days after the supervisor and employee become related.

All conflicts under this section shall be resolved by the CAO and the Department Head in a manner consistent with the purpose of this section and the relevant provisions of the Human Rights Code. If the resolution involves maintaining the employment of one or more relatives in a conflict within the meaning of this section, the resolution shall be in the best interests of the Corporation and the employees involved and shall be approved by Council.

A person serving in a supervisory position may not participate in decisions regarding hiring, reappointment, placement, evaluation, rate of pay, salary increases, promotion, tenure, monetary awards, or other personal interest for a relative employed for the Corporation, even when the supervisor is not in the direct line of authority.

It is understood that conflicts may occur in certain union posting situations, or in the case of promotion or transfer of unionized employees, in order to respect the collective agreement. In such cases, the conflict will be identified and monitored by the Department Head and/or Supervisor to ensure no bias takes place.

Department Head and Supervisors shall ensure that their respective employees are in compliance with this section.

The CAO's responsibility is to ensure that this policy and its procedure are adhered to at all times.

## **6. Summary**

Not Applicable



POLICY	
Policy Number: CORP2020-013	Date Approved: March 2009
Department: Corporate	Date Reviewed: October 2020
Information Systems Security and Usage	

**1. Policy Statement**

Not Applicable

**2. Purpose**

The Corporation of the Town of Kirkland Lake has invested considerable time, money and effort in building a comprehensive information system (IS) network. This network is an integral part of the Corporation’s business activities: a means by which information can be securely stored, shared and manipulated across departmental lines and external audiences to result in more efficient and effective service to the people of Kirkland Lake.

There are certain moral and legal commitments that underlie the operation of such a network. There is the matter of public trust; people expect a public institution like the Town to operate in a professional manner and to protect their private information. There are legal requirements; provincial, federal and international laws dealing with information security, copyright issues, electronic abuse, etc. Lastly, there are expectations of the network users themselves; they have a right to a safe, comfortable work environment where things work as expected, when expected.

To ensure that these commitments are met, the Corporation has developed the following policy statement. This document explains who can access the network, how it is administered, and what constitutes acceptable use. It is premised on the argument that, as the owner-operator of this resource, the Corporation is legally responsible for anything that happens on it, in it or through it. Consequently, it has the right to exercise certain privileges to ensure that its interests are protected. End-users, by virtue of their use of these network resources, acknowledge the right of the Corporation to exercise these privileges, and accept that they have certain responsibilities to ensure that resources available to them are not abused, and that they do not expose the Corporation to legal or moral censure.

These policies were developed by the Corporate Services Division. They are drawn from a variety of public and private sector sources and reference materials, and are based on accepted industry standards and legal realities.

### **3. Scope**

This document constitutes a Corporate-wide policy intended to allow for the proper use of all Corporate information system (IS) resources, effective protection of individual users, equitable access, and proper management of those resources. It is intended to supplement, not replace, existing Corporate policies, agreements, and contracts as well as federal and provincial laws and regulations.

Corporate divisions that operate stand alone IS services (such as public access services, contracted access and services) are encouraged to add individual guidelines that supplement, but do not lessen the intent of this policy. In such cases, the division will provide a copy of their division-level policy to the Information Systems Services (IS Services) upon implementation.

### **4. Definitions**

The term “information systems” is defined as information in electronic or audiovisual format, and the hardware or software that makes possible the storage and use of such information. This includes, but is not limited to, local and externally accessed databases, electronic mail (e-mail), removable storage devices (including but not limited to CD and DVD disks, removable drives, recorded magnetic media) and any other form of digitalized information. These resources may be individually controlled or stand alone (for example, personal computers and laptops, digital cameras), peripheral equipment (such as printers, scanners, etc.), shared or networked (for example, servers and backup media), temporary or permanent installs. It also refers to services rendered over the network infrastructure, such as Internet access.

The term “end-users” is used to identify all users of the Corporation’s IS resources. This includes all Corporate personnel (full-time, part-time or contract employees), work-groups or divisions, elected representatives, contractors, third party vendors or service representatives that regularly or intermittently access the Corporate owned equipment, systems, services, processes, and applications.

### **5. Policy & Procedures**

#### **Corporation Privileges**

The Corporation, by virtue of establishing and operating a comprehensive IS infrastructure, accepts responsibility to protect this environment from abuse, disruption and unauthorized access; and therefore to safeguard all data, personal information and confidential data through the exercise of specific privileges.

### **1. System Administration**

Network administration is the sole responsibility of the IS Services Group. IS Services refers to Corporate personnel appointed by the Director of Corporate Services to be responsible for the strategic management of the Corporation's information systems. It includes contractors authorized to provide network administration services to the Corporation. The only contractors so authorized are the staff from the Information Systems Department of Kirkland District Hospital, with whom the Corporation has a service agreement. Any third party service vendors seeking to access the network for whatever reason must be pre-authorized by IS Services, and work under the supervision of IS Services.

### **2. Procurement Procedures**

2.1 All purchase proposals pertaining to or impacting on the Corporation's information systems (hardware, software and services) must be developed in consultation with IS Services, to ensure that all proposed purchases conform to Corporate hardware/software standards; do not conflict with existing systems; and can be supported by IS Services staff. If a purchase is made without due consultation, IS Services may refuse to install, integrate or support the product in question. Price is not the sole basis for a purchase decision; quality, warranty, and the vendor's service record will be given equal consideration.

2.2 All departmental or division specific purchase proposals will be processed by the IS Services Project Manager. All proposals must be accompanied by an account number. The Project Manager will process the order and document all invoices, warranties, etc., providing a duplicate copy to the division in question. Details of each purchase will be recorded in the Corporation's Asset Management Database.

### **3. Allocation of Service Resources**

3.1 IS Services reserves the right to allocate its resources on a differential basis, based on the direction it receives from management, its perceived importance of a specific requests on the overall functioning of the network, and the availability of equipment and human resources.

#### **4. *Asset Identification***

4.1 A non-removable label identifies all Corporate network equipment. This label must not be tampered with or defaced. The information on the label is cross-referenced to the Corporation's Asset Management Database. Any changes or modifications to equipment must be recorded in this database. Any new assets must have this label affixed immediately upon receipt.

#### **5. *Media Storage and Tracking***

5.1 IS Services is responsible for storing all original media for all Corporation software. End-users using custom or specialized software should ensure that original copies are given to IS Services. This is essential to ensure that licensing obligations are met and that replica machines can be quickly and correctly configured. Copies or duplicates of original software titles, as permitted by law and licensing agreements, may remain at the end-user site.

5.2 The Corporation and all end-users are legally bound to comply with international and Canadian (federal and provincial) copyright acts and statutes, and all proprietary license agreements. Each end-user is individually responsible for reading, understanding, and following all applicable licenses, notices, contracts, and agreements for equipment that he/she uses or seeks to use. Unless otherwise provided in the applicable license, notice, contract, or agreement, any duplication of copyrighted software or printed material, except for backup and archival purposes, may be a violation of international, federal and provincial law and Corporate policy.

#### **6. *Installation and Integration***

6.1 IS Services are solely responsible for the installation, configuration and network integration of new assets. If third party contractors are engaged for any aspect of the installation or subsequent maintenance, they **MUST** work with and under the direction of the IS Services.

6.2 Any work done by a third party must be covered by a contract specifying what is being done, who is doing it, when it will be done, how, and provide service or support warranties. All third parties must sign a non-disclosure agreement before commencing work.

- 6.3 The only exception will be for “quick and easy” changes (patches, upgrades, minor alterations). In such instances, IS Services may assign TEMPORARY administrator rights to an end-user. Once the alteration has been made, these rights will be revoked. To request such rights, the end-user’s IS Services in writing, stating the purpose of the request and the time frame desired.

## **7. Denial of Service**

- 7.1 IS Services will limit support and troubleshooting to Corporate owned and maintained hardware and software. No assistance will be rendered for unauthorized assets, assets that have been changed or modified without prior permission, or personal equipment. If such equipment is detected in routine or emergency maintenance operations, it will be removed. If unauthorized changes are found to be the cause of equipment failure or a network security breach, the end-user who made or allowed the change will be held accountable.

## **8. Data Storage Capacities**

- 8.1 Each authorized end-user is allotted a maximum of 100 MB of e-mail space, and 100 MB of personal storage space on the network’s main file server. Requests for more server storage space must be made in writing to IS Services. If an end-user exceeds their quota, they will be unable to save files until sufficient space has been freed.
- 8.2 End-users must use their discretion as to what they store, where they store it, and how long they store it. Inappropriate files include non-business-related MP3s, graphic or picture files, games, executables, vbs files, etc. Such files consume valuable space and can introduce damaging viruses into the network. Material that includes sexually explicit content or content using vulgar, sexist, racist, threatening, violent, or defamatory language is absolutely prohibited, as is content relating to gambling and illegal activities.
- 8.3 A second directory on the main file server has been created for shared files under the path: (S\directory). Do not put private information on this directory.

## **9. Data Security**

- 9.1 Users can set up file folders under the shared directory and limit access to select individuals granted (read only access or read and write access). To

do so, the user must request IS Services to set-up the folder in writing, identifying the specific users and their level of access. Once such a folder has been set-up, the originating user assumes all responsibility for what is stored in that folder, requesting access changes, etc.

- 9.2 All files stored on the file server must be stored in folders. File folders must be clearly and appropriately named so as to be easily understood by all other users with access rights. This is particularly important for files saved on the shared directory. Files left “loose” on the servers will be deleted without prior notice.
- 9.3 Network servers are backed up daily and secured. Information that is stored on personal computers is not. IS Services assumes no responsibility for information lost or stolen from a personal computer hard drive or any stand alone storage devices.

## **Access Management**

### **10. Access Privileges**

- 10.1 Corporation division supervisors determine which end-users under their authority shall have access to network resources. Additions or deletions must be transmitted in writing by the respective division supervisor to the IS Services.
- 10.2 Access to information should be provided within the context of an authorized user’s official capacity within the Corporation. Division supervisors are responsible for determining what information, systems and applications end-users under their authority can access. End-users have a responsibility to ensure that they exercise the appropriate level of protection over that information.
- 10.3 When an authorized user changes status (e.g., terminates employment, retires, changes positions or responsibilities within the Corporation, etc.), the unit responsible for initiating that change in status must coordinate with the user to ensure that access authorization to all Corporate resources is appropriate. An individual may not use facilities, accounts, access codes, privileges, or information for which he/she is not authorized.

## **Access Procedures**

- 10.4 End-users must use only Corporate assets to access the network. Network access originating from non-corporate computers (i.e. home computer, hotel business centre or internet café) will be denied. The exceptions are pre-authorized Virtual Private Network connections, and web mail access to Corporate e-mail services.
- 10.5 Users may access the network via the dedicated telephone services (Remote Access Service or RAS for short). Insofar as RAS is a potential backdoor entry point for viruses and other security breaches, users should be circumspect in their use of this service. Users must ensure that their PC is virus and spy-ware free, and that they disconnect from the service once finished. Online time should be limited during business hours, as the airport staff rely on this service for their network connectivity.

## **11. Ownership**

- 11.1 All assets purchased by the Corporation remain the property of the Corporation. When taken out of use, they will be returned the purchasing division, or to IS Services for re-routing to other purposes or disposal.
- 11.2 All assets will be tracked in an Asset Management Database. Corporate personnel or work groups purchasing new assets, including hardware or software, will make the relevant information available to the IS Group. This includes service tag numbers, serial numbers, copies of contract documentation, warranty information, etc.
- 11.3 All information created, sent, retrieved, or stored on Corporate facilities and equipment is the property of the Corporation. Third party generated information (such as software programming, codes, reports, etc.) leased or lent to the Corporation for business purposes are treated as Corporate property while under lease or lend. Unauthorized access, disclosure, duplication, modification, diversion, destruction, loss, misuse, or theft of this information by any end-user is prohibited.
- 11.4 The Corporation reserves the right to access and secure against deletion any information stored on or transmitted over its facilities, as well as to seize any equipment permanently or temporarily connected to the Corporate network or any stand alone Corporate hardware, if it believes, in its sole judgment, that it has a business or legal need to do so. This may be done without giving prior notice to end-users. All information may

be opened to the public, and/or disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

## **12. Confidentiality of Information**

- 12.1 To the greatest possible extent, the Corporation seeks to preserve the confidentiality of information stored within or communicated over the network. Nevertheless, end-users must accept that personal and corporate information may be intentionally or inadvertently incorrectly filed or accessed, shared or distributed. Also, personal electronic communications could be forwarded, intercepted, printed, and stored by others. The Corporation assumes no responsibility or liability for any consequences, direct or indirect damages that may arise if private information stored or disseminated through its facilities is accidentally, inadvertently or purposefully corrupted, distributed or illegally used.

## **13. Monitoring of Usage, Inspection of Files**

- 13.1 Users should also be aware that their use of Corporate IS assets is not completely private. While the Corporation does not routinely monitor individual usage of its computing resources, the normal operation and maintenance of the Corporation's computing resources require the backup and caching of data and communications, the logging of activity, the monitoring of general usage patterns, and other such activities that are necessary for maintaining network availability and performance.
- 13.2 The Corporation may also specifically monitor the activity and accounts of individual users of the network, including individual login sessions and communications, without prior notification to the end-user. This monitoring may occur in the following instances: (1) The user has voluntarily made them accessible to the public; (2) It reasonably appears necessary to do so to protect the integrity, security, or functionality of the Corporation or to protect the Corporation from liability; (3) There is reasonable cause to believe that the user has violated, or is violating, this policy; (4) An account appears to be engaged in unusual or unusually excessive activity, as indicated by the monitoring of general activity and usage patterns; (5) Upon receipt of a legally served directive of appropriate law enforcement agencies; (6) To run an inventory of an attached device for the purpose of updating Corporate records.
- 13.3 Any such individual monitoring, other than that specified in "(1) and (6)", required by law, or necessary to respond to bona fide emergency



situations, must be authorized in advance by the Chief Administrative Officer or his/her designate and the Director of Corporate Services; in all such cases, the appropriate division supervisor will be informed as time and the situation will allow. A division supervisor may also initiate the monitoring process. In all cases, all individuals' privileges and right of privacy will be preserved to the greatest extent possible.

#### **14. Imposition of Sanctions**

- 14.1 IS Services will act immediately to intervene or take special actions to forestall an immediate or potential threat to the security of a system or its users. These actions may include: (1) Suspending system access for users involved in a violation that is being investigated; (2) Taking necessary action to preserve the state of files and other information relevant or assumed to be relevant to an investigation; (3) Examining the content of e-mail and other private files, where the content may jeopardize the security of systems, the safety of other users or third parties, the ability of the Corporation to conduct necessary business, or any other appropriate use as directed by the Chief Administrative Officer and the Director of Corporate Services.
- 14.2 Real or suspected violations of this policy, third party agreements, or applicable provincial and federal laws will be reported to the responsible division head, the Director of Corporate Services and the Chief Administrative Officer. Persons found in violation of this policy are subject to a full range of sanctions, including the loss of computer or network access privileges, disciplinary action, dismissal from the Corporation, and legal action. Some violations may constitute criminal offences; the Corporation will carry out its responsibility to report such violations to the appropriate authorities.

#### **End-User Responsibilities**

End-users, by their access to and use of the Corporation's information systems, accept responsibility to use these resources in a manner that reflects the public trust placed in the Corporation of the Town of Kirkland Lake; to perform tasks with competence and integrity, demonstrate ethical, acceptable and professional conduct, to protect the IT environment and information it holds from abuse.

## **15. System Integrity**

15.1 Corporate hardware and software assets are to be used for work related purposes. The use of such assets for personal purposes is permitted, provided such use is consistent with professional conduct and the incremental cost of such usage is negligible. Furthermore, personal use must not interfere with the safety, security and integrity of the Corporation's network or the information stored on the network; interfere with or pre-empt any business activity, or violate any Corporate policies or provincial, federal laws and regulations.

### **Authorized Access**

15.2 Computer accounts, passwords, and other types of authorization are assigned to individual users. Do not record such authorization codes in an obvious or easily accessible location. Do not allow other people to use your username or password. You are legally responsible for any activity that occurs under the guise of that username/password.

15.3 Attempting to obtain another user's account password is strictly prohibited, as are attempts to access unauthorized information through the use of special passwords, loopholes in computer security systems, etc. Users are required to obtain a new password if they have reason to believe that their password has been compromised.

15.4 End-users may not run or otherwise configure software or hardware to intentionally allow access by unauthorized users. This includes e-mail or internet access.

### **Use of Copyrighted Information and Materials**

15.5 Each end-user is individually responsible for reading, understanding, and following all applicable licenses, notices, contracts, and agreements for equipment that he or she uses or seeks to use. Unless otherwise provided in the applicable license, notice, contract, or agreement, any duplication of copyrighted software or printed material, except for backup and archival purposes, may be a violation of international, federal and provincial law and Corporate policy.

15.6 Software subject to licensing must be properly licensed and all license provisions (installation, use, copying, number of simultaneous users, term of license, etc.), and the protocol for informing IS Services must be strictly adhered to. Users are prohibited from using, inspecting, copying,

storing, and redistributing copyrighted computer programs and other material, in violation of copyright laws.

## **16. Use of Unlicensed Software, Scripts or Applications**

- 16.1 No software may be installed, copied, or used on Corporate resources except as permitted by the owner of the software without receiving prior authorization of the responsible division supervisor, and with the foreknowledge of IS Services.
- 16.2 End-users will not independently download applications or other software, including screen-savers, calendars, or other personal enhancements. These seemingly innocuous applications frequently contain spy-ware or other irritants that can compromise the security and operation of the computer.
- 16.3 All information downloaded or received from non-Corporate sources must be screened with virus detection software prior to being opened or run.

## **17. Attempts to Circumvent Security**

- 17.1 Users are prohibited from using any computer program or device to intercept or decode passwords or similar access control information. They are not to circumvent or subvert any other system security measures, such as anti-virus or anti-spy-ware mechanisms. This section does not prohibit use of security tools by personnel authorized by IS Services.
- 17.2 End-users will not intentionally develop or use programs, transactions, data or processes that harass other users or people/organizations external to the network, infiltrate the system or damage or alter the software or data components of a system.
- 17.3 End-users will not connect non-Corporate issued recording devices or media such as CD burners, memory sticks, disks etc. to Corporate systems.
- 17.4 Unauthorized probing of security mechanisms of either the Corporate network or other Internet sites is prohibited.
- 17.5 Authorized users may not use computing resources for unauthorized monitoring of electronic communications.

- 17.6 Harmful activities are prohibited. Examples include IP spoofing; creating and propagating viruses; port scanning; disrupting services; damaging files, etc. Deliberate attempts to damage, destroy or degrade the performance of a computer system or network or to deprive authorized personnel of resources or access to any Corporate computer system or network are prohibited.
- 17.7 End-users will not establish secondary Internet or other external network connections such as dial-up services, tapping into third party wireless networks, etc. without the prior written approval of IS Services.

### **18. Use of Personally Managed Systems**

- 18.1 Some end-users will have personally managed systems such as laptops or desktops running over VPNs that they use to access Corporate from external location. Such end-users have a responsibility to ensure the security and integrity of their system(s). Appropriate precautions include performing regular backups, controlling physical and network access, using virus protection software, and keeping any software installed (especially anti-virus and operating system software) up to date with respect to security patches. Corporate information electronically stored on such systems must be protected as per the criteria set out in this policy.

### **19. Maintaining Information Integrity**

- 19.1 Access to information should be provided within the context of an authorized user's official capacity with the Corporation. Authorized users have a responsibility to ensure that the appropriate level of protection over any information they create, store, access or communicate is maintained at all times. An individual may not use facilities, accounts, access codes, privileges, or information for which he/she is not authorized.
- 19.2 Each individual is responsible for being aware of the potential for and possible effects of manipulating information, especially in electronic form. Each individual is responsible for understanding the changeable nature of electronically stored information, and to verify the integrity and completeness of information compiled or used. No one should depend on information or communications to be correct when they appear contrary to expectations. It is important to verify that information with the source.

- 19.3 End-users will not, without express authorization, seek to gain or gain, destroy, alter, dismantle, disfigure, prevent rightful access to, or otherwise interfere with the integrity of Corporate as well as third party computer-based information and/or information resources.
- 19.4 End-users will not, without express authorization, communicate, transfer or make available in any form Corporate information to third parties. Where communication of such information to third parties is a requirement of the end-user's regular responsibilities, the onus is on the end-user to understand to where that information is being sent, who will use it and why. End-users will report any unsolicited requests for information to their immediate supervisors and the IS Systems Group.
- 19.5 End-users will not upload Corporate information on any publicly accessible Internet site or with an anonymous file transfer protocol (FTP) or similar service without prior permission from their division supervisor.
- 19.6 Third party e-mail, instant messaging or web-mail services (Hotmail, Yahoo Mail, etc.) are prohibited. The Corporation cannot guarantee the security or integrity of such services. If information is stolen or compromised in any way, or dangers such as viruses introduced to the network through these services, the end-user who used the service in question is liable.
- 19.7 End-users will respect the financial structure of the Corporation's systems, and will not intentionally develop or use unauthorized mechanisms to alter or avoid charges levied by the Corporation in the normal course of its operations.
- 19.8 End-users will not intentionally seek information on, obtain copies or modify files, tapes or passwords belonging to other users or the Corporation;

## **20. Ethical Use**

It is incumbent on all end-users to recognize that they are part of a community of users, and to consequently act in a manner that respects the diversity of people and opinions in the community, their right to privacy and their right to a safe and professional work environment. They also must respect the public's trust in the Corporation, and consequently demonstrate ethical and acceptable conduct. The Corporation characterizes as unethical, unacceptable and just cause for taking disciplinary action, the following kinds of activity.

## **21. Protection of Personal Privacy**

- 21.1 End-users will not, without authorization, invade the privacy of individuals or entities that are creators, authors, users or subjects of information retained by the Corporation.
- 21.2 End-users are prohibited from looking at, copying, altering, or destroying anyone else's personal files, regardless of how such files are stored or transmitted, without explicit permission (unless authorized or required to do so by law or regulation). The ability to access a file or other information does not imply permission to do so.
- 21.3 End-users may not intercept or disclose, or assist in intercepting or disclosing, electronic communications or sensitive or private information about the Corporation and/or its employees and representatives by unauthorized persons or organizations, except as otherwise specifically provided.
- 21.4 End-users will not attempt to represent others, unless explicitly authorized to do so by those users.
- 21.5 Users are responsible for recognizing and honoring the intellectual property rights of others.

### **Freedom from Harassment**

- 21.6 No end-user may, under any circumstances, use the Corporation's IS assets to harass any other person.
- 21.7 The following constitutes computer harassment: (1) Intentionally using the computer to annoy, harass, terrify, intimidate, threaten, offend, or bother another person by conveying obscene language, pictures, or other materials or threats of bodily harm to the recipient or the recipient's immediate family; (2) Intentionally using the computer to contact another person repeatedly with the intent to annoy, harass, or bother, whether or not an actual message is communicated, and/or the purpose of legitimate communication exists, and where the recipient has expressed a desire for the communication to cease; (3) Intentionally using the computer to contact another person repeatedly regarding a matter for which one does not have a legal right to communicate, once the recipient has provided reasonable notice that he or she desires such communication to cease (such as debt collection); (4) Intentionally using the computer to disrupt or damage the professional or private pursuits of

another; and (5) Intentionally using the computer to invade the privacy, professional or otherwise, of another or the threatened invasion of the privacy of another.

## **22. *Inappropriate or False Representation***

- 22.1 Whenever end-users indicate their affiliation with the Town of Kirkland Lake in any online exchange, they must also clearly indicate that the opinions expressed are their own, and not necessarily those of the Corporation of the Town of Kirkland Lake.
- 22.2 All external representations on behalf of the Corporation or any specific end-user must first be cleared with the relevant Director or end-user.

## **23. *Personal Business***

- 23.1 Corporate facilities, services, and networks may not be used in connection with compensated outside work or for promotion of unauthorized charitable endeavours, private business activities, or amusement/entertainment purposes unless expressly approved in advance by their supervisor.

## **24. *Inappropriate Use***

- 24.1 End-users are specifically prohibited to view, display, download, save, receive, or send material related to or including: (1) Offensive content of any kind, including pornographic material; (2) Material promoting discrimination on the basis of race, gender, national origin, age, marital status, sexual orientation, religion, or disability; (3) Material promoting threatening or violent behaviour or other illegal activities.
- 24.2 End-users must not use the Corporation's information systems for any other purposes that are illegal, harmful to the company, or non-productive. This includes: (1) Perpetuating chain e-mails or other multilevel marketing or pyramid-selling schemes, or creating and/or send "spam" (unsolicited electronic communication that is sent to any number of recipients who did not specifically request or express an interest in the material advertised in the communication); (2) Sending or encouraging "letter bombs" or messages intended to annoy, interfere, or deny e-mail use by one or more recipients, or practicing any other activity designed to deny the availability of electronic communications resources within the Corporation or against third parties; (3) Gambling or other activities

undertaken for personal financial gain, including conducting a personal business; (4) Exchanging material protected under copyright laws.

- 24.3 End-users will not use Corporate resources to participate in non-work related chat rooms, messenger services, Blogs, or other discussion forums, nor will they engage in any messaging behavior such as “flaming” or other such attacks.

## **25. Reporting Abuse**

- 25.1 Any individual who becomes aware of improper or unethical use of IS assets, or of any action that could compromise the system’s operation or security, or pose a risk to another user or third party, is expected to report that fact to their division supervisor and/or the IS Services Group immediately.

## **6. Summary**

Questions regarding the interpretation of this policy should be forwarded to

Project Manager  
Information Systems Service Group  
Department of Corporate Services  
Tel: (705) 567 9361 ext. 243  
Email: [Wilfred.hass@tkl.ca](mailto:Wilfred.hass@tkl.ca)





POLICY	
Policy Number: CORP2020-014	Date Approved: May 2013
Department: Corporate	Date Reviewed: September 2020
Mobile Device Use	

**1. Policy Statement**

Not Applicable

**2. Purpose**

This policy establishes guidelines for the procurement, possession, and appropriate use of mobile communication devices used by Corporate employees. It also defines guidelines for the reimbursement of personal calls and services by the employee to the Corporation. The policy is designed to reduce unnecessary service costs to the Corporation, ensure employee safety and to protect the Corporation and employee against legal liability arising from inappropriate use.

**3. Scope:**

This policy applies to all union and non-union employees, including but not limited to, full-time, part-time, contract, casual/seasonal, temporary employees, and students.

The devices covered by this Policy include cell phones, smart phones, mobile phones, and any other wireless devices (collectively known as “Devices”) used by an employee in the course of their workday for municipal purposes, whether the device is supplied by the Corporation or personally owned.

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

**Responsibilities:**

The Director of Economic Development is responsible for administering this policy, negotiating plan changes, and serving as the point of contact for service providers.

The Accounts Payable Clerk is responsible for coordinating billing/payment arrangements. He/she is the secondary point of contact for service providers.

Individual departments are responsible for **all** costs incurred by employees under their direction and for managing the distribution and use of devices among their staff. Department Directors must approve new accounts or changes to accounts, and communicate this approval to the Director of Economic Development. A Department Director may authorize a new account directly with the service provider.

Employees are responsible for the appropriate care and use of any device assigned to them, as well as for any charges and fees incurred as a result of using the device for personal or non-authorized use. Employees are not permitted to initiate contract or rate plan changes without prior permission of their direct supervisor and the Director of Economic Development.

### **Ownership:**

Devices provided to an employee by the Corporation remain the property of the Corporation.

Departments must notify the Director of Economic Development when a device is re-assigned to another employee, or an account terminated.

Upon termination of employment, the employee is to promptly return the device to their Manager or supervisor.

### **Procedures:**

- I. **Establishing Service:** Any request for a corporate issued device must indicate how the device will support the Corporation's business; improve the employee's ability to do his/her job, and/or provide efficiency that does not currently exist; and specify what service features are required. It must also identify the user and indicate which general ledger account number will be used. The request must be approved by a Department Director.
- II. **Preferred Service Providers:** The Corporation will identify and negotiate base contracts with a preferred service provider. Contracts with alternative service providers should only be pursued if warranted by work needs. Contracts with alternative service providers must be approved in advance by the Director of Economic Development.
- III. **Rate Plans and Device Selection:** All Corporate issued devices will use a rate plan negotiated by the Corporation. In the event that this plan does not meet the employee's needs, it shall be the responsibility of the employee to

identify the features needed or a rate plan that balances these needs with the Corporation's business use requirements, and secure the appropriate approvals. Device model selection must be approved by the Department Director in advance of purchase. Smart phone requests require prior CAO approval.

- IV. **Contract Management:** Users must keep a copy of their contract for future reference. Copies of all contracts must be provided to the Director of Economic Development. Users will adhere to their contractual obligations and refrain from trying to make unapproved changes to equipment, service or rate plans. If changes are warranted, the Department Director must be advised and they will take appropriate action.
- V. **Cell Phone Billing Procedures:** All service bills must be sent to the A/P Clerk at:

Accounts Payable  
Treasury Division  
Town of Kirkland Lake  
PO Bag 1757  
3 Kirkland Street  
Kirkland Lake, Ontario, P2N 3P4

The A/P Clerk will sort the forward them to the correct Division Manager for approval. It is the responsibility of the Manager to review bills to identify any red flag areas for additional investigation. These areas will include but will not be limited to:

- Significant call activity to a non-Corporate number
- Lengthy long distance calls
- Excessive roaming and/or long distance charges

- VI. **Contract Changes and Cancellations:** Department Directors will advise the Director of Economic Development and the Accounts Payable Clerk of any contract changes or cancellations. Devices taken out of service must be submitted to the Director of Economic Development for disposal. *\*\*\*\*Please note that Departments will continue to be billed for services until the proper disconnection protocols are completed.*

### **Acceptable Use**

- I. Devices are issued to employees for use as productivity and accessibility enhancement tools. Such provision is for the benefit of the Corporation,

allowing access to these individuals after hours, while away from their official work station, and while travelling.

- II. Employees will not receive any monetary compensation from the Corporation for the use of a device beyond that negotiated in collective bargaining agreements.
- III. Devices are enabled and/or assigned for specific purposes (i.e. voice communications and/or data). Use of features not assigned to a specific device (i.e GPS use, Internet browsing, gaming, access to social media sites) is prohibited. Costs incurred by such activities are the sole responsibility of the user, unless otherwise indicated by the Department Director.
- IV. Employees are advised not to use their device outside North America Canada as this may incur extraordinary large charges for air time, long distance, roaming, foreign taxes and other charges. Prior arrangements with the service provider must be made if this functionality is required.
- V. Employees using these devices must not perform unethical or unlawful activities with the device. In environments where there are restrictions on the use of these devices, employees are expected to comply.
- VI. Installation of any unauthorized and/or unlicensed software on any Corporate issued device is prohibited.
- VII. If an employee experiences a problem with a device, the employee is to contact the service provider for support. Managers must pre-approve any service related expenses or replacement costs recommended by the service provider.
- VIII. Any employee whose device is lost, stolen or otherwise becomes inaccessible to the employee to whom it is assigned, must immediately report this to their supervisor. Departments must also immediately inform the Director of Economic Development and the service provider. This will enable the communications functions of the device to be deactivated to prevent unauthorized use.
- IX. The employee is responsible for the loss of any Corporate issued device and must pay for replacement of the device unless sufficient proof can be supplied that the device was stolen or lost outside the control of the employee. Exceptions, on a case by case basis, may be made by the Chief Administrative Officer. Such exceptions are not binding and do not constitute a waiver of the Corporation's right to insist upon full reimbursement in any given case.

## **Use of Devices While Driving**

The use of devices while driving while engaged in work related activities is strictly prohibited. This includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages for any purpose regardless if such purpose is related to your employment; the Corporation; the public; vendors; volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the Corporation; or any other Corporate related activities not named here.

- This policy applies to personal and Corporate issued devices;
- This policy also includes personal use of a Corporate issued devices;
- This policy applies to hands-free devices as well as handheld phones and devices;
- While a vehicle is in motion, calls may not be answered by the driver and must be direct to voicemail or a passenger.
- If an employee driving a vehicle must make a phone call, the vehicle must be in a safe location and in Park (P).
- If making an emergency call (911), the vehicle should be parked in a safe location before making the call.

## **Personal Use**

- I. Personal use of corporate devices is permitted. However, such personal use should be limited in both occurrence and duration; not conflict with work processes; and should not be considered a prerequisite or entitlement.
- II. Personal use is limited to the services assigned to the specific device. If unauthorized services are used or personal use exceeds monthly plan time/data allotments, reimbursement must be made to the Corporation. All long distance and roaming charges incurred for personal calls, must be reimbursed to the Corporation. The Accounts Payable Clerk and/or relevant Director will identify all reimbursable charges and notify the user. Users must reimburse the Corporation within 25 days of receiving notification. Failure to make reimbursement within this period may lead to the device being withdrawn from the user and/or the outstanding amount being deducted from the user's salary.
- III. Employees should note that invoices for device services show call data details. By making / receiving non-business calls, employees acknowledge

and agree that the Corporation will see invoices that include the telephone numbers and other usage data of all calls employees make or received.

### **Use of Personal Mobile Communication Devices for Work Purposes**

When authorized in writing by the Department Director, the cost of using personal devices for official business may be reimbursed to the employee. The Director will submit a copy of this agreement to the Accounts Payable Clerk. The agreement should clearly specify the amount and terms of compensation.

### **Policy Cross-References**

Devices are considered information system assets. Consequently, users must adhere to the same security and acceptable use policies as govern all Corporate IS assets and services (see Corporation of the Town of Kirkland Lake Information Systems Security and Usage Policies).

### **Non-Compliance**

Failure to follow this policy may result in disciplinary steps being taken against the employee, up to and including dismissal from employment, seeking restitution, commencement of civil action, criminal prosecution or any combination thereof.

Employees are deemed to have given consent to this policy by their continued use of the Corporation's technology resources.

## **Part B: Personal Mobile Communication Device Use**

*NOTE: It is at the discretion of the individual Department Director whether personal mobile devices are allowed on site, and if so, how they are to be managed. Unless specific arrangements have been made between the Department Director and the user, this policy on personal mobile device use applies.*

### **Purpose:**

The purpose of this policy limiting the use of cell phones and other communication devices at work is to protect workers and maintain a high level of professionalism on the work site. Inappropriate use of communication devices at work can cause injuries due to distraction and may interfere with the proper and safe use of equipment and machinery. Devices and headphones or wireless ear pieces may also get tangled in machinery or interfere with the proper use of personal protective equipment. Additionally, use of any phone or mobile device for personal use decreases productivity and portrays a negative image to the customer and/or taxpayer.

- I. **Devices Covered:** The devices covered by this Policy include cell phones, smart phones, mobile phones, and any other wireless devices, owned by the individual worker (collectively referred to as "Devices").

### **Persons Covered:**

- I. This policy applies to all union and non-union employees, including but not limited to, full-time, part-time, contract, casual/seasonal, temporary employees, and students.
- II. **Activities Covered:** The rules set out in this Policy apply to all work-related activities, both on and off the user's regular work site. The Policy applies to all conversations, via any media, whether personal or business-related.

Employees should ensure that friends and family members are instructed on this policy.

### **Prohibited Uses:**

While engaged in work-related activities, both on and off their regular work site, workers are expected to focus on work and may not inappropriately use any Device, including but not limited to:

- Engaging in personal conversations;

- Engaging in entertainment, leisure, social or personal business activities, including but not limited to surfing the internet for personal reasons, checking personal email, sending or receiving personal text messages.

**Permitted Uses:**

Workers may use Devices during scheduled breaks, in an area not visible to the public. Personal devices may be utilized in an emergency situation, whether that situation is personal or business related.

**Violations:**

Workers who violate this policy will be subject to disciplinary measures up to and including dismissal, depending on the circumstances.

**Employee Declaration**

I, \_\_\_\_\_ have read and understand the above Mobile Device Acceptable Use Policy and consent to adhere to the rules outlined therein.

Name (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Manager \_\_\_\_\_ Date \_\_\_\_\_

**6. Summary**

Not Applicable



POLICY	
Policy Number: CORP2020-015	Date Approved: May 2013
Department: Corporate	Date Reviewed: October 2020
Municipal Alcohol Policy	

## 1. Policy Statement

Not Applicable

## 2. Purpose

### Introduction

The Town of Kirkland Lake owns and manages facilities where the consumption of alcohol is permitted under the authority of a Special Occasion Permit (SOP) or a Caterer's Endorsement (CE) held by a licenced operation. The Town of Kirkland Lake (hereafter called the 'Municipality') has developed a Municipal Alcohol Policy with the objectives to:

- Comply with the Provincial Liquor Licence Act;
- Promote a safe, enjoyable environment for those who use the facilities;
- To ensure that events where alcohol is permitted are properly supervised and operated;
- Prevent alcohol-related problems that arise from alcohol consumption within its facilities;
- To encourage and support the responsible use of alcohol as part of a social function rather than the reason for it;
- To provide operational procedures for those holding events in municipally-owned facilities where alcohol use is permitted;
- To equip staff and volunteers with the skills they need to manage events and enforce the municipal policy and provincial legislation.
- Protect the municipality, its staff, community organizations, volunteers and participants from legal action by equipping staff and volunteers with the skills needed to manage events and enforce this policy.

## **Policy Monitoring and Review**

The Municipality will perform revisions of the policy as may be required to allow for changes and modifications that may become necessary. All such revisions will be passed by Council and will be published as an updated version of the Municipal Alcohol Policy.

### **3. Scope**

#### **Designation of Properties and Events**

##### **3.1 *Areas Designated Where Alcohol Use is Prohibited***

The consumption of alcoholic beverages is PROHIBITED in all open green spaces. These areas include but are not limited to the following:

- All Kirkland Lake Playgrounds
- Len Baird Park
- Stan Johnson Park
- Coopers Parkette
- Wright Hargreaves Park
- Rotary Centennial Park
- Market Street Parkette
- Duff Park
- Kinross Walking Trails
- Kirkland Lake Splash Park
- Kirkland Lake Skateboard/Bike Parks

An exception to this prohibition is permitted by resolution of Council of the Town of Kirkland Lake and the issuance of a Special Occasion Permit. Council may change the designation of any site at its discretion.

##### **3.1 *Areas Designated Where Alcohol Use is Permitted Under Conditions***

The following facilities and areas are currently designated for alcohol use under conditions of the MAP and Provincial Liquor Licence regulations:

###### **Indoor Facilities**

- Joe Mavrinac Complex and associated grounds
- Hockey Heritage North and associated grounds
- Museum of Northern History and associated grounds
- Town Hall Council Chambers and Boardroom

###### **Outdoor Facilities**

- Civic Service Stadium

- Culver Park
- Kirkland Lake Airport

The serving of alcohol at indoor facilities is restricted to identified permitted areas. Alcohol may not be consumed or sold at any other non-permitted location, i.e. dressing rooms, washrooms, meeting rooms and food service areas.

#### **4. Definitions**

**Permit Holder:** Signs the alcohol permit, is the general manager of the event and assumes responsibility for the operation of the event.

**Event Organizer:** Must attend the event, ensure the adequate server-trained staff is available, coordinate and help staff and ask for help from security if necessary.

**Bartender:** Accepts tickets for the purchase of alcohol drinks, serves no more than 4 drinks per person at one time, serves no more than 2 drinks per person after midnight at one time, monitors for intoxication, refuses service when patron appears to be intoxicated or near intoxication and offer non-alcohol substitute.

**Floor Supervisor / Monitor:** Observes patron behavior, monitors for intoxication, responds to problems and complaints, refuses service, removes intoxicated persons, and suggests safe transportation alternatives.

**Door Supervisor / Monitor:** Check identification and for signs of intoxication, keeps out intoxicated and troublesome individuals, monitors for those showing signs of intoxication when leaving the event, recommends safe transportation options, and arranges for coat checking.

**Ticket Seller:** Sells alcohol tickets to a maximum of eight (8) per person per purchase, monitors for intoxication, refuses sale to patrons at or near intoxication, refunds tickets on request.

**Special Security:** Patrols the room, scans for potential trouble, notifies event staff and permit holder of potential incidents, helps staff in handling disturbances.

**Identified Designate:** The person as identified on the application form who assumes responsibility for the operation of the event when the permit holder is absent.

**Municipal Staffing:** At least one municipal representative with authority to demand correction and/or shut down of an event on behalf of the Municipality will attend all alcohol involved events.

## 5. Policy & Procedures

### 1. MANAGEMENT PRACTICES

#### 1.1 *Insurance*

Organizers of an SOP or CE event being held in a municipally-owned facility are required to provide proof, **at least 14 days prior to the event**, that they have purchased a minimum of five million dollars (\$5,000,000) in liability insurance. The public liability insurance shall state the Town of Kirkland Lake as an additional named insured with a cross liability clause holding the Town of Kirkland Lake harmless.

#### 1.2 *Special Occasion Permit or Caterer's Endorsement*

The Event Organizer must apply for a SOP from the local Liquor Store – thirty (30) days prior to the fundraising event; ten (10) days for a reception. A copy of the SOP permit must be submitted to the Municipality forty-eight (48) hours prior to the event.

If serving alcohol under a Caterer's Endorsement, the Event Organizer must supply the address and phone number of the licence holder and a copy of the caterer's licence at least (5) days before the event.

The Ontario Liquor Licence Act (LLA) has been interpreted to mean that:

- It is illegal to sell or serve alcohol to an intoxicated or apparently intoxicated person.
- Those under 19 years of age cannot be served alcohol or allowed to possess or consume alcohol.
- A provider of alcohol is responsible for the safety of the people being served (provider liability).
- This responsibility extends to the safety of others, both on and off municipal property, who come in contact with the person who was served.

***A provider's responsibility may continue until the intoxicated person is sober.***

#### 1.3 *Event Staffing*

The Event Organizer shall provide the municipality with a list of:

- Bartenders/servers,

- ticket sellers,
- monitors

Those who have previously over-served, served minors and served intoxicated patrons can be asked to not participate in the event.

The skills and awareness obtained by the training provided in the Smart Serve Course will assist the Organizer in providing for a responsible alcohol involved event. A minimum of 60% of bar staff and alcohol servers are to be Smart Serve certified; and the list of event workers, inclusive of all servers with proof of Smart Serve certification (including their certification numbers) is to be provided to the Municipality at least two weeks prior to the event.

Server training often acts as a catalyst to provide a better understanding of liability and of the strategies that can be used to better manage safer alcohol events.

SMART SERVE training is available online at:

[www.smartserve.org/home/asp](http://www.smartserve.org/home/asp)

- All event workers are to be at least 19 years of age.
- All event workers must refrain from consuming alcohol while the event is in progress.
- All event workers are to be clearly identifiable.
- The Event Organizer or their delegate must attend the Event for the entire duration, including post Event clean up, remain in attendance until the premises are vacated, and be responsible for making decisions regarding the operation of the Event and safe transportation.

Under the Occupiers' Liability Act (O.L.A.)

- Municipalities and those renting municipal facilities are co-occupiers because they are in control of municipal premises and have the power to admit or exclude entrants.
- Occupiers must take 'reasonable steps' to ensure that all the people entering the event are 'reasonably safe while on the premises.'
- The same legal obligation requires that co-occupiers take the necessary steps to prevent intoxicated patrons from injuring themselves or other

who are on the premises.

- If co-occupiers fail in their responsibility, they could be sued jointly or individually if someone was injured or killed.

### **Event Organizer**

The Event Organizer is responsible for the management and control of the event in every aspect, including but not limited to:

- must sign the municipal rental agreement,
- organization and planning,
- set up of the event,
- training of their designates and other Event Workers,
- inspection of the premises or facility,
- alcohol service and sales including the choice of beverages so as to avoid the supply of Fortified Drinks or Extra-Strength Drinks,
- safety and sobriety of people attending the event,
- control of access to the premises at any time during the occupation of Municipal premises,
- response to emergencies including contacting police or other emergency services,
- return of Municipal premises in vacant and proper condition,
- as well as compliance with the Liquor Licence Act and the Town of Kirkland Lake's MAP and any other conditions of the permission for use of Municipal property granted by the Municipality.

The Event Organizer must ensure that:

- Event workers and patrons are following the conditions and requirements laid out in the LLA, the MAP and other agreements for use of Municipal premises,
- Sufficient numbers of trained Event Workers are in attendance and applied as needed to monitor, manage and control the Event and use of Municipal property for the purposes of their responsibilities.

The Event Organizer may nominate an individual or individuals as their Delegate to help with management of the event and compliance with the MAP, but in no event shall such delegation relieve the Event Organizer of their responsibilities, liabilities or duties pursuant to the MAP or pursuant to any contract with the Municipality.

The Event Organizer has a duty to report to Municipal Staff any incident that involves bodily injury or property damage, where Liquor Inspectors under the LLA have made a report, or where the Event Organizer is aware or has been made aware of any LLA or MAP violations. The report will generally be provided after the event or event day and allow the Municipality to consider future requests for use of Municipal property by the Event Organizer, and to collect information on incidents occurring on Municipal property or carry out necessary repairs.

In order to be eligible to rent a Municipal facility for a licenced event, the Event Organizer must demonstrate to the satisfaction of the Municipality that:

- a. the Municipal Alcohol Policy is understood
- b. the regulations will be strictly observed
- c. sufficient controls are in place which will assist in ensuring compliance to the policy.
- d. no outstanding debt is owed to the Municipality

**Worker vs Guest Ratio**

The following is a list of **MINIMUM** event worker numbers required on an Event Worker versus Guest ratio.

Type of Event	Up to 50 Guests	51 - 300 Guests	301 – 500 Guests	500 and over Guests
<b>Private Gatherings and Invitation Only Events</b>	1 Bartender 1 Floor Monitor	1 Bartender 1 Floor Monitor 1 Ticket Seller	2 Bartenders 2 Floor Monitor 2 Ticket Sellers	4 Bartenders 3 Floor Monitor 2 Ticket Sellers
<b>Private Outdoor Functions</b>	1 Bartender 1 Floor Monitor	1 Bartender 1 Floor Monitor 1 Ticket Seller	2 Bartenders 2 Floor Monitor 2 Ticket Sellers	4 Bartenders 3 Floor Monitor 2 Ticket Sellers

<b>Public Events</b>	1 Bartender 1 Floor Monitor 1 Door Supervisor	1 Bartender 1 Floor Monitor 1 Door Supervisor 1 Ticket Seller	2 Bartenders 2 Floor Monitor 2 Door Supervisor 2 Ticket Sellers 2 Security Officers	4 Bartenders 3 Floor Monitor 2 Door Supervisor 2 Ticket Sellers 4 Security Officers
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**\*\*\* Youth admittance events require an increase in ratio of monitors by one additional worker.**

The Municipality reserves the right to require the presence of two (2) or more police officers or recognized security personnel for the duration of the event, the cost of which will be borne by the sponsoring group or individual.

#### **1.4 Identification**

Acceptable identification, as per the Liquor Licence Act, for a person includes any of the following, provided the identification is **not expired; contains a photograph of the person; the person’s birth date;** and that it has **been issued by the listed government or government agency:**

- A driver’s licence issued by the PROVINCE OF ONTARIO
- A Canadian passport
- A Canadian citizenship card
- A Canadian Armed Forces identification card
- A Liquor Control Board of Ontario “Bring Your Identification” (BYID) card

#### **1.5 Serving of Alcohol**

- Alcohol tickets will not be sold to anyone under the age of 19 years, or to persons apparently under the age of 25 who do not produce proper identification.
- Alcoholic beverages will not be sold to anyone under the age of 19 years, or to persons apparently under the age of 25 who do not produce proper identification. Anyone serving individuals under the age of majority will be required to leave the event and will be charged by the appropriate authorities. People consuming alcohol under the age of majority will be required to leave the event, and will be charged by the appropriate authorities.
- No more than eight (8) drink tickets may be purchased by any person at one time.



- No more than four (4) drinks may be served to one person at a time. After midnight, no more than two (2) drinks will be served to one person at a time.
- No person shall be allowed to bring in their own alcohol to the event or be allowed to pour their own alcoholic drinks.
- Canned beverages are to be opened at the bar. In the event that bottles are sold they must be opened and poured into a plastic cup.
- Alcohol will not be sold or served to anyone who may appear to be intoxicated.
- Marketing practices which encourage increased consumption of alcohol shall be prohibited: oversized drinks, double shots, pitchers, drinking contests, volume discounts, etc.
- Alcohol shall not be issued as a prize in a contest.
- Ticket sales will cease 15 minutes prior to the end of the event or 15 minutes prior to the time shown on the SOP. All evidence of the service and consumption of liquor will be removed within 45 minutes after the time shown on the SOP.
- No 'Last Call' will be announced.
- Unused tickets will be redeemed for cash on demand until the bar closes, up to a maximum of eight (8) tickets per person.

### **1.6 Youth Admittance to S.O.P. Events**

Youth may be admitted to 'family oriented' activities such as:

- weddings,
- anniversary parties,
- family and community events.

All other events deemed to be of a non-family oriented nature will not be acceptable to youth admittance (i.e. Buck & Does, socials, and adult events).

If the Organizer of the public S.O.P. event chooses to allow youth to the event:

- additional qualified servers and monitors will be required; and
- youth must be easily identified and recognizable, for example: different coloured wristbands.

It is understood that underage participants will not be provided with alcohol.

### **1.7 Facility and Bar Closure**

Ticket sales will cease 15 minutes prior to the bar closing. Entertainment must be completed 15 minutes after the bar closing. Facilities must be vacated 45 minutes after the bar closing.

## **2. PREVENTION STRATEGIES**

### **2.1 Safe Transportation**

The risk of liability is high when an impaired driver leaves an alcohol related event. Event organizers must assume responsibility for promoting safe transportation for all drinking participants. Safe transportation options are essential. The permit holder will be responsible for promoting safe transportation options for all the drinking participants. Examples of safe transportation options include:

- A designated driver selected from non-drinking participants at the event.
- A designated driver provided by the sponsoring group.
- A taxi paid either by the sponsoring group or the participant.
- A chartered bus service provided by the sponsoring group.

If necessary, call police, warn or detain the impaired driver.

### **2.2 Available Drinks**

Low-alcohol content drinks shall be available (minimum of 30% designated of total alcoholic beverages available).

Extra-strength beer is prohibited.

Non-alcoholic drinks available shall be available for the duration of the event at a lower price than alcoholic drinks (tea, coffee, soda).

### **2.3 Food**

Food shall be provided and is NOT satisfied by snack foods such as chips, peanuts, popcorn.

## 2.4 Advertising

The Event Organizer shall not permit, cause or allow promotional advertising of alcoholic beverages' names, brands or manufacturers at an event frequented by youth (beer company umbrellas, clocks, posters, etc.).

## 3. SIGNS

The following signs are to be prominently displayed in the S.O.P. designated facilities:

### 1. Statement of Intoxication

*'The Town of Kirkland Lake strives to provide facilities available for the enjoyment of all members of the community. Servers are required by law not to serve an intoxicated person or to serve anyone to the point of intoxication. Event organizers are pleased to also provide non-alcohol beverages and food items.'*

### 2. R.I.D.E. Awareness

*'The Ontario Provincial Police Reduce Impaired Drivers Everywhere (RIDE) program thanks you for helping to reduce impaired drivers everywhere. We look forward to personally thanking you at one of our spot checks for leaving this event a Sober Driver.'*

### 3. Accountability

The name of the organizer of the event complete with address and phone number will be listed along with the Kirkland Lake Detachment of the Ontario Provincial Police and the AGCO.

### 4. A list of accepted identification for age of majority will be posted at all entrances to licenced areas.

### 5. *'A maximum of 8 tickets will be sold to any individual at one time. A maximum of 4 drinks will be served to an individual at one time. A maximum of 2 drinks will be served to an individual at one time after midnight.'*

### 6. *'Drinks left unattended on the table will be cleared.'*

### 7. *'Low alcohol and No alcohol drink options are available.'*

### 8. Fetal Alcohol Spectrum Disorder as specified in the Liquor Licence Act.

### 9. Designated Drivers

*'The Town of Kirkland Lake thanks designated drivers for their contribution to the health and safety of their friends and the community at large.'*

## **4. ACTIONS TO ENFORCE**

### **4.1 *DUTY TO REPORT***

The Event Organizer has a duty to report to the Municipal Staff issues with details:

- of any incident that involves bodily injury or property damage,
- where a Liquor Inspector under the LLA has made a report on any incident or violation, or
- where the Event Organizer or SOP Holder is aware or has been made aware of any LLA or MAP violations.

Police shall be informed by the Event Organizer as appropriate. Reports shall be made no later than two days after the conclusion of the event, but shall be made immediately where repairs or other action is required to make Municipal property secure or safe for use.

The Event Organizer is responsible to make an immediate report to Municipal Staff if the facility or premises becomes unsafe for use, and to take all necessary steps to protect and exclude persons, erect barriers, give warnings and provide any other protection needed until Municipal Staff take control over the unsafe area.

### **4.2 FAILURE TO COMPLY**

Where there has been a failure to comply with the Liquor Licence Act, the police or the AGCO through a Liquor Inspector under the LLA, may intervene for enforcement purposes and may, at their discretion or other authority, terminate the event.

The Town of Kirkland Lake may similarly cancel, intervene in or terminate the Event for violations of the MAP.

It remains the responsibility of the Event Organizer to manage the event and to take appropriate actions, including ending the Event, vacating Municipal property, maintaining insurance and any conditions of insurance, and providing safe transportation options.

Regardless of the reason for termination of the event, the Municipality will not be responsible for any compensation to the Event Organizer or affected persons or their resulting financial losses.

The Municipality will subsequently inform the Event Organizer and any organization they represent via written documentation that there has been a violation of the policy and any imposed consequences or penalties.

#### **4.3 PENALTIES**

Where the Event is terminated under the MAP or agreement with the Municipality there will be no financial compensation by the Municipality. Additional penalties for failure to comply may include, but are not limited to:

- Loss of privilege to hold an event involving alcohol in a Town of Kirkland Lake facility or property;
- Loss of any future use or rental of any or all Municipal property;
- Individual ban or suspension of persons involved in the infractions from any or all Municipal property for any term
- The loss of privileges, opportunities for use or rental, ban or suspension are subject to terms that include failure to provide compensation or indemnity to the Municipality.

#### **6. Summary**

Not Applicable

# RENTAL CHECKLIST

Name of Organization: \_\_\_\_\_

List of Executives: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Event: \_\_\_\_\_

Facility Requested: \_\_\_\_\_

Date /Times of Event:      Date: \_\_\_\_\_

Start Time: \_\_\_\_\_

End Time: \_\_\_\_\_

Will alcoholic beverages be available and/or sold?     YES     NO

## ***Permit Holder:***

A copy of the Special Occasion Permit must be submitted to the municipal staff representative at least **forty-eight (48) hours before the event**

COPY OF SOP RECEIVED                       YES

## OR

Supply the address and phone number of the licence holder and a copy of the caterer's licence **at least (5) days before the event.**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

COPY OF LICENCE RECEIVED                       YES

Anticipated Attendance: \_\_\_\_\_

**Transportation Strategies:**

Designated Drivers  YES

Van or Bus  YES

Other: \_\_\_\_\_

Will OPP Security Be Present?  YES  NO

Will Other Recognized Security Be Present?  YES  NO

If YES: What Security Company? \_\_\_\_\_

Will Non Alcoholic Beverages Be Available?  YES  NO

Have You Made Arrangements for Food?  YES  NO

What food will be provided? \_\_\_\_\_

\_\_\_\_\_

Copy of Liability Insurance (\$5 Million) submitted to Municipality 14 days prior to the event.

COPY OF LICENCE RECEIVED  YES

Has Your Organization Ever Been Refused Rental Privileges At Any Facility?

YES  NO

Are 60% of Your Event Workers Trained Under the Smart Serve Program?

YES  NO

(Provide list of all workers, including Smart Serve trained workers with certification numbers **2 weeks prior to the event.**)

LIST RECEIVED  YES

**Site Review Meeting:** Before the event begins the permit/licence holder and Event Organizer must agree to attend a site review meeting with the municipal representative to ensure the physical setting is safe for drinkers and non-drinkers. The time and date of this site review to be determined by mutual agreement.

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_

**SPECIAL OCCASION PERMIT OR CATERERS ENDORSEMENT HOLDER**

Name of Team/Group/Organization: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Name of Facility: \_\_\_\_\_

In consideration of the Town permitting our organization to hold an event licenced for the sale of alcohol on Town premises, it is hereby agreed and acknowledged:

1. I have received and reviewed a copy of the Town of Kirkland Lake’s Municipal Alcohol Policy Manual.
2. I have read the attached guidelines and requirements of this agreement.
3. The organization and I agree to adhere to the conditions of this Policy, the Liquor Licence Act of Ontario and terms of the Special Occasion Permit.
4. If an infraction of the Policy occurs, the Town will warn or suspend my organization from using the facilities for a period of one year.
5. The organization or I may be held liable for any injuries and/or damage arising from failure to adhere to the requirements for the Liquor Licence Act of Ontario, and the terms and conditions as outlined in this Permit.
6. The Ontario Provincial Police and Liquor Licence Board Inspectors can lay charges for infractions of the Liquor Licence Act of Ontario or other relevant legislation.
7. My Organization will indemnify and save harmless the Town of Kirkland Lake from all claims for injuries or losses of any kind whatsoever that may arise as a result of our organization’s negligence directly or indirectly with respect to this event being held.

\_\_\_\_\_  
Name of Event Organizer (*please print*)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Town of Kirkland Lake Authority (*print*)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



POLICY	
Policy Number: CORP2020-016	Date Approved: January 2016
Department: Corporate	Date Reviewed: October 2020
Naming Policy	

### 1. Policy Statement

Not Applicable

### 2. Purpose

The Town of Kirkland Lake (TKL) welcomes the opportunity to name physical facilities (buildings, rooms, parks, etc.) and other items to honour the distinguished contributions of individuals or organizations.

It also welcomes the opportunity to honour those whose generous benefactions enhance the Town's ability to further its mission and purpose.

This policy sets out the Town's guidelines for granting the honour of naming.

### 3. Scope

3.1 This policy applies to the naming of:

- Buildings or substantial parts of buildings (wings, rooms, etc.)
- Parks
- Roads
- Playing fields
- Beaches
- Trails or trail systems

Such other items as the Town may from time to time see fit to name in order to perpetuate the name of a distinguished person or benefactor.

3.2 This policy does not apply to the recognition of distinction or benefactions by placing of plaques or other memorials where such recognition does not carry with it the naming of something such as above. The Chief Administrative Officer

or designate is delegated the responsibility for approving all matters in connection with the design and location of plaques.

#### **4. Definitions**

Not Applicable

#### **5. Policy & Procedures**

##### **1. *General Provisions***

- 1.1 In circumstances pertaining to the naming of Town assets, the public unveiling of naming rights or a gift announcement will typically occur once an initial payment toward an outstanding pledge has been received by the Town.
- 1.2 Notwithstanding any other provision in this policy, no naming will be approved or continued where identification with the recognized individual or organization would constitute a challenge to the reputation of the Town.
- 1.3 No name will be approved that will imply the Town's endorsement of a partisan political or ideological position. This does not preclude a naming after an individual who has at one time held public office or with the name of an individual or a company that manufactures or distributes commercial products or services.
- 1.4 A benefactor whose naming gift also provides for the creation of an endowment to support the future maintenance of a building or a part thereof or a facility or fund will be granted naming rights in perpetuity subject to section 3.5. When a naming gift is not sufficient for the creation of such an endowment, or if a benefactor does not wish to create an endowment, naming rights will be typically granted for a negotiated period of time.
- 1.5 Where a building or part thereof or a facility has been named, the Town will continue to use the name so long as the building, part or facility remains in use and serves its original function. When the use is changed such that it must be demolished, substantially renovated or rebuilt, the Town may retain use of the name, name another comparable room or facility, or discontinue the use of the name. Where it is proposed that the use of the name not be maintained, the discontinuation will require the approval of Council. Once a decision to rename is taken, the person or entity for which the facility has been named, or their descendants, will be informed of the decision. If appropriate and feasible, suitable arrangements will be made to honour the name previously used.

- 1.6 The CAO or designate may recognize gifts from benefactors of physical objects which reside in buildings such as books, decorative windows, paintings, furniture and the like. Such recognition is usually marked by the mounting of plaques or nameplates or inclusion in published lists.
- 1.7 When an endowment has been established or donated to continue something that has been named, the Town will make its best effort to protect the capital of the endowment from erosion due to inflation or investment in order to perpetuate the thing that has been named and the use of the name.
- 1.8 Other factors to be considered when approving a name change shall include:
  - Tradition, history, previous agreements, existing commitments and building uses
  - Costs associated with the name change
  - Legal implications of the name change
  - Consideration of the recognition already accorded to the same individual(s).
- 1.9 Where a company/benefactor changes name or mergers occur, the cost of renaming, re-signing and any other related costs will be borne by those requesting the change.

## **2. *Naming in Recognition of Distinctions***

- 2.1 To avoid emotional decisions in the case of a naming proposal to honour a deceased individual, no naming decisions will be considered for at least one year following the death of the individual.

## **3. *Naming in Recognition of Benefactions***

- 3.1 For recognition by naming, it will be expected that the benefactor, and/or other contributors wishing to honour a benefactor, will provide all or a substantial part of the cost of the entity. "Substantial" is deemed to mean either a significant majority of the cost or a contribution which, while not being a significant majority, is regarded as central to the completion of the building, etc. Other specific criteria appear below.
- 3.2 Whenever possible, gift amounts required to secure the naming rights to physical Town assets such as buildings or significant parts of buildings,

special facilities and locations shall be set by the Treasury Office using a calculation formula that considers factors such as:

- Base space value of asset (cost per square metre)
- Location of asset
- Utility of asset

3.3 In the establishment of objectives for a fundraising campaign, Town Council or the campaign committee to which Council delegates authority, may establish in advance naming opportunities and the level of benefaction required for each, and may advise potential benefactors that the benefaction will be recognized by naming, subject to approvals and decisions being consistent with this policy.

3.4 In all such cases, individuals representing the Town of Kirkland Lake will make clear to potential benefactors that naming is subject to the following:

3.4.1 the proposal must be approved according to the Town's criteria, and

3.4.2 Where the benefaction does not meet the full cost of the building, etc., the naming is subject to completion of satisfactory funding arrangements, and the naming will take place only after that is achieved. If the Town is unable to proceed, the potential benefactors will be entitled to redirect their contributions.

3.5 Benefactors establishing endowments are asked to include provision giving the Town the authority to amend the use of the benefaction if the original use becomes inappropriate or impossible, providing that the Town undertakes to make its best efforts to ensure that the endowment is maintained as a separate entity and that the naming in recognition of the benefactor is maintained.

#### **4. Procedures**

4.1 All proposals for naming should be forwarded to the Chief Administrative Officer, who shall make a determination whether the proposed naming conforms to this policy. The proposal will then be forwarded to Town Council who shall make a determination whether the proposed naming is appropriate and of sufficient merit. If Council deems the proposal has sufficient merit, the naming will be approved as outlined below.

## **5. Approvals**

- 5.1 Town Council approval will be required for the naming of individual rooms and similar interior spaces, buildings, substantial part of buildings, or parks.
- 5.2 Prior to the consideration naming proposals, notice will be sent on a confidential basis, by the Chief Administrative Officer to all Council members to enable any member to comment. Names approved by Council will be reported to the Chief Administrative Officer for information.
- 5.3 The authority to name does not extend to the decision to erect a building, or otherwise proceed with the thing which is to be named.

## **6. Summary**

Not Applicable



POLICY	
Policy Number: CORP2020-017	Date Approved: June 2015
Department: Corporate	Date Reviewed: October 2020
Overtime	

**1. Policy Statement**

Not Applicable

**2. Purpose**

Not Applicable

**3. Scope**

Not Applicable

**4. Definitions**

Overtime is considered any authorized time worked over and above the standard work week.

**5. Policy & Procedures**

**Eligibility**

Employees may be requested to work overtime by their immediate supervisor and / or Department Head;

Employees who feel overtime may be necessary are required to consult with their immediate supervisor or Department Head prior to working overtime.

**Authorization**

Overtime must be authorized by the Department Head. A Department Head may delegate this responsibility to supervisory staff where applicable.

Unscheduled overtime due to after hours call out shall be worked and the Supervisor advised on the next working day.

## **Compensation**

Authorized overtime will be compensated as follows:

a) Full-time Personnel: Salary Groups 10 through 19 and Department Heads

'Salary rates for levels 10 to 19 should be the same regardless of hours of work. Senior personnel in these levels are expected to put in the required hours to perform a good level of performance. Excluding Pay Scale 10A.' *(Updating Salary Administration and Ensuring Pay Equity at the Town of Kirkland Lake)*

Department Heads are governed by the foregoing principal.

It is recognized that inordinate hours may be necessary accordingly, Department Heads and senior department staff governed by this section may request "Personal Time Off" through the Chief Administrative Officer or Department Head as applicable. Such requests shall be made on the form designed for such purpose.

b) Full-Time Personnel: Salary Groups 1 to 9 inclusive

In keeping with the desire to emulate and ensure comparability between CUPE and administrative staff overtime will be compensated at the rate of time and one half for all hours in excess of 40 in any normal work week.

Hours worked between 35 and 40 shall be compensated at straight time.

Compensation may be in the form of payment or time off in lieu. Time shall accumulate on the basis of straight time for the hours earned between 35 and 40. Time and one half shall accumulate for hours in excess of 40.

Overtime shall be recorded in increments of 30 minutes.

c) Part-time, Casual, Seasonal Personnel

In keeping with the desire to emulate and ensure comparability as closely as possible between CUPE Part-time, casual and Seasonal Personnel and administrative Part-time, casual and Seasonal Personnel staff overtime will be compensated at the rate of time and one half for all hours in excess of 80 in a two week pay period.

Hours worked between 35 and 40 shall be compensated at straight time.

### **Accumulation**

Every effort should be made to minimize overtime.

Lieu time may be accumulated to a maximum of 40 hours per year save for personnel involved in administration of contracted construction who may accumulate up to 120 hours. The Department Head may authorize in special circumstance additional hours.

Lieu time shall be taken at a time a mutually agreed upon by the Supervisor and Employee. Failing agreement the matter will be referred to the Department Head whose decision shall be final.

Unless otherwise permitted, lieu time shall be taken on or before December 31 in the year in which it is earned. Persons earning time as Construction Inspectors, surveyors and general construction related activities shall use accumulated time on or before April 30 in the year immediately succeeding the year in which it was earned, i.e., time earned in 1997 shall be used prior to April 30, 1998.

In the event departmental requirements preclude using the accumulated time it shall be 'paid out' at the straight time rate.

### **Recording Overtime**

Authorized overtime shall be recorded and logged for purposes of department administration and payroll.

## **6. Summary**

Not Applicable



POLICY	
Policy Number: CORP2020-018	Date Approved: January 2016
Department: Corporate	Date Reviewed: October 2020
Pay Policy – All Employees	

**1. Policy Statement**

Not Applicable

**2. Purpose**

The purpose of this policy is to outline how pay is issued to employees including promotions and pay increases.

**3. Scope**

This policy applies to all employees of the Town of Kirkland Lake (the Corporation).

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

It is the policy of the Corporation to:

1. Provide equal pay for equal work, regardless of who is performing the job.
2. Insure that the pay of all employees is administered in a fair and equitable manner.
3. Provide rates of pay that are competitive with those of other major employers in the Municipality and other similar sized municipalities in the country.

**Job Review**

Each Department Head shall be responsible for ensuring that Job Descriptions for all positions in their areas are kept up-to-date. Job Descriptions will be reviewed once a year, to ensure that they are accurate. Changes in Job Descriptions shall be made as changes in job duties and responsibilities occur. Classification or evaluation of

each position will be the responsibility of the Human Resources Coordinator, in consultation with the CAO when needed. Positions will be reviewed by the committee as warranted by changes in duties and responsibilities on the recommendation of the Department Head.

### **Salary Structure**

The salary structure and its corresponding pay rates are established by Council upon the recommendation of the Chief Administrative Officer. Salary ranges will be reviewed annually. All employees are eligible to receive pay increases that result from increases to salary ranges.

### **Salary Ranges**

Each salary range shall consist of several steps. Employees must be paid at one of these steps – no employee may be paid at a rate that falls between steps. No employee may be paid at a rate lower than the minimum rate or higher than the maximum rate without the prior approval of the CAO.

Before hiring a new employee at a rate above the minimum rate, care shall be taken to ensure that there will be no inequities of salaries of other employees.

### **Overtime Pay**

Refer to Overtime Policy.

### **Salary Increases (Merit)**

The salary of every employee shall be reviewed at least once annually on the anniversary of the date of employment. For part-time employees, performance evaluations will be done annually and step increases will incur, if warranted by satisfactory performance on achievement of hours equivalent to one year for that job description. If an employee has been promoted since joining the Municipality, then the annual salary review shall take place on the anniversary date of their promotion.

At the times of the salary review, and where warranted by satisfactory performance and evaluation, a salary increase to the next highest step in the salary range shall be granted to the employee. A salary increase shall not be granted to an employee who has reached the maximum rate for the salary range. In the case of an employee who has shown truly outstanding performance, salary may be reviewed more frequently than once per year or a two-step increase may be awarded.

## **Promotions**

Where an employee is promoted, he or she may be awarded an increase in pay. The new pay rate shall be the step of the new salary range that is the next highest to the rate the employee was being paid in the old salary range.

Following promotion, the employee's annual salary review shall be on the anniversary date of the promotion. In cases where an employee is transferred to another job – a job that has the same salary range as the previous job, then it is not considered a promotion – and is referred to as a lateral transfer, and it should not be recognized by an increase in salary.

## **Performance Evaluations**

A performance evaluation is intended to be a constructive and positive experience. It is viewed as an opportunity for employees to get to know where they stand relative to their job performance, goals and objectives. At the same time, it offers employees a chance to become involved in determining their future career development and to map out ways in which they can be true participants in achievement of success.

The Corporation maintains a policy of evaluating the job performance of its employees as a means of measuring efficiency and effectiveness of the organization's operations; providing employees with meaningful information about their work; and aiding the organization in making personnel decisions related to such areas as training, compensation, work assignments, retention and long-range planning of its operations.

## **Demotion**

Where it becomes necessary to demote an employee because of unsatisfactory performance, the rate of pay should be reduced to an appropriate step in the lower salary range. In deciding the new rate of pay, consideration should be given to the employee's employment history, and past performance record, particularly any past performance in the position to which he or she is being demoted. Consideration should also be given to the rates of pay of other employees at the lower level position.

Following demotion, the employee should retain his or her salary review date and salary should then be administered as for a new employee.

## **Payout for Retroactive Wages**

Any former employees of the Corporation shall have a period of 30 calendar days from the execution of a collective agreement or arbitration award in which to claim from the employer any adjustments to their remuneration from the date of their employ. The employer will notify former employees by mail at their latest address provided to the Corporation advising them of their entitlement.

This process will be followed for all past employees of the Corporation unless more specific language is included in a collective agreement.

## **6. Summary**

Not Applicable



POLICY	
Policy Number: CORP2020-019	Date Approved: December 2010
Department: Corporate	Date Reviewed: October 2020
Payout of Retroactive Wages	

**1. Policy Statement**

Any former employees of the Town of Kirkland Lake shall have a period of 30 calendar days from the execution of a collective agreement or arbitration award in which to claim from the employer any adjustments to their remuneration from the date of their employ. The employer will notify former employees by mail at their latest address provided to the Corporation advising them of their entitlement.

This process will be followed for all past employees of the Corporation unless more specific language is included in a collective agreement.

**2. Purpose**

Not Applicable

**3. Scope**

Not Applicable

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

Not Applicable

**6. Summary**

Not Applicable

POLICY	
Policy Number: CORP2020-020	Date Approved: August 2007
Department: Corporate	Date Reviewed: October 2020
Return to Work Program	

## 1. Policy Statement

The Corporation is committed to the successful return to work and recovery of municipal employees who sustain personal injury arising out of and in the course of their employment with the Corporation or who suffer from an occupational disease by assisting in early intervention and safe return to work. It is our policy to take all responsible steps to return injured and ill employees to their pre-injury job as quickly as possible. The Corporation and its employees are committed to co-operate and participate in the success of the Return to Work Program. The Corporation will ensure the privacy and confidentiality of the injured employees to the extent possible.

## 2. Purpose

The objective is to increase the awareness of disability issues for all employees and reduce the days lost due to absences from injuries and illness. Where the employee is unable to return to their pre-injury employment as a result of an occupational or non-occupational injury, the goal will be to return them to alternative work, which is consistent with their functional abilities. Establishing a fair and consistent process for employees returning to work in compliance with current and future legislative obligations will result in reduced WSIB costs.

## 3. Scope

This policy applies to all employees of the Town of Kirkland Lake (the Corporation).

## 4. Definitions

**Alternative Work** - Offering the employee a position other than his/her regular job to meet the temporary restrictions. This can be within their current department of work, other departments or other work that is available based on suitability of jobs available to meet the worker's needs.

**Available Work** - Available work is work that exists with the injury employer at the pre-injury worksite, or at a comparable worksite arranged by the employer. In determining if availability of work, WSIB considers:

- Whether a job vacancy has been posted, advertised or otherwise communicated,  
or,
- Evidence of hiring or transfers that occur on or after the date the worker is fit for suitable work.

**Functional Abilities** - This indicates what the injured employee's present physical capabilities are, as per their treating physician's recommendations. This form can also be used when a physician visit is not required. When no treating health professional is used, the form is completed jointly with the injured employee and their Supervisor to determine what they are capable of doing. Always with the understanding that any work that causes an increase in pain or soreness is to be immediately stopped and reported to the Supervisor/Department Head.

**Health Professional** - Includes a medical doctor, chiropractor, registered nurse (extended class), physiotherapist and dentist.

**Medical Aid / Health Care** - When an injured employee requires aid beyond First Aid by a Health Professional.

**Modified Work** - Modified work is any job, task, function or combination thereof that an employee who suffers from a diminished physical capacity may perform safely without risk of re-injury, exacerbation of disability or risk to others. It is also commonly referred to as "suitable work".

**Permanent Accommodation** – When WSIB assesses an injured employee and determines they have reached a plateau (i.e. their injury is not expected to get any better or worse), they are considered at MMR – Maximum Medical Recovery. If the employee still has limitations, they are considered to have a Permanent Impairment (PI) and WSIB will ask the employer to permanently accommodate this employee. When determining if XXX can accommodate the employee on a permanent basis, the following must be considered:

- The **availability** of a permanent position within the employee's limitations.
- The **medical evidence** supporting the employee's ability to perform the essential duties of the position.
- The **qualifications** of the employee to meet the minimum requirements of the position.

- Any **training** that may be required for the employee to meet the minimum requirements of the position.

**Physical Demands Analysis** - The evaluation and assessment of the physical strength, mobility, coordination and vision required to perform a particular job and the assessment of physical and chemical hazards that an employee is subject to when performing the regular duties of that job.

**Reduced-Hours Work** - Less than full-time work to meet the temporary restrictions. In the case of a part-time employee, this could result in a shorter work week or a vacation of days off during the week.

**Return to Work (RTW)** - Return to work is the process or strategy of safely returning employees to the workplace on a timely basis. The goal is to assist in the employee's active recovery and to work towards the resumption of the essential duties of their pre-injury job whenever possible.

**Suitable Work** - Suitable work means post-injury work (including the employee's pre-injury job) that is safe, productive, and consistent with the worker's functional abilities, and that, to the extent possible, restores the worker's pre-injury earnings.

**Temporary Accommodation-** Modified work is considered to be temporary, up to 6 months, however it may be extended if warranted by medical evidence. The duration of a temporary placement shall be discussed with the employee, Health Professional, Supervisor/Department Head responsible for the establishment of the modified work program.

**Work Reintegration** – A set of guidelines mandated by WSIB, aimed at ensuring that a worker has the best opportunities available for successful return to work with their employer. If the workplace parties have not been successful in returning the injured employee to work, WSIB will meet with them no later than 12 weeks from the date of injury.

**Work Transition** – A Plan that outlines the assistance and services an employee requires to enable a return to work with the employer or, if required, to re-enter the labour market. WSIB will provide specialized work transition services between six and nine months from the date of injury.

## 5. **Policy & Procedures**

**The Corporation will:**



- Provide awareness training and educational material to all employees regarding the RTW Program.
- Assign a RTW Program Coordinator.

**Department Heads /Supervisors will:**

- When an incident occurs, immediately conduct or arrange for the completion of an incident investigation.
- Arrange transportation for the injured Employee if needed.
- Instruct and advise the Employee regarding the RTW Work Program.
- Ensure the injured Employee has the Return to Work Package.
- Ensure the injured Employee knows he or she must return to work, either the same day or on their next regularly scheduled shift.
- Complete form WSIB 0007A (Form 7) and accident investigation within 72 hours after learning of the reporting obligation. WSIB requires that a completed Form 7 be received within 3 days after learning of the reporting obligation. Record any first aid obtained.
- Identify suitable work with the employee and review the injured worker's present job position/description to establish if the position can be modified to accommodate the injured worker's restrictions/capabilities.
- Prepare a formal written modified work offer.
- Meet with the employee to discuss the RTW Plan and to sign the modified work offer.
- Develop an RTW plan in co-operation with employee and monitor the plan.
- Communicate with the employee weekly throughout recovery and keep a contact log of the communication.
- Complete all necessary forms as required by WSIB.
- If the employee is unable to return to regular duties and is deemed to have a Permanent Impairment, contact the Human Resources for assistance with the accommodation process.

**RTW Program Coordinator will:**

- Have experience or training in RTW or Disability Management.
- Ensure all employees receive awareness training about the RTW program.

- Ensure RTW program information is accessible to all employees.
- Re-communicate the requirements of the program to the employees at the time of injury or illness.
- Assist with the development of an RTW plan in co-operation with employee and the Department Head/Supervisor.
- Set up regular meetings to review the RTW plan and the employee's progress.
- Keep records of all documents relating to the RTW case file.
- Communicate with Department Heads/Supervisors and injured employees on a regular basis.
- Determine when independent assessment is needed or when additional assistance from the WSIB is required.
- Create an emergency evacuation plan for employees requiring accommodations if an alternative plan is needed.
- Communicate with WSIB, including changes in injured workers duties, wage changes, failure of any party to cooperate in the RTW program and when the employee is back to full regular duties.
- Get the CAO and/or WSIB involved if there is a dispute between the injured worker, and the Department Head/Supervisor or RTW Coordinator.
- Review the RTW program annually.

**Employees will:**

- Immediately report all accidents and illnesses and obtain necessary first aid and/or health care.
- If filing a claim for benefits, review and sign a completed WSIB Form 7.
- Provide the Department Head/Supervisor and RTW Coordinator with a copy of the page 2 of the WSIB Form 8 provided by the Health Care Professional before start of next shift or communicate the functional abilities information to the Corporation as soon as possible.
- Obtain a Functional Abilities Form, WSIB 2647A (FAF) from Department Head/Supervisor for subsequent doctors visits, complete and sign employee's section of Functional Abilities Form to consent to disclosure of functional abilities information.

- Communicate to the RTW Coordinator once a week on your progress in returning to normal duties and update any functional abilities information needed.

### **Training**

All employees must complete training on their responsibilities for the RTW program and the goals and objective of the RTW program during orientation. This training must be reviewed annually.

### **Evaluation**

An annual review of the policy will be conducted by the RTW Coordinator. The RTW Coordinator will track and analyze all incidents to determine performance measures. A copy of this review will be provided to the CAO so that improvements can be added to the Continuous Improvement Plan and the budget for RTW can be reviewed.

### **Legislation/Standards**

Ontario Occupational Health and Safety Act

Workplace Safety and Insurance Act

## **6. Summary**

Not Applicable



POLICY	
Policy Number: CORP2020-021	Date Approved: July 2016
Department: Corporate	Date Reviewed: September 2020
Sick Leave and Attendance Management	

### 1. **Policy Statement**

The Corporation is committed to providing quality customer service while ensuring the health and safety of the public and our employees.

All employees of the Corporation contribute to this objective, and their regular attendance is essential in maintaining service levels. Employees have a responsibility for maintaining their health and ensuring their regular attendance at work. Regular attendance is an expectation of employment. It is an essential duty of the job.

### 2. **Purpose**

The intention of Corporation's Attendance Management Policy is to manage attendance of employees in a supportive and positive fashion while requiring employees to be accountable for such absences.

#### **Key Objectives**

- To promote improved attendance and employee wellness;
- To foster awareness of the importance of good attendance;
- To minimize instances of absenteeism in the organization;
- To establish organizational standards and procedures regarding attendance;
- To respond systematically to instances of excessive innocent absenteeism;
- To administer the Attendance Management Policy in an equitable manner, responsive to individual circumstances.

### 3. **Scope**

Absences can occur for many reasons. Most are legitimate, while others are avoidable. All absences have the potential to disrupt the workplace. Each type of

absence must be handled differently. Abuse of the income protection plans will be dealt with as a disciplinary matter. Someone who is genuinely ill shall be given every reasonable consideration appropriate to their circumstance.

Note: Sick days are for the employee and are not to be used for absences for family members.

Sick days will not be covered for medical procedures not covered under OHIP, e.g. elective cosmetic surgery.

#### **4. Definitions**

##### **Innocent Absenteeism**

“Innocent” absences usually relate to illness or injury—legitimate concerns that the employee cannot control. Such absences are not dealt with through discipline, however, even where an employee has been absent through no fault or blame of their own, the absences are subject to attendance review. The employer is not prevented from taking steps to remedy an attendance problem.

Examples of innocent absences include:

- Sick leave even though the employee has a medical certificate;
- Frequent visits to a Medical Doctor (MD), Nurse Practitioner, dentist, etc.;
- Family problems for which no solutions seem available.

##### **Culpable Absences**

(Will be dealt with separately through the disciplinary process)

Examples of culpable absences include:

- Absence without a valid reason;
- Failure to notify;
- Unsubstantiated absence, where evidence of the reason is required;
- Presenting false reasons for the absence;
- Abuse of income protection plans.

#### **5. Policy & Procedures**

It is the policy of the Corporation to manage attendance and encourage the proper use of income protection plans: e.g. Sick Leave, Long-Term Disability and Workers' Compensation.

The policy will be administered in accordance with the Ontario Human Rights Code.

### **Employee's Responsibilities**

It is the responsibility of each employee to take all steps necessary to ensure they are able to:

- **Notify immediate Supervisor** regarding absences and when returning to regular or modified work as soon as possible:
  - Where practical, the call should be made by the employee, and not someone on his or her behalf;
  - The timings of the call-ins will be established by individual departments prior to the beginning of the shift;
  - No texting in to the Supervisor;
  - Call-ins are to be made directly to the employee's immediate Supervisor or designate not clerical staff or a co-worker. When your Supervisor is off work, a designate will be appointed, typically the Sub-Foreman or Director of the Department.

***Failure to follow these requirements may result in denial of sick leave benefits***

- Attend work regularly;
- Comply with the Sick Leave and Attendance Management Policy's Reporting Procedures and provide all relevant information in reporting absences;
- Make every effort to attend to personal affairs and obligations outside working hours;
- Request Vacation time to cover hours absent for other medical purposes;
- Cooperate with the Corporation's Third Party Disability Management Firm.

### ***Employee's Reporting Requirements***

#### **Doctor's Note:**

- **CUPE 26, Fire Fighters, Non-Union Employees:**

**In the event the disability exceeds three (3) working days**, the employee shall obtain a note from a qualified Medical Doctor (MD) or Nurse Practitioner. This note shall be presented to immediate supervisor upon return to work.

**Short-Term Disability Income Benefit Package - Completion:**

• **CUPE 1074, ONA:**

**In the event the disability exceeds three (3) working days** of the commencement of disability, the employee shall:

- Obtain an Insurance Carrier's Short-Term Disability Income Benefit package (available from Supervisor or Human Resources Coordinator) which contains an Employee Statement and a Physician Statement;
- See a Medical Doctor (MD) or Nurse Practitioner and have them complete the Physician Statement;
- Complete the Employee Statement.

• **CUPE 26, Fire Fighters, Non-Union Employees:**

**In the event the disability exceeds four (4) calendar days** of the commencement of disability, the employee shall:

- Obtain an Insurance Carrier's Short-Term Disability Income Benefit package (available from Supervisor or Human Resources Coordinator) which contains an Employee Statement and a Physician Statement;
- See a Medical Doctor (MD) or Nurse Practitioner and have them complete the Physician Statement;
- Complete the Employee Statement.

**Short-Term Disability Income Benefit Package - Submission:**

• **ALL GROUPS:**

**Within five (5) calendar days**, forward the completed Short-Term Disability Income Benefit package (Employee and Physician Statements) to:

- i. Human Resources Coordinator or designate  
or
- ii. Insurance Carrier (the employee shall be responsible to advise Human Resources Coordinator of date and method of submission, e.g. mail, fax, etc., to Insurance Carrier)

Note: The Employer is not seeking Medical Diagnosis. Any confidential medical information will be dealt with through the Corporation's Third Party Disability Management Firm.

**In the event the disability exceeds five (5) working days** of the commencement of disability, the Corporation may request that the claim be reviewed by the Corporation's Third Party Disability Management Firm to achieve an early and safe return to work.

- When requested, provide Medical Doctor (MD) or Nurse Practitioner with written communication from the Corporation and obtain required information from doctor(s) for the Corporation concerning the availability of modified work. Should employee be allowed to return to work with restrictions, a Functional Abilities form will be required to determine what duties employee is allowed to perform;
- Maintain contact during their absence, with their Supervisor daily or on a reasonable basis to be established by the Supervisor in the circumstances;
- Employees who exhibit patterns of sick leave usage may be asked to provide a Medical Doctor (MD) or Nurse Practitioner note for the absence;
- Employees who are off sick on the day before and/or the day after a scheduled vacation shall provide a Medical Doctor (MD) or Nurse Practitioner note for the absence upon return to work;
- Employees who fall ill during scheduled vacation may request to have their vacation time switched to a sick occurrence upon submission of a Medical Doctor (MD) or Nurse Practitioner note.

### ***Return to Work Procedure***

- The employee is responsible for contacting their immediate Supervisor to notify of their return whether to regular or modified duties;
- In the event the disability exceeds three (3) working days, employee shall obtain a note from a qualified Medical Doctor (MD) or Nurse Practitioner. This note shall be presented to immediate supervisor upon return to work;
- The Corporation may request further medical certification from the employee's Medical Doctor (MD) or Nurse Practitioner regarding the employee's ability to return to regular duties. If the employee returns to work with restrictions, a Functional Ability Form will be completed by a Medical Doctor (MD) or Nurse Practitioner prior to the return to work. If further treatment is needed or special accommodation is required, medical



certification from the employee's Medical Doctor (MD) or Nurse Practitioner may be requested by the Corporation;

- Where the Corporation has reasonable grounds for concern regarding an employee's fitness to return to regular work, it may require the employee to undergo a Functional Abilities Assessment through the Corporation's Third Party Disability Management Firm;
- Appropriate releases of medical information will be obtained to allow the Corporation's Third Party Disability Management Firm and the employee's treating Medical Doctor (MD) or Nurse Practitioner to communicate easily regarding the employee's ability to return to regular duties or modified work.

### **Supervisor's Responsibilities**

Accountability for managing attendance will be primarily with the immediate Supervisor or other person designated by the organization. Supervisors will identify issues, initiate appropriate actions and follow-up on cases in progress as follows:

- Ensure that all employees are aware of the Corporation's Sick Leave and Attendance Management Policy and the employee's responsibilities;
- Ensure employees have been advised of their responsibilities to attend work regularly, to maintain contact with the Supervisor if absent, and to provide the necessary information to Human Resources and/or the Corporation's Third Party Disability Management Firm;
- Communicate with absent employees on a daily or regular agreed upon basis;
- Maintain records.

For absences exceeding five (5) working days, notify the Human Resources Coordinator or designate.

Cooperate with the Human Resources Coordinator and the Department Director to assist and explore a modified return to work plan.

- Interview, counsel and refer employees in accordance with the terms of the Policy;
- When necessary, advise employees in writing, of the organization's expectation with respect to improving attendance. On advice from Human Resources, the letter(s) will advise that should the employee be unable to attend work regularly in his/her present position, one or more of the following may occur:

- Further medical information may be required;
- Reasonable accommodation strategies will be considered to assist the employee to regularly attend work and perform the essential duties of the job;
- Alternate positions suitable for the employee's functional abilities will be considered;
- Employment status may be reviewed and a non-disciplinary termination may result.

### **Human Resources Responsibilities**

The Human Resources Coordinator will coordinate the Sick Leave and Attendance Management Policy and will communicate with the appropriate parties to bring about successful claims management outcomes. Human Resources will provide the following:

- Prepare and distribute quarterly attendance stats and identify those individuals who have exceeded the Corporate standard for that period;
- Prepare and distribute, in February, the annual sick leave report for each Department, for the previous calendar year and identify those individuals who have exceeded the Corporate standard. These individuals will receive an annual year-end report which provides the following:
  - Year-end stats;
  - Sick leave history;
  - Area to review quarterly for upcoming year.
- Liaise with the Corporation's Third Party Disability Management Firm for the purposes of managing absenteeism and providing the necessary information to facilitate a return to work;
- Assist with the Supervisors to formulate appropriate return to work strategies;
- Keep Supervisors informed of the employee's progress, the possible or planned return to work date and the potential need for accommodation of temporary or permanent disabilities;
- Liaise with Director to assist in the development, implementation and monitoring of Return to Work and Modified Work Programs;
- Provide training to Directors/Supervisors on the implementation of this policy;
- Participate in the appeal process.

Note: The sick leave days for those employees who are off work due to planned surgery, hospitalization and/or off on a long term absence that the Employer is aware of, will be considered separately in the determination whether the employee has exceeded the trigger point.

The Employer will be using a standard of **six (6) days per year or 3 occurrences** per employee as the trigger point for identifying potential attendance problems.

The Human Resources Coordinator, on a **quarterly** basis will provide each Supervisor/Director with information identifying:

- The number of days
- Number of occurrences

Those employees who exceed the Corporation's standard or whose absences suggest that the standard will be exceeded by year-end will receive a quarterly review.

Employees have the option to purchase their OMERS leave if they are not receiving their full salary. Human Resources Coordinator will apply for a Disability Waiver of Premium Benefit after the first day of the fifth month of absence due to disability.

## **GUIDELINES**

### ***Assistance***

Supervisors should be alert to employees exhibiting signs of personal problems that are affecting their attendance or performance. Supervisors should be aware of all services that are available to employees through the Employee and Family Assistance Program and should encourage employees and family members to seek assistance when required.

Employees should seek any assistance necessary to maintain health and should take responsibility for their own wellness.

Note: Notwithstanding that meetings under this policy are non-disciplinary; an employee may request the opportunity to have Union representation at such a meeting.

### ***Formal Stages to Handling Innocent/Non-Culpable Absenteeism***

***All employees will have their attendance reviewed and compared to the threshold on a regular basis and documented in their annual performance evaluation***

**Note:** An employee may enter the program at any stage depending on the unique circumstances of their attendance record which consider the following factors:

- Length of tenure with the organization;
- Occurrences\Days Absent;
- Attendance History.

### **Stage One**

- The Supervisor meets with the employee and identifies concerns with attendance;
- The Supervisor explains the impact of absences on the work operation;
- This meeting usually happens after the year-end report is distributed or after quarterly review and has not met the Corporation's standard of 6 days and/or 3 occurrences. The employee is advised that their attendance is not satisfactory and he/she is encouraged to take steps to correct the situation;
- The employee's attendance is then monitored for each quarter and interviews take place at each interval;
- The Supervisor will identify expectations for improvement and if applicable resources for assistance;
- If the employee shows no improvement over the next quarter, the matter proceeds to Stage 2.

### **Stage Two – after three months**

- The Supervisor will meet with the employee and his/her Union representative (if unionized) to review and discuss the employee's attendance concerns, explain the impact of absences on the work operation, identify unacceptable attendance, identify resources for assistance to attend work regularly, and to explore other avenues to achieve improved attendance. Advise that if there is no significant improvement in attendance further action may occur;
- Give opportunity to discuss reasons for absenteeism;
- Offer Employee Assistance Program;
- Identify expectations for satisfactory improvement

- The Supervisor will identify specific course of action if improvement is not achieved;
- A letter documenting this discussion will be forwarded to the employee with a copy to the Human Resources Coordinator;
- The Supervisor will closely monitor the employee's attendance during the next quarter;
- If the employee shows improvement, the Supervisor will provide positive feedback regarding their attendance;
- If no improvement is shown, the matter proceeds to Stage Three.

### **Stage Three – after six months**

- If no improvement is evident during the Stage Two review period, the Supervisor / Director will send a letter to the employee advising that non-disciplinary termination of the employee's employment is being considered. The employee is directed to attend a meeting with the Director / Supervisor, Human Resources Coordinator and the Union, if applicable;
- The Supervisor will identify unacceptable attendance is on record;
- Give employee opportunity to show cause why his/her employment should not be terminated, and/or is willing to abide by conditions of continued employment, the employee will be given one last opportunity to improve attendance;
- If it is considered appropriate to offer conditions of continued employment to the employee, a letter documenting the conditions agreed to will be prepared;
- If the employee fails to show cause, and/or is unwilling to abide by the conditions of continuing employment, the meeting will be concluded and the employee advised that the Supervisor / Director will review the matter further and that termination is being considered;
- The Supervisor / Director and Human Resources Coordinator shall jointly prepare a recommendation for the consideration of the CAO;
- The Director will forward a letter to the employee advising of the decision and cc Union if applicable.

### **Stage Four**

- Termination of employment

**6. Summary**

Not Applicable

YEAR-END ATTENDANCE REVIEW FOR 20\_\_

Employee's Name: \_\_\_\_\_

Number of sick days: \_\_\_\_\_

Supervisor's Initials: \_\_\_\_\_

Number of sick leave occurrences: \_\_\_\_\_

Employee's Initials: \_\_\_\_\_

**SICK LEAVE HISTORY (days and occurrences)**

**Year**

**# of Days**

**# of Occurrences**

**Notes from Discussion:**

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**20\_\_ Absenteeism Record**

1 <sup>st</sup> Quarter		2 <sup>nd</sup> Quarter		3 <sup>rd</sup> Quarter	
Days	Occurrences	Days	Occurrences	Days	Occurrences
Initials		Initials		Initials	
Supervisor	Employee	Supervisor	Employee	Supervisor	Employee

**Additional Comments:**

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**Please return form to Human Resources**

**This attendance review is non-disciplinary. If you are experiencing personal difficulties which you feel may be affecting your attendance, we have an Employee Assistance Program (EAP). The EAP is a voluntary, confidential counseling service for employees and their families.**

Approved By: Council

Date: August 16, 2016





POLICY	
Policy Number: CORP2020-022	Date Approved: May 2020
Department: Corporate	Date Reviewed: October 2020
Temporary Working from Home	

### 1. **Policy Statement**

The Corporation of the Town of Kirkland Lake understands that some employees may benefit from the option to temporarily work from home. Working from home is not a universal privilege, and will be arranged case by case. This policy outlines the process used and expectations for employees working from home.

### 2. **Purpose**

The purpose of this policy is to support and encourage flexibility in employee work arrangements whenever it is possible and practical to do so without compromising the efficiency and effectiveness of the Town. Temporarily working from home is an employee privilege and not a guarantee or an entitlement. All working from home arrangements require the approval of an employee's supervisor / manager or designate. Due to service delivery needs and the nature of work, working from home cannot be implemented for all positions. Some areas will have greater flexibility to facilitate working from home and as such there will be variation across the Town in the ability to adopt this Policy.

### 3. **Scope**

This Policy applies to all non-union Town employees who have successfully completed their probationary period and have been authorized by their supervisor / manager to work from home.

For return-to-work or work accommodation employees with non-occupational or occupational injuries or illnesses, eligibility to work from home will be assessed on a case-by-case basis.

In the event of an investigation, the supervisor / manager would determine whether employee should temporarily work remotely.

In the event of severe weather, the supervisor / manager will decide if the employee is permitted to work from home taking into consideration if the highways are closed or open.

In situations such as a pandemic response where there is limited Information Services capacity to support employees to work from home, working from home positions that provide essential services will take priority.

#### **4. Definitions**

Not Applicable

#### **5. Policy & Procedure**

##### **Designate Responsibilities**

This policy does not alter or replace the terms of an existing employment contract. Employees must comply with all corporation rules, policies, practices, and instructions that would apply if the employee were working at the regular corporation worksite. Working from home is completely voluntary; Corporation of the Town of Kirkland will not require an employee to work from home.

The normal hours of a working from home employee are the standard business hours of the Town, unless otherwise approved by the supervisor / manager. The standard business hours within Town work locations are 8:30 a.m. to 4:30 p.m. Monday through Friday.

Work hours, compensation, and leave scheduling will continue to conform to applicable policies and agreements. Requests to work overtime or use leave time must be approved by the employee's supervisor / manager in the same manner.

In addition, the Policy is meant to ensure consistent work practices are followed such that working from home employees continue to provide a level of service equal to or better than that provided while at an on-site work location.

Employees scheduled to be working from home on a certain day may occasionally be called to a Town on-site work location on short-notice. Employees must remain flexible to accommodate Town requirements, if called in on short-notice.

When employees are called into work on short notice, they will not be compensated for mileage for their drive to work, nor for their travel time.

## **Responsibilities**

### ***Human Resources will:***

- Work with supervisors, managers and employees to determine what employee's job duties can be performed from their homes;
- Ensure supervisors / managers are trained and have the resources to manage employee's performance remotely;
- Identify key employees and who their backups are in the event the key employee cannot work;
- Work with supervisors / managers to ensure employees are properly trained to work from home.
- Distribute pamphlet entitled: Working from Home: Ergonomics for Your Body and Mind.

### ***Management Information Systems Coordinator will:***

- Work with supervisor / managers to ensure the employees have the necessary hardware, software, and bandwidth needed;
- Promptly provide technical support to employees;
- Ensure proper cyber security dependent on position and sensitivity of documentation.

### ***Employees will:***

- Uphold the same strong work ethic and professionalism used at the office;
- Change office phone outgoing message with directions on how to reach them or forward office phone calls to their cell phone;
- Determine what type of home interruptions are acceptable and develop rules for family members regarding interruptions while working from home. Make appropriate dependent care arrangements and manage personal responsibilities in a way that allows successful completion of job responsibilities;
- Determine a work office location within their home that is free of distractions;
- The employee is responsible for providing adequate workspace and furnishings while working from home. Ensure that this workplace meets the standards in the Town's Health and Safety Policy;

- Maintain communication with supervisor / manager on a daily basis;
- Maintain communication and contact with colleagues to ensure other internal employees are aware of designated workspace contact information;
- Set a work schedule and work according to this schedule. Communicate changes to their schedule as they arise;
- Meet deadlines as normal;
- Keep their supervisor / manager updated about the status of their work and communicate difficulties as they arise;
- Attend all scheduled conference calls;
- Use organizational-owned equipment and supplies only for work-related purposes;
- Perform due diligence to protect the security of Town's data, information, client or employee records and confidentiality while working from home or at an off-site location;
- Maintain security of organizational servers, information, and equipment;
- Take all appropriate measures and precautions to prevent the loss, theft, damage and/or unauthorized use of the organizational-owned property;
- Not leave equipment unattended in public or in a vehicle;
- Keep food and drinks away from equipment at all times;
- Lock their accounts when devices are not in use;
- Ensure confidentiality and records management requirements are maintained;
- Transport files and document to be done in compliance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA)
- In order to maintain the tracking of records of files that are taken offsite, the employee must complete the [S:\Corporate Administration FORMS\Log of Document Leaving Municipal Premises.pdf](#) and provide this to their supervisor.
- Immediately report any incident or suspicion of unauthorized access to their account and/or disclosure of corporate data or resources;
- Will not open/download/upload any applications, images, videos, files, etc. from networks outside of organization onto an organization-owned device

unless for a legitimate work-related purpose and from a source that they know for fact is trusted.

- In the event that the employee has a safety incident in their designated workspace, they are to report it complete the <S:\Corporate Administration FORMS\Incident Investigation Form.pdf>

***Supervisors / Managers will:***

- Ensure the proposed Temporary Work from Home Agreement allows the Department to maintain effective operations and, where necessary, make any schedule adjustment prior to sign-off on the agreement;
- Approve the Temporary Work from Home Agreement, and provide copies of the signed agreement to the Human Resources Supervisor and to the Municipal Information Systems Coordinator;
- Support and manage employee performance remotely;
- Ensure proper distribution of work between employees;
- Set expectations with employees in terms of communicating; determine goals, priorities, and timelines for completion, etc.;
- Schedule regular calls to monitor and review productivity of employee's tasks. Maintain communication with the employees;
- Address performance issues immediately.

***Senior Management will:***

- Establish Temporary Work from Home Employee Agreements and ensure they are in place for all employees working from home;
- Ensure supervisors / managers are properly supporting and monitoring employee performance;
- Clearly communicate guidelines and requirements on various temporary work from home issues and expectations to supervisors / managers;

**Approval Process**

Permission to work from home must be pre-approved and will be reviewed regularly by the employee's supervisor / manager. Employees may submit a one-time use work from home request as a return to work or work accommodation option or they may enter into an agreement with Corporation of the Town of Kirkland Lake for an ongoing work from home arrangement. These requests should be submitted in writing to the employee's supervisor / manager at least one pay period in advance

and will be either approved or denied at the discretion of Corporation of the Town of Kirkland Lake. If at any time the arrangement no longer meets business or productivity goals, the Corporation of the Town of Kirkland Lake may alter or revoke the agreement.

Each Department must maintain an appropriate number of employees on site at the Town offices in order to function effectively.

### **Health and Safety**

Corporation of the Town of Kirkland Lake is committed to ensuring that the alternate worksite is safe and ergonomic. The Corporation may make onsite visits to the employee's work site at a mutually agreed upon time to ensure that the designated work space is safe and free from hazards. If the workspace is unsafe and cannot be made safe, the Corporation of the Town of Kirkland Lake may refuse or revoke the employee's work from home arrangement.

Employees working from home will be covered by workers' compensation for job-related injuries that occur in the course and scope of employment while working from home. The employee remains liable for injuries to third parties that occur on the employee's premises.

### **Principles**

Temporary working from home must conform to Ontario employment laws (e.g. employment standards related to meal/break times and overtime). The basic terms and conditions of employment between the employee and the Town shall be adhered to. All policies and procedures affecting employment remain in effect during the temporary working from home period except for those determined by the employer to be non-applicable or those which cannot be applied and enforced.

### **Compliance**

Abuse of temporary working from home privilege may result in immediate termination of the privilege; and will result in appropriate disciplinary measures, up to and including dismissal from employment.

### **Related Documents**

The following documents are referenced in this Policy:

- Incident Investigation Form
- Corporate Health & Safety Policy

- Information Systems Security and Usage Policy
- Temporary Work from Home Agreement

### **End of Agreement**

At the end of a work from home agreement, employees must promptly return all Corporation property used for working at home. An employee, current or former, may receive notices from Corporation of the Town of Kirkland Lake to return their property. Failure to do so may result in discipline for current employees or legal action if the employee no longer works for the Corporation. If an agreement is being revoked, employees will receive reasonable notice to make any arrangements necessary to return the Corporation's property to the worksite.

### **Legislation**

- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

### **6. Summary**

Not Applicable

POLICY	
Policy Number: CORP2020-023	Date Approved: July 2020
Department: Corporate	Date Reviewed: October 2020
Town Owned Vehicles	

**1. Policy Statement**

Not Applicable

**2. Purpose**

Not Applicable

**3. Scope**

Not Applicable

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

Town Owned Vehicles:

1. Will be assigned to approved individuals as the prime user but that all town-owned vehicles will be made available to all other Town employees as required within time constraints so as to utilize their use to maximum efficiency.
2. Shall not be used for personal reasons.
3. Shall not be operated outside of the municipality except for approved conventions, business trips, service checks, etc.
4. Shall be identifiable by appropriate Town crest decals on both front doors in sizes suitable for that vehicle and further identifiable by numbers decals and indicating their identification numbers.



5. The person who is assigned primary user of the vehicle shall be responsible to see that the vehicle is:
  - a) Kept clean and presentable to the public.
  - b) Is properly maintained in accordance with the shop-servicing schedule.
  - c) See to refueling and report any mechanical or other difficulty.
6. Town-owned vehicles shall remain at their respective work places before and after normal working hours except those assigned to employees on 24 hour call (as shown on Schedule 'A') or when that employee has a specified approved assignment outside normal working hours such as engineering inspection or business meeting for example, in accordance with the attached schedule. This policy will apply to lunch hour as well. Approval for specific circumstances will be obtained through the normal channels.
7. That a continuous log will be kept by the primary user of the vehicle showing the number of times the vehicle is used and a brief description of the callout, outside normal working hours. These logs to be turned in to the Director of Physical Services on a monthly basis.
8. This policy shall be effective January 1, 2006.

**6. Summary**

Not Applicable

## **SCHEDULE 'A'**

### **Town-Owned or Leased Vehicles Permitted to be Taken Home**

- a) Waterworks Foreman or Sub-Foreman – One vehicle, only
- b) Roads Foreman or Sub-Foreman- one vehicle, only
- c) Fire Chief
- d) Utilities On-Call – one vehicle, only

*Note: All other Town-owned vehicles and equipment not listed will not be taken home except as per item #6 of this policy.*

POLICY	
Policy Number: CORP2020-024	Date Approved: January 2008
Department: Corporate	Date Reviewed: October 2020
Travel Expense Policy	

**1. Policy Statement**

Not Applicable

**2. Purpose**

Not Applicable

**3. Scope**

The following regulations cover authorized out-of-town travelling expenses for elected and appointed officials and employees of the Corporation.

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

**Transportation:** *(Receipts to be attached)*

- Public Commercial Carrier fare.
- Pullman fare.
- Airport limousine charges.
- Municipal vehicle - fuel and parking charges.
- Personally owned vehicles 43¢ per kilometre return and parking charges.
- Cabs, transit and other forms of transportation for municipal business purposes.

**Accommodation:** *(Receipts to be attached)*

- Hotel expenses for actual cost of room.

### **Allowance for Meals and Associated Tips:**

If traveling out of town for a 24-hour period (overnight) then the per diem rate is \$90 per day, otherwise, you claim for the meals listed below. For example, if you leave Kirkland Lake at 10:00 a.m. and return by 4:00 p.m. the following day, you would claim \$90 for the 24-hour period (10 a.m. to 10 a.m.) and then would claim an extra \$15.00 for lunch.

If traveling out of town and not staying overnight then the individual be reimbursed at \$10 for breakfast, \$15 for lunch and \$20 for dinner.

If any of the above meetings, etc. take place in Kirkland Lake, actual expenses incurred will be reimbursed upon furnishing receipts.

### **Other Special Disbursements: (*Receipts to be attached*)**

- Convention, etc. registration fees (spouse, if registered).
- Telephone charges for municipal business purposes only (Name, location and purpose to be stated).
- Occasional entertainment of officials of other Municipal, Provincial, or Federal Governments and their Agencies (Name of individuals and titles are to be shown on account).

### **Accounting For Advances:**

Funds advanced for travelling expenses shall be accounted for by the completion of approved forms within two weeks of return to the Municipality. If funds advanced are in excess of the total accounted for, the balance of the monies is to be refunded to the Treasurer. If expenditures accounted for are more than the advances received, a cheque for the balance will be paid by the Treasurer.

## **6. Summary**

Approved by: Council Resolution

Date: December 4, 2007

## STATEMENT OF TRAVELLING EXPENSES

<b>Purpose of Trip or Expenditure:</b>	
<b>Location:</b>	
<b>Date:</b>	

		Amount per receipt / per diem		-A- Sub	-B- HST (13%)
Transportation:	\$0.43/km	\$	13%	\$	\$
Accommodation:		\$	13%	\$	\$
Meals & Associated Tips:		\$	13%	\$	\$
Out of town per diem \$90/day		\$		\$	\$
Other Disbursements: (in detail)					
		\$	13%	\$	\$
		\$	13%	\$	\$
		<u>\$</u>	13%	<u>\$</u>	<u>\$</u>

Line A Charge Account	\$
Line B HST (13%)	\$
<b>SUBTOTAL <i>Lines A+B+C</i></b>	<b>\$</b>

Credit Account (Advance)	AR#
TOTAL OWING TO ME / OWING BY ME	
	\$

I hereby declare that the above amounts were paid by me for Municipal services only.

\_\_\_\_\_  
Name of Claimant

\_\_\_\_\_  
Signature of Claimant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Dept. Head or Authorized Official

***PLEASE ATTACH A COPY OF AGENDA OR MEETING DESCRIPTION***

POLICY	
Policy Number: CORP2020-025	Date Approved: October 2016
Department: Corporate	Date Reviewed: October 2020
Whistleblower Complaint Investigation	

### 1. Policy Statement

The Town of Kirkland Lake is committed to open, ethical, accountable and transparent local government. It is in the public interest to maintain and enhance public confidence in the Town and its employees, by providing for the disclosure of allegations of wrongdoing with respect to the Town's operations.

### 2. Purpose

The purpose of this policy is to provide protection from reprisal to those employees who in good faith report wrongdoing.

### 3. Scope

For the purposes of this policy "employee" shall mean any Non-Union or bargaining unit employee of the Town and excludes the Mayor and Members of Council. The Mayor and Members of Council are governed under a separate Councillor Code of Conduct Policy and Integrity Commissioner Bylaw.

### 4. Definitions

**Good Faith** means an act which is not done trivially, frivolously or for a vexatious purpose, and this definition shall be considered in determining what is bad faith under this policy.

**Wrongdoing** includes instances of fraud and waste and refers collectively to any illegal or inappropriate conduct including;

- A violation of a Town policy or Council direction
- A violation of any law
- The misuse or misappropriation of public funds or assets
- A gross mismanagement of Town resources

- A falsification, alteration, or manipulation of the Corporation's documents, records or computer files
- Any fraudulent claim for reimbursement of expenses by the Town
- A substantial and specific danger to public health or safety or;
- An abuse of authority

**Whistle-Blower** is an employee who in good faith reports wrongdoing to the appropriate authority, in an attempt to have the activity brought to an end.

**Reprisal** is any harassment, intimidation, dismissal, suspension, demotion, discipline, or threat of dismissal, suspension, demotion or discipline of an employee as a direct result of the employee in good faith disclosing a perceived wrongdoing.

## 5. Policy & Procedures

### **Reporting Procedure:**

Employees, who become aware of wrongdoing including those outside their own departments, must raise the issue first with their Immediate Supervisor. The issue may be raised verbally or in writing and should include full details and, if possible, supporting evidence of the wrongdoing. The Supervisor shall take prompt action in investigating the allegations of wrongdoing. The Department Director will be made aware of the allegations and will be kept apprised of the investigation.

Where the employee reasonably believes the wrongdoing places his/her Supervisor in a conflict of interest, the employee shall raise the issue with the Department Director who will conduct the investigation. The Department Director will keep the Chief Administrative Officer apprised of the investigation.

Where the employee reasonably believes the wrongdoing places the Department Director in a conflict of interest, the employee shall raise the issue with the Chief Administrative Officer who will ensure an investigation is conducted.

Dependent on the findings of the investigation appropriate action will be taken which could involve disciplinary action or informing external authorities if a criminal action has been committed (e.g. fraud or theft).

Where an incident of wrongdoing is raised concerning a member of council, the employee shall follow the procedure as set out in the Councillor's Code of Conduct and report to the appointed Integrity Commissioner.

### **Whistleblower Protection:**

An employee, who believes they are the subject of a reprisal related to their reporting of wrongdoing, shall notify Department Director of the alleged reprisal for investigation.

Where a Supervisor is informed of, or becomes aware of, reprisals against an employee, as a result of a report of wrongdoing, they shall inform the Department Director.

Any allegations of reprisals will be the subject of investigation. Where an investigation substantiates the allegations of reprisals resulting from a report of wrongdoing, Department Director will lead the investigation in consultation with the Chief Administrative Officer. Investigations may be conducted by an independent external investigator if necessary.

The employee responsible for the reprisal will be subject to disciplinary action up to and including dismissal.

### **False Allegations:**

Any employee who knowingly makes a false complaint in bad faith or who knowingly makes a false or misleading statement that is intended to mislead an investigation of a complaint, may be subject to disciplinary or legal action.

## **6. Summary**

Complaint must be received within 180 days of infraction.

Give as much detail as possible: Who, What, Where, When, Why, How.

Anonymous complaints will not be investigated.

Form must be given to immediate supervisor. If complaint includes supervisor, then complaint is delivered to next manager in chain of command.

All complaints may not be investigated... dependant on timeline, adequacy of evidence and type of complaint.

See Policy re False or Bad Faith Complaints.



## Town of Town of Kirkland Lake Complaint Investigation Form

*(Whistleblower Policy attached)*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone 1: \_\_\_\_\_ Phone 2: \_\_\_\_\_

Your Job Site: \_\_\_\_\_

### Type of Complaint

Describe complaint in full. *(Use dates and examples/instances)* \*Please continue on back page if required

Other witnesses to complaint

Name of person(s) complaint refers to

Received by: \_\_\_\_\_

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

Continuation of complaint description *(if needed)*

[Empty rectangular box for complaint description continuation]



POLICY	
Policy Number: HR2020-001	Date Approved: February 2009
Department: HR	Date Reviewed: October 2020
<b>Benefit Policy (Non-Union Employees)</b>	

**1. Policy Statement**

Not Applicable

**2. Purpose**

Not Applicable

**3. Scope**

Not Applicable

**4. Definitions**

- 1) 'Corporation' shall mean the Corporation of the Town of Kirkland Lake.
- 2) 'Employee' shall mean a person employed by the Corporation.
- 3) 'Permanent Employee' shall mean a person hired or appointed by the Corporation for a job or position who is:
  - a) On the active payroll of the Corporation;
  - b) Is neither a seasonal or probationary employee as defined in sections 4 and 5 of this section;
  - c) Has successfully completed the probationary period as per hiring agreement and;
  - d) Has been accepted by the Corporation for full-time continuous employment.
- 4) 'Probationary Employee' shall mean a person hired or appointed by the Corporation with the intent that he/she shall become permanent, who has not yet completed probationary as per hiring agreement.

- 5) 'Seasonal Employee' shall mean a person hired or appointed by the Corporation for a specified term and for a specified project and includes casual, temporary, continuous part-time and probationary employment.
- 6) 'Director' shall mean a person in charge of a Department and in his absence his authorized representative.
- 7) 'Service' shall mean the length of time an employee has been on the active payroll of the Corporation including authorized sick leave and authorized leave of absence.
- 8) 'Full-Time' shall mean an employee who is regularly scheduled to work the normal full-time hours of a particular position.
- 9) 'Regular Rate' shall mean the rate of pay for the classification in which an employee is presently working.
- 10) 'Basic Rate' shall mean the rate of pay for the permanent job classification of the employee.
- 11) 'Normal Retirement Age' shall mean the day the employee reaches the age sixty-five (65) for all employees of the Corporation except for members of the Fire Department whose normal retirement age shall be the day the employee reaches the age of sixty (60).
- 12) 'Plural or Feminine Terms' wherever the singular or masculine is used in this schedule, it shall be considered as if the plural or feminine has been used where the context of the party or parties hereto so requires.

## **5. Policy & Procedures**

### **SECTION 2 – TERMINATION OF EXISTING SICK LEAVE CREDITS, SALARY CONTINUANCE PAYMENTS (SHORT-TERM DISABILITY), and LONG-TERM DISABILITY PROGRAM**

shall be subject to the following conditions:

1. An employee shall, on the first day and every following day of illness, report or cause to report such illness to his responsible officer at least thirty (30) minutes prior to his normal starting time except an office employee who shall so report as soon as possible following his normal starting time. In the case of an employee working rotating shifts, at least four (4) hours' notice shall be given before the start of his shift, whenever possible. Such illness to be personal illness or personal physical incapacity caused by factors over which the employee has no reasonable or immediate control or in the event of quarantine caused by exposure to contagious disease that in the opinion of

the Medical Officer of Health might endanger the health of employees by his attendance on duty.

2. In the event an employee fails to report as outlined in subsection 1 of this section, he shall not be entitled to any sick leave benefits as provided herein, unless in the opinion of the Director/Supervisor, there was reasonable justification for the employee's failure to report.
3. Upon receiving notice of an employee's illness, the Director/Supervisor shall, on the same day, report such illness on a 'Salary Continuance Plan' form provided for such purpose, said form to be signed by employee upon returning to work.
4. In instances of continuing illness, the Corporation reserves the right to require, from time to time, a certificate from a medical examiner concerning the progress being made by the employee toward recovery and return to work.
5. In the event an employee fails to file the necessary medical certificate(s) as outlined in section 2 B) 6. a) and/or b), he/she shall not be entitled to any sick leave benefits as provided herein, unless in the opinion of the Director/Supervisor, there was reasonable justification of the employee's failure to file the said doctor's certificate.

***A) Termination of Existing Sick-Leave Credits (Prior to April 30, 2001)***

**1. Employees with ten (10) years or more service.**

- a) All employees' sick leave credits to be frozen at today's pay rates by applying the provisions of the existing By-law, subject to any restrictions, imposed by Federal or Provincial Statutes.
- b) The vested amounts as calculated in a) above will be increased annually in accordance with formula below. The interest factor will be the average rate of interest on one-year term deposits at the Corporation's chartered bank.

Formula: Formula for payout of sick leave on the employee's retirement or termination:

"Payout = Frozen Amount × Average Annual One-Year Term Deposit Rate × Days after Dec 14/87 ÷ 365 Days"

- c) Funds held to the credit of each employee would be made available for payout to the employee on retirement or termination.

**2. Employees with less than ten (10) years service.**

- a) Employees' sick-leave credits to be frozen at today's salary levels (Accumulated days of sick leave multiplied by present regular rate of pay).
- b) Once the employee attains ten (10) years of service, the above credits will be converted to a cash equivalent payout under the provisions of By-law 1273. That is, the amount calculated in section 2 A) 1. b) will be increased in accordance with the formula in section 2. A) 1. a). The interest factor will be the average rate of interest on one-year term deposits at the Corporation's chartered bank.
- c) Funds held to the credit of each employee would be made available for payout to the employee on retirement or termination.

**B) Salary Continuance Plan (Short-Term Disability)**

**1. Eligibility**

Full-time permanent employees who are actively at work on the date of plan implementation. Subsequently, all employees who have been hired on a permanent basis and who have successfully completed the probationary period.

**2. Cost**

Cost of the plan will be paid 100% by the Municipality

**3. Elimination Period**

**a) Sickness**

Payments to commence on:

- i. First day for first absence in calendar year;
- ii. Second day for second absence in calendar year;
- iii. Third day for third absence in calendar year;
- iv. Fourth day for fourth and subsequent absences in a calendar year.

**b) Accident**

Payments commence immediately

**c) Hospitalization**

Payments commence on the earlier of the date of hospitalization or the end of the sickness elimination period as in subsection a) of this section.

**4. Definition of Disability**

- a) Covers permanent full-time employees who are prevented from performing their own occupation as a result of a non-occupational sickness or accident.
- b) Whereas an employee returns to work and is absent from work within the same year, due to the same illness or related cause shall not be deemed to have a new occurrence, nor will there be an extension of the 26-week elimination period. Re-occurring illnesses incurred in a new calendar year will be deemed to be a new occurrence.

**5. Benefits**

Length of Service	Weeks Paid at 100% of Regular Pay	Weeks Paid at 66 2/3% of Regular Pay
Less than one year at December 31	0	26
1 year at January 1	1	25
2 years at January 1	2	24
3 years at January 1	4	22
4 years at January 1	6	20
5 years at January 1	8	18
6 years at January 1	10	16
7 years at January 1	12	14
8 years at January 1	14	12
9 years at January 1	16	10
10 years at January 1	18	8
11 years at January 1	20	6
12 years at January 1	22	4
17 years at January 1	24	2
20 years and more at January 1	26	0
Note: The 26 week benefit will be applicable to each occurrence.		

**6. Reporting Requirements**

- a) In the event the disability exceeds three (3) working days, the employee shall obtain a medical certificate from a qualified Medical Doctor or a Nurse Practitioner. This certificate is to be presented or forwarded to the immediate supervisor as soon as possible.
- b) In the event the disability exceeds four (4) working days, the employee shall obtain and complete a “Short Term Disability Income Benefits – Employee’s Statement” which can be obtained from the employer. The “Attending Physician’s Initial Statement Disability Income Benefits” section will be completed by your doctor who may charge a fee which the employee is responsible for paying.

Within five (5) calendar days, the employee must forward the completed statement to:

- i. The Corporation’s Human Resources/Benefits Clerk who will in turn forward statement to the Insurance carrier.

or

- ii. Insurance carrier – the employee will be responsible to advise the Human Resources/Benefits Clerk of date statement was mailed.

**The insurance carrier provides a disability management services in which they determine entitlement to benefits based on the definition of disability authorized by the Corporation and medical information from the employee’s doctor(s). Should the insurance carrier advise the Corporation that disability benefits are denied, the employee will be responsible to reimburse all monies previously paid for the claim.**

## **7. Limitations**

- a) Benefits will not commence while an employee is on lay-off or on an unauthorized leave of absence.
- b) The Municipality shall have the right to reduce benefits payable by all income (including Canada Pension Benefits) received from other sources as a result of the disability.
- c) Payments will not be made by the Municipality for absences resulting from occupational related sickness or accident.
  
- d) While on the Salary Continuance Plan (Short-Term Disability) the Statutory Holidays will be paid through the Corporation’s payroll



system at 100% even if sick leave payments are being paid at 66 2/3%.

- e) While on disability, employee is not entitled to any pay increases or retroactive pay increases unless the effective date is prior to the date of disability.
- f) All payments under the Salary Continuance Plan (Short-Term Disability) will be made through the Corporation payroll system. In the event of a delay in the decision from the insurance carrier, the Corporation will advance the employee, the approximate amount of the disability payment equivalent to four (4) working weeks.
- g) If an employee is disabled while on vacation, the following rules will apply:
  - i. Less than 4 days – classified as vacation
  - ii. More than 3 days – the Salary Continuance provisions will be applied.

### **C) Long-Term Disability Plan (LTD)**

1. Full-time permanent employees are eligible.
2. Elimination Period: 26 weeks of Salary Continuance Plan (Short Term Disability)
3. Benefit: 66 2/3% of salary to a maximum of \$4,000 monthly
4. Offsets: All income received from other sources will reduce the LTD payments (includes Canada Pension Plan (CPP) and/or Workplace Safety & Insurance Board (WSIB) payments)
5. Definition of Disability: During the elimination period and following 24 months, an employee must be totally disabled and prevented from performing his own occupation. Thereafter, he must be prevented from performing any occupation for which he is qualified by education, training or experience.

### **SECTION 3 – CRITICAL ILLNESS**

In the event of an emergency involving critical illness in his/her immediate family, an employee may be granted up to one (1) day off with pay in any one year, to deal with the emergency. 'Immediate family' shall mean the employee's spouse, which includes a same-sex or common-law partner; the parent, step-parent or foster parent of the employee or the employee's spouse; the child, step-child or foster child of the employee or the employee's spouse; the daughter-in-law or son-in law, the grandparent, step-grandparent, grandchild, or step-grandchild, grandchild, or step-grandchild of the employee or the employee's spouse; the spouse of the employee's child, the employee's brother or sister, brother-in-law or sister-in-law; or any other relatives who are dependent on the employee for care or assistance.

If the illness exceeds one day, the Employment Standards Act's Emergency Leave or Family Medical Leave shall apply.

### **SECTION 4 – BEREAVEMENT LEAVE**

1. An employee shall be granted up to three (3) regularly scheduled working days leave of absence with pay for the purpose of making arrangements for or attending the funeral of a member of his immediate family as described in section 3. The three (3) days may not be consecutive if the death does not coincide with the funeral arrangements or in the event of a spring burial.
2. Up to one (1) working day may be granted for uncle, aunt, nephew or niece.
3. An additional two (2) days traveling time may be granted by the Director/Supervisor to permit the employee to attend a funeral in his immediate family as described in Section 3 that is to be held at a distant point.

### **SECTION 5 – PALLBEARER'S LEAVE**

One-half (1/2) day leave shall be granted without loss of salary or wage to attend a funeral as a pallbearer.

### **SECTION 6 – FUNERALS OF FELLOW EMPLOYEES**

1. Not more than six (6) employees, exclusive of supervisory personnel, may be granted leave of absence with pay, at the discretion of the Director/Supervisor concerned of one-half (1/2) day to attend the funeral of a fellow employee.

2. Not more than two (2) employees, may be granted leave of absence with pay at the discretion of the Director/Supervisor concerned for one-half (1/2) day to attend the funeral of the husband, wife, son, daughter, father or mother of a fellow employee.

## **SECTION 7 – JURY AND WITNESS DUTY LEAVE**

An employee required to serve as a juror or witness (where the employee is not the plaintiff or defendant in the court appearance) and who, therefore, is unable to perform his/her regular shift shall be entitled to receive for each day of absence the difference between his/her regular straight time rate for all hours lost and the amount of fee received provided the employee furnishes the Corporation with proof of service showing the amount of fee received.

## **SECTION 8 – WORKPLACE SAFETY & INSURANCE BOARD (WSIB) LEAVE**

An employee absent from work on account of an occupational accident that is recognized by the Workplace Safety & Insurance Board as compensable shall be paid as per the WSIB Act. WSIB compensation claim pay advances will be processed through the Corporation's Accounts Payable system. The maximum amount of advances shall be 85% of gross normal pay minus associated deductions. The maximum number of advances will be equivalent to four (4) working weeks. A repayment agreement shall be signed by employee prior to any funds being released.

When the employee receives WSIB compensation payment(s), the advance must immediately be repaid. Should the compensation claim be disallowed by WSIB, the employee will be responsible for arranging proper acceptable repayment with the Corporation's payroll department.

## **SECTION 9 – PREGNANCY OR MATERNITY LEAVE**

See Employment Standards Act

## **SECTION 10 – LEAVE OF ABSENCE WITHOUT PAY**

1. All requests for leaves of absence shall be submitted to the operating Director in writing, and, if approved by the Director, the Chief Administrative Officer is empowered to grant any leave of absence without pay to a maximum of two (2) weeks. A request to extend holidays by means of a leave of absence will not be granted in consecutive years except under extenuating circumstances.
2. The Corporation may grant a leave of absence without pay to an employee for good and sufficient personal reasons for a maximum period of one (1)

year. All requests for such leaves of absence must be submitted as far in advance as practical and the Corporation agrees to confirm or deny the request for such as soon as possible.

3. Benefits will be maintained, on the basis of current cost sharing during a leave of absence of one (1) to fourteen (14) days. An absence beyond fourteen (14) days will result in a lapse of benefits. On resuming full-time work after an absence of more than fourteen (14) days but less than six (6) months (assuming a good state of health), benefits may be resumed immediately. A lapse of more than one (1) year will require appropriate documentation before benefits resume.

### **SECTION 11 – LEAVE OF ABSENCE WITH PAY**

Leave with pay shall mean time for which an employee is paid when he/she is excused from work and shall be granted to employees who are a member of the Volunteer Firefighter's Brigade when in attendance at a fire or on fire duty. The employee will be paid regular straight time rate for all hours lost and the amount of fee received provided the employee furnishes the Corporation with proof of service showing the amount of fee received from fire pay.

### **SECTION 12 – PAID HOLIDAYS**

1. All permanent and probationary employees covered by this policy shall receive a regular day's pay at their basic rates for the following holidays if not worked:

New Year's Day	Civic Holiday
January 2nd	Labour Day
Family Day	Thanksgiving Day
Good Friday	Armistice (Remembrance) Day
Easter Monday	Christmas Day
Victoria Day	Boxing Day
Dominion (Canada) Day	

2. Non-Union Part-Time TPR employees shall be granted statutory holidays in accordance with the provisions of the Employment Standards Act.

3. All seasonal / part-time or contract employee excluding the employees in subsection 2 of this section, shall receive pay for the holidays listed in subsection 1 of this section. These holidays will be paid according to the Employment Standards Act.
4. There will be two (2) floating holidays per year for all permanent employees except for Police employees who are eligible for three (3) floating holidays per year and Library employees who follow their Board's policy. These holidays are to be agreed to between the employee concerned and the Corporation.
5. In order to be entitled to payment for holidays not worked, an employee must work his regular shift preceding and his next regular shift immediately following any of the above-named holidays unless they can show reasonable cause for failing to work.
6. If an employee is required to work on the above-mentioned holidays, he shall receive in addition to the pay for the holiday, one and one-half (1½) times his regular day's pay, calculated on the hours actually worked.
7. Where a holiday as outlined in subsection 1 of this section falls on a regular day off (e.g. weekend), then an employee will receive an extra day off on the day immediately after the holiday.

**SECTION 13 – VACATION LEAVE WITH PAY** (as per CUPE 26 contract)

1. Full-Time employees shall be entitled to vacation and payment for same according to the following schedule:
  - a) Employees with less than one (1) year's service:  
As per the Employment Standards Act of Ontario.
  - b) Employees with one (1) year's service or more:  
Two (2) weeks vacation with pay.
  - c) Employees with three (3) years' service or more:  
Three (3) weeks vacation with pay.
  - d) Employees with ten (10) years' service or more:  
Four (4) weeks vacation with pay.
  - e) Employees with seventeen (17) years' service or more:  
Five (5) weeks vacation with pay.
  - f) Employees with twenty-seven (27) years' service or more:

Six (6) weeks vacation with pay.

2. Permanent Part-Time employees shall be entitled to vacation and payment according to the following schedule:

a) Employees with three (3) years' service or less:

As per the Employment Standards Act of Ontario

b) Employees with three (3) year's service or more:

6%

c) Employees with ten (10) years' service or more:

8%

d) Employees with seventeen (17) years' service or more:

10%

e) Employees with twenty seven (27) years' service or more:

12%

If an employee's consecutive accumulated permanent part-time hours are equivalent to more than 3 years' full-time hours (prior to being hired on a permanent full-time basis), the accumulated years of part-time employment will be added to the full-time years when determining vacation entitlement. This benefit will not apply to seasonal employees.

3. It shall be the policy of the Town of Kirkland Lake to have all vacation entitlements taken during the year in which they accrue. An employee governed by the Administrative Management Schedule in Salary Grid 9 and below and members of bargaining units shall be permitted to carry-over 5 days of vacation at any time. Employees in salary grid 10 and above shall be permitted to carry-over a maximum of 10 days subject to those provisions as noted above. Such carry-over shall not be cumulative, that is, a maximum of five days carry-over may be brought into a new vacation year. However, that shall not extend to a subsequent year.

In the event additional days are required, they shall be subject to Director and Chief Administrative Officer approval. Such additional time shall be documented to the appropriate authorizing persons.

Subject to budget availability, excess vacation may be "paid out" to the affected individual at his/her request.

Employees shall notify the Director/Supervisor at least one (1) week in advance of the time that they intend to take their annual vacation.

The Corporation will be the final judge of the vacation time. Requests of the individual employees will be considered and granted on the dates desired if practicable.

Each Director/Supervisor is notified of each employee's annual vacation entitlement in January of each year and will in turn notify their employees.

## **SECTION 14 – EMPLOYEE BENEFIT PLANS**

### **1. Employment Insurance**

- a) An employee shall be covered by the provisions of the Employment Insurance Act and shall contribute thereto.
- b) The Corporation shall contribute its share in accordance with the provisions of the said Act.

### **2. Canada Pension Plan (CPP)**

- a) An employee shall be covered by the provisions of the Canada Pension Plan and shall contribute thereto.
- b) The Corporation shall contribute its share in accordance with the provisions of the said plan.
- c) An employee shall notify payroll if in receipt of monies from the Canada Pension Retirement Plan and in turn, payroll will cease all CPP deductions.

### **3. Medical Insurance Plan – Healthguard / Pay-Direct Drug / Dental / Vision /Emergency Travel Assistance**

- a) Unless specified differently in hiring contract, upon the completion of the probationary period with the Corporation, the permanent employee shall voluntarily enrol in the Medical Insurance Plan.
- b) An employee shall contribute 10% of the total premium cost by deduction of such amount from his paycheque.
- c) The employer shall contribute the remaining 90% of the total premium cost.
- d) An employee not wishing to participate in this plan must indicate his wish to the Human Resources/Payroll Clerk or his appointee and

produce such evidence as may be required to justify his exclusion. All claims for exclusion shall be determined through consultation with the Human Resources/Payroll Clerk. An exemption form signed by the employee shall relieve the Corporation of any future responsibility. It shall be the duty of the employee concerned to notify the Human Resources/Payroll Clerk or appointee when he is no longer eligible to be exempted from our group.

- e) Upon retirement of a permanent employee, the Corporation shall pay 90% of the total premium cost of the Medical Insurance Plan until the retired permanent employee attains the age of sixty-five (65).
- f) Upon the approval of disability of a subscriber, benefits under the Medical Insurance Plan shall cease after the employee has been on disability for a total of thirty (30) months from the first day of disability.
- g) Upon the termination of employment of a subscriber, benefits under the Medical Insurance Plan shall cease immediately.
- h) Upon the death of a subscriber, survivor benefits will continue for a period of thirty (30) months from the date of death or the date the dependent would have ceased to qualify as a dependent had the subscriber not died.

#### 4. Group Life / Accidental Death and Dismemberment Insurance Plan

- a) Unless specified differently in hiring contract, upon the completion of the probationary period with the Corporation, the permanent employee shall voluntarily enrol in the Life Insurance / Accidental Death and Dismemberment Plan.
- b) The Corporation shall pay 100% of the total premium cost.
- c) Upon the retirement of a permanent employee, benefits under the:
  - i. Group Life Insurance will continue under the conversion privilege for life insurance.
  - ii. Accidental Death and Dismemberment Insurance Plan shall cease immediately.
- d) Upon approval of Long-Term disability of a subscriber, benefits under the Group Life / Accidental Death and Dismemberment Insurance Plan shall continue without payment of premium and will continue during the continuance of such approved disability, but not beyond 65 years of age.



- e) Upon the termination of employment of a member, benefits under the Group Life / Accidental Death and Dismemberment Insurance Plan shall immediately cease.
- f) Upon the death or dismemberment of a permanent employee, payments shall be paid in accordance with the provisions of the plan.

#### 5. Pension Plan

- a) On the first day of probationary or permanency of an employee, the employee shall become a member of the Ontario Municipal Employees Retirement System or other pension plan as may from time to time be entered into with the Corporation.
- b) The probationary or permanent employee and the Corporation shall equally contribute to the plan in accordance with the provisions of the plan.
- c) Upon the termination of employment, retirement or death of a member, payments shall be paid in accordance with the provisions of the plan.

### **SECTION 15 – CORPORATION POLICIES**

1. Every employee shall be fully responsible for keeping the Corporation informed of changes in his/her marital status or beneficiary.
2. An employee, on becoming permanent shall furnish the Human Resources/Payroll Clerk or his/her appointee with a certificate of his birth or baptism.

### **SECTION 16 – SENIORITY**

An employee loses seniority and shall be deemed to be terminated in the following circumstances:

- a) Dismissal for just cause
- b) Voluntary resignation
- c) Failure to report for work within a period of ten (10) days after the mailing of such notice to report for work after a layoff.
- d) Absence due to sickness or disability, which exceeds thirty (30) months after date of disability.

**SECTION 17 – VOTING** - In accordance with legislative procedure:

Where, by reason of the hours of his/her employ, an employee who is a qualified elector will have three (3) consecutive hours to vote while the polls are open on a polling day at an election, his/her employer shall, at the convenience of the employer, allow the employee such time for voting as is necessary to provide the three (3) consecutive hours.

**SECTION 18 – BLOOD DONORS**

Employees wishing to donate blood should attempt to do so outside working hours. Should this not be possible, reasonable time will be given by the employer.

**6. Summary**

Not Applicable.

POLICY	
Policy Number: HR2020-002	Date Approved: April 2020
Department: HR	Date Reviewed: October 2020
Pandemic Planning for Influenza and Virus	

**1. Policy Statement**

Not Applicable

**2. Purpose**

Corporation of the Town of Kirkland Lake has adopted this policy to ensure the ongoing health and safety of our employees, and to ensure business continuity in the event of an influenza pandemic.

**3. Scope**

Not Applicable

**4. Definitions**

**Pandemic Periods and Phases:**

For help with response planning at Corporation of the Town of Kirkland Lake, please refer to the table of pandemic periods and phases (Table 1). These guidelines have been sourced from the [World Health Organization](http://www.who.int) (WHO).

***Table 1 - Pandemic Periods and Phases***

Period	Description
<b>Inter-pandemic Phase</b>	Time between pandemics
<b>Level 1 - Alert</b>	New virus has been identified in humans. Increased vigilance is required
<b>Level 2 - Pandemic</b>	Global spread of human influenza
<b>Level 3 - Transition</b>	Global risk has reduced. Movement towards recovery actions

<b>Post-pandemic Period</b>	Return to inter-pandemic period
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## 5. Policy & Procedures

### **Suggested Actions:**

#### ***Inter-pandemic Phase***

- Review existing business continuity plans and/or develop pandemic-specific procedures as appropriate.
- Identify ways to promote prevention and identify ways to minimize staff, customer and visitor exposure and illness.
- Establish how essential messages can be communicated across Corporation of the Town of Kirkland Lake.
- Establish mechanisms for alerting staff to a change in pandemic status.
- Establish procedures and triggers for escalating a response.

#### ***Alert Phase***

- Inform staff of the change in pandemic status.
- Activate illness minimization and prevention plans/activities.
- Initiate pandemic information communication.
- Review and update business continuity plans.

#### ***Pandemic Phase***

- Inform staff of the change in pandemic status.
- Take necessary actions to minimize the introduction and/or spread of influenza.
- Initiate essential business continuity measures where needed, and review and implement emergency-management process.
- Review impact assessment, updating as needed.
- Identify specific action required and set response objective.
- Determine any work activities or departments where work can be performed from home, or where the office can be temporarily closed.
- Maintain strong lines of communications with staff to promote confidence in the workplace response activities.

- Use the established process for staff members who are not, or are no longer sick, to return to work.

### ***Post-pandemic Period***

- Review and update risk and impact assessments.
- Establish criteria and process for agreeing to return to business normal.
- Activate process for communicating business-normal status to staff, customers, and visitors.
- Manage return to business-normal status.
- Activate debrief process(es).
- Update pandemic plans as appropriate.
- Update Emergency Response Plan and various business-continuity plans as appropriate.

### **Action Plan for Maintaining Essential Service/Activity:**

An action plan for each essential service/activity should be documented during the planning process.

The Corporation of the Town of Kirkland Lake action plan shall include the following:

1. Essential services and/or activities that must be performed to ensure the ongoing success of the organization.
2. Identification of key staff members needed to perform essential services / activities and implement the action plan.
3. Triggers for activating the Pandemic Planning business continuity plan.
4. Identify employees that possess varied skill-sets and will be able to perform a variety of duties where needed.
5. A planned strategy for communicating with staff, business partners and customers/community.
6. Employee absence management procedures.
7. Business reporting requirements.
8. An identified chain of command for decision making processes.
9. Contact information for staff members.

### **Employee Absence Due to Pandemic Influenza:**

Corporation of the Town of Kirkland Lake recognizes that in the event of a federally, provincially or locally declared Influenza Pandemic, the current sick leave policy may not address the needs of The Corporation of the Town of Kirkland Lake employees.

It is imperative that a staff member who has been diagnosed with Pandemic Influenza, or has been exposed to Pandemic Influenza because a member of their household has been diagnosed with Pandemic Influenza, stay at home rather than come to work and potentially infect other staff members.

1. Corporation of the Town of Kirkland Lake shall provide paid sick leave for staff members diagnosed with Pandemic Influenza.
2. Additional sick leave will be provided as needed.

### **6. Summary**

Not Applicable



POLICY	
Policy Number: HR2020-003	Date Approved: October 2009
Department: HR	Date Reviewed: October 2020
Pay Policy- Non Union	

**1. Policy Statement**

It is the policy of the Town of Kirkland Lake to:

1. Provide equal pay for equal work, regardless of who is performing the job.
2. Insure that the pay of all employees is administered in a fair and equitable manner.
3. Provide rates of pay that are competitive with those of other major employers in the Municipality and other similar sized municipalities in the country.
4. Promote improved performance through the use of pay incentives.

**2. Purpose**

Not Applicable

**3. Scope**

Not Applicable

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

**JOB REVIEW**

Each Director shall be responsible for ensuring that Job Descriptions for all positions in their areas are kept up—to-date. Job Descriptions will be reviewed once a year, to ensure that they are accurate. Changes in Job Descriptions shall be made as changes in job duties and responsibilities occur. Classification or evaluation of each

position will be the joint responsibility of the Administrator and Job Evaluation Committee. Positions will be reviewed by the committee as warranted by changes in duties and responsibilities on the recommendation of the Director.

## **SALARY STRUCTURE**

The salary structure and its corresponding pay rates are established by Council upon the recommendation of the Chief Administrative Officer. Salary ranges will be reviewed annually. All employees are eligible to receive pay increases that result from increases to salary ranges.

## **SALARY RANGES**

Each salary range shall consist of several steps. Employees must be paid at one of these steps – no employee may be paid at a rate that falls between steps. No employee may be paid at a rate lower than the minimum rate or higher than the maximum rate without the prior approval of the CAO.

Before hiring a new employee at a rate above the minimum rate, care shall be taken to ensure that there will be no inequities of salaries of other employees.

## **OVERTIME PAY**

For salaries on the Non Union Management pay scale of Grade 10 or higher, no overtime will be paid.

## **SALARY INCREASES (MERIT)**

The salary of every employee shall be reviewed at least once annually on the anniversary of the date of employment. For part-time employees, performance evaluations will be done annually and step increases will incur, if warranted by satisfactory performance on achievement of hours equivalent to one year for that job description. If an employee has been promoted since joining the Municipality, then the annual salary review shall take place on the anniversary date of their promotion.

At the time of the salary review, and where warranted by satisfactory performance and evaluation, a salary increase to the next highest step in the salary range shall be granted to the employee. A salary increase shall not be granted to an employee who has reached the maximum rate for the salary range. In the case of an employee who has shown truly outstanding performance, salary may be reviewed more frequently than once per year or a two-step increase may be awarded.



## **PROMOTIONS**

Where an employee is promoted, he or she may be awarded an increase in pay. The new pay rate shall be the step of the new salary range that is the next highest to the rate the employee was being paid in the old salary range.

Following promotion, the employee's annual salary review shall be on the anniversary date of the promotion. In cases where an employee is transferred to another job – a job that has the same salary range as the previous job, then it is not considered a promotion – and is referred to as a lateral transfer, an it should not be recognized by an increase in salary.

## **PERFORMANCE EVALUATIONS**

A performance evaluation is intended to be a constructive and positive experience. It is viewed as an opportunity for employees to get to know where they stand relative to their job performance, goals and objectives. At the same time, it offers employees a chance to become involved in determining their future career development and to map out ways in which they can be true participants in achievement of success.

The Corporation maintains a policy of evaluating the job performance of its employees as a means of measuring efficiency and effectiveness of the organization's operations; providing employees with meaningful information about their work; and aiding the organization in making personnel decisions related to such areas as training, compensation, work assignments, retention and long-range planning of its operations.

## **DEMOTION**

Where it becomes necessary to demote an employee because of unsatisfactory performance, the rate of pay should be reduced to an appropriate step in the lower salary range. In deciding the new rate of pay, consideration should be given to the employee's employment history, and past performance record, particularly any past performance in the position to which he or she is being demoted. Consideration should also be given to the rates of pay of other employees at the lower level position.

Following demotion, the employee should retain his or her salary review date and salary should then be administered as for a new employee.

## **6. Summary**

Not Applicable

POLICY	
Policy Number: DEV2020-001	Date Approved: July 2018
Department: Development Services	Date Reviewed: October 2020
Code of Conduct for Building Officials	

### 1. **Policy Statement**

The Town of Kirkland Lake maintains this code of conduct in accordance with the provisions of Clause 7.1(1) of the Building Code Act.

### 2. **Purpose**

The purpose of this code is to:

Promote appropriate standards of behaviour and enforcement actions, which the chief building official and building inspectors exercise in the performance of their duties,

and

Prevent practices that may constitute an abuse of power.

### 3. **Scope**

Not Applicable

### 4. **Definitions**

Not Applicable

### 5. **Policy & Procedures**

#### **Standards of Conduct and Professionalism**

In addition to the Code of Ethics for all municipal employees, Kirkland Lake Building Officials undertake to:

- 1) Apply all relevant building by-laws, codes and standards appropriately and without favour.

- 2) Comply with the provisions of the Building Code Act, the Ontario Building Code and other Acts or Applicable Laws that regulate or govern Building Officials or their functions.
- 3) Maintain necessary accreditations to act as a Building Official, and not act beyond their personal level of competence or area of certification.

### **Breaches of the Code of Conduct**

The Ontario Building Code Act dictates that performance of Building Officials will be measured against this Code of Conduct. Enforcement of this Code of Conduct is the responsibility of the municipality, and will be carried out in accordance with the Corporate Code of Discipline.

### **6. Summary**

Not Applicable

POLICY	
Policy Number: DEV2020-002	Date Approved: July 2020
Department: Development Services	Date Reviewed: October 2020
Leasing of and Encroachments onto Municipal Property	

### 1. **Policy Statement**

A policy establishing the framework and procedures for the approval and execution of leases and encroachments on property owned by the Town, for private use.

### 2. **Purpose**

The purpose of this policy is to establish guidelines for the leasing of property, when made available for third party use or the recognition of private encroachments onto municipal property.

### 3. **Scope**

This policy applies to all new agreements and expired agreements upon renewal, for occupation of Town property.

### 4. **Definitions**

Not Applicable

### 5. **Policy & Procedures**

#### 4.1 **Goals:**

- Provide a framework for managing leases and encroachments that is fair, transparent, accountable and sustainable;
- Ensure returns to the Town are fair, reasonable and in the best interest of the municipality;
- Abide by the requirements of the Municipal Act, the Assessment Act, other applicable statutes and Town policies.

### 4.3 Table of Authorities:

Town of Kirkland Lake Strategic Plan	<p>Makes recommendations to review and implement policy.</p> <p><u>Action Item</u>: Make Kirkland Lake Presentable (ED-15 &amp; ED-16)</p>
Town of Kirkland Lake Official Plan	<p>Section 2.6.4.2.2 states: “The Town shall continue to take the necessary steps to service and offer for sale and where appropriate, lease industrial land. Revenues from such land sales shall be set aside in a specified Council approved reserve fund.”</p> <p>Section 3.2.1.3 states: “It shall be a policy of Council to retain all land, laneways and road allowances that are encumbered by municipal services, gas pipes, or hydro and telephone lines. These services shall be protected from incompatible development. Leases should also be avoided on all lands that are encumbered.”</p>
Municipal Act, Ontario	<p>Section 106 – Town is not permitted to provide below market rent to industrial and commercial enterprises.</p> <p>Section 107 – Notwithstanding Section 106, Town may provide grants to persons/organizations for purposes that Council considered to be in the best interest of the municipality.</p>
Assessment Act, Ontario	Section 3 (1) 9 – Land owned by a municipality is not tax exempt if it is occupied by a tenant who would be taxable if the tenant owned the land.
Commercial Tenancies Act, Ontario	Outlines the relationship, rights and obligations between landlords and commercial tenants which includes everyone but residential tenants.
Residential Tenancies Act, Ontario	Outlines the relationship, rights and obligations between landlords and residential tenants.
Planning Act, Ontario	Section 27 – Municipalities may charge no rents or reduced rents in city-owned facilities within approved Community Improvement Plan areas to encourage redevelopment.
Income Tax Act, Canada	S. 248 (1) – Provides criteria for registered charities

#### **4.4 Roles and Responsibilities:**

1. Town Council
  - a. Council or its delegated authority will approve all individual leases.
2. Corporate Services Department
  - a. Maintain financial accounting system necessary to track the payment of fees, issue invoices as necessary and assist with the annual reconciliation of rents.
3. Development Services Department
  - a. Act as the Town's official leasing agent for all occupancies of Town property.
  - b. Primary point of contact for all tenants/leases.
  - c. Generate leasing/encroachments and establish procedures for administration.
  - d. Prepare reports to Council recommending terms and conditions.
  - e. Consult with other Town Departments on leasing/encroachment proposals.
  - f. Maintain an inventory of property available for lease.
4. Other Town Departments
  - a. Direct inquiries for leases of Town property to the Development Services Department.

#### **4.5 Leasing versus Ownership**

Based on the Town's preference for property ownership, all reports to Council must clearly identify why a lease interest should be pursued, as opposed to purchase. There are many variables which can affect whether a property should be leased, including:

- Short-term nature of space requirements
- Underlying program funding may be unpredictable or temporary in nature
- Municipal and/or public services exist and the Town must retain ownership of the land

#### **4.6 Value**

1. The lease of Town property will be for a value set by the Town of Kirkland Lake, in accordance with the User Fees By-law for that given year. It shall be reflective of market value.
2. Leases will be negotiated with appropriate terms that will allow the Town to increase fees annually.
3. As a minimum standard, fee increases will be negotiated as annual fixed step increases consistent with the Consumer Price Index of Ontario.
4. For leases with terms of more than five years, the Town will include provisions in the lease which permits fees to be reviewed at market rates of no more than five year intervals.

#### **4.7 Allocation of Costs**

1. All leases will be written as net leases/licenses with the tenant responsible for payment of their share of all operating costs included but not limited to taxes, utilities, maintenance, insurance and other costs related to the lease holders occupation of the property.

#### **4.8 Property Tax**

1. All leased property will be subject to property taxes if it is occupied by a tenant that would otherwise be taxed if the tenant owned the land. The Town shall recover the tenant's proportionate share of the property tax through the lease agreement.
2. Tenants with registered charitable status shall be responsible for paying property taxes and making application for tax rebates, as applicable.

#### **4.9 Financial Due Diligence**

1. Staff will conduct a financial background check to ensure the applicant is not in any tax arrears or has any outstanding payments that would prohibit the lease/encroachment, in accordance with the Property Sales and Other Land Uses to Residents in Arrears Policy.

#### **4.10 Insurance**

1. The Town will not extend its insurance coverage to lease holders.

2. The Town will require all lease holders to carry their own insurance including but not limited to property and liability coverage in amounts deemed appropriate for the business of the lease holder.
3. All lease holders will be required to name the Town as an additional insured.

#### **4.11 Procedures**

All applications shall be circulated to internal departments and, in some cases, external agencies, listed on Schedule "A". The package circulated shall include:

- Mapping of the subject property including location, subdivision plan, survey (if any);
- Location of all public and private services;
- Lot area; and
- Applicants proposed plans for the property.

All municipal lots, which are to be leased or encroached upon, are to be searched with the Master of Titles. The cost for such search shall be borne by the prospective lease holder.

When reviewing lease and encroachment requests, Council shall consider the following:

- Council shall discourage leases on full lots in plans of subdivision. Full lots on a plan of subdivision shall be advertised and offered for sale to encourage development.
- Council shall discourage leases for the purpose of storing recreational vehicles and material.
- Council shall discourage leases and encroachments on laneways, road allowances or properties that are encumbered with public services.
- Council shall discourage development (buildings, fences, storage, etc.) on leased land. If development is required, development on top of public services or within the angle of repose, shall be prohibited.
- Council shall not encourage new construction that encroaches onto municipal land.

When an application is received, a report will be presented to the next scheduled in-camera Council meeting for consideration on whether to proceed with drafting a lease/encroachment agreement. If Council is agreeable to the said lease/encroachment, staff will provide public notice, containing the



information and format as described on Schedule “B”, by circulating a letter to adjacent property owners.

If Council is satisfied with the request, a By-law shall be passed by Council, in accordance with the Procedures for Giving Public Notice By-law, giving authority to the Mayor and Clerk to execute all documents related to the lease or encroachment of the said lands.

Should Council deem it necessary, leases or encroachment agreements shall be registered on title at the expense of the lessee.

#### **4. Summary**

This policy shall apply to the lease of or encroachment onto real property owned by the Corporation.

## **Schedule “A”**

### CIRCULATION LIST – INTERNAL DEPARTMENTS

*Director of Development Services*

*Chief Building Official*

*Clerk*

*Treasurer*

*Economic Development Officer*

*Director of Public Works*

*Fire Chief*

*Chair Person for Joint Health and Safety  
Committee*

*Tax Collector*

*Waterworks Foreman*

*Roads Foreman*

*Director of Parks and Recreation*

### CIRCULATION LIST – EXTERNAL DEPARTMENTS

If utilities are present, please contact the appropriate utility company.

## **Schedule “B”**

The notice of intent to lease/encroach shall include the following information:

- The date on which a bylaw to lease/encroach the land will be considered;
- Municipal address, legal description and/or location map which the Clerk deems sufficient to identify the lands;
- The approximate size of the land by reference to dimensions and/or area, and a brief description of any buildings;
- The proposed use of lands and/or reason for the lease/encroachment;
- The general identification of the Lessee (e.g. adjacent land owner);
- The date on which the land was declared surplus;
- Information advising the public when and where additional information may be obtained and/or comments can be submitted for Council’s consideration.

POLICY	
Policy Number: DEV2020-003	Date Approved: February 2011
Department: Development Services	Date Reviewed: October 2020
<b>Property Sales and Other Land Uses to Residents in Arrears</b>	

**1. Policy Statement**

Not Applicable

**2. Purpose**

The purpose of this policy is to reduce tax arrears by ensuring that municipal property is not sold, rented, leased or other use to people or businesses who have a poor track-record of paying taxes.

**3. Scope**

This policy applies to the sale, rental, lease, easement and encroachment of municipally-owned property, whether as a result of tax sale, through the normal disposition of property, or requests for other land uses, such as renting, leasing, encroaching, etc.

No person or business, including the shareholders of a business, who has been in tax registration in the Town of Kirkland Lake within the past ten years, shall be permitted to purchase or offer to purchase, rent or lease or use any municipally-owned property. This ten-year period begins on the date that a tax arrears certificate has been registered against the title to any property owned by this person or business (Section 373(i) Municipal Act.)

No person or business, including the shareholders of a business, who is in arrears on property taxes and/or any other outstanding accounts owed to the Town of Kirkland Lake, shall be permitted to purchase or offer to purchase, rent, lease, or use any municipally-owned property.

**4. Definitions**

Not Applicable

## **5. Policy & Procedures**

### **Application**

- a. The Treasurer shall maintain a running list of:
  - Individuals and incorporated businesses who have been in tax registration in the Town of Kirkland Lake within the past ten years. In the case of incorporated businesses, the list shall include the names of all shareholders.
  - Individuals and incorporated businesses who are currently in arrears on property taxes and/or any other outstanding accounts owing to the Town of Kirkland Lake.
- b. The Clerk shall ensure that the name of any individual or business placing an offer on municipally-owned property is checked against this list.
- c. Any person or incorporated business, including shareholders of that business, placing an offer on, or requesting to enter into an agreement for use, a municipally-owned property and found to be on such list maintained by the Treasurer, will be notified in writing that he/she is not permitted to make an offer on this or any other municipally-owned property at this time.
- d. None of these clauses shall be applied in a manner inconsistent with the purpose or scope of this policy.

## **6. Summary**

Not Applicable

POLICY	
Policy Number: DEV2020-004	Date Approved: April 2005
Department: Development Services	Date Reviewed: October 2020
Tipping Fee Reduction	

**1. Policy Statement**

Not Applicable

**2. Purpose**

There are many buildings in Kirkland Lake that are in a very poor state of repair and unoccupied. If these buildings were to be removed it would improve the image of Kirkland Lake. In some cases it may be in the municipality's best interest to assist in the removal of these buildings through a reduction in tipping fees for the demolished material.

**3. Scope**

Not Applicable

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

Each request for reduction in fees must be made on a case-by-case basis. It should be demonstrated that reducing the tipping fees would assist in the timely removal of a building that may not otherwise occur and would provide for a higher or better use of the property.

Typically, the tipping fee reduction should be 50% of the tipping fee rate. The property owner should take action that is available to recycle or otherwise reduce the amount of waste going to the landfill site.

This policy should be reviewed on a year-by-year basis to determine if it is still necessary and important for the municipality to reduce the tipping fee to encourage urban renewal.

**6. Summary**

Not Applicable

POLICY	
Policy Number: DEV2020-005	Date Approved: February 2019
Department: Development Services	Date Reviewed: October 2020
Tree Canopy	

## 1. Policy Statement

### **Recognition of resource abundance and commercial use**

Being in rural or northern Ontario, the Municipality has an abundance of trees and natural vegetation. These resources play a vital role in supporting and sustaining local commercial uses including, but not limited to, pulp and paper, forestry, wood fibre and wood processing. Whether for individuals harvesting firewood or large scale industrial facilities, the Municipality recognizes the need to protect and enhance its trees and natural vegetation while at the same time ensuring they continue to be available for vital economic development.

## 2. Purpose

- To recognize the benefits to the Municipality from protecting and enhancing its tree canopy and natural vegetation.
- To promote understanding and appreciation of the Municipality's tree canopy and natural vegetation.
- To support a robust tree canopy and high quality natural vegetation in the Municipality and their contribution to sustainable development.
- To promote biodiversity in the Municipality.
- To reflect and promote awareness of current and future environmental qualities, issues and benefits.
- To confirm the importance of the wood/fibre industry in the local economy.

### 3. Scope

#### **Application**

This policy applies to all properties and development, on public and private lands, within the Municipality. It is a resource which can be referred to and utilized as establishing guiding principles for residential, commercial and public purposes.

### 4. Definitions

“**Natural vegetation**” means the native plant life that grows naturally without human intervention in a geographic region.

“**Shoreline buffer**” means a treed or vegetated strip of land that borders a creek, river or lake.

“**Tree canopy**” means the layer of tree leaves, branches and stems that cover the ground when viewed from above.

### 5. Policy & Procedures

#### **Background**

Section 270(1)(7) of the Municipal Act, 2001, SO 2001, c 25 requires the Town of Kirkland Lake (the “Municipality”) to adopt and maintain a policy setting out the manner in which the Municipality will protect and enhance the tree canopy and natural vegetation in the Municipality.

#### **Planning**

When development is considered, the Municipality will apply creative approaches to planning to protect and enhance its tree canopy and natural vegetation so as to ensure the Municipality’s amenity values and identity is enhanced as it grows.

#### **Promotion and Advice**

The Municipality will promote understanding of the benefits of protecting and enhancing its tree canopy and natural vegetation by working with developers and community organizations.

#### **Disclaimer, References and Relevant Legislation**

This policy does not take precedence over any provincial legislation or by-laws, resolutions, plans or agreements of the Municipality.



When reviewing this policy reference may be made to:

- Municipal Act, 2001
- Planning Act
- Official Plan
- Provincial Policy Statement
- Ministry of Natural Resources and Forestry Natural Heritage Reference Manual

## **Review**

This policy shall be reviewed each term of Council or as required to legislative changes.

## **6. Summary**

### **Tree Canopy and Natural Vegetation Benefits**

There are many benefits the Municipality stands to gain from protecting and enhancing its tree canopy and natural vegetation, including:

- Reduced heating/cooling costs: trees and natural vegetation shield against wind and snow and can also insulate buildings in the winter reducing heating costs. Canopy shade can also reduce cooling costs.
- Increased property value: studies have shown general increases of up to 37% in residential property values associated with the presence of trees and natural vegetation on a property.
- Improved quality of life: time spent in greenspace improves mental health and well-being across numerous dimensions from stress reduction to physical activity.
- Better economy: trees and natural vegetation are a key driver of the local economy and play an important role in economic development.
- Provide wildlife habitat: trees and natural vegetation create an ecosystem to provide habitat and food for birds, mammals and insects.
- Better air quality: trees and natural vegetation filter out many common airborne pollutants.

- Carbon sequestration: trees can mitigate carbon emissions and help fight climate change.
- More privacy: trees and vegetation provide a natural barrier that obstruct views and dampen sound between properties.
- Stormwater management: trees and natural vegetation alter and slow the path of rainfall, recharge groundwater, reduce surface water contaminants and can prevent erosion along slopes.

### **The Value of Shoreline Vegetation and Buffers**

Trees and natural vegetation along or adjacent to a shoreline help to stabilize shorelines and protect water quality. For instance, the roots of trees prevent erosion by keeping soil in place, while natural vegetation slows the velocity of rainfall resulting in reduced off-site movement of soil particles. Further, shoreline vegetation traps sediments and pollution, which helps to keep water clean and prevent algal blooms, excessive weed growth and loss of fish habitat.

Where the land use adjacent to a waterbody is residential, the Ontario Ministry of Natural Resources and Forestry recommends a minimum shoreline buffer width of 15 metres for water quality protection around lakes and rivers supporting warm water aquatic species and a minimum shoreline buffer width of 30 metres where the waterbody supports cold water aquatic species.

Studies have shown that a range of buffer widths can be effective in promoting buffer functions such as removing sediments, nutrients and metals. Generally speaking the consensus in these studies is that under most conditions, buffer widths should be a minimum of 15 to 30 metres and variable width buffers may be more effective at addressing site-specific conditions. Variable width buffers can, however, be more costly to implement.

POLICY	
Policy Number: DEV2020-006	Date Approved: April 2019
Department: Development Services	Date Reviewed: October 2020
By-law Enforcement Policy	

### 1. Policy Statement

The objective of the By-law Enforcement Policy is to obtain compliance with municipal by-laws through effective enforcement based on consistency, education and fairness. This policy describes the procedures related to by-law enforcement, including the issues of confidentiality as set out in the *Municipal Freedom of Information & Protection of Privacy Act*, the setting of priorities for action, and includes provisions for further enforcement.

### 2. Purpose

The purpose of the policy is to provide a formal policy and procedure governing the enforcement of municipal by-law infractions and to ensure a consistent, standardized, thorough, prompt and courteous receipt, processing, investigation and resolution thereof.

This policy applies to all by-laws of the Town of Kirkland Lake and any requests for enforcement received by the Town. The scope of the policy is limited to the geographical boundaries of the Town of Kirkland Lake.

### 3. Definitions

**Administrator** means the Chief Administrative Officer of the Municipal Corporation of the Town of Kirkland Lake or his/her designate.

**Complainant** means a person, group, or company that has an issue that contravenes a Municipal by-law and submits a formal complaint to the Municipality.

**Complaint** means a Complaint received by the Municipality, wherein the Complainant provides their full name, address, phone number and nature of Complaint that can be verified by the Municipal Law Enforcement personnel, using the required form submitted to the Municipality.

**By-law Enforcement Personnel** means a person or firm appointed or contracted by the Municipality by by-law for the purposes of municipal law enforcement.

**By-law Enforcement Manager** means the individual responsible for the day-to-day management of any contracted by-law enforcement personnel.

**Municipality** means the Municipal Corporation of the Town of Kirkland Lake.

**Spite Complaint**, also known as a Frivolous and Vexatious Complaint, means a Complaint submitted with ill will or with intention of malice towards another person or entity and may include retaliatory Complaints and civil disputes. A Spite Complaint may also be defined as a Complaint that is part of a pattern of conduct by the Complainant that amounts to an abuse of the Complaint process. Such Complaints will be brought to the attention of the Administrator and the Administrator shall, at their sole discretion, determine if the Complaint shall be investigated or rejected.

#### **4. Scope**

The safety of staff and/or agents of the Municipality is of the utmost importance. If staff are verbally or physically threatened while enforcing by-laws, then no further investigative action shall be carried out until a police officer accompanies the officer.

The Municipality is committed to the delivery of municipal law enforcement services in a timely and effective manner.

By-law enforcement is both proactive as well as reactive in nature:

- By-law Enforcement Personnel may undertake an investigation on their own initiative upon observation of a possible situation of a by-law violation;
- The Municipality may act upon complaints received from the public.

By-law Enforcement Personnel have discretion to determine the appropriate response to a Complaint. This may include decisions to act on some, all or none of the Complaint, assign priority between Complaints; immediately issue an offence notice/ticket, or an emergency order to remedy a violation as determined at the staff's sole discretion. This discretion is to be exercised on the basis of the following criteria:

- Safety factors;
- History of attempts for compliance made by the Municipality and/or its agents;
- Available resources, including financial resources;
- Potential impact of not responding;
- Offer for formal mediation;
- Coordinating involvement with other relevant agencies;
- Likelihood of achieving compliance;
- Municipal jurisdiction and authority;
- Other enforcement avenues including civil processes.

Notwithstanding the above, the goal of by-law enforcement is to achieve compliance with municipal by-laws through education and cooperation as opposed to enforcement. All violations should be approached with this intent, and the cooperation of the offender should be sought first in every instance.

Spite Complaints, as determined by the Administrator, shall not be investigated by a By-law Enforcement Officer.

The Municipality is not obliged to enforce any by-law or to pursue law enforcement action on any by-law infraction. Where a decision is made not to enforce compliance with a by-law, the decision will be documented on the by-law infraction file.

Any decision made under this policy, including a decision not to respond to a Complaint or enforce a by-law or a decision by the Administrator, may at any time be revisited by the Administrator.

The Ontario Provincial Police are responsible for emergency situations and should be contacted to deal with issues, including but not limited to loitering, trespassing, noise related neighbour or domestic disputes, possible drug activity, vandalism or other criminal activity.

Failure to comply with any provision of this policy shall not invalidate any proceeding or any step, document or order in a proceeding otherwise in accordance with any municipal by-law, provincial or federal legislation.

## **5. Policy & Procedures**

### **Roles and Responsibilities**

Council:

- Adopts by-laws and policies and any amendment thereto. Regulatory by-laws shall identify the enforcement jurisdiction and the person and/or agent authorized to enforce those regulations.
- All Council inquiries related to by-law enforcement shall be directed to the Administrator. Individual members of Council shall not sanction, direct, investigate, assess or interfere with a complaint or investigation.

Chief Administrative Officer, or designate:

- Serve as the Administrator of this policy, or appoint a designate.
- Make recommendations to Council for policy amendments.

- Shall keep the Council advised of any significant enforcement actions that have direct legal or significant financial implications for the Municipality (\$5,000 and above).

#### By-law Enforcement Manager:

- The Manager shall coordinate all regulatory by-law enforcement actions and shall act as the contact for contracted By-law Enforcement Personnel engaged in carrying out enforcement.
- The Manager may attend or accompany By-law Enforcement Personnel on site investigations when a situation warrants it or when requested by Enforcement Personnel.
- The Manager shall maintain a detailed reporting of enforcement activity in a database format, and submit a quarterly report on enforcement activity to the Administrator.

#### By-law Enforcement Personnel:

- By-law Enforcement Personnel shall investigate complaints and carry out enforcement actions.
- Where By-law Enforcement Personnel have reasonable and probable grounds to believe that a violation exists, he or she may enter upon private property to further an investigation or resolve any violation. By-law Enforcement Personnel will only conduct business on the property related to the issue of the complaint.
- By-law Enforcement Personnel shall maintain a detailed reporting of enforcement activity in a database format, and submit a monthly report on enforcement activity to the By-law Enforcement Manager.

### **General Principles**

#### **Submission of a Complaint**

Complaints regarding perceived by-law infractions shall be reported to the Administrator. Verbal complaints, anonymous and/or incomplete complaints, and complaints communicated through third parties, including Members of Council, shall not be acted upon unless the alleged infraction is a life, safety or environment matter.

Complaints shall be assessed by the Administrator and, at the Administrator's sole discretion, forwarded to the By-law Enforcement Manager for follow up.

## **CONFIDENTIALITY**

Complainants and persons who are the subject of a Complaint are protected under the *Municipal Freedom of Information and Protection of Privacy Act* and every Complainant will be kept completely confidential and not be intentionally divulged to any member of Council, non-essential municipal staff, the public or media unless so ordered by a court or other tribunal body of competent jurisdiction.

Pursuant to the above; once a Complaint has been filed, no follow up, involvement, information or correspondence regarding the Complaint shall be provided to the Complainant as the process is protected by the *Municipal Freedom of Information and Protection of Privacy Act*.

It is important to note that the anonymity and confidentiality afforded Complainants and alleged violators by this Policy cannot be assured if the investigation results in court proceedings as the Complainant may be required to act as a witness for the prosecution.

## **Issue Priority**

Infractions will first be ordered on the basis of the date the complaint was received, and will then be assigned a priority level of:

- Low Priority: A by-law violation unlikely to cause life, health and/or safety issues and/or negatively impact the community or the environment.
- Medium Priority: Multiple low priority violations or a by-law violation with potential to cause life, health and/or safety issues and/or negatively impact the community or the environment.
- High Priority: Multiple by-law violations or a by-law violation currently causing or imminently threatening to cause life, health and/or safety issues and/or negatively impact the community or the environment.

The priority level will determine the resources assigned to the resolution of an alleged infraction, and the flexibility with which the Municipality may achieve a resolution with the named person. In high priority cases, warnings and extended remedy times may be waived.

## **Processing Procedure**

All Complaints will be logged, recorded, and actioned within five to ten business days of receipt.

All Complaints and subsequent investigations will be kept on file in accordance with the Municipality's Records Retention Policy.

Upon receipt of a Complaint, a preliminary review of the Complaint will be undertaken to set a priority to verify the information provided and research any supporting documentation which may be available in municipal records. If necessary, a site visit shall be completed to determine if a contravention exists.

If Enforcement Personnel are unclear of a possible contravention, they will report the issue to the Enforcement Manager who will in turn seek the advice of the Administrator.

The Enforcement Manager shall notify any municipal departments and outside agencies that may need to be aware of an issue, or be required to assist (Fire, Public Works, provincial ministries). A record of conversation will be kept by the Manager and submitted with the quarterly reports.

At the By-law Enforcement Personnel's discretion:

- the named individual(s) will be notified by phone call, in-person, by email, or by registered letter and given the opportunity to provide their perspective and any supporting evidence.
- the named individual(s) will be given the opportunity to voluntarily comply within a set timeframe, identified on a case-by case basis, before further action is taken. Individuals may also be requested to cease the activity until compliance is achieved.

By-law Enforcement Personnel may issue an emergency order to remedy a violation in lieu of an initial warning when such violation poses an immediate threat to health or safety.

When compliance with the warning and/or order is confirmed, the By-law Enforcement Manager shall close the file.

If the warning and/or order has not been complied with by the specified time, the issue will be reviewed with the Administrator to determine whether to attempt a second written warning or proceed with the actions in accordance with municipal by-laws.

Any enforcement action that would result in the Municipality expending additional public monies in excess of \$5,000 in support of enforcement efforts shall be reported to Council prior to such action being undertaken. The exception would be circumstances which do not afford sufficient time to have a matter presented to Council, in which case the CAO may, at their discretion, proceed as determined to be necessary.



## **6. Summary**

This Policy guides Town staff and By-law Enforcement Personnel on the processing of by-law enforcement matters.



POLICY	
Policy Number: PW2020-001	Date Approved: July 2020
Department: Public Works	Date Reviewed: October 2020
Sanitary Sewer Blockage	

### 1. Policy Statement

The primary responsibility to resolve a sanitary sewer lateral blockage rests with the property owner. If a blockage occurs, the property owner should hire a certified plumber to clear the blockage. If there is uncertainty as to where the blockage is, Town staff will attend the site to investigate and assist with clearing the blockage. This will support the determination of where and why the blockage occurred and whether the property owner or the Town is responsible for the costs to clear the blockage. If the blockage is on the property owner's property, the costs will be the responsibility of the property owner. If the blockage is determined to be on the Town's property and the property owner has not contributed to the cause of the blockage by putting items and/or substances into the sewer that are prohibited, the Town will be responsible for the costs to clear the blockage.

No person shall discharge and/or place prohibited substances into the sanitary sewer system.

### 2. Purpose

The purpose of this policy is to interpret and communicate the responsibilities for the Town of Kirkland Lake, plumbing contractors and property owners in regards to Sewer Lateral Blockage Clearing and the obligation to call Town of Kirkland Lake staff to deal with sanitary sewer lateral blockages when necessary.

### 3. Scope

This policy applies to the owner and/or tenant of any property connected to the Town of Kirkland Lake Sanitary Sewer System and all private plumbers engaged to remove blockages within the sanitary sewer system. The owner is responsible for the clearing of any blockage anywhere on their property within the sanitary sewer lateral connection and all costs related to the inspection, clearing and associated activities.

#### 4. Definitions

**Joint Connection (“Y”)** – shall be a sewer lateral connection on the Town’s right-of-way which accepts storm or sanitary flows from more than one private property.

**Owner** – means the legal Owner of the private property where a sewer blockage occurs.

**Private Property** – shall mean all property outside the legal limits of the Town’s right-of-way except Town owned land.

**Prohibited Substances** - shall mean any liquid or solid not permitted in the definition of black water, which means, waste water from toilets and/or grey water, which means, relatively clean waste water from baths, sinks, washing machines, and other kitchen appliances.

**Sanitary Sewer Lateral** – a sanitary sewer lateral is a section of the sewer that connects the property owners building to the Municipality’s main sewer. This permits the discharge of all wastewater from private property.

**Sewer Lateral Inspection** – a sewer lateral inspection may include the use of closed circuit TV (CCTV) to determine the condition and location of blockage or defect.

**Town** – means the Corporation of the Town of Kirkland Lake.

**Town Right-of-Way** – shall mean the entire street allowance dedicated as public highway, including the traveled portion of the roadway, sidewalk and boulevard area, extending from property line to property line.

#### 5. Policy & Procedures

##### **Trouble Shooting for Blockage and Collapse**

The first indicator of a blockage or collapse will result in sewage coming up through a basement floor drain.

##### **Sewer Blockage**

The Town’s policy regarding sanitary sewer lateral blockages states the property owner is responsible for the lateral from the building to the Town’s main sewer with limited exceptions, such as;

- a. When it can be proven that there are tree roots from a municipal tree causing the blockage,

- b. Sewer pipe is broken/collapsed on the Town's right-of-way, or
- c. If there is a joint connection at the property line.

The property owner is responsible for retaining a certified plumber to determine the extent of the blockage. The Public Works Department must be notified if there is a discrepancy so that staff can confirm that the collection main is operating properly. Environmentally sensitive materials should not be poured down the drain, on the ground or into the sewer.

The Town will only assume limited responsibility for reimbursement under the following conditions.

- a. The record of camera inspection confirms the blockage is a result of the Town's blocked sewage infrastructure (i.e. broken and/or collapsed pipe) within the sanitary sewer lateral on the Town's right-of-way.
- b. The blockage is not a result of accumulated household kitchen grease, food waste or solids not permitted in the drain, or
- c. Tree roots that have infiltrated into the sanitary sewer lateral from private and/or neighbouring properties.

It should be clear that just because a blockage is created on Municipal property, it does not necessarily mean that the Town will pay the cost to resolve the problem.

There are several circumstances that cause a sewage blockage/backup including, but not limited to the following:

- a. Residents pouring household kitchen grease down the drains, which gradually builds up until it blocks the pipe. Only toilet paper should be flushed into the sanitary sewer system,
- b. Blockage within the sanitary sewer lateral due to age, deterioration, roots, settlement or objects too large have been inserted into the drain,
- c. Blockage in the collection main or manhole that requires cleaning by Town personnel, and/or
- d. Surcharging in the collection main due to abnormally high flows and/or heavy rainfall.

The property owner is responsible for the removal of blockages within the entire length of the sanitary sewer lateral, unless there is a joint connection at the property line. The rodding service is available from local qualified plumbing contractors. A proper clean out must be available to insert the cleaning rods and/or a toilet has to be removed by the plumber.

If the Town representative determines that the backup was caused by a problem with the sanitary sewer lateral pipe between the property line and sewer main due to pipe defect (i.e. broken/collapsed pipe), the rodding fee may be reimbursed.

The Town will query the owner if previous sewer blockage had been experienced and review the Town's records for details and the nature of any previous blockage.

It is sometimes necessary for Public Works to carry out a closed circuit camera inspection of the service line to determine the nature of the blockage, particularly if there is a prior history of sewer backups.

If the problem is found to be a pipe defect on the private side of the property line, the owner shall be responsible for the repair. If the problem is on the Town side due to roots, collapse or frozen, Public Works will carry out the repairs at the Town's cost.

In circumstances where infrastructure has not been installed in accordance with design standards, such as shallow installation conditions due to bedrock that promote the freezing of pipes, the Director of Public Works shall account for these circumstances when opportuning costs. For clarity, in a circumstance where the blockage has been caused by ground conditions and the property owner has not contributed to the sewer blockage in any way, the Town of Kirkland Lake shall be responsible for the costs to remove the frozen blockage in accordance with all other provisions of this policy.

Should Public Works receive an after-hours call with regards to a blockage in a sanitary sewer lateral, the following procedure shall be followed:

- a. The Supervisor during regular business hours or the on-call employee after hours shall contact the property owner and explain that they must hire a certified plumber to clear the blockage and explain that after the blockage is cleared a video inspection of the sanitary sewer lateral can be arranged with the Public Works Department to help determine the cause, if there is an outstanding issue.
- b. If the camera inspection shows that the problem originated from the Town's sewer main line, the property owner shall be advised that they may submit the plumber's invoice to the Town for reimbursement.
- c. Should the blockage require immediate excavation for clearing, the Supervisor or their designate shall be responsible to call in the required staff and equipment to ensure the necessary work is carried out in a timely manner.
- d. Any work performed by the Town (i.e. blockage removal and/or camera inspection) may be at the owner's expense.

## 6. Summary

### **Owner's responsibility**

- a. Use the sewer lateral connection in a responsible manner to maximize its life and efficiency.
- b. Clearing and/or inspection of sewer of blocked sewer lateral regardless of location. Where a private sewer lateral connection is repeatedly found to be blocked, the owner shall forthwith undertake such corrective measures as are required.
- c. Refrain from discarding any household kitchen grease, food waste or other solid material into the sanitary sewer lateral.

### **Town's responsibility**

The Town will assume the maintenance responsibility of the sanitary sewer lateral within the Town's right-of-way. The Town will coordinate all activities and will assume all costs associated with the following activities:

- a. The removal of tree roots from the sanitary sewer lateral on the Town's right-of-way.
- b. The replacement of the sanitary sewer lateral on the Town's right-of-way as part of any Town road reconstruction and/or sewer main line replacement program if, to the satisfaction of the Town, such replacement is technically practical and fiscally responsible.
- c. The Town shall not be required to cleanup any sewage or water backup in the basement or other areas of the owner's property.

The owner acknowledges and recognizes that the Town has no prior knowledge of when a sanitary sewer lateral connection will have a blockage and a sewer backup could occur.

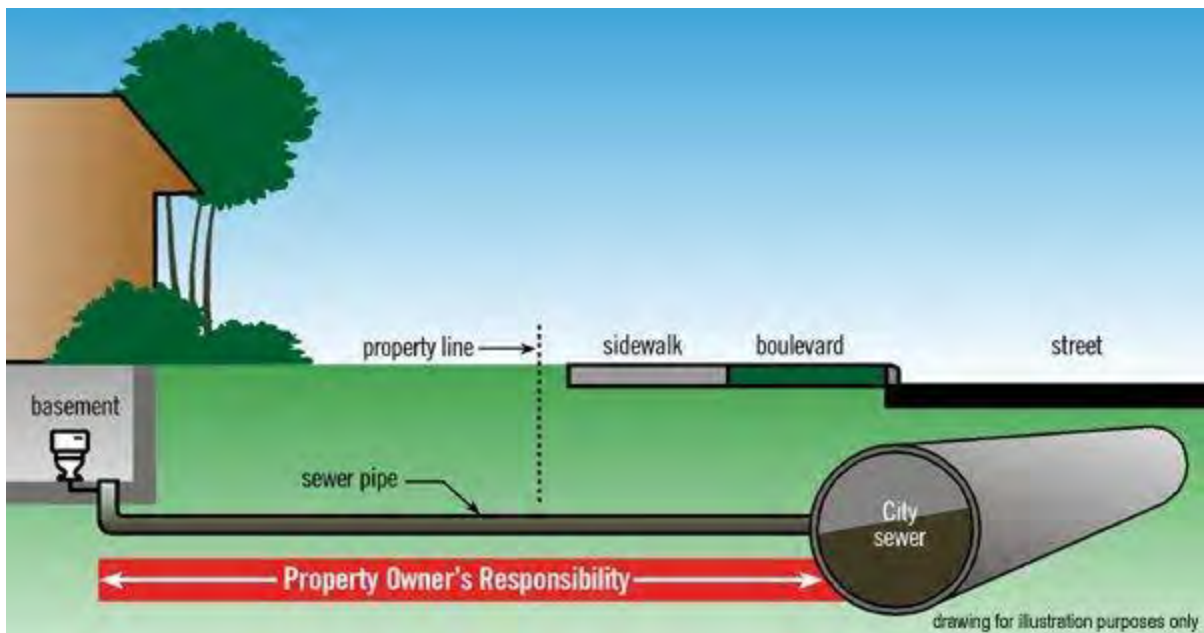
The owner also recognizes that the Town will use its best efforts to restore the sanitary sewer lateral connection to a temporary useable standard as soon as possible, however, if a repair requiring excavation is required, the Town will require a maximum of 5 working days to obtain "emergency" utility locates. After the Town has obtained the utility locates, the repair will be completed expeditiously.

The Public Works Department shall be responsible for the administration and the implementation of this policy.

If there is a dispute between the property owner and the Public Works Department as to the location of the blockage, and it cannot be resolved at the staff level, the Director of Public Works shall resolve the dispute and the decision shall be deemed to be final.

The property owner's home insurance may cover sewer backups. The Town is not responsible for sewer backups unless the Town has been negligent. If the owner believes that is the case, the owner or their insurance company can make a claim.

Please refer to the sanitary sewer system drawing below for illustration purposes only.



POLICY	
Policy Number: PW2020-002	Date Approved: June 1984
Department: Public Works	Date Reviewed: October 2020
Streetlight Maintenance	

**1. Policy Statement**

Not Applicable

**2. Purpose**

The intention of the policy is to repair individual streetlights within 10 days of being notified or of making the observation. In addition, group streetlights which are out as a result of failure of a relay will be repaired as soon as possible but should not result in an after hour call out unless the streetlights have been out for more than 48 hours. Then they would be repaired as soon as possible thereafter. This means if a group of streetlights were reported out on Friday night, they would not likely be repaired until Monday morning. However, if Monday was a holiday, then Hydro crews would be called out on Saturday or Sunday.

The policy assumes that the replacement of streetlight bulbs will also be carried out on a scheduled basis and therefore emergency repairs would be kept to a minimum. Also, there will be a program to replace incandescent lights.

The policy also assumes that the Municipality wishes to keep streetlighting maintenance to a minimum and therefore the residents are willing to tolerate some inconvenience.

**3. Scope**

Not Applicable

**4. Definitions**

Not Applicable



## **5. Policy & Procedures**

1. Work carried out to the streetlighting system after normal hours of operation, (working on Monday to Friday excluding official holidays) shall be emergency repair work.
2. Group streetlights which are reported out as a result of failure of streetlighting relay which are out for more than 24 hours shall be repaired as soon as possible
3. Routine surveys of the streetlighting system with the intention of determined number of streetlights, which are inoperative, shall not be carried out. The determination of streetlights which are inoperative shall depend upon the occasional observation of the Public Works Department and by being advised by the citizens of the community. This method shall be monitored to determine its effectiveness.
4. Individual streetlights which are reported out shall be repaired within 10 days of the date on which they are reported.

## **6. Summary**

Not Applicable

POLICY	
Policy Number: CS2020-001	Date Approved: March 2005
Department: Community Services	Date Reviewed: October 2020
Library Employees Status	

**1. Policy Statement**

Employees are presently on the Town of Kirkland Lake payroll; they receive all benefits eligible to municipal employees and receive a T4 slip in the name of the Town of Kirkland Lake each year. For this and other reasons, the legal opinion received from our solicitor is that they are municipal employees and the municipality has all the responsibilities for human resources, including the responsibility to comply with all appropriate provincial regulations, etc.

**2. Purpose**

Not Applicable

**3. Scope**

Not Applicable

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

Not Applicable

**6. Summary**

Not Applicable

Library Board Chairman was advised of the above by letter dated March 7, 2005.



POLICY	
Policy Number: FIN2020-001	Date Approved: September 2007
Department: Finance	Date Reviewed: October 2020
Commodity Price Hedging Agreements	

**1. Policy Statement**

According to the Municipal Act 2001, Regulation 653/05 Section 6 (1) a municipality shall adopt a statement of policies and goals relating to the use of financial agreements to address commodity pricing and costs.

**2. Purpose**

Not Applicable

**3. Scope**

Not Applicable

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

The Town of Kirkland Lake wishes to entertain commodity price hedging agreements for the purchase of natural gas and electricity. With the deregulation of natural gas and electricity it may be advantageous to the municipality to enter into an agreement to provide better pricing and stability to our budget process. By not entering into an agreement then the municipality will be paying the market rate. Department budgets will have to try and forecast what the market prices will be for the upcoming year instead of having a fixed agreed price. It is predicted that by going with a retailer of commodities, the municipality will see a significant savings due to bulk purchasing of that commodity. Council is always seeking the most cost effective manner in delivering services and these agreements will reduce operating costs for all of our departments.

Council directs the Director of Corporate Services to make recommendations regarding natural gas and electricity pricing agreements and prepare the appropriate by-laws for Council approval.

According to Section 7 of the same regulation, the Director shall prepare and present to municipal council once during a fiscal year a detailed report regarding any signed agreements.

**6. Summary**

Not Applicable



POLICY	
Policy Number: FIN2020-002	Date Approved: September 2019
Department: Finance	Date Reviewed: October 2020
Credit Card Payments	

**1. Policy Statement**

Due to the high cost of service charges associated with the use of credit cards, the Corporation of the Town of Kirkland Lake will no longer be accepting any credit card for the payment of taxes, water, daycare and TPR resident co-payments.

**2. Purpose**

Not Applicable

**3. Scope**

Not Applicable

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

Not Applicable

**6. Summary**

Not Applicable

POLICY	
Policy Number: FIN2020-003	Date Approved: September 2012
Department: Finance	Date Reviewed: October 2020
Investment	

### 1. **Policy Statement**

It is the objective of the Corporation of the Town of Kirkland Lake to ensure:

- a. All investments are in compliance with O. Reg. 438/97 and with section 418 to section 420 of the Municipal Act,
- b. Preservation of capital,
- c. Maintenance of liquidity,
- d. Competitive return on investments.

### 2. **Purpose**

This policy establishes guidelines to invest municipal funds in a manner which will provide the highest return with the maximum security while meeting daily cash flow demands of the municipality and conforming to the requirements of section 418 to section 420 of the Municipal Act, 2001 and of O. Reg. 438/97.

### 3. **Scope**

This investment policy applies to all investments made on behalf of the Corporation of the Town of Kirkland Lake and its agencies, boards and commissions including, but not limited to, operating, capital, trust, reserves and reserve funds and any new fund created by the Corporation of the Town of Kirkland Lake unless specifically exempted.

### 4. **Definitions**

Not Applicable

### 5. **Policy & Procedures**

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, direction and intelligence exercise in the

management of their own affairs, not for speculation, but for investment, considering the probable safety of capital as well as the probable income to be derived. Authorized employees acting in accordance with this policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes.

### **Authority**

Authority to invest public funds is derived from section 418 to section 420 of the Municipal Act, 2001. Management responsibility for the investment program of the Corporation of the Town of Kirkland Lake is hereby delegated to the Treasurer.

### **Authorized Investments**

The eligible investments as well as minimum credit quality ratings are governed by the Municipal Act of Ontario and O. Reg. 438/97 as amended by Ontario Regulation 655/05 or as authorized by subsequent regulations. A copy of O. Reg. 438/97, which outlines Eligible Investments for Ontario municipalities and which is in force at the time that this Investment Policy was approved, is attached to this policy as Schedule A.

### **Currency**

The Corporation of the Town of Kirkland Lake shall not invest in a security that is expressed or payable in any currency other than Canadian dollars. O. Reg. 438/97, s.6 (1).

### **Reporting**

The Treasurer or designate has a specific responsibility to prepare and provide an annual investment report to council. O. Reg. 438/97, s.8 (1). This report shall contain the following information:

- a. A statement about the performance of the portfolio of investments of the municipality during the period covered by the report;
- b. An estimated proportion of the long-term and short-term securities compared to the total investments and a description of the change, if any, in that estimated proportion since the previous year's report;
- c. A statement by the Treasurer as to whether or not, in his or her opinion, all investments were made in accordance with the investment policies and goals adopted by the municipality;

- d. A record of the date of each transaction in or disposal of its own securities, including a statement of the purchase and sale price of each security; and
- e. Such other information that the council may require or that, in the opinion of the Treasurer, should be included.

**6. Summary**

Not Applicable



POLICY	
Policy Number: FIN2020-004	Date Approved: January 2020
Department: Finance	Date Reviewed: October 2020
Signing Authority	

**1. Policy Statement**

Not Applicable

**2. Purpose**

Not Applicable

**3. Scope**

Not Applicable

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

The following are authorized to sign cheques for the Town of Kirkland Lake (including Teck Pioneer Residence) effective January 15, 2020:

1. Treasurer, Keith Gorman, and one of the following:

Deputy Treasurer, Peter Georgeoff  
Mayor Patrick Kiely  
Councillor Eugene Ivanov  
Councillor Patrick Adams  
Clerk, Meagan Elliott

2. **In the absence of the Treasurer:**

Deputy Treasurer, Peter Georgeoff and one of the following:  
Mayor Patrick Kiely  
Councillor Eugene Ivanov

Councillor Patrick Adams  
Clerk, Meagan Elliott

3. Any two of the following four names are authorized to sign cheques for the Teck Pioneer Residence, Trust account only:

Treasurer, Keith Gorman  
Deputy Treasurer Peter Georgeoff  
Director of Care, Nancy Loach  
Clerk, Meagan Elliott

**6. Summary**

Not Applicable

POLICY	
Policy Number: FIN2020-005	Date Approved: July 2012
Department: Finance	Date Reviewed: October 2020
Tangible Capital Asset	

## 1. Policy Statement

### **Capitalization:**

Capitalization thresholds are established to determine whether expenditures are to be capitalized as assets and depreciated or treated as current year expenditures. For financial reporting purposes thresholds are set fairly high, however, details may be useful for the Town's capital asset management program. Therefore, an optimal threshold for each asset category is a balance between the two. Please see Schedule A for the capitalization thresholds.

### **Cemetery Land and Land under Roads and Sidewalks:**

Land owned by the Town includes parkland, land for Town owned facilities and land under roads and sidewalks. All land owned by the Town is segmented by each parcel held. Town parkland and the land for Town facilities and leased facilities is quantified and included in the Town's land database. Due to the age of the land under the roads and sidewalks and since this land has no other use or purpose, it is considered to have a nominal value (one dollar). The Cemetery is also being valued at a nominal value (one dollar).

### **Asset categories:**

The level of detail required in the capital asset inventory is a balance between the cost of data collection, tracking and analysis and the beneficial use of the information gathered. A primary category of assets is a grouping of assets of a similar nature. A functional category is a grouping of assets based on the service area in which the asset is used.

## **Primary**

- **Land:** includes, but is not limited to, land purchased or acquired for value of parks and recreation, building sites, infrastructure (roadways, bridges, water treatment systems, etc.) and other program uses, but not land held for resale.
- **Land Improvements:** consists of betterments, site preparation and site improvements (other than buildings) that ready land for its intended use, which generally decay or break down over time (i.e. parking lots, fencing, sports fields, playground equipment, landscaping, etc)
- **Buildings and Improvements:** all structures that are permanent, temporary or portable in nature that provide shelter from the elements (i.e. sport and recreation facilities, office buildings, fire/police stations, libraries, mausoleums, waste depots, etc). Building improvements are major repairs that will extend the useful life or increase the value of the asset (i.e. structural changes, upgrades to HVAC, plumbing or electrical)
- **Vehicles:** a means of transportation, usually having wheels, for transporting person or things or designed to be towed behind such an apparatus (i.e. trucks, automobiles, trailers, snowmobiles, etc.)
  - **Cars, and light trucks** such as passenger vehicles and light trucks less than 4,536 kg GVWR (five ton).
  - **Heavy equipment trucks** such as trucks greater than 4,537 kg GVWR. This would include dump trucks, flushing trucks, snowplow trucks,
- **Machinery and Equipment:** an apparatus, tool, device, implement or instrument that likely uses energy to facilitate a process, function or completion of a task. This can also include furniture and fixtures. It may be installed within a building, but is generally capable of being moved and reinstalled at a different location, if need be (that is, it is not permanently affixed to or integrated into the building or structure in which it resides).
  - **Furniture and fixtures** such as office furniture, park furniture, desks, tables, filing cabinets, fax machines, photocopier, and videoconferencing stations.
  - **Operating equipment** specific to maintenance and sanitation, safety appliances, such as forklifts, welding machines, security systems, snow plows, radios, freezers, refrigerators, washers, meters, defibrillators, and lawn mowers.

- **Heavy equipment and machinery** such as chillers, graders, tractors, cranes, loaders.
- **Computer hardware** such as servers, voice logging equipment, scanners, printers, hard drives, modems, tape drives, and plotters.
- **Computer software** and related upgrades, software licenses after removing any maintenance or similar charges.
- **Infrastructure:** assets generally constructed or arranged in a continuous and connected network which includes: 1) surface systems such as roads, sidewalks, bridges, and drainage ditches; 2) underground systems such as water distribution pipe systems, wastewater collection pipe systems, manholes, catch basins, and storm drainage collection systems and tunnels. Infrastructure assets usually will be valued using the “component” approach.
- **Capital Work-in-Progress:** the cost of tangible capital assets under construction, constructed or in an uncompleted process of acquisition by the municipality, and that are not yet in service. Work or construction in progress represents the costs incurred to date on a project that has not yet reached substantial completion (i.e. 90%) or the asset has not been placed into production/service/use. The point of substantial completion typically occurs when the architect, engineer or consultant issues the certificate of substantial completion. Examples of work in progress assets might include road, water and sewer infrastructure that have yet to be opened for use.

### ***Functional***

- **General Government** (administration, treasury)
- **Protection Services** (fire, police, emergency measures)
- **Transportation Services** (roads, winter control, street lighting, air transportation)
- **Environmental Services** (wastewater collection, treatment and control, storm sewer systems, solid waste collection and disposal, waste diversion)
- **Health Services** (cemeteries)
- **Social and Family Services** (assistance to aged persons, child care)
- **Recreation and Cultural Services** (parks and recreation, museum, library, Hockey Heritage North)

- **Planning and Development** (planning and zoning, commercial and industrial, residential development, tourism)

### **Asset Valuation:**

Tangible Capital Assets should be recorded at cost plus all ancillary charges necessary to place the asset in its intended location and condition for use.

#### ***Purchased Assets***

All tangible capital assets are to be recorded at cost (PSAB 3150.09). Cost is the gross amount of consideration given up to acquire, construct, develop, or better a tangible capital asset, and includes all costs directly attributable to acquisition, construction, development, or betterment of the tangible capital asset (PSAB 3150.10).

All directly attributable costs are to be included (i.e. installation costs, design and engineering fees, legal fees, survey costs, site preparation costs, freight charges, transportation, insurance costs and duties). Directly attributable overhead (i.e. engineer salary and benefit, site preparation, interest costs, professional fees), incurred during the construction of a tangible capital asset are to be included in the cost of the asset.

Indirect costs are not to be included in the cost of the asset. Capitalization of carrying costs ceases when no construction or development is taking place or when a tangible capital asset is ready for its intended use.

#### ***Capitalization of Interest Costs***

Borrowing costs incurred by the acquisition, construction and production of an asset that takes a substantial period of time to get ready for its intended use should be capitalized as part of the cost of that asset.

Capitalization of interest costs should commence when expenditures are being incurred, borrowing costs are being incurred and activities that are necessary to prepare the asset for its intended use are in progress. Capitalization should be suspended during periods in which active development is interrupted. Capitalization should cease when substantially all of the activities necessary to prepare the asset for its intended use are complete. If only minor modifications are outstanding, this indicates that substantially all of the activities are complete.

Interest costs will not be capitalized prior to January 1, 2009.

### ***Donated or Contributed Assets***

The cost of donated or contributed assets, that meet the criteria for recognition, is equal to the fair value at the date of donation or contribution. Fair value may be determined using market or appraisal values. In unusual circumstances, where an estimate of fair value cannot be made, the tangible capital asset would be recognized at a nominal value (one dollar), to be disclosed in the financial statements (PSAB 3150.14).

### **Componentization:**

Tangible capital assets may be accounted for using either the single or component approach. When the component approach is to be used will be determined by the usefulness of the information versus the cost of collecting and maintaining information at the component level.

- The whole asset approach considers an asset to be an assembly of connected parts. Costs for all parts would be capitalized and amortized as one asset. For example, a computer network would be considered as one asset.
- The component approach allows different components to be individually capitalized and amortized. Under this approach, the servers, routers, lines, software, etc. used in a network would all be individual assets.

Both methods are equally acceptable under Generally Accepted Accounting Principles. Additional factors influencing the choice of method include:

- Significance of amounts;
- Quantity of individual asset components (volume);
- Availability of information with respect to specific components of the capital expenditures; and
- Specific information needs of management for decision-making and asset control purposes.

### **Amortization:**

Amortization is the cost, less any residual value, of a tangible capital asset with a limited life should be amortized over its useful life in a rational and systematic manner appropriate to its nature and use by the corporation. Tangible capital assets shall be deemed to have no residual value unless it is determined that the residual value of the asset in question is significant.

The Town will use a straight-line method for calculating the annual amortization in most situations and shall be calculated the year the asset is put into service. The amortization charges related to the asset should be reviewed for reasonableness at year-end. Useful life is normally the shortest of the asset's physical, technological, commercial or legal life. Useful life should be measured in terms of years. Please refer to Schedule A for estimated useful lives for the categories and subcategories.

Land normally has an unlimited useful life and would not be amortized.

### **Internal Transfers of Tangible Capital Assets:**

Transfer of tangible capital assets between departments shall be at the net book value of the asset. The receiving department would record the asset at its original historical cost and accumulated amortization.

## **2. Purpose**

A Tangible Capital Asset Policy (TCA) promotes compliance with the Public Sector Accounting Board (PSAB) Handbook Section PSAB 3150. It provides overall direction for the capitalization of assets, technical guidance in the creation of a tangible capital assets accounting system and addresses areas of PSAB 3150 that may require professional judgment. In addition, a TCA policy provides a framework in which to make consistent and sound decisions, plan ahead for future needs and provide public confidence in accounting and financial reporting processes.

## **3. Scope**

This policy applies to all Town of Kirkland Lake departments, boards and commission, agencies, and other organizations falling within the reporting entity of the Town. Ownership of assets requires safeguarding, maintenance, amortization for replacement and possibly write-downs.

## **4. Definitions**

### **Tangible Capital Asset (TCA):**

In accordance with PSAB 3150, tangible capital assets are non-financial assets having physical substance that:

- a) Are held for use in the production or supply of goods and services, for rental to others, for administrative purposes or for the development, construction, maintenance or repair of other tangible capital assets;



- b) Have useful economic lives extending beyond an accounting period;
- c) Are to be used on a continuing basis; and
- d) Are not for sale in the ordinary course of operation (PSAB 3150.05 (a)).

They are to be recorded at historical cost. Where historical cost information is not available, valuation approaches such as appraisals, the deflated replacement cost the deflated reproduction cost or fair value are to be applied where appropriate.

### **Betterments:**

Subsequent expenditures on tangible capital assets that fulfill one or more of the following requirements:

- a) Increase previously assessed physical output or service capacity;
- b) Lower associated operating costs;
- c) Extend the useful life of the asset; or
- d) Improve the quality of the output.

Any other expenditure would be considered a repair or maintenance and should be expensed in the period.

### **Pooled Assets:**

Similar assets that have a unit value below the capitalization threshold (on their own) but have a material value as a group. Such assets shall be pooled as a single asset with one combined value. Examples would include the following:

- Streetlights
- Furniture and Fixtures
- Fire Bunker Suits

As similar items are purchased or deleted from active use, they will be added or subtracted from the pool. An inventory will be taken on a periodic basis to be determined by the Treasurer or CAO.

### **Capital Leases:**

Capital leases are a means of financing the acquisition of a capital asset where the lessee carries substantially all of the risks and benefits of ownership. If the arrangement is an operating lease, not all benefits and risks are transferred to lessee, then the lease payment should be expensed and no liability is recorded. Capital leases are recorded as if the lessee had acquired the asset and assumed

liability. If one or more of the following criteria exists, the lease should be accounted for as a capital lease:

- There is reasonable assurance that the Town will obtain ownership at the end of the lease;
- The Town will receive substantially all of the economic benefits of the asset; and
- The leaser is assured of recovering the investment in the asset and earning a return.

If the threshold is met, a capital asset and a liability should each be recorded for the present value of the minimum lease payments. The leased asset should be amortized over the lesser of the lease term or estimated useful life for similar capital assets.

#### **Fair Value:**

Fair value is defined in accounting standards as the amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties in an arm's length transaction who are under no compulsion to act (PSAB 3150.05 (c)).

#### **Heritage Assets:**

Heritage Assets are works of art and historical treasures considered irreplaceable and preserved in trust for future generations. Collections or individual items of significance that are owned and not held for financial gain but rather public exhibition, education or research in furtherance of public service may be considered heritage assets. Heritage assets will not be recognized as TCA's in the financial statements, but should be disclosed in the notes (PSAB 3150.08).

### **5. Policy & Procedures**

A Tangible Capital Asset (TCA) Disposal/Out of Service form must be completed and authorized for all asset disposals (see Schedule B).

Disposal of tangible capital assets identified as surplus must follow Part VI, Disposal of Surplus or Scrap Materials and Equipment, of the Town's Purchasing and Materials Management policy.

When tangible capital assets are taken out of service, destroyed, or replaced due to obsolescence, scrapping or dismantling, the department head or designate must notify treasury as they are responsible to write down the net carrying amount of the asset to its net realizable value.

A disposal is the difference between the net proceeds on disposal of a tangible capital asset and the net book value of the asset and should be accounted for as revenue or expense in the statement of operations (PSAB 3150.38).

A write down occurs when the conditions indicate that a tangible capital asset no longer contributes to the Town's ability to provide goods and services or that the value of future economic benefits associated with the tangible capital asset is less than its net book value, the cost of the tangible capital asset should be reduced to reflect the decline in the asset's value (PSAB 3150.31). The net write downs of tangible capital assets should be accounted for as an expense in the statement of operations (PSAB 3150.32). A write down should not be reversed (PSAB 3150.33).

## **6. Summary**

Not Applicable

## SCHEDULE A

<b>Asset Category</b>	<b>Capitalization Threshold</b>	<b>Estimated Useful Life</b>
Land	Capitalize Only	Indefinite
<b>Land Improvements</b>		
Parking Lots/Landscaping/Runways	\$5,000	20 years
Playground Equipment	\$5,000	20 years
Other (fencing, sports fields, etc)	\$5,000	20 years
<b>Buildings and Improvements</b>		
Building Structure	\$5,000	50 years
Mechanical/Electrical	\$5,000	25 years
Roof	\$5,000	25 years
<b>Vehicles</b>		
Cars, light trucks	\$5,000	10 years
Heavy equipment trucks	\$5,000	20 years
Fire trucks	\$5,000	20 years
<b>Machinery &amp; Equipment</b>		
Furniture & Fixtures	\$5,000	10 years
Operating equipment & machinery	\$5,000	10 years
Heavy equipment & machinery	\$5,000	20 years
Computer hardware/dispatch equipment	\$5,000	5 years
Computer software	\$5,000	10 years
<b>Infrastructure</b>		
Water Distribution System (pipes, hydrants, valves etc.)	\$20,000	50 years
Sanitary Sewer Collections System (pipes, force mains, etc)	\$20,000	50 years
Storm Sewer System – PVC / CI, Concrete	\$20,000	50 years
Roads Surface	\$20,000	50 years
Guard rails	\$20,000	10 years
Culverts	\$20,000	40 years
Sidewalks – Paving Stone / Concrete	\$20,000	45 years
Sidewalks – Asphalt	\$20,000	20 years
Bridges	\$20,000	50 years
Traffic Lights / Street Lights / Road Signs	\$20,000	25 years
Capital Work in Progress	Project Based	Not Amortized

**SCHEDULE B**

**Capital Asset Disposal/Out of Service Form**

Asset ID \_\_\_\_\_

Department \_\_\_\_\_

Location \_\_\_\_\_

**Asset Verification**

Make/Model \_\_\_\_\_

Serial #/ VIN# \_\_\_\_\_

Manufacturer \_\_\_\_\_

**Details of Disposition**

Date of Disposal \_\_\_\_\_

Purchaser \_\_\_\_\_

Other Method \_\_\_\_\_

Value Received \$ \_\_\_\_\_

Comments \_\_\_\_\_

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

*Note: Attach a copy of any sales information (sales slip, invoices for new asset indicating trade-in, etc)*



**KIRKLAND LAKE**  
THE RIGHT ENVIRONMENT



## Code of Conduct

*Town of Kirkland Lake*

**Important Disclaimer:** this protocol complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the “*Act*”). If you have any questions or concerns about this protocol or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this protocol other than as expressly authorized or directed by Wishart Law Firm LLP.

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## 1. Principles Upon Which This Code is Based

- 1.1 A municipality is a responsible level of government. Improving the quality of municipal governance and administration can best be achieved by encouraging high standards of conduct on the part of all Members. In particular, the public is entitled to expect the highest standards of conduct from the Members of its local government. In turn, adherence to these standards will protect and promote the Municipality's reputation and integrity.
- 1.2 Key statements of principle that underline this Code of Conduct are as follows:
- a) Council, and its Members are the leaders of the Municipality both inside and outside its geographic boundaries. Especially in an age of social media and electronic messaging, strong positive management of the reputation of the Municipality is needed. The statements and behavior of Council affect the Municipality's reputation as a place to live and do business. Conflict and inappropriate conduct among Members, staff, officers and members of the public, adversely affects the Municipality's reputation and is to be avoided. Put differently, Council has a strong role to protect and promote the Municipality and its reputation as an excellent place to live, work and do business;
  - b) Members must serve and be seen to serve their constituents in a conscientious and diligent manner;
  - c) Members must be committed to performing their functions with integrity, avoiding the improper use of the influence of their office, and conflicts of interest, both real and perceived;
  - d) Members are expected to conduct themselves and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
  - e) Members must recognize and act upon the principle that democracy is best achieved when the operation of government is as transparent and accountable to the Public as possible;
  - f) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by the Municipal Council;

- g) Members must not use the status of their position to inappropriately influence the decision of another individual or body. For example, to obtain a personal advantage for the Member, the Member's parents, children, spouse, staff, friends, associates, business or otherwise; or to disadvantage another party.
- h) Members shall be respectful of the role of staff to provide advice with political neutrality and objectivity and without undue influence from a Member or Members.

## 2. Application of this Code

2.1 This Code of Conduct applies to every Member.

## 3. Definitions

3.1 In this Code of Conduct:

- a) "Benefit" means preferential treatment, privileged access, favours or other advantage including, but not necessarily limited to, invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new employment.
- b) "Ceremonial Gift" means official gifts provided as part of the culture or practices of communities or government within Canada or internationally, which although they may be given to a Member, are accepted by a Member on behalf of a municipality and become the property of a municipality.
- c) "Child" means a child born within or outside marriage and includes any adopted child, step child, foster child and a person whom a Member has a demonstrated a settled intention to treat as a child of his or her family;
- d) "Confidential Information" means any information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* or any other law. Confidential Information also includes information of a corporate, commercial, scientific or technical nature received in confidence from third parties; personal information; information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel, labour relations, litigation, property acquisition, the security of the property of the Municipality or a Local

Board; and any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order.

- e) “Council” means the Council of the Town of Kirkland Lake.
- f) “Gift” means free or discounted items or services and any item or service that would, viewed in light of all the circumstances, be regarded as a gift by a reasonable Person not including Ceremonial Gifts.
- g) “Hospitality” means the friendly reception and entertainment of guests, which may range from light refreshments at a meeting to expensive restaurant meals and sponsored travel or accommodation.
- h) “In-camera meeting” means a meeting, or part of a meeting, closed to the public pursuant to section 239 of the *Municipal Act, 2001*.
- i) “Information” includes a record or document written or otherwise;
- j) “Integrity Commissioner” means the Person appointed by by-law in accordance with section 223.3 of the *Municipal Act, 2001* and who is responsible for performing, in an independent manner, the functions assigned by the Municipality with respect to the application of the Code of Conduct for Members.
- k) “Local Board” means, for the purpose of this Code of Conduct, a local board other than:
  - i. A society as defined in subsection 2(1) of the *Child, Youth and Family Services Act, 2017*;
  - ii. A board of health as defined in subsection 1(1) of the *Health Protection and Promotion Act*;
  - iii. A committee of management established under the *Long-Term Care Homes Act, 2007*;
  - iv. A police services board established under the *Police Services Act* and/or the *Police Services Act, 2018*;
  - v. A board as defined in section 1 of the *Public Libraries Act*; and
  - vi. A corporation established in accordance with section 203 of the *Municipal Act, 2001*;

- l) “Member” means a member of Council, which shall include the Mayor/Reeve, members of Committees and members of Local Boards, unless, with respect to members of Local Boards, the context requires otherwise, and shall not include staff or ratepayers.
- m) “Officer(s)” means a person who holds a position of responsibility with definite rights and duties prescribed by statute or by-law.
- n) “Parent” means a person who has demonstrated a settled intention to treat a child as a part of his or her family whether or not that person is the natural parent of the child;
- o) “Person” includes a corporation, partnership, association and any other entity, as the context allows; and
- p) “Spouse” means an individual to whom an individual is married or with whom an individual is living in a conjugal relationship outside marriage.
- q) “Transparency” means that the municipality actively encourages and fosters stakeholder participation and openness in its decision-making processes. It means that the municipality’s decision-making process is open and clear to the public.

## 4. Compliance with Declaration of Office

- 4.1 Every Member shall act in accordance with his or her declaration of office sworn pursuant to section 262 of the *Municipal Act, 2001*. A copy of the Declaration of Office is attached as Schedule “A”.

## 5. Adherence to Council Policies and Procedures

- 5.1 Every Member shall observe and comply with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council.

## 6. Conduct at Meetings

- 6.1 Every Member shall conduct himself or herself properly and in a civil and respectful manner at meetings, and in accordance with the provisions of the Procedural By-law, this Code of Conduct, and other applicable law.

- 6.2 Members will respect the decision-making process. Members will attempt to accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with a majority decision of Council.
- 6.3 Members shall strive to attend all Council Meetings. Any Member who is unable to attend a Council Meeting shall advise the clerk as soon as is reasonably possible of the reason for their absence.

## 7. Conduct Respecting Others

- 7.1 Every Member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. The Member shall be familiar with, and comply with, the Municipality's Workplace Anti-Violence, Harassment and Sexual Harassment Policy.
- 7.2 A Member shall not use indecent, abusive or insulting words, tone or expressions toward any other Member, any municipal staff or any member of the public.
- 7.3 A Member shall not speak in a manner that is discriminatory to any individual, based on any protected grounds. Protected grounds include: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, and gender expression<sup>1</sup>.

## 8. Conduct Respecting Staff and Officers

- 8.1 Under the direction of the senior administrative staff, and in accordance with the decisions of Council, staff and Officers are required to serve the municipal corporation as a whole. Every Member shall be respectful of the role of staff and Officers to provide advice based on political neutrality and objectivity and without undue influence from any Member or group of Members. Accordingly, no Member shall maliciously or falsely injure or impugn the professional or ethical reputation of any staff person or Officer.
- 8.2 Members shall acknowledge and respect the fact that staff carry out directions of Council, through senior staff, including but not limited to the treasurer, clerk, director of public works, and administer the policies of the Municipality. No Member shall perform, direct or attempt to undermine the duties of any staff person or Officer except in accordance with the Municipality's procedural by-law.

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<sup>11</sup> See *Human Rights Code*, R.S.O. 1990, c.H.19

- 8.3 Every Member shall show respect for staff and Officers, and for their professional capacities and responsibilities.
- 8.4 No Member shall direct, instruct or compel any staff member or Officer to engage in partisan political activities or subject any staff member or Officer to threat or discrimination for refusing to engage in any such activity.
- 8.5 No Member shall use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or improperly influencing any staff person or Officer or interfering with that person's duties, including the duty to disclose improper activity.

## 9. Gifts, Benefits and Hospitality

- 9.1 For the purposes of this Code, Gifts, Benefits and Hospitality provided, with a Member's knowledge, to that Member's spouse, child or parent, or to his or her staff, that is connected directly or indirectly to the performance of the Member's duties, are deemed Gifts, Benefits and Hospitality provided to that Member.
- 9.2 No Member shall accept Gifts, Benefits and Hospitality connected directly or indirectly with the performance of his or her duties, unless permitted under one or more of the exceptions listed below:
- 9.3 Each of the following is recognized as an exception:
- a) compensation authorized by law;
  - b) Gifts, Benefits and Hospitality of the kind that normally accompanies the responsibilities of office and is received as an incident of protocol or social obligation;
  - c) a political contribution otherwise authorized and reported as required by law, in the case of a Member running for office;
  - d) services provided without compensation by a Person volunteering their time in a function that would not normally be provided for compensation;
  - e) a suitable memento of a function honouring the Member;

- f) food, lodging, transportation or entertainment lawfully provided by any Provincial, regional or local government or board or political subdivisions of any of them, by the Federal government, a foreign government, or by those organizing a conference, seminar or event where the Member is speaking or attending in an official capacity;
- g) food and beverage consumed at a banquet reception or similar event, if:
  - i. attendance by the Member is for a legitimate municipal purpose;
  - ii. the Person extending the invitation, or a representative of the organization holding the event, is in attendance; and
  - iii. the value is reasonable;
- h) communications to the office of a Member, even if such communication would, in the ordinary course, require a subscription; and
- i) a sponsorship or donation for a community event organized or run by a Member, or a third party on behalf of a Member, subject to the limitations set out in any applicable municipal policy.

9.4 Except for exception 9.3 (c) (political contributions allowable by law), these exceptions do not apply where Gifts, Benefits and Hospitality are provided by a lobbyist or a lobbyist's client or employer. In this provision, a lobbyist is an individual, organization or business who or that:

- a) lobbies, or causes the lobbying of, any public office holder of the Municipality, the municipal council or corporation or a Local Board;
- b) the Member knows is attempting or intending to lobby the Member or any of the public, Persons or bodies listed in paragraph (a); or
- c) is maintaining an active lobbyist registration with the Municipality, whether or not with respect to any specific or current subject matter.

9.5 The exceptions in section 9.3 do not apply to a gift from an anonymous sender. No Member shall accept a gift from an anonymous sender. Where a Member receives a gift from an anonymous sender, the Member will turn the gift in to the Clerk who will donate the gift to a charity/organization on the Municipality's approved donation list.

- 9.6 In the case of any of the recognized exceptions in sections 9.3 (b), (e), (f), (h) and (i), to enhance transparency and accountability with respect to Gifts, Benefits and Hospitality, if the value of the Gift, Benefit or Hospitality is over \$300, or if the total value of Gifts, Benefits and Hospitality received from any one source during the course of a calendar year exceeds \$300, the Member shall file, within 30 days of receipt, or of reaching the annual limit, a disclosure statement with the Municipality or with its Integrity Commissioner.
- 9.7 The disclosure statement must set out:
- a) the nature of all Gifts, Benefits, and Hospitality;
  - b) its source and date of receipt;
  - c) the circumstances under which it was given and received;
  - d) its estimated value or, if determinable, its exact value;
  - e) what the recipient intends to do with any gift; and
  - f) whether any gift will at some point be provided to the Municipality.
- 9.8 Every disclosure statement filed under this Code shall be made a public record and posted in a place available for public review.
- 9.9 Upon receiving a disclosure statement, the Municipality or the Integrity Commissioner, as the case may be, shall examine, or in the case of the Municipality, appoint a Person to examine, the disclosure statement to ascertain whether the receipt of any Gifts, Benefits, or Hospitality, in his or her opinion, acting reasonably, contravenes this Code. Making such determination shall include providing the Member an opportunity to provide an explanation as to why receipt of any Gift, Benefit or Hospitality at issue does not contravene this Code.
- 9.10 Should a determination be made that receipt of any Gift, Benefit or Hospitality contravenes this Code, the Member shall be directed to promptly return, dispose of, or reimburse the person giving the Gift, Benefit or Hospitality, for the full value thereof, as applicable or remit the value of any gift or benefit already consumed to the Municipality.



## 10. Confidential Information

- 10.1 **No Member shall disclose, release, sell or publish by any means directly or indirectly, to any person or to the public, any Confidential Information acquired by virtue of his or her office**, in any form including, but not limited to, written notes, reports, oral and video recording, pictures, electronic correspondence, and any form of social media except when required or authorized by Council or otherwise by law to do so.
- 10.2 No Member shall use Confidential Information for personal or private gain or benefit, or to disadvantage any other person or body.
- 10.3 Unless required by law, no Member shall disclose the substance of deliberations of meetings held *in-camera* and that are authorized to be held *in-camera* under the *Municipal Act, 2001* or any other legislation unless or until Council discloses such information at a meeting that is open to the public or otherwise releases such information to the public.
- 10.4 Without limiting the generality of the foregoing, no Member shall, without lawful authority, disclose or make personal use of any of the following types of Confidential Information:
- a) Information concerning litigation, negotiation or personnel or labour matters;
  - b) Information the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence);
  - c) Price schedules in any contract, tender or proposal document while such remains Confidential Information;
  - d) Information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*, and
  - e) Any other information or statistical data required by law not to be released.
- 10.5 No Member shall obtain access, or attempt to gain access, to Confidential Information in the custody of the Municipality, Local Board or Committee except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

## 11. Use of Municipal Property, Services and Other Resources

- 11.1 No Member shall use, or permit the use of, municipal equipment, land, facilities, supplies, services, staff or other resource, including any municipally-owned information, website, or funds allocated for Member expenses, for any purpose or activity other than the lawful business of the municipal corporation. No Member shall seek or acquire any personal financial gain from the use or sale of Confidential Information, or of any municipally-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, for which property remains exclusively that of the Municipality.

## 12. Conduct of Election Campaign

- 12.1 Every Member shall comply with all applicable requirements of the *Municipal Elections Act, 1996* and with the Municipality's municipal or board resources rules and procedures established pursuant to section 88.18 of the *Municipal Elections Act, 1996*.
- 12.2 No Member shall use Confidential Information, facilities, equipment, supplies, services, or other resources of the Municipality, including any Member newsletter or website linked through the Municipality's website, for any election campaign or campaign-related activity. No Member shall undertake campaign-related activities on municipal property during regular working hours unless authorized by the Municipality.
- 12.3 No Member shall use the services of any person for election-related purposes during hours in which that person receives any compensation from the Municipality.

## 13. No Improper Use of Influence

- 13.1 No Member shall use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes.
- 13.2 No Member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage, the private advantage of the Member's parent, child, spouse, staff member, friend or associate, business or otherwise or the disadvantage of others. No Member shall attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. No Member shall hold out the

prospect or promise of future advantage through the Member's supposed influence within Council in return for any action or inaction.

- 13.3 For the purposes of this provision "private advantage" does not include a matter:
- a) That is an interest in common with electors generally as defined in the *Municipal Conflict of Interest Act*;
  - b) that affects a Member, his or her parents/children or spouse, staff, friends or associates, business or otherwise, as one of a broad class of persons; or
  - c) that concerns the remuneration or benefits of a Member.
- 13.4 This provision does not prevent a Member from requesting that Council grant a lawful exemption from a policy.

## **14. Non-Compliance with this Code of Conduct – Sanctions**

- 14.1 A Member found by the Integrity Commissioner to have contravened any provision of this Code, may be subject to one or more of the following consequences imposed by Council as referred to in the following:
- a) a reprimand;
  - b) suspension of the remuneration paid to the Member in respect of his or her services as a Member of the Council or Local Board, for a period of up to 90 days;
  - c) Other penalties, including, but not necessarily limited to:
    - i. Removal from membership of a Committee or Local Board;
    - ii. Removal as Chair of a Committee or Local Board;
    - iii. Require repayment or reimbursement of moneys received;
    - iv. Return of property or reimbursement of its value;
    - v. A request for an apology;
    - vi. Revocation of travel or another budget;
    - vii. Request for resignation; and

- viii. Trespass order restricting access except for Council Meetings.

## 15. No Reprisal or Obstruction in the Application or Enforcement of this Code

- 15.1 Every Member must respect the integrity of the Code of Conduct and inquiries and investigations conducted under it and shall co-operate in every way possible in securing compliance with its application and endorsement. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities or pursuing any such objective.
- 15.2 Every Member shall cooperate with the Integrity Commissioner if the Integrity Commissioner conducts an inquiry concerning an alleged contravention of this Code.

## 16. Statutes and Policies Regulating the Conduct of Members

- 16.1 In addition to this Code of Conduct, the following Ontario legislation also governs the conduct of Members:
- a) the *Municipal Act, 2001* as amended;
  - b) the *Municipal Conflict of Interest Act*;
  - c) the *Municipal Elections Act, 1996*;
  - d) the *Municipal Freedom of Information and Protection of Privacy Act*;
  - e) the *Ontario Human Rights Code*; and,
  - f) the *Occupational Health and Safety Act*.

- 16.2 The following policies govern the conduct of Members:

Accountability and Transparency Policy	December 18, 2007	
Procedural By-Law	July 14, 2015	15-075

- 16.3 The *Criminal Code* also governs the conduct of Members.
- 16.4 A Member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the *Criminal Code* or being found to have failed to comply with the *Municipal Conflict of Interest Act*, whether or not the conduct in question involves contravention of this Code of Conduct. In the case of any inconsistency between this Code and a Federal or Provincial statute or regulation the statute or regulation shall prevail. Should any provision of the Code become or be determined to be invalid, illegal or unenforceable, it shall be considered separate and several from the agreement and the remaining provisions shall remain in force.

## 17. Complaints Alleging Violation of This Code

- 17.1 Where a Member, a municipal employee, Officer, or a member of the public has reasonable grounds to believe that a Member(s) has contravened this Code, a complaint may be submitted to the Clerk's Department in the prescribed form which will be forwarded to the Municipality's Integrity Commissioner who will process it in accordance with the Integrity Commissioner Inquiry Protocol attached hereto as Schedule "B". The Complaint may also be submitted directly to the Integrity Commissioner in the event that such office is readily accessible.
- 17.3 Where a Member is found not to have contravened this Code, the Municipality is authorized to protect that Member against costs or expenses incurred by the Member as a result of the complaint proceedings.

### Acknowledgment

The undersigned Member of Council hereby acknowledges receipt of 1 copy of the Code of Conduct. And that one signed copy of the "Acknowledgment" is to be returned to the Clerk.

\_\_\_\_\_  
Signature of Member of Council

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Printed Name

**DECLARATION OF OFFICE**  
**(Section 232 of the *Municipal Act, 2001*)**

I, \_\_\_\_\_, having been elected or appointed to the office  
*(name of person)*

of \_\_\_\_\_  
*(name of office)*

in the municipality of \_\_\_\_\_  
*(name of municipality)*

do solemnly promise and declare that:

1. I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
3. I will disclose any pecuniary interest, direct or indirect, in accordance with the *Municipal Conflict of Interest Act*.
4. I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being).

And I make this solemn promise and declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me )

at the ..... )

..... )

..... )

on ..... )

20..... )

\_\_\_\_\_

signature of declarant

\_\_\_\_\_  
Commissioner for taking Affidavits



**KIRKLAND LAKE**  
THE RIGHT ENVIRONMENT



# Council-Staff Relations Policy

*Town of Kirkland Lake*

**Important Disclaimer:** this protocol complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the “Act”). If you have any questions or concerns about this policy or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this policy other than as expressly authorized or directed by Wishart Law Firm LLP.

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## 1. Introduction

As of March 1, 2019, amendments to section 270 of the *Municipal Act, 2001* will require the Municipality to adopt and maintain a policy with respect to the relationship between Members of Council and the Officers and Staff of the Municipality.

The Municipality has proactively adopted this Council-Staff Relations Policy to ensure that the Municipality will be in full compliance with the above-noted amendments upon their coming into force.

## 2. Scope and Intent

This Policy shall apply to all Municipal Staff, Officers and Members of Council.

The intent of this Policy is to ensure that the relationship between Members of Council and the Officers and Staff of the Municipality is co-operative and supportive with a clear understanding of the respective roles and responsibilities.

## 3. Definitions

“Member(s) of Council” means a member or members of the municipal council of Kirkland Lake.

“Municipality” means the Town of Kirkland Lake.

“Officer(s)” means a person who holds a position of responsibility with definite rights and duties prescribed by statute or by-law.

“Staff” means any of the following:

- i. A person, not including Members of Council, who performs work for the municipality for wages;
- ii. A person who supplies services to the Municipality for wages;
- iii. Such other persons as may be prescribed who perform work or supply services to the municipality for no monetary compensation.

## 4. Clarifying Roles

### Role of Council:

- **Policy Focus:**
  - Represent the Municipality, provide direction and create policy.

### Role of Senior Management:

- **Direction Focus:**
  - Liaison between Council and Staff, direct implementation of Council's policies, hire and develop a team of competent Staff.

### Role of Staff and other Officers:

- **Implementation Focus:**
  - Research policy and programs, give best professional advice, implement decisions of Council, fulfill statutory duties, follow direction of Chief Administrative Officer generally see to the operation of the municipal organization.

## 5. Guiding Principles

### 1. Members of Council are Public Figures, not Staff and Officers.

Once a matter is proposed or decided, Staff should only comment on matters of fact or history in discussing issues with the public and the media. Dealing with the media is generally part of an elected representative's job.

### 2. All Members of Council are Equal

Regardless of how they interrelate with Members, Staff and Officers must avoid favouritism and the appearance of favouritism. Differences in experience and abilities amongst Members of Council are irrelevant – they all must be treated equally.

### 3. Respect the Chain of Command

Members of Council must understand they have no individual capacity to direct Staff to perform, or not perform functions or duties. The CAO is responsible for Staff and Officers - Members of Council who need to engage with Staff and Officers must do so through the CAO. This would include both in person, verbal, written and electronic messages.

### 4. Make Good Use of Staff's Time

Members of Council should use the resources of Staff and Officers judiciously. Reports cost taxpayer money and take Staff and Officers time away from other issues or problems that may need attention. Members should be discouraged from asking for reports as a means of

getting past an unhappy public delegation. The public respects political courage and decisiveness.

#### **5. Council Time is Valuable**

Members should not allow presentations by Staff or Officers to consume all of the time they have to debate various issues. Such presentations should, to the extent possible, be concise. Members of Council should understand they can take any one or more of the following actions where appropriate:

- Pass on an audio-visual presentation;
- Urge Staff or Officers to be more concise;
- Require multiple public delegations with essentially the same point to select a spokesperson, or to impose a limited speaking time, or to provide information in advance or in written form; and/or
- Enact ‘curfew’ procedures for Council deliberations.

#### **6. Represent the Whole Community**

Members, together with the Municipality’s Staff and Officers, work for the public good. Decision making by Members should be based on complete information and unbiased recommendations from Staff and Officers. Members should, in addition to such information and recommendations, rely on their own judgment and show leadership in their decision making.

#### **7. Control Anger**

Members of Council should avoid the temptation to play up divisions or conflicts. Staff and Officers shall not be targets of derisive/vexatious comments/behaviour/conduct. The public expects Members to do the job that they have been elected to do. The public expects Staff and Officers to do the job that they have been hired to do. Comments on Staff and Officer performance shall be directed through the appropriate confidential performance reviews.

#### **8. Politics or Management – Not Both**

Council provides direction, Staff and Officers give professional advice and implement Council’s directives. Members of Council are not elected to be technical experts nor to act in their professional capacities. Likewise, Staff and Officers are not politicians. Advice comes from Staff, policy and service delivery decisions are made by Council.

### **9. A Formal Relationship**

Staff and Officers shall treat Council as a collective decision-making body. Staff and Officers shall not communicate directly with individual Members on municipal business, rather they must communicate on such matters through the CAO. Information from the CAO shall be communicated to all Members. Staff and Officers shall stay out of political lobbying.

### **10. Professionalism**

Members of Council, Staff and Officers must treat each other with professionalism. When Council requests that Staff and Officers appear before Council, they must comply and be prepared for any questions Council has. Advance notice of questions to Staff provides an opportunity for Staff to provide quality reports and advice.

### **11. Respect**

Members, Staff and Officers shall work hard at fostering a climate of mutual respect. Each must be respectful of others' intelligence and professional duties. Members, Staff and Officers must understand that they all face different, often unique, challenges and recognize their overarching goal is to serve the best interests of the Municipality.

## **6. Complaints**

The Municipal Clerk shall be responsible for receiving complaints and/or concerns related to this Policy. Upon receipt of a complaint and/or concern, the Clerk shall notify:

- a. In the case of Staff and Officers other than the CAO, the CAO;
- b. In the case of the CAO, Council; or
- c. In the case of a Member, the Integrity Commissioner.

Handling of complaints shall be done in the manner set out in the applicable Code of Conduct or policy.

Where there is a discrepancy between this Policy and the applicable Code of Conduct of Conduct, the applicable Code of Conduct prevails.



**KIRKLAND LAKE**  
THE RIGHT ENVIRONMENT



**Integrity Commissioner  
Inquiry Protocol  
(Post March 1, 2019 Draft)**

*Town of Kirkland Lake*

**Important Disclaimer:** this protocol complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the “*Act*”). Wishart Law Firm LLP recommends that legal advice be sought by the Integrity Commissioner or anyone acting under his or her authority in responding to an application or conducting an inquiry pursuant to this protocol. If you have any questions or concerns about this protocol or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this protocol other than as expressly authorized or directed by Wishart Law Firm LLP.

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## 1. Introduction

The Municipality has, pursuant to section 223.2 of the *Municipal Act, 2001*, established a Code of Conduct for members of council of the Municipality and members of its Local Boards.

The Municipality has appointed an Integrity Commissioner whose duties include, among other things, conducting inquiries in respect of alleged contraventions of the Code of Conduct and sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* (“*MClA*”).

The purpose of this protocol is to set out a framework for the Integrity Commissioner’s inquiries into allegations of contraventions of the Code of Conduct and sections 5, 5.1 and 5.2 of the *MClA* breaches.

## 2. Definitions

“**Applicant**” means the person who has submitted an application to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention by a Member of sections 5, 5.1 or 5.2 of the *MClA*.

“**Code of Conduct**” means a code of conduct established pursuant to section 232.2 of the *Municipal Act, 2001*.

“**Elector**” means a person entitled to vote at a municipal election in the Municipality.

“**Integrity Commissioner**” means the Integrity Commissioner appointed by Municipal Council and any individual acting under powers delegated to him or her in writing by the Integrity Commissioner.

“**Local Board**” means a Local Board other than:

- a. A society as defined in subsection 2(1) of the *Child, Youth and Family Services Act, 2017*;
- b. A board of health as defined in subsection 1(1) of the *Health Protection and Promotion Act*;
- c. A Committee of management established under the *Long-Term Care Homes Act, 2007*;
- d. A police service board established under the *Police Services Act, 2018*;
- e. A board as defined in section 1 of the *Public Libraries Act*; and,
- f. A corporation established in accordance with section 203 of the *Municipal Act, 2001*;

**“Member”** means a member of the municipal council and any person on his or her staff and/or a member of a Local Board or a Committee of the Municipality and any person on his or her staff.

**“Requestor”** means the person who has submitted a request to the Integrity Commissioner for an inquiry concerning an alleged contravention of the applicable Code of Conduct.

**“Respondent”** means the person who is alleged to have violated the Code of Conduct or sections 5, 5.1 or 5.2 of the *MClA* and whom an Integrity Commissioner inquiry application has been submitted.

## 3. Integrity Commissioner

### 3.1. Functions

The Integrity Commissioner reports to council and is responsible for performing in an independent manner, the functions assigned by the Municipality with respect to any of the following:

1. The application of the Code of Conduct for Members.
2. The application of any procedures, rules and policies of the Municipality and Local Boards governing the ethical behaviour of Members.
3. The application of sections 5, 5.1 and 5.2 of the *MClA* to Members.
4. Requests from Members for advice respecting their obligations under the Code of Conduct applicable to the Member.
5. Requests from Members for advice respecting their obligations under a procedure, rule or policy of the Municipality or of the Local Board, as the case may be, governing the ethical behaviour of Members.
6. Requests from Members for advice respecting their obligations under the *MClA*.
7. The provision of educational information to Members, the Municipality and the public about the Municipality’s Code of Conduct for Members and about the *MClA*.

### **3.2. Powers and duties**

In carrying out the responsibilities described in section 3.1 above, the Integrity Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the Municipality.

### **3.3. Delegation**

After satisfying himself or herself that a person is fully capable of carrying out the Integrity Commissioner's powers or duties, the Integrity Commissioner may, in writing, delegate to any person, other than a member of council, any such duties or powers. For greater certainty, if the Integrity Commissioner delegates any duties or powers, the Integrity Commissioner may continue to exercise the delegated powers and duties despite the delegation.

### **3.4. Outside assistance**

In performing any of his or her duties, the Integrity Commissioner may engage outside assistance or consult with the Municipality's legal counsel. When the Municipality's legal counsel is assisting the Integrity Commissioner their role is solely to assist the Integrity Commissioner and not any particular individual.

## **4. Requests for advice**

### **4.1. Requests for advice shall be in writing**

A request by a Member for advice from the Integrity Commissioner under paragraphs 4, 5 or 6 of section 3.1 above, shall be made in writing.

### **4.2. Advice shall be in writing**

If the Integrity Commissioner provides advice to a Member under paragraphs 4, 5 or 6 of section 3.1 above, the advice shall be in writing.

### **4.3. Release of advice**

Advice provided by the Integrity Commissioner to a Member under paragraphs 4, 5 or 6 of section 3.1 above may be released by the Integrity Commissioner:

1. With the Member's written consent; or
2. Without the Member's written consent if the Member releases part of the advice.

## 5. Inquiry by Integrity Commissioner re Code of Conduct

### 5.1. Request for inquiry

A request for inquiry may be made in writing to the Integrity Commissioner by a Member, staff or member of the public about whether a Member has contravened the Code of Conduct.

### 5.2. Request contents

A request for inquiry under section 5.1 above may be in the form set out in Schedule “A” or, otherwise, shall include sufficient information to set out a prima facie contravention of the applicable Code of Conduct, including, but not necessarily limited to, all of the following:

- The Requestor’s name and contact information.
- What happened – a description of the events or situation.
- When it happened – dates and times of the events or incidents.
- Where it happened – the location(s) where the events or incidents occurred.
- Who saw it happen – the names of any witnesses, if any.

### 5.3. Jurisdiction re workplace violence, harassment, and sexual harassment

Requests made under this section must specifically refer to alleged contraventions of the Code of Conduct by a Member. Allegations of workplace violence, harassment, and sexual harassment by a Member must be reported in the manner set out in the Town of Kirkland Lake Workplace Anti-Violence, Harassment and Sexual Harassment Policy and must be reported as provided thereunder and that policy shall exclusively apply in respect of any such report.

### 5.4. Request review

The Integrity Commissioner will conduct an initial review of the request to ensure that it is a proper allegation of a breach of the Code of Conduct. If, after the initial review, the Integrity Commissioner determines that the request is not properly an allegation of a breach of the Code of Conduct, there are insufficient grounds to believe that there has been a contravention of the Code of Conduct, or the Integrity Commissioner determines that an inquiry is not appropriate for any other reason in the Integrity Commissioner’s reasonable discretion, the Integrity Commissioner will dismiss the request. When determining if an inquiry is appropriate, the Integrity Commissioner may, among other things, take into account the date of the alleged breach. Further, the Integrity Commissioner shall, in his or her discretion, dismiss the request.

If, upon initial review, the Integrity Commissioner determines that the Requestor has not supplied the information as mentioned by section 5.2, the Integrity Commissioner will advise the Requestor that he or she must supply additional information and shall take no further action until the information is provided.

### **5.5. Powers on inquiry**

The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case, notwithstanding anything to the contrary herein, those sections apply to the inquiry.

### **5.6. Information**

The Municipality, its Local Boards and Committees shall give the Integrity Commissioner such information as the Integrity Commissioner believes to be necessary for an inquiry including free access to all books, accounts, financial records, electronic data processing records, reports, files and other papers, things or property belonging to or used by the Municipality, Committee or a Local Board. For greater certainty, providing the Integrity Commissioner with information concerning legal advice shall be deemed not to constitute a waiver of solicitor-client privilege.

### **5.7. Penalties the Municipality may impose**

Council may impose any of the following penalties on a Member if the Integrity Commissioner reports to the Municipality that the Member has contravened the Code of Conduct:

1. A reprimand;
2. Suspension of the remuneration paid to the Member for a period of up to 90 days;
3. Other penalties, including, but not necessarily limited to:
  - a. Removal from membership of a Committee or Local Board;
  - b. Removal as Chair of a Committee or Local Board;
  - c. Require repayment or reimbursement of moneys received;
  - d. Return of property or reimbursement of its value;
  - e. Request for an apology to Council, the Requestor or other relevant party;
  - f. Revocation of travel or other budget;
  - g. Request for resignation;
  - h. Trespass Order restricting access except for Council Meetings.

### **5.8. Penalties the Local Board may impose**

A Local Board may impose any of the penalties described in section 5.7 above on a member of the Local Board if the Integrity Commissioner reports to the Local Board that, in his or her opinion, the member of the Local Board has contravened the Code of Conduct applicable to the Member of the Local Board, and if the Municipality has not imposed a penalty on the member of the Local Board under section 5.7 above in respect of the contravention.

### **5.9. Termination of inquiry when regular election begins**

If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is so terminated, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the Member or former Member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.

### **5.10. Other rules that apply during regular election**

The following rules apply during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that *Act*:

1. There shall be no requests for an inquiry about whether a member of council or of a Local Board has contravened the Code of Conduct applicable to the Member.
2. The Integrity Commissioner shall not report to the Municipality or Local Board about whether, in his or her opinion, a member of council or of a Local Board has contravened the Code of Conduct applicable to the Member.
3. The Municipality or Local Board shall not consider whether to impose the penalties referred to in sections 5.5 and 5.6 above on a member of council or of a Local Board.

## **6. Inquiry by Integrity Commissioner re s. 5, 5.1 or 5.2 of the MClA**

### **6.1. Application**

An Elector, or a person demonstrably acting in the public interest, may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1 or 5.2 of the *MClA* by a Member.

### **6.2. Content of application**

An application may be in the form set out in Schedule “B” or, otherwise, shall set out the reasons for believing that the Member has contravened sections 5, 5.1 or 5.2 of the *MClA* and include the Applicant’s name and contact information and a statutory declaration attesting to the fact that the Applicant became aware of the contravention not more than six weeks before the date of the application or, in the case where the Applicant became aware of the alleged contravention during the period of time described in paragraph 1 of section 6.6 below, a statutory declaration attesting to the fact that the Applicant became aware of the alleged contravention during that period of time.

### **6.3. Review of application**

The Integrity Commissioner will conduct an initial review of the application to ensure that it complies with this section. If the application does not comply with this section, the Integrity Commissioner will advise the Applicant about the non-compliance in writing and the Integrity Commissioner shall take no further action unless or until the Applicant submits a compliant application. If upon initial review, the Integrity Commissioner determines that the application is not properly an application alleging contravention of sections 5, 5.1 or 5.2 of the *MClA* or there are no reasonable grounds to support the application, the Integrity Commissioner shall dismiss the application.

### **6.4. No application for inquiry during regular election**

No application for an inquiry under this section may be made to the Integrity Commissioner during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, and ending on voting day in a regular election as set out in section 5 of that *Act*.



### **6.5. Application timing**

An application under this section may only be made within six weeks after the Applicant became aware of the alleged contravention. No application shall be brought after the expiration of six years from the time at which the contravention is alleged to have occurred.

### **6.6. Exception**

Despite section 6.5 above, an application may be made more than six weeks after the Applicant became aware of the alleged contravention if both of the following are satisfied:

1. The Applicant became aware of the alleged contravention six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that *Act*.
2. The Applicant applies to the Integrity Commissioner under section 6.1 within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*.

### **6.7. Public meeting**

If the Integrity Commissioner decides to conduct an inquiry, the Integrity Commissioner may have a public meeting to discuss the inquiry.

### **6.8. Powers on inquiry**

The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case, notwithstanding anything to the contrary herein, those sections apply to the inquiry.

### **6.9. Information**

The municipality and its Local Boards shall give the Integrity Commissioner such information as the Integrity Commissioner believes to be necessary for an inquiry including free access to all books, accounts, financial records, electronic data processing records, reports, files and other papers, things or property belonging to or used by the Municipality or a Local Board. For greater certainty, providing the Integrity Commissioner with information concerning legal advice shall be deemed not to constitute a waiver of solicitor-client privilege.

### **6.10. Termination of inquiry when regular election begins**

If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day.

### **6.11. No other inquiry in respect of the matter to commence without application**

If an inquiry is terminated under section 6.10, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*, the person who made the application or the Member or former Member whose conduct is concerned applies in writing to the Integrity Commissioner for the inquiry to be carried out.

### **6.12. Timing for completion of inquiry**

The Integrity Commissioner shall complete the inquiry within 180 days after receiving the completed compliant application under section 6.1 above unless the inquiry is terminated under section 6.10 above.

### **6.13. Decision to apply to a judge upon completion of inquiry**

Upon completion of the inquiry, the Integrity Commissioner may, if he or she considers it appropriate, apply to a judge for a determination as to whether the Member has contravened sections 5, 5.1 or 5.2 of the *MCLA*.

### **6.14. Notice to Applicant re decision not to apply to judge**

The Integrity Commissioner shall advise the Applicant if the Integrity Commissioner will not be making an application to a judge.

### **6.15. Reasons re decision to apply to a judge**

After deciding whether or not to apply to a judge, the Integrity Commissioner shall publish written reasons for the decision.

### **6.16. Costs**

The Integrity Commissioner's costs of applying to a judge shall be paid by:

1. The municipality, if the Member is alleged to have contravened sections 5, 5.1 or 5.2 of the *MClA* as member of council of the Municipality; or
2. The Local Board, if the Member is alleged have contravened sections 5, 5.1 or 5.2 of the *MClA* as member of the Local Board.

## 7. Conduct of inquiry

The Integrity Commissioner may conduct such inquiry as he or she considers necessary in response to a compliant request or application under sections 5 or 6 above and such inquiry may include all or some of the following:

- Informing the Respondent of the application;
- Interviewing the Applicant, the Respondent, any person involved in the incident, and any identified witnesses;
- Interviewing any other person who may have knowledge of the incidents related to the application or any other similar incidents; and
- Reviewing any information the Integrity Commissioner believes necessary and document such review.

## 8. Reference to appropriate authorities

### 8.1. Referral of matter by Integrity Commissioner

If the Integrity Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of the Criminal Code of Canada or any other *Act*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting investigation, including, but not limited to, police investigations and/or the charges have been finally disposed of, and shall report the suspension to council. Contravention of any other *Act* includes, but is not limited to, contravention of the *Occupational Health and Safety Act*.

### 8.2. No derogation of rights

The provisions of this protocol in no way affect the right of anyone to:

- (a) contact the police, other law enforcement agency, or any other appropriate authority on their own initiative;
- (b) exercise their right(s) under any legislation; or

(c) take any other available legal action.

## 9. Confidentiality

### 9.1. Integrity Commissioner's duty of confidentiality

The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality with respect to all matters that come to his or her knowledge in the course of performing his or her duties. This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.

### 9.2. Confidentiality of those involved in inquiry

Out of respect for the relevant individuals, it is essential that the Applicant, Respondent, witnesses and anyone else involved in an inquiry conducted by the Integrity Commissioner hereunder maintain confidentiality throughout the inquiry and afterwards.

### 9.3. Disclosure required by law

Notwithstanding sections 9.1 or 9.2 above, information may be disclosed in a criminal proceeding, or as required by law.

### 9.4. Retention of records

The Integrity Commissioner and person providing outside assistance to the Integrity Commissioner pursuant to section 3.4 above, shall retain all records related to any application and any inquiry indefinitely.

## 10. Reports

### 10.1. Periodic report to council

If the Integrity Commissioner provides a periodic report to the Municipality on his or her activities, the Integrity Commissioner may summarize advice he or she has given, but shall not disclose confidential information that could identify a person concerned.

### 10.2. Report about conduct

After completing an inquiry, the Integrity Commissioner shall provide a written report to the Municipality or the Local Board (the "Report").

The Integrity Commissioner may disclose in the Report, such matters as in the Commissioner's opinion are necessary for the purposes of the Report. Where the Integrity Commissioner finds that there has been a contravention of the Code of Conduct, the Report may, at the Integrity Commissioner's discretion, contain the following:

1. An outline of the Integrity Commissioner's finding; and,
2. The terms of any recommended corrective action;

Where the Integrity Commissioner finds that there has been a contravention of the Code of Conduct, the Report must contain sufficient information for the Municipality or Local Board to determine whether or not to impose corrective action under section 5.7.

### **10.3. Report to Council or Local Board**

Upon receipt of the Report, the Clerk shall indicate on the regular agenda of Council or the Local Board, notice of intent from the Integrity Commissioner to submit a Report for consideration at the following regular meeting.

The Respondent shall have the right of reply when the Report is considered by the Municipality or the Local Board.

Upon review of the Report, Council shall pass a resolution stating whether or not it intends to take action in response to the Report, and if so, what action Council will take.

### **10.4. Publication of reports**

The Municipality and each Local Board shall ensure that reports received from the Integrity Commissioner by the Municipality or by the Local Board, as the case may be, are made available to the public upon request.

## **11. Bad Faith Applications or Requests**

If a person or entity makes a request or application for an inquiry hereunder and the Integrity Commissioner determines such request or application is made in bad faith, notwithstanding anything to the contrary in protocol, the Integrity Commissioner may disclose all relevant information concerning the request or application to the Municipality such that the Municipality may pursue any recourse available against the individual or entity. Examples of bad faith include, but are not limited to, making a report knowing the allegations therein are untrue or making a report for an improper purpose.

## 12. Indemnity

The Municipality shall indemnify and save harmless the Integrity Commissioner, or any person acting under the instructions of the Integrity Commissioner, for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority hereunder or an alleged neglect or default in the performance in good faith of such duty or a by-law passed under Part V.1 of the *Municipal Act, 2001*. For greater certainty, nothing in this section affects the application of section 448 of the *Municipal Act, 2001* with respect to a proceeding referred to in this section.

## 13. Protocol review

The Municipality will review this Policy as often as it deems reasonably necessary and will post the most current version of this protocol on its website.

## SCHEDULE "A"

### INTEGRITY COMMISSIONER REQUEST FOR INQUIRY CODE OF CONDUCT

This form will be used to request the Integrity Commissioner conduct an inquiry of an alleged Code of Conduct contravention	Submit completed complaint in a sealed envelope to: <b>Integrity Commissioner</b> <b>Request for Inquiry Re Code of Conduct</b> [ <b>Integrity</b> <b>Commission Contact</b> <b>Information</b> ]
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#### REQUESTOR'S INFORMATION

Last Name:	First Name:
Street Address:	Municipality:
Postal Code:	Phone #:
E-mail Address:	Name of Member:

#### DETAILS OF ALLEGED CODE OF CONDUCT CONTRAVENTION

Date(s) of alleged Code of Conduct contravention:	
Provision(s) of Code of Conduct allegedly contravened:	
Facts constituting the alleged Code of Conduct contravention (please use separate page(s) if required)	
Name(s) and contact information of any witnesses:	
<input type="checkbox"/> I agree to release my identity with regard to this request <input type="checkbox"/> I do NOT agree to release my identity with regard to this request	
Signature:	Date:
	Year:                      Month:                      Day:

#### FOR OFFICE USE ONLY

Date Received Year:            Month:            Day:	Request #:	Comments:
Personal information contained on this form is collected under the authority of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and will be used for the purpose of requesting an inquiry.		

## SCHEDULE “B”

### INTEGRITY COMMISSIONER APPLICATION FOR INQUIRY *MUNICIPAL CONFLICT OF INTEREST ACT*

AFFIDAVIT OF \_\_\_\_\_(insert full name) I,  
 \_\_\_\_\_(insert full name), of the (insert City, Town etc.)  
 \_\_\_\_\_(Municipality of residence) in the Province of Ontario.

MAKE OATH AND SAY (or AFFIRM):

1. I have personal knowledge of the facts as set out in this affidavit, because: (insert reasons - e.g. I work for/I attended a meeting at which, etc.)
  
  2. I have reasonable and probable grounds to believe that a Member, namely: (insert specify name of Member)
- has contravened section(s) \_\_\_\_\_(specify section(s) 5, 5.1 or 5.2) of the *Municipal Conflict of Interest Act*, RSO 1990, c M.50. The particulars of which are as follows:

(If more room is required, attach and initial extra pages to set out the statement of facts in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact. Exhibits should be labelled as Exhibit A, B, etc. and attached to this affidavit.)

3. I became aware of the alleged contravention:
  - not more than six weeks before the date of this application.
  
  - within the period of time beginning six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that *Act*.

This affidavit is made for the purpose of applying for an inquiry by the Integrity Commissioner and for no other purpose.

SWORN (or AFFIRMED) before me at the \_\_\_\_\_ )  
 City of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ )  
 \_\_\_\_\_, 20\_\_\_\_. )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )

A Commissioner etc.



POLICY	
Policy Number: CNCL2020-001	Date Approved: March 2019
Department: Council	Date Reviewed: October 2020
Council Pregnancy & Parental Leave	

### 1. **Policy Statement**

The Town of Kirkland Lake recognizes a Member of Council's right to take leave for the Members' pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with the Municipal Act, 2001.

### 2. **Purpose**

This policy provides guidance on how the Town of Kirkland Lake addresses a Member's pregnancy or parental leave in a manner that respects a Member's statutory role as an elected representative.

### 3. **Scope**

In accordance with Section 270 of the Municipal Act, 2001, this policy applies to Members of Council.

This policy does not apply to Town Staff, or Members of Local Boards/Committees, The Kirkland Lake Library Board.

### 4. **Definitions**

Pregnancy and/or Parental Leave: an absence of 20 consecutive weeks or less as a result of a Member's pregnancy, the birth of a Member's child or the adoption of a child by the Member in accordance with Section 259 (1.1) of the Municipal Act, 2001.

### 5. **Policy & Procedures**

Town Council supports a Member of Council's right to pregnancy and/or parental leave in keeping with the following principles:

1. A Member of Council is elected to represent the interests of their constituents.

2. A Member's pregnancy and/or parental leave does not require Council approval and their office cannot be declared vacant as a result of the Pregnancy and/or Parental Leave.
3. The Member is entitled to continue to receive communication from the Town (Council packages, email, meeting invitations), as if the Member were not on Leave, in accordance with the wishes of the Member.
4. A Member of Council on Pregnancy and/or Parental Leave reserves the right to participate as a Member at any time during their leave.
5. A Member of Council on Pregnancy and/or Parental Leave shall continue to be paid and continue to have expenses paid in accordance with any Council expense policy.

Where a Member of Council will be absent due to a Pregnancy and/or Parental Leave the Member shall provide written notice to the Town Clerk outlining the expected duration of leave including a potential start date and return date. It is understood that under emergent circumstances, a Member may not be able to submit the appropriate notice before the Leave commences. Each Member shall nonetheless endeavour to provide the appropriate notice in advance of any Leave or as soon as possible after commencing the Pregnancy and/or Parental Leave.

The Town Clerk will provide the Mayor/Designate and Human Resources with a copy of any written notice. Council shall make temporary appointments to fill any vacancies of the Member to Committees, Boards, Task Force, Project Teams or other meetings or activities of the Member. Notwithstanding, at any point in time during a Member's Pregnancy and/or Parental Leave, the Member can provide written notice to the Town Clerk of their intent to lift any of the Council approved, temporary appointments. The Member shall inform the Town Clerk, with proper notice, on any changes regarding their return date.

## **6. Summary**

### **References and Related Policies**

<https://www.ontario.ca/laws/statute/01m25> Section 270 of the Municipal Act, 2001, as revised by Bill 68, requires that the Town adopt and maintain a policy with respect to the pregnancy and parental leaves of Members of Council.

### **Review Cycle**

The Town Clerk shall be responsible for monitoring the application of this policy.

This policy will be reviewed in each term of Council or as required due to legislative changes.

POLICY	
Policy Number: FIRE2020-001	Date Approved: January 2016
Department: Fire	Date Reviewed: October 2020
Volunteer Firefighters Ability to Work	

**1. Policy Statement**

Not Applicable

**2. Purpose**

Not Applicable

**3. Scope**

Not Applicable

**4. Definitions**

Not Applicable

**5. Policy & Procedures**

If a Volunteer Firefighter incurs an injury during his or her regular daily employment or during normal time off, such that he or she:

- a) Has impaired functional ability such that he or she cannot return to work without restrictions,
- b) Has an injury that required medical care or is under the care of a medical practitioner for an injury,
- c) Becomes in receipt of WSIB benefits,
- d) Becomes in receipt of long term disability (LTD) benefits,
- e) Prescribed or using prescription or over the counter drugs that may cause impairment.

Then he or she must notify the Fire Chief and the President of the Kirkland Lake Volunteer Fire Brigade immediately.

The Volunteer Firefighter must not attend any fire calls or training activities.

The Volunteer Firefighter may resume active status following the approval of the Fire Chief and written approval from a medical practitioner (Form 2647A).

**6. Summary**

Not Applicable

TITLE	REASON	DETAILS	BY-LAW
100 Anniversary Committee	not applicable	committee no longer exists	
Acquarobic Sewage Disposal System	covered elsewhere	covered in zoning by-law	
Advertising	not applicable	outdated	
Advertising - Coordinating	not applicable	outdated	
Advertising - Council Budget	covered elsewhere	Notice by-law	
Advertising Job Openings	not applicable	covered in hiring policy	
Age and Height - Pool	not applicable	Department procedure - not a policy	
Agenda Items	covered elsewhere	covered in procedural by-law	
Airport Safety Policy	covered elsewhere	covered in health and safety policy	
Applications Frogs Breath Foundation	not applicable	no longer involved	
Budget Distribution of Surplus	not applicable	outdated	
Cemetery Collection	covered elsewhere	covered in collections policy	
Civil Marriage Policy	covered elsewhere	covered in by-law 15-036	
Computer Purchase Plan	not applicable	Plan was cancelled by Council	
Contractor Health Safety Policy	covered elsewhere	covered in health and safety policy	
Election Recount Policy	covered elsewhere	Election manual/procedures	repeal by-law 18-071
Election Use of Corporate Resources	covered elsewhere	Code of Conduct	repeal by-law 18-059
Employee Access to their Own Information	not applicable	outdated	
Encroachments on Municipal Land	covered elsewhere	new leasing and encroachments policy	
Festival Committee Policy	not applicable	committee no longer exists	
Flying Flag at Half-Mast	covered elsewhere	Flag / Banner policy (to come)	
Housing	not applicable	covered in hiring policy	
HS Rep	not applicable	more employees	
Kirkland District Family Health Centre Town Support	covered elsewhere	covered in agreement	
Leasing Lots -- Survey	covered elsewhere	covered in lease and encroachment policy	
Main Street Industrial Lots	covered elsewhere	covered in zoning by-law	
Media	not applicable	outdated / covered in communication policy	
Municipal Closed Meeting Investigation	not applicable	TKL uses Ombudsman	
New Sidewalks	covered elsewhere	covered in official plan	
New Water/Sewer Service	covered elsewhere	covered in official plan	
Pensioners & Spouses	not applicable	outdated / no longer applies	
Private Driveway Paving	not applicable	policy not needed	
Private Funding Gifts or Other Gratuitous Items	not applicable	outdated	
Property Sale Price	covered elsewhere	land sale by-law	
Purchase Agreement (Computer and Associated Peripherals)	not applicable	program no longer exists	
Purchasing or Leasing Industrial Land	not applicable	not applicable	
Purchasing Policy	covered elsewhere	to use purchasing by-law 15-125	
Recurring items on council meetings	covered elsewhere	procedural by-law	
Resolutions Out of Town	not applicable	outdated / department procedure	
Retain Surface Rights on Municipal Land Abutting on Water	covered elsewhere	land sale by-law	
Retirement	not applicable	OMERS has it's own policy	
Safety Policy	covered elsewhere	covered in health and safety policy	
Sale of Land: Prohibition	covered elsewhere	covered under tax arrears policy	
Seminar, Convention Reports	covered elsewhere	covered in training and education policy	
Seminar, Convention, etc., Attendance	covered elsewhere	covered in training and education policy	
Telephone Reconciliation	not applicable	outdated	
Temporary Hiring Freeze	not applicable	only based on one year	
Transporting Persons in Custody	not applicable	no longer involved	
Video Surveillance System	not applicable	department procedure	

<b>SECTION:</b>  <b>Economic Development &amp; Tourism</b>	<b>SUBJECT:</b>  <b>Kirkland Lake 100<sup>th</sup> Anniversary Committee</b>	<b>Pg. 1 of 1</b> <hr/> <b>DATE: May 2, 2017</b>
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100<sup>th</sup> Anniversary Committee (Committee) is a group of volunteers in the Town of Kirkland Lake who will organize and implement events and projects for the benefit and participation of the entire community for the period up to and including Kirkland Lake’s Centennial Year 2019. As such, they are bound by the policy and procedures of the Town of Kirkland Lake and those of the Municipal Act. This policy sets out what will be required of the 100<sup>th</sup> Anniversary Committee to meet those terms.

- The accounting practices of the Committee will be consistent with those of the Town.
- The Town will have one representative on the Committee.
- The 100<sup>th</sup> Anniversary Committee may have separate bank accounts in the name of “Kirkland Lake 100<sup>th</sup> Anniversary Committee”.
- Committee will submit quarterly reports consisting of income statement and balance sheet.
- Committee is responsible for records retention of all bank statements, invoices, etc.
- Committee will pay their own expenses, retaining all related documents.
- All capital assets valued at > \$5000 will be recorded in Town Capital Asset ledger.
- All business and transactions will be subject to audit process and included in Town annual audit.
- Committee shall not be subject to Town Procurement Policy but is encouraged to purchase locally.
- Donations to Committee are eligible for Tax Receipt.
- Committee will meet with Director of Economic Development & Tourism on annual basis in January to review process and budget.

Approved By: Council Resolution

Date: May 2, 2017

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>PHYSICAL SERVICES</b>	<b>SUBJECT:</b> <b>ACQUAROBIC SEWAGE DISPOSAL SYSTEM</b>	<b>Pg. 1 of</b>
		<b>DATE: September 16, 1975</b>

It shall be the policy of the Town of Kirkland Lake that the Acquarobic Sewage Disposal System shall not be approved for Subdivision or Development Agreements that fall within the urban boundaries of the Town of Kirkland Lake Official Plan and further that the system may be approved in the rural areas, and on an individual basis where it solves an existing pollution problem, subject to Council's approval

Approved By:

Date:



**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>MUNICIPAL</b>	<b>SUBJECT:</b> <b>ADVERTISING JOB OPENINGS</b>	<b>Pg. 1 of 1</b>
		<b>DATE: OCTOBER 21, 1992</b>

Please be advised that commencing immediately when posting job openings, whether internally or externally, add the form statement at the bottom of the advertisement:

*"Personal information submitted is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of candidate selection".*

This statement is necessary to clear us with the above Act.

Approved By: L.J. Sherratt, P.Eng., A.M.C.T.  
Town Administrator / Engineer

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b>	<b>SUBJECT:</b> <b>ADVERTISING</b>	<b>Pg. 1 of 1</b>
		<b>DATE: May 30, 1986</b>

Knowing that Council's mandate is to manage efficiently the Town's assets, our advertising program should be restricted to those expenses that meet the following objectives:

1. to fulfill all our statutory requirements
2. to inform our citizens of important decisions which will affect everyday life
3. to build goodwill

Without limiting Council's power to decide on any specific or unusual request, Council should normally be the initiator of its advertising expenses. There should be little need for solicitations by the media other than possible oversights by Council.

Approved By: Council

Date: 1984

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b>  FINANCE	<b>SUBJECT:</b>  COORDINATING ADVERTISING	<b>Pg. 1 of 2</b> <hr/> <b>DATE: February 16, 1987</b>
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Promotional or goodwill advertising solicited by the various media and other organizations shall be coordinated through the Clerk so as to estimate costly duplication.

This does not include advertising budgeted for operating requirements for the departments, such as:

- Statutory Requirement
- Job Application
- Schedule Announcements, etc.

It does include such items as request for:

- The Progress Edition
- High School Year Books
- Welcomes to various groups, etc.

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b>  <b>COUNCIL</b>	<b>SUBJECT:</b>  <b>ADVERTISING BUDGET</b>	<b>Pg. 1 of 1</b> <b>DATE: March 4, 1987</b>
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The Budget for Council Advertising is set at 1/10 of one mill on an annual basis.

Advertising shall be purchased in the Northern Daily News Mining Edition, Progress Edition, and Christmas Greeting Edition, also the KLCVI Yearbook and the ESJV Yearbook on an annual basis.

All requests for advertising in periodicals and special publications and editions shall be coordinated through the Clerk's Department.

Approved By: Council

Date: March 3, 1987

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>COMPLEX</b>	<b>SUBJECT:</b> <b>AGE AND HEIGHT POLICY</b>	<b>Pg. 1 of 1</b>
		<b>DATE: October 1, 2005</b>

Children under the age of 10, who are non-swimmers must be accompanied by a parent or guardian who is at least 12 years of age and responsible for their direct supervision.

Children under the age of 10 who are swimmers (able to demonstrate comfort in the water and comfortably swim ½ the width of the pool) may be admitted to the swimming pool unaccompanied.

Children under the age of 6 may not be admitted to the swimming pool unless they are accompanied by a parent or guardian who is responsible for their direct supervision, (within arms reach at all times), with a maximum of two children for each parent or guardian.

Mandated By: Ministry of Health

Date:

<b>SECTION: PROTOCOL</b>	<b>SUBJECT: AGENDA ITEMS</b>	<b>Pg. 1 of</b> <b>DATE: April 22, 1999</b>
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**COUNCIL AGENDA ITEMS**

Having spent many years trying to meet timetables and get items on council agendas, I understand all difficulties of moving ahead with a subject matter, however it would be helpful if you could get your reports to me at least one week prior to a council meeting. If necessary, this would give me an opportunity to review the report with you prior to the council meeting. I know there will be exceptions and deadlines that you have to meet and under those circumstances, I ask that you call to advise me.

Presently, I am seeing many reports from a number of departments prior to the agenda and that is appreciated. By working together on what goes before council we will provide a better service by ensuring that we all have a clear understanding of what is to be discussed.

**POLICIES**

On occasion, a department will ask that Council approve a policy that controls certain aspects of our operation. I would appreciate an opportunity to review with you any policy that you are proposing. If this policy potentially affects either directly or indirectly any other departments it would be reasonable to expect that everyone had input into the policy-making process.

Approved By: Morley Bowes

Date:

<b>SECTION:</b> <b>Department of Physical Services -- Airport</b>	<b>SUBJECT:</b> <b>Airport Safety Policy</b>	<b>Pg. 1 of 1</b>
		<b>DATE:</b> <b>July 13, 2010</b>

Safety at the Kirkland Lake Airport, and maintaining the confidence of the travelling public in the safety of the aviation industry, is vital. Through the introduction of a Safety Management System we are committing to provide a systemic, explicit and comprehensive process for managing airside safety risks.

By embracing this Safety Management System we will be able to establish safety as an integral part of our airport culture which will include:

- Recognizing that safety is paramount
- Minimizing risks associated with aircraft operations
- Developing and continuously improving the airport's safety processes and performance
- Identifying hazards, assessing risks and implementing control measures
- Documenting safety activities and maintaining records
- Auditing our system on a regular basis

Reporting of any real or perceived safety issues is essential to the success of our Safety Management System and is encouraged. Therefore, anyone who reports an aviation safety issue or makes suggestions that seek to improve aviation safety will not be subject to disciplinary action except in cases involving unlawful acts, gross negligence or willful violations where the individual is deemed responsible.

To be effective our Safety Management System must work from the bottom up and to do that it must have support from the top down. We are committing to providing that support and encourage everyone to become actively involved in the management of airside safety risks at our airport.

<b>SECTION:</b> <b>CORPORATE SERVICES</b>	<b>SUBJECT:</b> <b>APPLICATIONS TO THE FROG'S BREATH FOUNDATION</b>	<b>Pg. 1 of 1</b>
		<b>DATE: June 15, 2007</b>

**POLICY:**

The Town's Finance Committee will consider applications for non-profit groups seeking municipal support in applying to the Frog's Breath Foundation.

**DEADLINE FOR APPLICATIONS:**

The last Friday of December and May every year.

Following is a summary of the guidelines for this program.

**ELIGIBILITY CRITERIA:**

1. Organizations must be non-profit whose activities take place in Kirkland Lake and whose membership and clientele are Kirkland Lake residents.
2. The Organization must have a volunteer representative Board of Directors elected by the general membership.
3. Grants shall be based upon any purpose that council considers to be in the interest of the municipality.
4. Each group will be required to fill out the Frog's Breath Foundation grant application for review by the Director of Corporate Services.
5. Each application must be approved by Council resolution before it can be submitted to the Frog's Breath Foundation.
6. If the application is successful then the grant must be made payable to the Town of Kirkland Lake who will then disperse the appropriate funds to the non-profit organization by council resolution.

Approved By: Resolution of Council

Date: June 19, 2007



**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION: BUDGET</b>	<b>SUBJECT: BUDGET DISTRIBUTION OF SURPLUS</b>	<b>Pg. 1 of</b>
		<b>DATE: December 20, 1994 Amended February 7, 1995</b>

The following policy, as recommended by the Finance Committee on December 12, 1994, be adopted by Council.

1. No surplus be returned to individual operating departments unless there is a consolidated surplus in excess of \$10,000.
2.
  - a) that a stated percentage of the consolidated surplus, as determined annually by Council, be returned to each operating department.
  - b) returned surplus to be prorated based on the ratio of the department's actual gross operating expenditures divided by total gross consolidated operating expenditures.
3. Operating departments for the purposes of this policy shall be as follows:
  - Physical Services (formerly Works and Planning & Engineering)
  - Administration & Finance (formerly Clerk's and Treasury)
  - Parks & Recreation
  - Social & Family Services
  - Fire Department

Approved By:

Date:

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b>  CEMETERY / TREASURY	<b>SUBJECT:</b>  CEMETERY COLLECTION POLICY	<b>Pg. 1 of 1</b> <hr/> <b>DATE: JANUARY 30, 1997</b>
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Revenues from Cemetery plot sales, (not pre-purchases) and interments shall be due and payable upon date of interment, with interest applied at the rate of 1.25% per month or 15% per annum, after six months from date of the interment. Invoices shall be prepared 30 days after the date of death. GST shall be collected on all sales at the time of sale, as the Municipality is liable for the remittance of GST to Revenue Canada in the month of the sale transaction. All invoices shall state the terms of sale.

Where an account cannot be settled within six months due to extenuating circumstances (e.g. will is probated, deceased in intestate, funding available from federal agencies such as the DVA, CPP, etc.) a statement shall be sent monthly to the estate reflecting the application of interest. The estates/beneficiaries of the deceased are to be encouraged to enter into a repayment arrangement which is mutually agreeable to both parties, if it known that the account cannot be paid in full within six months.

Vault storage charges shall have interest applied after 30 days from date of invoice.

Pre-purchase of plots shall be due and payable within 90 days. Non-payment within such time shall result in forfeiture of the plot with no refund of any partial payments.

An account will be deemed past due six months from the date of interment. If suitable repayment arrangements are not in place and upon due consideration of the situation, the Assistant Clerk will advise the Treasury Department of pending collection actions. The Assistant Clerk will commence collection actions with the assistance of the Treasury Department through the use of the Court System, Credit Bureau and / or internal actions as deemed appropriate.

Approved By: Council

Date: February 11, 1997

<b>SECTION:</b> <b>ADMINISTRATION</b>	<b>SUBJECT:</b> <b>CIVIL MARRIAGE SOLEMNIZATION</b>	<b>Pg. 1 of 2</b>
		<b>DATE: December 15, 2004</b>

**A. DELEGATION OF AUTHORITY**

1. The Director of Corporate Services / Clerk is authorized to solemnize marriages in the Town of Kirkland Lake as set out under Ontario Regulation 285/04 and the Marriage Act, R.S.O. 1990, Chapter M.3 for the Province of Ontario.
2. The Clerk may delegate the authority to provide civil marriage solemnization services.

**B. FEE**

1. That the fees for civil marriages be as follows:  
Civil Marriage Solemnization Services                      \$250.00

**C. TIME AND LOCATION**

1. If the ceremony is to be held during the week and during regular working hours then the ceremony will be held in the Council Chambers unless the parties request the ceremony be held at another location. The municipality will collect the fee for this situation.
2. If the ceremony is to be held during the weekend then the parties must find their own location and the fee will be paid directly to Marriage Officiate.

Approved By: Bylaw #04-71  
Date: December 21, 2004  
Delegated To: P. Allison, Director of Emergency Services

<p><b>SECTION:</b>  All Departments</p>	<p><b>SUBJECT:</b>  <b>PURCHASE AGREEMENT (Computer and Associated Peripherals)</b></p>	<p>Pg. 1 of 2  <b>DATE: January 8, 2013 Repealing December 16, 2008</b></p>
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The Corporation of the Town of Kirkland Lake is offering an Employee Computer Purchase Plan for all full-time Municipal Employees for personal use.

**Terms of this agreement are as follows:**

This plan covers the purchase of personal computers, laptops and any associated peripherals. The employee must obtain a quote from the vendor and submit that quote to his/her supervisor. The supervisor/employee will complete the purchase agreement and sign. A copy of the purchase agreement will be forwarded to the payroll department by the supervisor. The supervisor will complete a purchase order and send a copy to accounts payable. The employee will take the purchase order to the vendor and purchase the computer. The vendor will then issue an invoice to the Town. Upon receipt of the invoice, the accounts payable clerk will match the purchase order and inform payroll that the invoice has been received. At this point the deduction will start from the employees' pay.

All equipment purchases made through the Municipal/Employee Purchase Agreement must be paid in full within 26 pay periods (one calendar year) from the date of purchase. All payments will be made in the form of a payroll deduction, of equal bi-weekly payments for the period of time specified above.

Should the Employee's employment with the Corporation be terminated prior to the end of this agreement, the balance of the loan will be due immediately or the total due will be deducted from the employee's final pay. If there are not sufficient funds available in the final pay, it is the Employee's responsibility to pay the full amount owing.

The Corporation's responsibility for the equipment ends when the Employee takes possession of the equipment. The Employee shall indemnify and hold harmless the Corporation from any claims pertaining to the performance of the equipment, or costs associated with owning, operating or repairing the equipment.

The interest free loan provided to employees for the purchase of computer and associated peripherals is a taxable benefit to the employee. The taxable benefit shall be calculated as per the CRA guide T4130 and added to the employees T4 commencing 2013.

Full-time employees are permitted up to two purchases to a maximum limit of \$4000.

Part time employees are permitted one purchase at a time up to a \$2000 limit.

**PURCHASE AGREEMENT  
(Computer and Associated Peripherals)**

Town of Kirkland Lake Purchase Order No. \_\_\_\_\_

Computer Purchase Date: \_\_\_\_\_.

Total Purchase Price: \_\_\_\_\_.

Number of Payments – Maximum 26: \_\_\_\_\_.

I, \_\_\_\_\_, hereby agree to the terms of the Purchase Agreement as stated above.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

\_\_\_\_\_  
Supervisor's Approval



## INTEROFFICE MEMORANDUM

**TO:** PAYROLL, TREASURY  
**FROM:** NANCY ALLICK  
**SUBJECT:** COMPUTER PURCHASE PLAN  
**DATE:** APRIL 26, 2011  
**CC:** DIVISION SUPERVISORS

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We have had some requests for computer purchases by payroll deduction, when the first computer has not been paid in full.

We will allow up to **two** purchases per full time employee up to a maximum of \$4000. There is considerable paperwork at the Payroll/Treasury end of the books to do more than this.

Part time employees will be allowed **one** purchase at a time up to a \$2000 limit.


This memo will be appended to the computer purchase policy. Please call if you have questions or concerns.

*Nancy*



CHIEF ADMINISTRATIVE OFFICER  
THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

Postal Bag 1757, 3 Kirkland Street, Kirkland Lake, Ontario, Canada P2N 3P4 T (705) 567-9361 F (705) 567-3535 E [admin@tkl.ca](mailto:admin@tkl.ca)

<p style="text-align: center;"><b>TOWN OF KIRKLAND LAKE</b></p>	<p style="text-align: center;"><b>SAFETY POLICY &amp; PROCEDURE</b></p>	<p>Issued: Reviewed &amp; Revised:</p>
	<p>Approved by: <b>Nancy Allick</b>  Title: <b>C.A.O.</b>  Signature: _____  Date: _____</p>	<p>Approved by: <b>Joseph Kmyta</b>  Title: <b>Fire Chief</b>  Signature: _____  Date: _____</p>
		<p>Pg. 1 of 3</p>
<p>Subject: <b>CONTRACTOR HEALTH AND SAFETY POLICY</b></p>		

**1. POLICY**

It is the policy of The Corporation of the Town of Kirkland Lake that every Contract Administrator shall ensure that all Contractors adhere to the Corporation of the Town of Kirkland Lake Health and Safety Policies and Procedures and complete the Health and Safety Orientation Package for Contractors. Ensure that Contractors are in compliance under Provincial Legislation, Regulations, the Occupational Health and Safety Act and satisfy the Town’s policies and procedures with respect to any work or service being performed while engaged by the Town.

**2. PURPOSE**

To ensure that all Contractors exercise due diligence, and provide a Health and Safety Policy and a Safety Program to identify possible workplace hazards and carry out the appropriate corrective action to prevent accidents or injuries arising from these hazards. To satisfy that any work or service being performed while engaged by the Town is done with the highest regard to Health and Safety in accordance with the Occupational Health and Safety Act.

**3. SCOPE**

This policy is applicable to all Contract Administrators when dealing with Contractors engaged in a service for The Corporation of the Town of Kirkland Lake. As with all matters relating to health and safety, responsibilities are shared among all workplace parties.

**4. DEFINITIONS**

(I) “Contractor” is classified as a person or group of people external to the Town’s Organization not otherwise deemed to be in the direct employment or tenure of the Corporation of the Town of Kirkland Lake. A Contractor or related Company is a third party that is retained by the Town for the completion of a task, project, or construction assignment.

(II) “The Town of Kirkland Lake” is The Corporation of the Town of Kirkland Lake or referred to as “the Town”.

(III) “Exclusions” from this policy are groups that perform daily activities such as delivery and providing of services or goods to the Town such as stationary supplies, parcel delivery, etc.

(IV) "Contract Administrator" is any person(s) that is responsible for administering specific contracts, i.e. road repairs, construction, snow removal, rubbish removal, etc

## **5. CONTRACTOR ADMINISTRATOR RESPONSIBILITIES**

Immediately following the acceptance of the contract, and prior to commencing activity or business activities with the Town the Contract Administrator must:

- (a) Be provided with a WSIB Clearance Certificate and a Certificate of Liability to demonstrate Contractors are insured and in good standing with the Workplace Safety and Insurance Board (WSIB) and have their own coverage for any potential or possible liability, risk or injury. A new WSIB Clearance Certificate may be requested every 60 days. Without such proof of indemnity, no Contractor may engage or proceed in their duties or services with the Town, as an organization, or its deemed properties and workplaces therein.
- (b) Ensure Contractors are in compliance and adhere to the Town Health and Safety Policies and Procedures, Provincial Legislation, Acts or Regulations with respect to Health and Safety, or any other applicable or related recognized standards associated with the services provided.
- (c) Contractors with more than five employees must provide a Health and Safety Policy and Safety Program to identify all possible workplace hazards to include the appropriate corrective action to prevent accidents or injuries arising from these hazards. The Contract Administrator shall maintain a copy of the Health and Safety Policy and Safety Program on the contract file.
- (d) Ensure Contractors provide their own Personal Protective Equipment (PPE) or any associated materials, tools, or apparatus with respect to Health and Safety and be recognized in accordance with the Town's Health and Safety Policies and Procedures, and the Occupational Health and Safety Act. All PPE or other safety-related materials provided by a third party are the responsibility of the said party, and must be in compliance with the Canadian Safety Association Standards (CSA) and Regulations.
- (e) Upon completion of the required documentation for Contractors their information and acknowledgement will be documented in their Contractor Safety Folder that is kept and maintained by the Contract Administrator. All records pertaining to Health and Safety will be kept in a Contractor Safety Folder for all Contractors performing work on an ongoing basis for the Town.

## **6. DOCUMENTATION**

- (a) Upon acceptance, the Contractor will be provided with the contract documentation.
- (b) The Contract Administrator will retain the required Contract documentation and will liaise with the Contractor every 60 days to ensure a current WSIB Clearance Certificate is kept on file, and if required, may request to review the Contractor's Health and Safety Program.

## **7. RESTRICTED AREA**

- (a) In the event that a Contractor is required to enter a work area that is normally restricted to employees the Contract Administrator will inform the supervisor at that work area of his/her responsibility for ensuring the Contractor is aware of the relevant workplace safety rules and is under the supervision of a regular employee.



- (b) The supervisor shall ensure the Contractor has required personal protective equipment and all safety precautions, protocols and procedures are utilized and adhered to.

**8. PERFORMANCE REVIEW**

Upon completion of the contract, the Contract Administrator will review the Contractor performance and compliance with respect to Health and Safety and the Contractor safety file will be documented as such to indicate if they were in compliance, sustained any injuries or incidents, in order to determine if they posed a risk or hazard. At the end of the review the documentation will be maintained by the Contract Administrator.

**9. REPORTING, CRITICAL INJURIES, ACCIDENTS and NEAR MISSES**


The Contract Administrator shall confirm that where a person is killed or critically injured from any cause at a workplace that the Contractor's responsibilities have been met under the Occupational Health and Safety Act, Section 51. All accidents and or near misses are reported by the Contractor to the applicable agency, i.e. WSIB, MOL, etc, and the Contract Administrator by copy immediately.

**10. LEGISLATION / STANDARDS / ACTS**

- Occupational Health and Safety Act (OHSA)
- Canadian Standards Association (CSA)
- Workplace Safety and Insurance Act
- Ministry of Labour (MOL)
- Town of Kirkland Lake Health and Safety Policies and Procedures

**Approved by Council**

**Date: June 16, 2009**

<p><b>TOWN OF KIRKLAND LAKE</b></p>	<p><b>Corporate</b></p>	<p>Issued: May 1, 2018 Repealed:</p>
	<p>Approved by: Title: Signature: _____ Date:</p>	<p>Approved by: Title: Signature: _____ Date:</p>
<p><b>Subject: Election – Municipal Election Recount Policy</b></p>		

**Purpose and Legislative Authority**

Section 56(3) of the Municipal Elections Act, 1996, S.O. 1996, states ‘A municipality may, by bylaw, adopt a policy with respect to the circumstances in which the municipality requires the clerk to hold a recount of the votes cast in an election.’

Section 56(5) of the Municipal Elections Act, 1996, S.O. 1996, states ‘ a bylaw or resolution adopted under subsection (3) or (4), applies to a regular election if it is passed on or before May 1 in the year of the election.’

The purpose of this policy is to establish criteria that will require the completion of an automatic recount in accordance with Section 56(1.1) of the Municipal Elections Act, 1996, S.O. 1996, as amended.

A recount is required when:

1. There is a tie vote where both or all candidates cannot be declared elected;
2. By resolution of Council
3. By order of the Superior Court of Justice.

The Municipal Elections Modernization Act, now provides the adoption of a policy on or before May 1 of the election year to define circumstances under which a recount would be conducted other than those listed above.

**SCOPE**

This policy applies to the regular Municipal Election of 2018.

**Policy Statement**

The Town of Kirkland Lake recognizes that elections conducted with integrity are fundamental to our democratic society. The results of an election must instill confidence among candidates, electors and administrators and accurately reflect the votes cast. Where questions exist to the accuracy of the results, a recount will provide certainty that the results are correct.

**Procedure**

***Automatic Recount***

If the number of votes separating candidates from winning an office is a variance of one of the following:

1. Ten (10) votes or less; or
2. 1% of voters who have cast their votes for the office, whichever is the lesser amount.

The recount shall be conducted by the Clerk of the Town of Kirkland Lake (the "Clerk") in accordance with the provisions of the Municipal Elections Act (the Act), Ontario Regulation 101/97, and the Town of Kirkland Lake's 2018 Voting Procedures with the Use of Vote Tabulators and these procedures.

For Example:

Example 1:

Candidate A	500		
Candidate B	511		
Candidate C	550		
Votes cast	1561		
Difference between Candidate A & B votes is 11.			
	1% of total vote is	15.61	1.56%

NO RECOUNT

Example 2:

Candidate A	500		
Candidate B	509		
Candidate C	550		
Votes cast	1559		
Difference between Candidate A & B votes is 9.			
	1% of total vote is	15.59	1.59%

RECOUNT FOR CANDIDATE A and B because vote difference is less than 10

Example 3:

Candidate A	444		
Candidate B	436		
Votes cast	880		
Difference between Candidate A & B votes is 8.			
	1% of total vote is	8.8	0.88%

RECOUNT FOR CANDIDATE A and B because vote difference is less than 10

AND % of total votes cast is less than 1%

Example 4:

Candidate A	494		
Candidate B	504		
Votes cast	998		
Difference between Candidate A & B votes is 9.			
	1% of total is	9.9	0.09%

RECOUNT FOR CANDIDATE A and B because vote difference is less than 10

AND % of total votes cast is less than 1%

**Timing and Location**

The recount shall commence on the date and time and at the location determined by the Clerk and shall be held within the time periods set out in the Act.

**Notice**

As described in Regulation 101/97 s.4, notice shall be given to each certified candidate for an office subject to recount; and to the applicant if applicable under Section 58 of the *Municipal Elections Act*.

**Manner of the Recount**

As provided for in subsection 60(1) of the Act, *"a recount under section 56, 57, or 58 shall be conducted in the same manner as the original count"*.

In accordance with Section 42(4) of the Act, these procedures provide that at the recount, there shall be *no more than one scrutineer for each certified candidate for each piece of vote-counting equipment* and also that *the persons referred to in subsection 61(5) are entitled to examine, but not touch, each ballot as the votes are being counted by the Clerk.*

Election recount officials are the only persons who may handle and touch the ballots and other election material. Prior to the commencement of the recount, the Clerk will allow the candidates and their authorized representatives to view and identify the election materials.

**Order and Decorum**

Decorum will be maintained at all times. The Clerk will exercise reasonable control over the conduct of the recount to assure that election officials do not experience interference from any candidate, their scrutineer, legal counsel, or any other person. Should anyone or anything impede the recount process, the recount will stop until the solution is remedied. Anyone who disrupts the recount or fails to follow the instructions of the Clerk or their designate will be required to leave. The decision of the Clerk in this regard shall be final.

**Election/Recount Officials**

The Clerk shall appoint such number of election officials to assist in the conduct of the recount as considered necessary and may designate their titles and duties and in accordance with s. 15(2) of the Act may delegate powers and duties to those officials.

**Who may be Present in the Designated Recount Area**

Media representatives will be entitled to attend and must remain at the media table set aside for this purpose.

In accordance with Section 61(1 – 2) of the Act, only the following persons are entitled to be present:

- (a) The Clerk and any other election official appointed by the Clerk for the recount*
- (b) Every certified candidate for the office subject to the recount*
- (c) The applicant for the recount*
- (d) For each person referred to above:
  - a lawyer, and*
  - one (1) candidate scrutineer for each recount station established by the Clerk.**

Candidate's scrutineers must be appointed in writing by the candidate or the candidate's legal counsel and must present a complete and signed Appointment of Scrutineer Form to the Clerk prior to the commencement of the recount in order to be admitted into the designated area.

Any person authorized to attend, shall be required, prior to the start of the recount procedures, to take an oath or declaration before participating in the recount or performing any duties.

Observers of the recount may not make a record or note of any personal information or identifying marks which may appear on ballots or other documents unless each action is specifically authorized, in writing, by the Clerk. Personal information is protected by Section 14(1) of the *Municipal Freedom of Information and Protection of Privacy Act*.

#### ***Location Setup***

The number of recount stations shall be determined by the Clerk based on the number of ballots to be counted.

The ballot boxes, vote tabulators, and all other supplies and materials necessary for the recount shall be delivered to the recount location prior to the commencement of the recount for set-up.

#### ***Programming and Testing of the Vote Tabulators***

The vote tabulators shall be programmed in the same manner as was done during the election period. Prior to the recount, the Clerk shall test all vote tabulators to be used in the recount using the same procedures used for the election. The recount shall commence once the Clerk is satisfied that the tabulators are accurate.

#### ***Recount Process -- Paper Ballot/Tabulator Count***

In accordance with the *Act*, the recount is to be conducted in the same manner as the original count. All ballots counted during the 2018 Town of Kirkland Lake Municipal Election shall be included in the recount. Cancelled ballots were not counted on Election Day and are not included in the Recount.

Counts will only be tabulated for those races for office that are subject to the recount.

The election officials at each recount station shall receive a ballot box or ballot boxes, and in full view of any candidates or their scrutineers or legal counsel present at the recount station, the election official shall:

- (a) insert a memory card;
- (b) open the poll by turning the key to the open position and pushing the yes button on the vote tabulator;
- (c) cause the vote tabulator to print a copy of all vote totals in the memory card, confirming zero totals. The zeros report is to be examined and signed by the election official responsible for that tabulator and the Clerk in the presence of the candidates and their authorized representatives;
- (d) candidates or their authorized representatives may visually examine but not touch the vote tabulators;
- (e) the election official will unseal the ballot box, remove all ballots and show the empty ballot box; and
- (f) the ballots will be held up by an election official for candidates or their authorized representatives to visually examine but not touch;
- (f) the election official will feed the ballots into the tabulator one at a time.

When the election official is alerted to a ballot containing an over-vote, a blank ballot or a ballot that contains ambiguous marks by the vote tabulator, the election official will cause the ballot to be accepted and processed by the tabulator.

#### ***2.2 Ballots unable to be tabulated / Rejected Ballots***

For whatever reason, the vote tabulator is unable to process a ballot that had been processed by

tabulator and counted at the voting location on Election Day, the election official shall:

- (a) place a "Rejected Ballot" label on the back of the ballot;
- (b) print their name, sign and date the label;
- (c) record the original voting location the ballot originated from and the recount station on the ballot label;
- (d) note the reason why the tabulator has not processed the ballot, if that reason is known; and
- (e) place the ballot in the rejected ballot envelope for delivery to the Clerk.

Upon receipt of the rejected ballots the Clerk shall review the ballots and if the intent of the voter is clearly discernible the Clerk shall manually add those votes to the final count from the vote tabulators. If the intent of the voter cannot be determined the vote shall not be counted.

At the conclusion of the recount, the Clerk shall place the rejected ballots that have not been counted back into the rejected ballot envelopes and seal the envelopes for storage with the ballot boxes and results tapes.

### ***2.3 Ballots Objected to by Candidates/ Authorized Representatives***

For ballots that are Objected to by Candidates or their authorized representatives that had been processed by tabulator and counted at the voting location on Election Day, the election official shall:

- (a) place an "Objection #" on the back of the ballot;
- (b) record on the associated form:
  - the # of the objection,
  - the reason for the objection,
  - and the name of the person objecting;
- (c) place the ballot to one side;
- (d) at the end of the poll, the 'objected to' ballots will be processed by the tabulator to the counted, and then the 'objected to' ballots will be sealed in an envelope marked "OBJECTED TO BALLOTS" with the associated form for delivery to the Clerk.

At the conclusion of the recount, the Clerk shall place the 'Objected to Ballots' envelope for storage in the ballot boxes and results tapes and memory card.

After all the ballots from the ballot box have either been fed into the tabulator or placed in the rejected ballot or objected to envelopes for delivery to the Clerk, the election official shall:

- (a) close the poll by turning the key to the open/close poll position and pressing the close poll button;
- (b) cause the results tape to be produced by the vote tabulator (three copies will be automatically printed);
- (c) separate the three results tape reports;
- (d) sign the results tape report and have the Clerk sign each copy in the presence of candidates or their authorized representatives;
- (e) turn off the tabulator, and remove the memory card;
- (g) seal the ballot box and place the memory card in an envelope and seal the envelope;
- (h) record the vote totals for each candidate on a final tally sheet;
- (i) seal the tabulator reports envelope and give the sealed envelope together with the loose results tape report to the Clerk;
- (k) deliver the rejected ballot envelope and objected to envelope to the Clerk.

## **Results**

During the recount, the Clerk shall post for inspection the summary of the votes cast for each candidate for the office subject to the recount from each of the recount stations.

When the recount is complete, the Clerk shall announce the results of the recount.

As per the *Act*, if no application has been made for a judicial recount, the Clerk shall declare the successful candidates elected on the 16th day after the recount is completed.

**Recount Records**

At the conclusion of the recount, the Clerk shall secure all materials from the recount including but not limited to the ballots, ballot boxes, results tapes, memory cards and all other materials relating to the recount process.

The Clerk shall destroy recount materials in accordance with the retention period as prescribed in the *Act*.

Appendix A

The ballots from each poll shall be tabulated as follows:

Vote Tabulator #1

(Date of advanced vote - # of Ballots processed through tabulator)

(Date of advanced vote - # of Ballots processed through tabulator)

(Date of vote - # of Ballots processed through tabulator)

Vote Tabulator #2

(Date of vote - # of Ballots processed through tabulator)



## Appendix B

**Position Descriptions****#1 ELECTION OFFICIAL DISPLAYING BALLOTS**

- Election Official will pick up and display one ballot at a time for attending candidates and authorized representatives to view (2 – 3 seconds).
- If there are no objections to the ballot, the Election Official will pass the ballot to the tabulator operator.
- Election Official will pick up another ballot and repeat the process.
- If there are objections to the ballot, the Election Official will pass the ballot to the Recording Official for processing.

The Election Official will NOT make any comments, observations, remarks or judgments on any of the ballots being processed.

The Election Official will NOT answer any questions concerning the recount process, but will refer all questions the Clerk or their designate.

The Election Official will conduct him/herself in a professional, business-like manner.

**#2 RECORDING OFFICIAL**

Ballots passed to Recording Official from the Election Official will be assessed as being 'Objected to' or 'Rejected'.

**OBJECTED TO BALLOTS**

- Recording Official will number and mark on the back of objected ballots "Objected Ballot #"; and will complete the corresponding form with objection #, the reason for the objection, and the person objecting.
- The objected ballots will be placed in an envelope marked "OBJECTED TO BALLOTS" and put to one side; at the end of the poll, before tabulating the results, the Recording Official will pass the envelope to the Tabulator Operator to be processed through the tabulator and included in the result.

**REJECTED BALLOTS**

For whatever reason, the vote tabulator is unable to process a ballot that had been processed by tabulator and counted at the voting location on Election Day, the election official shall:

- place a "Rejected Ballot" label on the back of the ballot;
- print their name, sign and date the label;
- record the original voting location the ballot originated from and the recount station on the ballot label;
- note the reason why the tabulator has not processed the ballot, if that reason is known; and
- place the ballot in the rejected ballot envelope for delivery to the Clerk at the end of the poll.

The Recording Official will NOT make any comments, observations, remarks or judgments on any of the ballots being processed.

The Recording Official will NOT answer any questions concerning the recount process, but will refer all questions the Clerk or their designate.

The Recording Official will conduct him/herself in a professional, business-like manner.

### **#3 TABULATOR OPERATOR**

The Tabulator Operator will

- insert a memory card;
- open the poll by turning the key to the open position and pushing the yes button on the vote tabulator;
- cause the vote tabulator to print a copy of all vote totals in the memory card, confirming zero totals. The zeros report is to be examined and signed by the Tabulator Operator responsible for that tabulator and the Clerk in the presence of the candidates and their authorized representatives;
- Tabulator Operator will allow candidates or their authorized representatives to visually examine but not touch the vote tabulators;
- Tabulator Operator will accept the ballots from the Election Official Tabulator Operator be processed through the tabulator one at a time.
- If the vote tabulator does not fully process a ballot, the Tabulator Operator will read to the candidates and their authorized representatives the message on the display screen and
  - in the event of an overvote or blank ballot, the Tabulator Operator will override the irregularity and process the ballot through
  - in the event of ineligible marks, the Tabulator Operator will bring back the ballot and have the clerk determine the course of action

### **REJECTED BALLOTS**

For whatever reason, the vote tabulator is unable to process a ballot that had been processed by the tabulator and counted at the voting location on Election Day, the Tabulator Operator shall pass the ballot to the Recording Official for processing.

- After all the ballots from the ballot box have either been fed into the tabulator, the Tabulator Operator will accept the 'objected to envelope' for the Recording Official and process them through the tabulator, but NOT allow those ballots to fall into the box. The objected ballots will be replaced into the envelope with the form, sealed and placed in the ballot box.
- The Tabulator Operator shall then:
  - close the poll by turning the key to the open/close poll position and pressing the close poll button;
  - cause the results tape to be produced by the vote tabulator (three copies will be automatically printed);
  - separate the three results tape reports;
  - sign the results tape report and have the Clerk sign each copy in the presence of candidates or their authorized representatives;
  - turn off the tabulator, and remove the memory card;
  - Return all election material to the Clerk.

The Tabulator Operator will NOT make any comments, observations, remarks or judgments on any of the ballots being processed.

The Tabulator Operator will NOT answer any questions concerning the recount process, but will refer all questions the Clerk or their designate.

The Tabulator Operator will conduct him/herself in a professional, business-like manner.

#### **#4 CANDIDATES, SCRUTINEERS AND AUTHORIZED REPRESENTATIVES**

Scrutineers must show their written appointment to the Tabulator Operator or Clerk in the voting place.


A candidate may have a scrutineer at each vote tabulator.

ANYONE who is creating a disturbance at a Voting Place will be removed by the Clerk or Designate.

Before being admitted to a Recount Place, a person appointed as scrutineer shall produce and show his/her Appointment (the "Scrutineer Form EL12") to the Clerk and take the oral Oath of Secrecy (Form EL12 (B)) before being permitted to remain in the Voting Place.

The Clerk is responsible for the conduct of the Recount Place and no candidate or scrutineer has the right to interfere with the Clerk in the discharge of his or her duties.

Use of cell phones is NOT permitted inside the Recount Location.

<p><b>TOWN OF KIRKLAND LAKE</b></p>	<p><b>Corporate</b></p>	<p>Issued: Repealed:</p>
	<p>Approved by: Title: Signature: _____ Date:</p>	<p>Approved by: Title: Signature: _____ Date:</p>
<p><b>Subject: Election – Use of Corporate Resources</b></p>		

**Purpose and Legislative Authority**

Section 88.18 of the Municipal Elections Act, 1996, S.O. 1996, states *‘Before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.’*

This policy is to provide guidance for the appropriate use of corporate resources during an election period to protect the interests of both the Members of Council and the Corporation. The Municipal Elections Act prohibits a municipality from making a contribution to a candidate. The Act also prohibits a candidate or someone acting on the candidate’s behalf from accepting a contribution from a person who is not entitled to make a contribution.

**SCOPE**

This policy applies to Members of Council, to all municipal election candidates, third party advertisers, and all employees of The Town of Kirkland Lake.

This policy applies to an acclaimed Member or candidate and a Member not seeking re-election.

This policy applies to the Election Campaign Period commencing May 1<sup>st</sup> of an election year to Election Day inclusive.

**Policy Statement**

- In order to comply with the provisions of the Municipal Elections Act, 1996, S.O. 1996, it is essential that Members of Town Council, election candidates, and Town employees maintain the highest standards of

ethical conduct. This policy reflects not only the Provincial law, but also the conduct necessary to ensure sound governance, transparency and accountability.

## Procedure

- a) Corporate resources, assets and funding shall not be used for any election related purpose.
- b) Staff shall not canvass or actively work in support of a municipal candidate or party during normal working hours unless they are on a leave of absence without pay or vacation leave.
- c) No Member of Council or election candidate shall use the facilities, equipment, supplies, services, staff or other resources of the municipality (including Town letterhead, Town business cards, Town email accounts, etc.) for any election campaign or campaign related activities.
- d) The Municipality's technology system, including computers, laptops, emails, cell phones, etc., shall not be used for any election campaign or campaign related activities. The Town's voicemail system shall not be used to record campaign messages.
- e) Websites or domain names that are funded, owned or operated by the Municipality shall not be used for any election campaign or campaign related activities, other than non-partisan election material that is required for the proper administration of the municipal election under the Act and basic contact information for candidates.
- f) No member or candidate shall use municipal property or facilities for any election related purpose. This includes displaying of any campaign related signs in the window or on the premises, as well as displaying any election related material. Election campaign materials include flyers, buttons, etc.
- g) No member or candidate shall use municipal facility/property for any election-related purpose unless a market value rental fee has been established corporately and the rental of such is available to all candidates and third parties.  
The only exception, at the Clerk's discretion, is an All Candidates Meeting organized by a local group between Nomination Day and Election Day. To qualify as an All Candidates' Meeting, the meeting must be organized by a group not affiliated with any particular candidate(s) and must invite all candidates running in the Municipal Election to participate.
- h) Campaign related activities or materials shall not be permitted at any Town operated or sponsored events.

- i) The Town's logo, crest, slogan, etc., shall not be used in any campaign-related activities/material or included on campaign related websites, social media, etc.
- j) Distribution lists, contact lists, and ratepayer information acquired, developed and provided utilizing municipal resources or through contact in a member of Council's role shall not be used for election purposes.
- k) Photographs and videos produced for and owned by the Town may not be used for campaign related activities.

### **Limitations**

Nothing in this policy shall preclude a Member of Council from performing their role as a Council Member nor inhibit them from representing the interests of the constituents who elected them.

Nothing in this policy shall preclude a Staff member from exercising his/her civic duty to participate in the municipal election process.

Nothing in this policy shall prevent Staff from conducting an election in accordance with the Act, or providing non-partisan election information material on behalf of the Municipality so as to inform the public about the election and the election process.

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION: PERSONNEL</b>	<b>SUBJECT: EMPLOYEES ACCESS TO THEIR OWN INFORMATION</b>	<b>Pg. 1 of 1</b> <b>DATE: April 13, 1994</b>
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It is the policy of the Town that employees can informally access information that their department has about them. Employee's requests for correction of personal information and statements of disagreement are processed the same way. It is the department head's responsibility to keep a record of when an employee accesses his or her file, for a period of two years.

Approved By:

Date:

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>PHYSICAL SERVICES</b>	<b>SUBJECT:</b> <b>ENCROACHMENTS ON MUNICIPAL LANDS</b>	<b>Pg. 1 of</b>
		<b>DATE: January 18, 1994</b>

That the recommendation of the Director of Physical Services be accepted; and that the Director of Physical Services be authorized to negotiate and to enter into an Encroachment Agreement for works that are located in Municipal Roadway Allowances or Municipal Lands; and, that the minimum fee for such application be \$100.00.

Moved By: Council

Date: January 18<sup>th</sup>, 1994



<b>SECTION:</b> <b>Community Services</b>	<b>SUBJECT:</b> <b>Kirkland Lake Festivals Committee</b>	<b>Pg. 1 of 1</b>
		<b>DATE: January 22, 2013</b>

Festivals Committee (Committee) is a group of volunteers in the Town of Kirkland Lake (the Town) who organize and implement special events and projects for the benefit and participation of the entire community. As such, they are bound by the policy and procedures of the Town of Kirkland Lake and those of the Municipal Act. This policy sets out what will be required of the Festivals Committee to meet those terms.

- The accounting practices of the Committee will be consistent with those of the Town.
- The Town will have one representative on the Committee board.
- The Festivals Committee may have separate bank accounts in the name of “Festivals Committee – Town of Kirkland Lake” with two signing authorities from Town of Kirkland Lake.
- Committee will submit quarterly reports consisting of income statement and balance sheet.
- Town will do HST submissions on a monthly basis on behalf of Committee.
- Committee is responsible for records retention of all bank statements, invoices, etc.
- Committee will submit estimated budget for each Calendar year.
- Chart of accounts will be established by both Town and Committee and updated as required.
- Committee will pay their own expenses, retaining all related documents.
- All capital assets valued at > \$5000 will be recorded in Town Capital Asset ledger.
- All business and transactions will be subject to audit process and included in Town annual audit.
- Committee shall not be subject to Town Procurement Policy but is encouraged to purchase locally.
- Donations to Committee are eligible for Tax Receipt.
- Committee will be self funded and Town will not fund any deficit position at year end but may advance funds from time to time according to budget.
- Committee will meet with CAO on annual basis in January to review process and budget.

<b>SECTION:</b> Administration	<b>SUBJECT:</b> Flying Flag at Half-Mast	<b>Pg. 1 of 2</b>
		<b>DATE: May 7, 2019</b>

**Purpose:**

This policy shall establish guidelines for flying flags at half-mast at municipally owned facilities to ensure fair and consistent application.

**Definition:**

To define the criteria and process for half-masting of flags at facilities of the Corporation of the Municipality of Kirkland Lake (hereinafter referred to as the Municipality) as a sign of mourning.

**Displaying Flags**

1. Only the National Flag of Canada, the Provincial Flag of Ontario and Municipality of Kirkland Lake shall be flown on flagpoles owned and maintained by the Municipality. Courtesy Flags recognizing charity or community groups may be flown by approval of Council resolution.
2. All flags will be flown or displayed in accordance with the dignity and general rules of etiquette for flying and displaying the National Flag of Canada.
3. Flags shall be flown or displayed in good condition. Any soiled, frayed or torn flags shall be replaced immediately.

**Flag Pole Locations**

- Town Hall
- Department of Physical Services
- Miner’s Memorial Monuments

**Half-masting**

Flags are flown at the half-mast position as a sign of respect and condolence or to commemorate significant dates.

Flags will be flown at half-mast on municipal properties in accordance with the guiding principles of the **Canadian National Flag** Protocol, on the death of:

- a Sovereign
- a member of the Royal Family related in the first degree to the Sovereign (spouse, son or daughter, father, mother, brother or sister)
- The Governor General
- the Prime Minister
- a former Governor General
- a former Prime Minister
- Chief Justice of Canada
- a Federal Cabinet Minister
- the Lieutenant Governor of Ontario
- the Premier of Ontario or another person similarly honoured by the province of Ontario
- the local member of parliament
- local member of the provincial parliament

The ***Town of Kirkland Lake Flag*** will be flown at half-mast on the death of:

- the Mayor
- a sitting member of Council
- a current Municipal employee or volunteer fire fighter
- a former Head of Council

Flags will be flown at half-mast until the day after the funeral.

The ***Canadian Flag or specific commemorative flag*** will also be flown at half-mast on the following commemorative dates:

- April 28 – National Day of Mourning
- November 11 – Remembrance Day

Approved By: Council Resolution

Date: May 7, 2019

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION: PERSONNEL</b>	<b>SUBJECT: HOUSING</b>	<b>Pg. 1 of 1</b> <b>DATE: April 19, 1983</b>
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BE IT RESOLVED THAT living accommodations not be provided for any employee connected with the Municipality of Kirkland Lake. This policy shall include any municipal employee of a committee or board of management where any municipal funding is involved. This policy shall be effective immediately but is not retroactive and will therefore not apply to any employee presently residing in accommodations provided by the municipality as a condition of employment.

Approved By: Council

Date: April 19, 1983



POLICY	
Policy Number: HS2020-033	Date Approved: March 2018
Department: Health and Safety	Date Reviewed: September 2020
Health and Safety Representative	

## 1. Policy Statement

A Health and Safety Representative shall be established for all Corporation workplaces where there are greater than 5 Associates but fewer than 20.

A Workplace Health and Safety Representative at the Corporation shall have the same responsibilities as a Committee as outlined in the Safety Committee Policy.

The Corporation will ensure that the Health and Safety Representative is functioning in the appropriate manner as laid out by the Occupational Health and Safety Act.

The Corporation will ensure that the name of the representative is prominently posted in the workplace.

Management agrees to provide assistance and cooperation to the representative and ensures that recommendations made by the Safety Representative will be addressed at the Management level.

The Corporation will provide access to pertinent resource information to the representative. This information will include but not be limited to:

- Notification of injury or occupational disease.
- Information on potentially hazardous material/processes.
- Reports on Health and Safety.
- Health and Safety statistics.

## 2. Purpose

The role of the Health and Safety Representative at the Town of Kirkland Lake (the Corporation) is to provide Management with meaningful recommendations and support to assist in the development of Health and Safety programs in order to ensure that physical and health hazards are reduced or eliminated.

### 3. Scope

The OHSA states, a health and safety representative is required at a workplace where the number of workers regularly exceeds five but is less than twenty.

### 4. Definitions

Not Applicable

### 5. Policy & Procedures

#### **Responsibilities**

#### **CAO**

- Provide the representative with the results of any reports relating to Health and Safety in the workplace;
- If recommendations are provided to the CAO and are accepted, a timetable for action should be outlined and provided to the representative.

#### ***Safety Representative***

- Participate in the identification and control hazards;
- Help to identify and resolve Health and Safety concerns of employees;
- Receive and distribute health and safety information;
- Inspect the workplace on a monthly basis;
- Meet regularly with Management to discuss workplace Health and Safety concerns;
- Maintain records of meetings;
- Investigate reportable incidents, including critical injuries;
- Help to establish and promote Health and Safety programs and policies;
- Help to develop and promote Health and Safety training;
- Investigate refusals to work;
- Investigation incidents of workplace violence;
- Carry out responsibilities set by specific regulations;
- Participate in Pre-Start Health and Safety Reviews;

- Participate in hazard assessments.

### **Terms of Office**

- A representative is to serve a term of two years and continues to hold office until reappointed or re-elected or until a successor is appointed or elected

### **Selection**

- The representative must be chosen by the employees who they will represent
- Where more than one person applies for the position of Safety Representative, there shall be a vote by the employees to determine the Safety Representative.
- Where there is a failure to find an Employee to the position as Safety Representative the Management may appoint a worker rep until such time an employee comes forward interested in the position.

### **Postings**

- The Health and Safety Notice Board has the Representative member's name, position and department in which they work.
- Minutes are posted on the Health and Safety Bulletin Board.
- A copy of the workplace inspection with the minutes and any recommendations/communication as a result of injury/incident investigations.
- The Safety Representative shall post all reports or surveys conducted by Management on the Health and Safety Bulletin Board as well as any Ministry of Labour notice of visits or non-compliance orders.

### **Investigations**

- Participate in investigations as requested by Management and make follow-up recommendations to Management to prevent any reoccurrence
- Follow-up of investigations and any action items that were identified for compliance are to be posted on the safety board to communicate to all employees.

## **Inspections**

### ***Workplace Inspections***

- The Safety Representative must inspect the workplace for unsafe conditions on a monthly basis and record their findings on the Monthly Workplace Inspection Report Form
- The Department Head/Supervisor may be present at the time of the inspection of his/her department.
- Each report is copied to the Department Heads who have responsibility for corrective action and submitted to the Safety Representative for review.
- To verify that all posted materials are readily available in the workplace as per the policy of the Health and Safety Manual.
- Monthly inspections of all fire extinguishers, fire systems and fire equipment.

### **Work Refusals**

- When a Worker exercises his or her right to refuse work, that is believed to be unsafe, the Supervisor promptly notifies the Safety Representative.
- The Safety Representative participates in all stages of the investigation including a Ministry of Labour investigation, if it should arise.

### **Formal written recommendations**

Most recommendations that the Safety Representative makes are informal and can and should be dealt with through normal channels. Normally it will be within the Department Head/Supervisor's power to implement controls as soon as possible after being advised by the Safety Representative of the recommended corrective actions.

Formal recommendations are those that are expressly written and directed toward the CAO for a written response within twenty-one (21) days of receiving. Concerns that might become the subject of formal recommendations are those that require:

- The establishment of new policies, programs, processes or procedures;
- The allocation of significant funds;
- Additional training and/or education of Associates;
- A repeat item that has not yet been resolved.



If the Representative believes that a matter needs to go to the CAO for his/her input, a formal recommendation will be given to the CAO and should contain:

- Identification of the hazard or concern and what is required to implement corrective measures. (Include supporting background information as needed). Containing specific action that will correct the problem.
- The signatures of the Safety Representative.
- CAO to provide a written response (within 21 days) and signature.

### **Pay for Safety Representative Activities**

A Safety Representative shall be deemed at work and be paid at regular time overtime as appropriate in the circumstances of the following activities:

- Preparation time before any regular scheduled Safety Representative activity;
- Such time as is necessary to attend meetings;
- Such time as is necessary to carry out one's duties under the legislation;
- Such time as is necessary to carry out any projects assigned;
- Such time as required for training.

### **Confidentiality**

While conducting Safety Representative business, individuals may be privy to confidential company and/or personal information. Safety Representatives have a responsibility to keep such information confidential.

## **6. Summary**

### **Training**

All Safety Representatives are required to take the following training that pertains to their legislated responsibilities:

- Safety Representative Orientation
- Workplace Health and Safety Legislation
- Incident/Accident Investigation
- Planned Workplace Inspection

**Evaluation**

This policy will be reviewed annually.

**Legislation/Standards/Regulation**

Ontario Occupational Health and Safety Act

<b>SECTION:</b> <b>Administration</b>	<b>SUBJECT:</b> <b>Kirkland District Family Health Centre Town Support</b>	<b>Pg. 1 of 1</b>
		<b>DATE: May 8, 2014</b>

**BACKGROUND**

The Corporation of the Town of Kirkland Lake (TKL) and the Kirkland & District Hospital (KDH) are the registered owners of the Family Health Centre located on 2 Water Lane, Kirkland Lake, Ontario (Town of Kirkland Lake Bylaw #07-070).

The parties have constructed this building for the purpose of facilitating health care for the residents of Kirkland Lake and area. The building has been leased to the Kirkland District Family Health Team (Town of Kirkland Lake Bylaw #12-068, amended by Bylaw #12-092).

TKL and KDH have entered into an operation and maintenance agreement.

TKL wishes to have policy in place to ensure sustainability of building and operations for future generations.

**ONGOING SUPPORT**

Rental income will be used to repay building loans (Town of Kirkland Lake Bylaw #12-067) as documented in the operation and maintenance agreement.

Once building loans are complete, rental revenue will be divided equally between TKL and KDH.

TKL's share of the revenue will be moved into a Reserve Fund for the following purposes:

- For TKL's share of community contribution, as set out in agreement with Ministry of Health and Long Term Care, which amount varies from time to time
- To cover any shortfall in operations funding
- To meet capital needs of the building
- For consideration of future growth or expansion

Funds shall be withdrawn from the Family Health Centre Reserve Fund by bylaw of Council.

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>PHYSICAL SERVICES</b>	<b>SUBJECT:</b> <b>LEASING LOTS -- SURVEY</b>	<b>Pg. 1 of 1</b>
		<b>DATE: June 11, 198</b>

All municipal lots, which are to be leased, are to be searched with the Master of Titles, Haileybury, Ontario and the cost for such search is to be borne by the prospective lessee.

Approved By: Committee of the Whole

Date: June 11<sup>th</sup>, 198?

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>PHYSICAL SERVICES</b>	<b>SUBJECT:</b> <b>MAIN STREET INDUSTRIAL LOTS</b>	<b>Pg. 1 of</b>
		<b>DATE: October 20, 1981</b>

1. The lots at the south end of Main Street will be offered for sale for industrial land purposes at the selling price of \$20,000 per acre.
2. The Town will lease industrial land located at the south end of Main Street at the cost of \$2,000 per acre per year.
3. Other conditions of the lease will be considered at the time of leasing, however, they should include but not be limited to such items as time limits, constraints, the status and disposal of any buildings that are constructed on the site, lease purchase arrangements. Where lease purchase arrangements are provided, \$1,000 per acre will be eligible to be applied against the purchase price.

Approved By: Council

Date: October 20, 1981

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>PUBLIC RELATIONS</b>	<b>SUBJECT:</b> <b>MEDIA</b>	<b>Pg. 1 of 1</b>
		<b>DATE: October 2009</b> Repealed November 1984

Summary

The Chief Administrative Officer shall have general responsibility for the scrutiny of all information being released to the 'media'.

Press Releases/Interviews

All media releases and interviews will be approved by the Chief Administrative Officer prior to their release. If the release is written, a copy shall be forwarded to the Chief Administrative Officer. If the release is verbal, prior approval by telephone to the Chief Administrative Officer will suffice.

Exceptions

The following is a partial list of exceptions to the policy, which must be approved by Directors:

- Proclamations
- Tender Calls
- Normal Advertising
- Announcements
- Program Schedules
- Bylaws and Amendments
- All of the normal formal requirements of any Statute

Approved By: Council Resolution

Date: October 6, 2009



## MUNICIPAL CLOSED MEETING INVESTIGATION POLICY/PROCEDURES

### POLICY STATEMENT

The Corporation of the Town of Kirkland Lake shall ensure that requests for investigations submitted under Section 239 of the Municipal Act, 2001 as amended (the Act) are dealt with in a fair, open and expeditious manner.

The Corporation of the Town of Kirkland Lake shall provide the information requested by the Municipal Closed Session Investigator (Investigator), either written or through interviews, to assist the Municipal Investigator in his/her investigations.

The Corporation of the Town of Kirkland Lake shall ensure any report received from the Investigator related to an investigation under the Act, is placed on a public agenda and that consideration of such reports is conducted in an open public session of Council.

This policy applies to all appointed Boards and sub-committees of the municipality with the exception of the Police Services Board and the Public Library Board.

This policy shall be posted on the municipal website and available from the Clerk's Department, 3 Kirkland Street, Kirkland Lake or by contacting the Clerk's Department at 705-567-9361 or through e-mail to [clerk@tkl.ca](mailto:clerk@tkl.ca).

### BACKGROUND

Through Council Resolution dated December 7, 2010, the Corporation of the Town of Kirkland Lake has appointed **Rick Emms** as a Municipal Closed Session Investigator and has authorized his to conduct investigations upon receipt of a complaint in respect of meetings or parts of meetings that are closed to the public. The Investigator will determine compliance with the Act or the Municipal procedure by-law and will report on the results of such investigations.

### COMPLAINTS PROCEDURES

Members of the public, including corporations, may submit complaints to the Investigator relating to compliance with the Act or the Municipal Procedure By-law for meetings or part of meetings that are closed to the public. All complaints will be treated as confidential at all times.

Complaints may be submitted on the established Complaint Form or via written request. The Complaint Form may be downloaded from the Municipal website or can be obtained from the Clerk's Department, together with an envelope addressed to the Investigator which the

Municipality has appointed under Section 239 of the Act. All complaints must contain the following information:

1. Name of Municipality
2. Complainant's name, mailing address, telephone number and e-mail address (if applicable)
3. Date of Closed Meeting under consideration
4. Nature and Background of the particular occurrence
5. Any activities undertaken (if any) to resolve the concern
6. Any other relevant information
7. Original signature
8. A certified cheque or money order made payable to the Town of Kirkland Lake for \$50.00. The complainant will be reimbursed the \$50.00 if the investigator finds that the item should have been addressed in a public meeting.

Complaints may be submitted to:

1. By mail directly to: Rick Emms  
60 Fifth Street #107  
Kirkland Lake, ON P2N 3P7

OR

2. By delivery to the Municipal Clerk in a sealed envelope clearly identified as a Complaint under Section 239 of the Act.

When complaints are submitted directly to the Clerk, the Clerk shall undertake the following procedures:

1. Take all measures to ensure the envelope remains sealed and its contents remain confidential;
2. Assign a file number and record the file number on the envelope;
3. Log the file number together with the date and time received;
4. Forward, forthwith to the Municipal Investigator by regular mail.

Complainants will be notified within thirty (30) days of the receipt of their complaint by the Complaints Investigator.

For all complaints the municipality shall supply forthwith the following or any other information or documentation as requested by the Investigator related to a complaint:

- Certified copy of Notice of Meeting
- Certified copy of Agenda
- Certified copy of Minutes of Meeting
- Relevant Resolutions
- Municipal contact list
- Other relevant information as required





COMPLAINT INTAKE FORM  
MUNICIPAL INVESTIGATION

IN ACCORDANCE WITH  
Section 239 of the Municipal Act 2001 (as amended)

PLEASE FORWARD COMPLETED FORMS TO:

**Rick Emms**  
**Closed Meeting Investigator**  
**60 Fifth Street #107**  
**Kirkland Lake, ON P2N 3P7**

**OR**

**Jo Ann Ducharme, Clerk**  
**Town of Kirkland Lake**  
**3 Kirkland Street**  
**Kirkland Lake, ON P2N 3P4**





**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>PHYSICAL SERVICES</b>	<b>SUBJECT:</b> <b>NEW SIDEWALKS</b>	<b>Pg. 1 of 1</b>
		<b>DATE: September 21, 2000</b>

Sidewalks will be constructed on one side of the road on all streets recommended.

Approved By:

Date:

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>PHYSICAL SERVICES</b>	<b>SUBJECT:</b> <b>NEW WATER/SEWER SERVICE</b>	<b>Pg. 1 of 1</b>
		<b>DATE: October 19, 1982</b>

No new water service will be supplied to any place that does not have an approved sewer system (Ministry of Health or Town of Kirkland Lake).

Approved By:

Date:

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>CORPORATE SERVICES</b>	<b>SUBJECT:</b> <b>PENSIONERS &amp; SPOUSES</b>	<b>Pg. 1 of 1</b>
		<b>DATE: April 4, 1985</b>

The list of Town Pensioners and spouses of former Town employees shall be frozen, effective the 31<sup>st</sup> of December 1984, and there will be no additions to the listing. Annual gifts to each pensioner or spouse is established \$20.00

Approved By: Finance Committee

Date: April 4, 1985

<b>SECTION:</b> <b>PHYSICAL SERVICES</b>	<b>SUBJECT:</b> <b>PRIVATE DRIVEWAY PAVING</b>	<b>Pg. 1 of</b>
		<b>DATE:</b>

The Town will replace any driveway pavement previously placed by the Owner and removed by Town construction projects under the following conditions:

1. Where the paved driveway limit, prior to removal by Town construction projects is 3 feet (900 mm) or less between the driveway pavement limit and adjacent edge of roadway pavement LIMIT, THE town will replace all removed pavement plus the portion within the above mentioned limits at no cost to the owner.
2. When the owner elects not to complete the paving of his driveway and his paved driveway limit, prior to removal by Town construction projects is more than 3 feet (900mm) between the driveway pavement limit and the adjacent property edge of roadway pavement limit, the Town will replace only the actual pavement removed at no cost to the Owner.
3. When the Owner elects to pave his or her driveway, the Town will pave 3 feet (900mm), from the edge of the property roadway pavement limits towards his residence, at no coast to the owner.  
The Owner shall be responsible for payment of the remainder.

The cost for the portion of pavement that the Owner is responsible for will be the total actual cost for placing the pavement according to the contract item prices. The miscellaneous pavement item quantity (square metres) will be field measured in place. The pavement per tonne item quantity will be arrived at by converting the square metres placed using the conversion of 115 pounds per square yard per each inch of thickness. Driveway pavement thickness shall be 1½ inches (38.1 mm).

Driveways paved by the Town shall be restricted to within the Town right-of-way unless pavement was removed by the Town beyond the street property line.

Approved By:

Date:

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION: TREASURY</b>	<b>SUBJECT: PRIVATE FUNDING GIFTS OR OTHER GRATUITOUD ITEMS</b>	<b>Pg. 1 of 1</b>
		<b>DATE:</b>

Normally, private funding and / or gratuitous items shall be included and shown separately in the department head's submission for the annual budget.

The Town Administrator / Engineer and Treasurer shall be advised by the department head of any private funding or gratuitous items that are being solicited by his / her department, that is not included in the department's approved budget.

Approved By:

Date:



**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> PHYSICAL SERVICES	<b>SUBJECT:</b> PROPERTY SALE PRICE	<b>Pg. 1 of</b>
		<b>DATE: January 18, 1994</b>

That the fee structure for the property sale enquiries be increased from \$20.00 to \$35.00

Approved By:

Date:

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b>  <b>PHYSICAL SERVICES</b>	<b>SUBJECT:</b>  <b>PURCHASING OR LEASING INDUSTRIAL LAND</b>	<b>Pg. 1 of 1</b> <hr/> <b>DATE:</b>
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1. Contact the Director of Physical Services for details concerning the purchase or lease of Industrial Lands. The office is located at 1 Dunfield Road, telephone 567-9365 # 228
2. The sum of TWO THOUSAND DOLLARS (\$2,000) per acre per annum for lease.
3. The acreage shall be determined from the plan of survey by an Ontario Land Survey or and shall be the basis upon which the said rental per acre per annum is determined.
4. ONE THOUSAND DOLLARS (\$1,000) per annum per acre shall be forgiven for the first five (5) years of the said lease.
5. After (5) five years the said sum of TWO THOUSAND DOLLARS (\$2,000.00) per acre per annum shall be paid as a rental for the said lands. The agreements may include a rate of increase per year.
6. The Lessee agrees that he or she shall commence construction of the industrial buildings or developments as agreed upon between the parties on the said lands within eighteen (18) months from the first date of the lease herein which said construction shall be completed within thirty (30) months from the date of the execution of the said leasing agreement unless the parties have agreed to extend the time for construction in writing.
7. The Lessee covenants and agrees to pay said payments in twelve (12) equal installments on the first day of each and every month.
8. The Lessee agrees to pay all Municipal taxes, local improvements, water rates, electrical hydro, and gas rates.
9. The Lessee agrees that it will not assign or sublet without leave.
10. The Lessee will not carry on upon the said premises any business excepting those permitted under the Kirkland Lake Zoning by-law as amended.
11. The Lessee will leave the premises in a good state of repair, reasonable wear and tear and damage by fire. Lightning and tempest only excepted.
12. The Lessee (Purchaser) shall have an irrevocable first option to purchase the said property during the term of this lease for the price or sum of TWENTY THOUSAND DOLLARS (\$20, 000.00) per acre.
13. The Lessee shall be entitled to a credit against the purchase price of all rental sums paid for the five (5) years proceeding the date of closing (deducting from sums, any money paid on account of taxes, water, or local improvements.)
14. The Lessee shall transfer to the Corporation of the Town of Kirkland Lake such easements and rights-of-way as may be necessary for the installation of sewer, water, power or gas lines to, from and across his property, and shall permit such rights of egress and access as may be reasonably necessary for the execution and maintenance of such easements. Consideration for the said easements shall be the sum of ONE DOLLAR (\$1.00).
15. Other conditions may be included as determined by the Town from time to time and as may be determined at the time of leasing or purchasing.

Approved By:

Date:

SECTION:	SUBJECT:  PURCHASING AND MATERIAL MANAGEMENT POLICY	Pg. 1 of 22 DATE: December 7, 2004 Bylaw 04-064
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PART I  
INTERPRETATION

DEFINITIONS

1.1. In this policy, unless a contrary intention appears,

**“agreement”** means a formal written legal agreement or contract for the supply of goods, services, equipment or construction;

**“best value”** means the optimal balance of performance and cost determined in accordance with a pre-defined evaluation plan. Best value may include a time horizon that reflects the overall life cycle of a given asset.

**“bid deposit”** means currencies, certified cheques, bond surety issued by a surety company or other form of negotiable instrument to ensure the successful bidder will enter into an agreement;

**“blanket purchase contract”** means any contract for the purchase of goods and services which will be required frequently or repetitively but where the exact quantity of goods and services required may not be precisely known or the time period during which the goods and services are to be delivered may not be precisely determined.

**“certificate of clearance”** from the Workplace Safety and Insurance Board means a certificate issued by an authorized official of the Workplace Safety and Insurance Board certifying that the Board waives its rights under subsection 9(3) of the Workers’ Compensation Act, R.S.O. 1990, Chapter W.11;

**“contract”** means any formal or deliberate written agreement for the purchase of goods, services, equipment or construction;

**“contract record”** is a document which outlines the terms and conditions of the agreement;

**“declaration respecting Workers’ Compensation Act, R.S.O. 1990/Corporation Tax Act”** means a declaration that the bidder has paid all assessments or compensation payable and has otherwise complied with all requirements of the Workplace Safety and Insurance Board and that the bidder has paid all taxes and/or penalties imposed on it pursuant to the Corporation Tax Act, R.S.O. 1990;

**“Director”** – means a person appointed to manage the Department of Corporate Services, Community Services, Emergency Services, and Physical Services or authorized designate.

**“employee – employer relationship”** refers to the definition utilized by the Canada Customs and Revenue Agency.

**“executed agreement”** means a form of agreement, either incorporated in the bid documents or prepared by the Town or its agents, to be executed by the successful bidder and the Town.

**“goods and services”** includes supplies, materials and equipment of every kind required to be used to carry out the operations of a department.

**“insurance documents”** means certified documents issued by an insurance company licensed to operate by the Government of Canada or the Province of Ontario certifying that the bidder is insured in accordance with the Town’s insurance requirements as contained in the bid documents;

**“irregular result”** means that in any procurement process where competitive bids or proposals are submitted and any of the following has occurred or is likely to occur:

- i. The lowest responsive bid or proposal exceeds the estimated cost or budget allocation;
- ii. For any reason the award of the contract to or the purchase from the lowest responsive bidder or proponent is procedurally inappropriate or not in the best interests of the Corporation;
- iii. The specifications of a tender call or request for proposal cannot be met by two or more suppliers;
- iv. A negotiated result in accordance with section 4.2(2) of this policy; or
- v. Concurrence cannot be achieved between the Director and Chief Administrative Officer regarding the award of contract.

**“irregularities contained in bids”** is defined in Appendix “A” and includes the appropriate response to those irregularities;

**“irrevocable letter of credit”** means an irrevocable letter on the financial institution’s standard form containing a request that the party to whom it is addressed pay the bearer or a person named therein money as a result of failure to perform or fulfill all the covenants, undertakings, terms, conditions and agreements contained in a contract;

**“labour and material bond”** means a bond issued by a surety company on the Town of Kirkland Lake standard Form of Bond to ensure that the contractor will pay his or her suppliers and thereby protects the Corporation against items which might be granted to supplier should the contractor not make proper payments;

**“letter of agreement to bond”** means a letter or other form issued by a bonding agency licensed to operate by the Government of Canada or the Province of Ontario advising that, if the bidder is successful the bonding agency will issue the required bonds;

**“performance bond”** means a bond issued by a surety company on the Town of Kirkland Lake standard Form of Bond executed in connection with a contract and which secures the performance and fulfillment of the undertakings, covenants, terms, conditions and agreements contained in the contracts;

**“professional service supplier”** means a supplier of services requiring professional skills for a defined service requirement including,

- i. Architects, engineers, designers, management and financial consultants; and
- ii. Firms or individuals having specialized competence in environmental, planning or other disciplines.

**“purchase order”** means the purchasing document used to formalize a purchasing transaction with a vendor;

**“purchase requisition”** means a written or electronically produced request in an approved format and duly authorized to obtain goods or services;

**“quotation”** means a request for prices on specific goods and/or services from selected vendors which are submitted verbally, in writing or transmitted by facsimile as specified in the Request for Quotation;

**“request for expression of interest”** is a focused market research tool used to determine vendor interest in a proposed procurement. It may be issued simultaneously with a Request for Qualifications when the proposed procurement is well defined and the purchaser has clear expectations for the procurement.

**“request for information”** is used prior to issuing a tender call as a general market research tool to determine what products and services are available, scope out business requirements, and/or estimate project costs;

**“request for proposal”** means a process where a need is identified, but the method by which it will be achieved is unknown at the outset. This process allows vendors to propose solutions or methods to arrive at the desired result;

**“sealed bid”** means a formal sealed response received as a part of a quotation, tender or proposal;

**“supplier”** means any individual or organization providing goods or services to the Town of Kirkland Lake including but not limited to contractors, consultants, vendors, service organizations etc.

**“Tender”** means a sealed bid which contains an offer in writing to execute some specified services, or to supply certain specified goods, at a certain price, in response to a publicly advertised request for bids;

**“Triggering event”** means an occurrence resulting from an unforeseen action or consequence of an unforeseen event, which must be remedied on a time sensitive basis to avoid a material financial risk to the Town or serious or prolonged risk to persons or property;

**“Value Analysis”** typically refers to a life cycle costing approach to valuing a given alternative, which calculates the long-term expected impacts of implementing the particular option;

## PART II GENERAL PROCUREMENT POLICY

### APPLICATION

2.1 The procedures prescribed in this Policy shall be followed to make a contract award or to make a recommendation of a contract award to Town Council.

### PROCUREMENT DOCUMENTATION

- 2.2 (1) In order to maintain consistency, the Chief Administrative Officer shall provide guidelines to Directors on procurement policies and procedures and on the structure, format and general content of procurement documentation.
- (2) Procurement documentation shall avoid use of specific products or brand names.
- (3) Notwithstanding Subsection 2.2 (3), a Director may specify a specific product, brand name or approved equal for essential functionality purposes to avoid unacceptable risk or for some other valid purpose. In such instances, the Chief Administrative Officer and Director shall manage the procurement to achieve a competitive situation if possible.
- (4) The use of standards in procurement documentation that have been certified, evaluated, qualified, registered or verified by independent nationally recognized and industry-supported organizations such as the Standards Council of Canada shall be preferred.
- (5) Directors shall give consideration to the need for value analysis comparisons of options or choices.
- (6) Ensure that adequate value analysis comparisons are conducted to provide assurance that the specification will provide best value.
- (7) The Director shall issue tender documents for goods and services and shall give notice of the purchasing procurement documents electronically via the Internet as well as any other means as appropriate.

## PART III GENERAL PROCUREMENT PROCEDURES

### REQUEST FOR QUOTATION

- 3.1 Request for Quotation procedures used unless otherwise determined by the Chief Administrative Officer:
- i. the item is greater than \$25,000 but not greater than \$100,000;
  - ii. the requirement can be fully defined; and,
  - iii. best value for the Town can be achieved by an award selection made on the basis of the lowest bid that meets specifications.

INFORMAL QUOTATION (GREATER THAN \$25,000 BUT NOT GREATER THAN \$50,000)

- 3.2 These guidelines are provided to assist the Directors should he/she choose to exercise authority in the purchase goods or services between \$25,000 and \$50,000. Guidelines are organized by objective as follows:

OBJECTIVE 1: Competitive Process

A competitive process is undertaken whereby a minimum of 3 bids is obtained, and the lowest compliant bid is awarded the contract. Care must be taken as to how bids are sought, bidders lists are maintained and how competition is encouraged. Although a minimum of 3 bids is required, an open process without a minimum number of bids will be more competitive, and is encouraged.

OBJECTIVE 2: Open process

Departmental needs are communicated to bidders, who are able to bid on goods or services they are qualified to provide. There should be no limitation of bids to an established listing.

OBJECTIVE 3: Transparent process

The process is undertaken based on clear definition of the product or service requirement, and a clear outline of the review and criteria to be undertaken. The decision to choose the low bidder will be based solely on the requirements as documented, the bidder document, and the application of the review criteria. The same decision should be arrived at each time given the same set of facts, which will facilitate the dispute resolution process.

OBJECTIVE 4: Fair process

The process will be fair, such that no action is undertaken by Town staff to allow any given bidder an unfair advantage. This does not however, require Town action to ensure that existing conditions are changed to ensure that any conversion costs from an incumbent to another supplier are ignored in an evaluation – it is in the best interest of the Town to ensure that such “leveling of the playing field” is not required.

OBJECTIVE 5: Insurance and Risk Management

The Town’s standard Insurance form must be completed and forwarded to Insurance Risk for review and input into the Insurance Program. WSIB certificates of clearance must be submitted to Accounts Payable at the commencement of the project and periodically as the work is completed. The Town’s standard Performance and Labour and Material Bonds are to be maintained and updated throughout the contract and released upon completion.

OBJECTIVE 6: Authorization for Capital Works

Purchase Orders must be completed, ensuring that the general ledger account has sufficient funds to pay for the contract.

OBJECTIVE 7: Standardization

In order to assist in cross-training, enable multiple bidders to understand the process requirements, and ensure that legal and insurance risks are controlled, standard formats should be followed for Requests for Quotation.

FORMAL QUOTATION (UP TO \$100,000)

- 3.3 (1) The Department shall be responsible to review the quote submission and verify that all specifications of the quote are met.
- (2) The Director shall forward to the Chief Administrative Officer a summary of the bids and recommend the award of contract to the lowest responsive quote subject to review by the Director or designate regarding specifications and contractor performance.
- (3) The Town reserves the right to accept or reject any submission.

REQUEST FOR TENDER

- 3.4 (1) Request for Tender procedures shall be used where:
  - i. the item is greater than \$75,000;
  - ii. the requirement can be fully defined; and,
  - iii. best value for the Town can be achieved by an award selection made on the basis of the lowest bid that meets specifications.
- (2) The Director or designate shall provide to the Town Clerk a purchase request in writing containing the relevant specifications, budget authorization, approval authority and terms and conditions for the purchase of goods, services or construction.
- (3) The Clerk shall be responsible for arranging for the public opening of tender bids at the time and date specified by the tender call. There shall be in attendance at that time,
  - i. The Director or designate and
  - ii. At least one other representative from the Department
  - iii. Town Clerk or Chief Administrative Officer or designate
- (4) Director shall forward to the Chief Administrative Officer a summary of the bids and recommend the award of contract to the lowest responsive bidder, subject to review by the Director or designate regarding specifications and contractor performance.
- (5) With respect to all reports initiated for tenders, there shall be a report on the sources of financing, allocation of revenues, and other financial commentary as considered appropriate.



- (6) The Town reserves the right to accept or reject any submission.

## REQUEST FOR PROPOSAL

- 3.5 (1) The Request for Proposal procedure shall be used where:
  - i. the requirement is best described in a general performance specification;
  - ii. innovative solutions are sought; and,
  - iii. to achieve best value, the award selection will be made on an evaluated point per item or other method involving a combination of mandatory and desirable requirements.
- (2) The Request for Proposal method of purchase is a competitive method of purchase that may or may not include Vendor pre-qualification.
- (3) A Request for Information or Request for Expression of Interest may be issued in advance of a proposal to assist in the development of a more definitive set of terms and conditions, scope of work/service and the selection of qualified Vendors.
- (4) Where the requirement is not straightforward or an excessive workload would be required to evaluate proposals, either due to their complexity, length, number or any combination thereof, a procedure may be used that would include a pre-qualification phase.
- (5) A list of evaluation criteria for assistance in formulating an evaluation scheme using a Request for Proposal. This may include factors such as qualifications and experience, strategy, approach, methodology, scheduling and past performance, facilities, equipment, and pricing.
- (6) Directors shall identify appropriate criteria from the list for use in a Request for Proposal but are not limited to criteria from the list. Cost will always be included as a factor, as best value includes both quality and cost.
- (7) The Director shall provide Chief Administrative Officer a purchase request in writing containing the budget authorization, approval authority, terms of reference and evaluation criteria to be applied in assessing the proposals submitted.
- (8) A Selection Committee shall review all proposals against the established criteria, reach consensus on the final rating results, and ensure that the final rating results, with supporting documents, are kept in the procurement file.
- (9) The Director shall forward to the Chief Administrative Officer an evaluation summary of the procurement, as well as the Committee's recommendation for award of contract to the supplier meeting all mandatory requirements and providing best value as stipulated in the Request for Proposal. Where the lowest bid is not accepted, the Chief Administrative Officer is responsible for documenting the determination of best value, in a confidential report to Council prior to award of contract.

- (10) With respect to all reports initiated for Request for Proposals, a report on the sources of financing, allocation of revenues, and other financial commentary as considered appropriate, shall be prepared.
- (11) Reporting will not include summaries of bids as this information will remain confidential. Any disclosure of information shall be made by the appropriate officer in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990.
- (12) Unsuccessful proponents may, upon their request, attend a debriefing session with the Director to review their bid submission. Discussions relating to any bid submissions other than that of the proponent present will be strictly prohibited.
- (13) The Town reserves the right to accept or reject any submission.

## BLANKET CONTRACT PURCHASES

- 3.6 (1) A Request for a Blanket Contract may be used where:
- i. one or more clients repetitively order the same goods or services and the actual demand is not known in advance, or
  - ii. a need is anticipated for a range of goods and services for a specific purpose, but the actual demand is not known at the outset, and delivery is to be made when a requirement arises.
- (2) To establish prices and select sources, Chief Administrative Officer shall employ the provisions contained in this Policy for the acquisition of goods, services and construction.
  - (3) More than one supplier may be selected where it is in the best interests of the Town and the bid solicitation allows for more than one.
  - (4) Where purchasing action is initiated by a department for frequently used goods or services, it is to be made with the supplier or suppliers listed in the Blanket Contract.
  - (5) In a Request for Blanket Contract, the expected quantity of the specified goods or services to be purchased over the time period of the agreement will be as accurate an estimate as practical and be based, to the extent possible, on previous usage adjusted for any known factors that may change usage.

## NON-COMPETITIVE PURCHASES

- 3.7 (1) The requirement for competitive bid solicitation for goods, services and construction may be waived under joint authority of the appropriate Director and Chief Administrative Officer and replaced with negotiations by the Director under the following circumstances:

- i. where competition is precluded due to the application of any Act or legislation or because of the existence of patent rights, copyrights, technical secrets or controls of raw material;
- ii. where due to abnormal market condition, the goods, services or construction required are in short supply;
- iii. where only one source of supply would be acceptable and cost effective;
- iv. where there is an absence of competition for technical or other reasons and the goods, services or construction can only be supplied by a particular supplier and no alternative exists;
- v. where the nature of the requirement is such that it would not be in the public interest to solicit competitive bids as in the case of security or confidentiality matters;
- vi. where in the event of an “*Emergency*” as defined by this Policy, a requirement exists;
- vii. where the requirement is for a utility for which there exists a monopoly.

- (2) When a Director intends to select a supplier to provide goods, services or construction pursuant to subsection 3.7(1), a written report indicating the compelling rationale that warrants a non-competitive selection will be submitted by the Department to Town Council for approval prior to the selection.

## PROCUREMENT IN EMERGENCIES

### 3.8 (1) In subsection 3.7 (1)(vi) “*Emergency*” includes

- i. an imminent or actual danger to the life, health or safety of an official or an employee while acting on the Town’s behalf;
- ii. an imminent or actual danger of injury to or destruction of real or personal property belonging to the Town;
- iii. an unexpected interruption of an essential public service;
- iv. an emergency as defined by the Emergency Plans Act, R.S.O. 1990, Chapter E.9 and the emergency plan formulated thereunder by the Town;
- v. a spill of a pollutant as contemplated by Part X of the Environmental Protection Act, R.S.O. 1990, Chapter E.19 and,
- vi. mandate of a non-compliance order.

- (2) Where, in the opinion of the Chief Administrative Officer or two Directors, an emergency has occurred,
  - i. On receipt of a requisition authorized by a Director and Chief Administrative Officer (or two Directors) may initiate a purchase order in excess of the preauthorized expenditure limit; and
  - ii. any purchase order issued under such conditions together with a source of financing shall be justified and reported to the next meeting of the Town Council following the date of the requisition.

## DIRECT NEGOTIATION

3.9 Unless otherwise provided in accordance with the Purchasing By-law and this policy, goods and services may be purchased using the Direct Negotiation method only if one or more of the following conditions apply:

- i. the required goods and services are reasonably available from only one source by reason of the scarcity of supply in the market or the existence of exclusive rights held by any supplier or the need for compatibility with goods and services previously acquired and there are no reasonable alternatives or substitutes.
- ii. The required goods and services will be additional to similar goods and services being supplied under an existing contract (i.e. contract extension or renewal);
- iii. An attempt to purchase the required goods and services has been made in good faith using a method other than Direct Negotiation under Section 3.1 through 3.5 of this policy which has failed to identify a successful supplier and it is not reasonable or desirable that a further attempt to purchase the goods and services be made using a method other than Direct Negotiation.
- iv. The goods and services are required as a result of an emergency, which would not reasonably permit the use of a method other than Direct Negotiation.
- v. The required goods and services are to be supplied by a particular vendor or supplier having special knowledge, skills, expertise or experience.

#### PURCHASE OF USED FLEET EQUIPMENT

3.10 (1) The Director of Physical Services is authorized to purchase used fleet equipment that is sold by other municipalities by private sale or public auction; sold through a vendor licensed to sell used equipment; by sealed bid; or by negotiation providing that:

- a. The equipment meets or exceeds the departmental equipment requirements.
- b. It is documented that it is fiscally responsible to purchase a used piece of equipment rather than purchase new.
- c. If the total expenditure per piece of equipment exceeds \$35,000.00 a report will be forwarded to Council detailing purchase information and expenses.

(2) The Director of Physical Services is exempt from the Town's formal quotation/tender/RFP process when purchasing used fleet equipment.

#### CONSTRUCTION TENDER CALL BEFORE AND AFTER APPROVALS RECEIVED

3.11(1) Following the adoption of the capital budget by Town Council and the receipt of the necessary approvals from the Ontario Municipal Board, the Director is authorized to call tenders for municipal construction projects and the acquisition of equipment.

- (2) Notwithstanding section 3.10 (1) the Director may call tenders for municipal construction projects and the acquisition of equipment prior to the adoption of the capital budget by Town Council and before the receipt of the necessary approvals from the Ontario Municipal Board provided the call and award of such tenders are specifically subject to receipt of such approvals.

#### CONDITIONAL BID BEFORE CAPITAL BUDGET ADOPTION

- 3.12 (1) The Clerk is authorized to obtain, prior to the adoption of the capital budget by Town Council, sealed bids for additional and replacement equipment, provided that the documents include a clause specifically stating that the acceptance of a bid and placing of the order is subject to budget approval by Town Council and the items specified are subject to change in quantity and/or deletion.

#### NOTIFICATION OF PROCUREMENT OPPORTUNITIES

- 3.13 (1) Where it is expected that the value of the purchase of service will exceed \$5,000.00, and where the number of suppliers of the service is unknown, or where it is determined that it is in the best interests of the municipality, notification of the requirement of service shall be given by advertising in the local newspaper. And where it is in the best interest of the municipality to give notification outside of the local newspaper area of coverage, then the director shall give consideration to the extent of the advertisement that is in the best interest of the town. Where appropriate, electronic means of communication can be used.
- (2) Notwithstanding Schedule 'A' of the bylaw, or the above, the Chief Administrative Officer may at any time direct the method of notification to be used to acquire services.

#### PART IV BID AND CONTRACT ADMINISTRATION

##### SUBMISSION OF BIDS

- 4.1 (1) Bids shall be accepted in paper form by the Clerk at the time and date specified by the tender call.
- (2) The closing time for receiving tender bids shall be 2:00 p.m.
- (3) The opening of bids shall commence at 2:05 p.m. unless the Director acting reasonably postpones the start to some later hour, but the opening shall continue, once started, until the last bid is opened.
- (4) Tender bids received by the Clerk later than the specified closing time shall be returned unopened to the bidder.

- (5) A bidder who has already submitted a tender bid may submit a further tender bid at any time up to the official closing time and date specified by the tender call. The last tender bid received shall supersede and invalidate all bids previously submitted by that bidder.
- (6) A bidder may withdraw his or her tender bid at any time up to official closing time by letter bearing his or her signature as in his or her bid submitted to the Clerk.
- (7) A tender requiring an appropriate bid deposit shall be void if such security is not received in the manner specified in section 4.4 and if no other bid is valid, the Director and Chief Administrative Officer shall direct what action is to be taken with respect to the recalling of tenders.
- (8) All bidders may be requested to supply a list of all subcontractors to be employed on a project. Any changes to the list of subcontractors or addition thereto must be approved by the Director responsible for the project.

#### NO ACCEPTABLE BID OR EQUAL BIDS RECEIVED

- 4.2 (1) Where bids are received in response to a bid solicitation but exceed budget, are not responsive to the requirement, or do not represent fair market value, a revised solicitation shall be issued in an effort to obtain an acceptable bid unless Subsection 4.2 (2) applies.
- (2) The Chief Administrative Officer and the Director jointly may waive the need for a revised bid solicitation and enter into negotiations with the lowest responsive bidder, or the highest responsive bidder for a revenue-driven bid selection emanating from a bid solicitation, under the following circumstances:
- i. the total cost of the lowest responsive bid is in excess of the funds appropriated by Town Council for the project or the highest responsive bid revenue is less than that made in appropriate accounts in Town Council approved divisional estimates, and
  - ii. the Chief Administrative Officer and Director agree that the changes required to achieve an acceptable bid will not change the general nature of the requirement described in the bid solicitation.
- (3) The method of negotiation shall be those accepted as standard negotiating procedures that employ ethical public procurement practices.
- (4) In the case of building construction contracts, where the total cost of the lowest responsive bid is in excess of the appropriation made by Town Council, negotiations shall be made in accordance with the guidelines established by the Canadian Construction Documents Committee.
- (5) The Town of Kirkland Lake has the right to cease negotiations and reject any offer.

- (6) If two equal bids are received, the Director will offer an opportunity for bidders to re-bid. Should a tie persist the following factors will be considered:
- i. prompt payment discount,
  - ii. when delivery is an important factor, the bidder offering the best delivery date be given preference,
  - iii. a bidder in a position to offer better after sales service, with a good record in this regard shall be given preference,
  - iv. a bidder with an overall satisfactory performance record shall be given preference over a bidder known to have an unsatisfactory performance record or no previous experience with the Town,
  - v. if (i) through (iv) do not break the tie equal bidders shall draw straws.

#### ONLY ONE BID RECEIVED

- 4.3 (1) In the event only one bid is received in response to a request for tender, the Director may return the unopened bid to the bidder when, in the opinion of the Chief Administrative Officer and the Director, using criteria, based on the number of bids which might reasonably be expected on a given type of bid, additional bids could be secured. In returning the unopened bid the Director shall inform the bidder that the Town may be recalling the tender at a later date.
- (2) In the event that only one bid is received in response to a request for tender, the bid may be opened and evaluated in accordance with the Town's usual procedures when, in the opinion of the Chief Administrative Officer and Director, the bid should be considered by the Town. If, after evaluation by the Chief Administrative Officer and the Director, the bid is found not to be acceptable, they may follow the procedures set out in Subsection 4.2 (1) to (4).
- (3) In the event that the bid received is found acceptable, it will be awarded as an Irregular result under Schedule "A" of the Purchasing By-law.

#### GUARANTEES OF CONTRACT EXECUTION AND PERFORMANCE

- 4.4 (1) The Chief Administrative Officer and Director may require that a bid be accompanied by a Bid Deposit to guarantee entry into a contract.
- (2) In addition to the security referred to in Subsection 4.4 (1), the successful supplier may be required to provide,
- i. a Performance Bond to guarantee the faithful performance of the contract,
  - ii. a Labour & Material Bond to guarantee the payment for labour and materials to be supplied in connection with the contract and,
  - iii. an irrevocable letter of credit.

- (3) The Chief Administrative Officer and Director shall select the appropriate means to guarantee execution and performance of the contract. Means may include one or more of, but are not limited to, financial bonds or other forms of security deposits, provisions for liquidated damages, progress payments, and holdbacks.
- (4) In all circumstances with respect to tenders the Director after consultation with the Town Treasurer and the Chief Administrative Officer is authorized to determine whether or not a letter of agreement to bond is to be submitted with the bids.
- (5) A bid deposit shall be required to accompany and be included in the envelope containing the bid documents in the following circumstances:
  - i. all bids for municipal construction projects;
  - ii. special maintenance contracts, except for those contracts, whose price in the opinion of the Director is disproportionate to the cost to the contractor of obtaining a bid deposit;
- (6) When a bid deposit is required as part of 4.4 (5) the Chief Administrative Officer in conjunction with the Director shall determine the amount of the bid deposit which may be 10 per cent of the estimated value of the work prior to bidding or an amount equal to 10 per cent of the bid submitted.
- (7) Prior to commencement of work and where deemed appropriate, evidence of Insurance Coverage satisfactory to the Director, Insurance Risk must be obtained, ensuring indemnification of the Town of Kirkland Lake from any and all claims, demands, losses, costs or damages resulting from the performance of a supplier's obligations under the contract.
- (8) Prior to payment to a supplier, a Certificate of Clearance from the Workplace Safety and Insurance Board shall be obtained ensuring all premiums or levies have been paid to the Board to-date.
- (9) The Chief Administrative Officer and Director shall ensure that the guarantee methods selected will:
  - i. not be excessive but sufficient to cover financial risks to the Town,
  - ii. provide flexibility in applying leverage on a supplier so that the penalty is proportional to the deficiencies, and
  - iii. comply with provincial statutes and regulations.
- (10) All bidders shall include in the tender/sealed bid envelope the following:
  - i. the tender/bid form issued by the Town or its agents; and
  - ii. the statutory declaration, if applicable.
- (11) When a performance bond or labour and material bond is required, the amount of the bond shall be 50 per cent of the amount of the tender bid, unless the Chief Administrative Officer recommends and the Town Council approves a higher level of bonding.



- (12) If the risk to the Town is not adequately limited by the progress payment provisions of the contract, a minimum payment holdback of 10 per cent shall be mandatory on all construction contracts.
- (13) The responsible manager may release the holdback funds on construction contracts upon:
- i. the contractor submitting a statutory declaration that all accounts have been paid and that all documents have been received for all damage claims,
  - ii. receipt of clearance from the Workplace Safety and Insurance Board for any arrears of Workplace Safety and Insurance Board assessment,
  - iii. all the requirements of the Construction Lien Act, R.S.O. 1990, being satisfied,
  - iv. receipt of certification from the Town Solicitor, where applicable, that liens have not been registered, and
  - v. substantial performance
- (14) The conditions for release of holdback funds provided in Subsection 4.4 (13) apply to other goods or services contracts with necessary modifications.
- (15) The Clerk is authorized to cash and deposit any bid deposit cheques in the Town's possession which are forfeited as a result of non-compliance with the terms, conditions and/or specifications of a sealed bid.

#### REQUIREMENT AT TIME OF EXECUTION

- 4.5 (1) The successful bidder, if requested in the tender document shall submit the following documentation in a form satisfactory to the Town within ten working days after being notified in writing to do so by the Town:
- i. executed performance bonds and labour and material bonds;
  - ii. executed agreement;
  - iii. insurance documents in compliance with the tender documents;
  - iv. declarations respecting the Workplace Safety and Insurance Board;
  - v. certificate of clearance from the Workplace Safety and Insurance Board; and
  - vi. any other documentation requested to facilitate the execution of the contract.

#### CONTRACTUAL AGREEMENT

- 4.6 (1) The award of contract may be made by way of a formal agreement, Contract Record or Purchase Order.

- (2) A Purchase Order or Contract Record is to be used when the resulting contract is straightforward and will contain the Town's standard terms and conditions.
- (3) Formal agreement is to be used when the resulting contract is complex and will contain terms and conditions other than the Town's standard terms and conditions.
- (4) It shall be the responsibility of the Chief Administrative Officer and Director and/or the Town Solicitor to determine if it is in the best interest of the Town to establish a formal agreement with the supplier.
- (5) Where it is determined that Subsection 4.6 (4) is to apply, the formal agreement shall be reviewed and approved for execution by the Town Solicitor.
- (6) Where a formal agreement is required, as a result of the award of a contract by delegated authority, the Mayor and Clerk shall execute the agreement in the name of the Town of Kirkland Lake .
- (7) Where a formal agreement is issued, Director may issue a Purchase Order or Contract Record incorporating the formal agreement.
- (8) Where a formal agreement is not required, Director shall issue a Purchase Order or Contract Record incorporating the terms and conditions relevant to the award of contract.

#### EXERCISE OF CONTRACT RENEWAL OPTIONS

- 4.7 (1) Where a contract contains an option for renewal, the Chief Administrative Officer may authorize the Director to exercise such option provided that all of the following apply:
- i. the supplier's performance in supplying the goods, services or construction is considered to have met the requirements of the contract,
  - ii. the Chief Administrative Officer and Director agree that the exercise of the option is in the best interest of the Town,
  - iii. funds are available in appropriate accounts within Town Council approved budget including authorized revisions to meet the proposed expenditure.
  - iv. a valid business case has been completed.
- (2) The business case shall be authorized by the Chief Administrative Officer and shall include a written explanation as to why the renewal is in the best interest of the Town and include comment on the market situation and trend.

#### CONTRACT AMENDMENTS AND REVISIONS

- 4.8 (1) No amendment or revision to a contract shall be made unless the amendment is in the best interest of the Town.

- (2) No amendment that changes the price of a contract shall be agreed to without a corresponding change in requirement or scope of work.
- (3) Amendments to contracts are subject to the identification and availability of sufficient funds in appropriate accounts within Town Council approved budget including authorized revisions.
- (4) The Chief Administrative Officer may authorize amendments to contracts provided that the total amended value of the contract is within the approval authority as noted in Schedule "A".
- (5) Where expenditures for the proposed amendment combined with the price of the original contract exceeds Town Council approved budget for the project, a report prepared by the Chief Administrative Officer shall be submitted to the Town Council recommending the amendment, and proposing the source of financing.

#### EXECUTION AND CUSTODY OF DOCUMENTS

- 4.9 (1) The Directors and Chief Administrative Officer shall have the authority to execute Purchase Orders and/or Contract Records issued in accordance with these provisions.
- (2) The Clerk shall be responsible for the safeguarding of original purchasing and contract documentation for the contracting of goods, services or construction for which the award is made by delegated authority.

#### CO-OPERATIVE PURCHASING

- 4.10 (1) The Town shall participate with other government agencies or public authorities in Co-operative Purchasing where it is in the best interests of the Town to do so.
- (2) The decision to participate in Co-operative Purchasing agreements will be made by the Chief Administrative Officer.
- (3) The policies of the government agencies or public authorities calling the co-operative tender are to be the accepted policy for that particular tender.
- (4) Departments shall participate with each other in cooperative purchasing where it is in the best interest of the town to do so.

#### EXCLUSION OF BIDDERS IN LITIGATION

- 4.11 (1) The Town may, in its absolute discretion, reject a Tender or Proposal submitted by the bidder if the bidder, or any officer or director of the bidder is or has been engaged, either directly or indirectly through another corporation, in a legal action against the Town, its elected or appointed officers and employees in relation to:

- i. Any other contract or services; or

- ii. Any matter arising from the Town's exercise of its powers, duties, or functions.
- (2) In determining whether or not to reject a quotation, tender or proposal under this clause, the Town will consider whether the litigation is likely to affect the bidder's ability to work with the Town, its consultants and representatives, and whether the Town's experience with the bidder indicates that the Town is likely to incur increased staff and legal costs in the administration of the contract if it is awarded to the bidder.

#### EXCLUSION OF BIDDERS DUE TO POOR PERFORMANCE

- 4.12 (1) The Director shall document evidence where the performance of a supplier has been unsatisfactory in terms of failure to meet contract specifications, terms and conditions or for Health and Safety violations
- (2) The Director may, in consultation with the Town Solicitor, prohibit an unsatisfactory supplier from bidding on future Contracts for a period of up to three years.

#### RECEIPT OF GOODS

- 4.13(1) The Director shall,
- i. arrange for the prompt inspection of goods on receipt to confirm conformance with the terms of the contract, and
  - ii. inform the Chief Administrative Officer of discrepancies immediately.
- (2) The Chief Administrative Officer shall coordinate an appropriate course of action with the Director for any non-performance or discrepancies.

#### REPORTING TO TOWN COUNCIL

- 4.14 (1) The Director shall submit to Town Council an information report quarterly containing the details relevant to the exercise of delegated authority for all contracts awarded that exceed \$25,000 including amendments and renewals. The Director shall certify in the report that the awards are in compliance with the Purchasing By-law.
- (2) Where a supplier has invoiced the Town a cumulative total value of \$75,000 or more in a calendar year, total payments relative to the supplier shall be included in an annual information report to Town Council.

#### ACCESS TO INFORMATION

- 4.15 (1) The disclosure of information received relevant to the issue of bid solicitations or the award of contracts emanating from bid solicitations shall be made by the appropriate officers in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended.

- (2) All records and information pertaining to tenders, proposals and other sealed bids, which reveal a trade secret or scientific, technical, commercial, financial or other labour relations information, supplied in confidence implicitly or explicitly, shall remain confidential if the disclosure could reasonably be expected to:
- i. prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organizations;
  - ii. result in similar information no longer being supplied to the Town where it is in the public interest that similar information continue to be so supplied;
  - iii. result in undue loss or gain to any person, group, committee or financial institution or agency; or
  - iv. result in information whose disclosure could reasonably be expected to be injurious to the financial interests of the Town.

## PART V GENERAL

### ENVIRONMENTAL CONSIDERATIONS

- 5.1 In order to contribute to waste reduction and to increase the development and awareness of environmentally sound purchasing, acquisitions of goods and services will ensure that, wherever possible, specifications are amended to provide for expanded use of durable products, reusable products and products (including those used in services) that contain the maximum level of post-consumer waste and/or recyclable content, without significantly affecting the intended use of the product or service. It is recognized that cost analysis is required in order to ensure that the products are made available at competitive prices.

### DIRECT SOLICITATION OF DEPARTMENTS

- 5.2 (1) Unsolicited Proposals received by the Town shall be reviewed by the Director.
- (2) Any procurement activity resulting from the receipt of an Unsolicited Proposal shall comply with the provisions of the By-law.
- (3) A contract resulting from an Unsolicited Proposal shall be awarded on a non-competitive basis only when the procurement complies with the requirements of a non-competitive procurement.

### ETHICS IN PURCHASING

- 5.3 (1) The code of purchasing ethics established by the National Institute of Governmental Purchasing and the Purchasing Management Association of Canada shall apply to all staff involved in the procurement process.

## RESOLUTION OF QUESTIONS OF POLICY

- 5.4 Any question involving the meaning or application of this policy is to be submitted to the Chief Administrative Officer who will resolve the question.

## AMENDMENT OR RESCINDING OF POLICY

- 5.5 This policy or any provision of it may be rescinded, remade or amended by the Chief Administrative Officer from time to time at his/her discretion.

## PART VI

### DISPOSAL OF SURPLUS OR SCRAP MATERIALS AND EQUIPMENT

#### ITEMS CONSIDERED OBSOLETE OR SURPLUS BY DEPARTMENTS

- 6.1 (1) All departments shall notify the Chief Administrative Officer when items become obsolete or surplus to their requirements.
- (2) The Director shall be responsible for ascertaining if the items can be of use to another department rather than disposed of.
- (3) Items that are not claimed for use by another department may be offered for sealed bids, public auction or other public sale, depending in the opinion of the Director on which method is most suitable for the equipment or material involved.
- (4) A major auction shall be held annually or as required dependant upon individual circumstances such as delivery of replacement items and storage capacity.
- (5) The revenue from the sale of obsolete material shall be credited to the appropriate account.

#### DISPOSAL OF SCRAP MATERIAL

- 6.1 (1) Where scrap material is available for disposal, the relevant Department Head shall be responsible for the disposal of all scrap material belonging to the Town.
- (2) The Director, after determining the value and possible alternate uses of the scrap material, may dispose of the material by:
- i. general advertising to secure sealed bids;
  - ii. direct contact with the appropriate dealers to view the scrap and submit offers to purchase;
  - iii. public auction; or
  - iv. other methods as deemed appropriate.
- (3) the revenue from the sale of scrap material shall be credited to the appropriate account.

## Appendix A

### IRREGULARITIES CONTAINED IN BIDS

IRREGULARITY	RESPONSE
1. Late Bids	Automatic rejection, not read publicly and returned unopened to the bidder.
2. Unsealed Envelopes	Automatic rejection
3. Insufficient Financial Security (No bid deposit or insufficient bid deposit)	Automatic rejection
4. Failure to insert the name of the bonding company in the space provided for in the Form of Tender.	Automatic rejection
5. Failure to provide a letter of agreement to bond where required.	Automatic rejection
6. Incomplete, illegible or obscure bids or bids which contain additions not called for, erasures, alterations, errors or irregularities of any kind.	May be rejected as informal
7. Documents, in which all necessary Agenda have not been acknowledged.	Automatic rejection
8. Failure to attend <b>mandatory</b> site visit.	Automatic rejection
9. Bids received on documents other than those provided by the Town of Kirkland Lake.	Automatic rejection
10. Failure to insert the Tenderer's business name in one of the two spaces provided in the Form of Tender.	Automatic rejection
11. Failure to include signature of the person authorized to bind the Tenderer in the space provided in the Form of Tender.	Automatic rejection
Conditions placed by the Tenderer on the Total Contract Price.	Automatic rejection
12. Bids Containing Minor Mathematical Errors	a) If the amount tendered for a unit price item does not agree with the extension of the estimated quantity and the tendered unit price, or if the extension has not been made, the unit price shall govern and the total price shall be corrected accordingly b) If both the unit price and the total price are left blank, then both shall be considered as zero. c) If the unit price is left blank but a total price is shown for the item, the unit price shall be established by dividing the total price by the estimated quantity.

IRREGULARITY	RESPONSE
	<ul style="list-style-type: none"> <li>d) If the total price is left blank for a lump sum item, it shall be considered as zero.</li> <li>e) If the Tender contains an error in addition and/or subtraction and/or transcription <u>in the approved tender documentation format requested (i.e. not the additional supporting documentation supplied)</u>, the error shall be corrected and the corrected total contract price shall govern.</li> <li>f) Tenders containing prices which appear to be so unbalanced as to likely affect the interests of the Town adversely may be rejected.</li> </ul>



**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION: ADMINISTRATION</b>	<b>SUBJECT: COUNCIL MEETINGS RECURRING ITEMS</b>	<b>Pg. 1 of 1</b>
		<b>DATE: September 17, 1985</b>

“That an issue or item that has formally been presented to Council and has been resolved and adopted by Council, shall not be placed on any forthcoming agenda of Council for a period of not less than six months from the date of resolution of the matter and that the Clerk be and is hereby authorized to disallow any such item on the agenda with the explanation to the individual or corporation presenting the item. Further, that the Clerk, may at his / her discretion, place an item on the agenda that has been resolved within the six months period provided only that new facts or circumstances are sufficient to warrant placing such item on the agenda, and further that Council may re-introduce a resolved issue provided that at least two-thirds (2/3) of the council are in agreement to re-introduce”.

Approved By:

Date:

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION: COUNCIL</b>	<b>SUBJECT: RESOLUTIONS -- OUT-OF TOWN</b>	<b>Pg. 1 of 1 DATE: March 16, 1993</b>
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Resolutions that originate outside of the Districts of Timiskaming or Cochrane shall be circulated to Council as an Agenda Information item only.

Once circulated, should a Council member wish to consider and / or debate a Resolution, the Clerk shall be so advised, at which time the Resolution shall be placed on an agenda as a Communications item.

Approved By:

Date: March 16, 1993

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b>  PHYSICAL SERVICES	<b>SUBJECT:</b>  RETAIN SURFACE RIGHTS ON MUNICIPAL LAND ABUTTING ON WATER	<b>Pg. 1 of 1</b> <b>DATE: July 15, 1975</b>
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It shall be the policy of the Town of Kirkland Lake to retain the surface rights of all municipal land abutting on water and that the purchasers of any municipal land must abide by the policy approved by Council and the Property Committee in February 1975.

Approved By: Committee of the Whole

Date: July 15, 1975

<b>SECTION: PERSONNEL</b>	<b>SUBJECT: RETIREMENT</b>	<b>Pg. 1 of 2</b>
		<b>DATE: October 16, 1984</b>

Summary      All municipal employees are provided with the Ontario Municipal Employees Retirement System.

The main benefits provided by the OMERS basic pension involve

- 1) Pension benefits based on the annual average of your highest 60 consecutive months of contributory earnings (in most cases the last 5 years just before retirement) and your credited service with OMERS.
- 2) A normal retirement pension payable for life from age 60 for fire fighters and age 65 for other municipal employees.
- 3) A reduced early retirement pension from as early as age 50 for fire fighters and age 55 for other municipal employees and an unreduced early retirement pension if your age plus service total 90 or more.
- 4) Continued accumulation of credited service if you become totally disabled or the alternative of a disability pension.
- 5) A widow's or widower's pension payable for life with additional pension if there are children under 21 years of age.
- 6) A pension payable on the death of a member to children under 21 years of age if there is no eligible widow or widower.
- 7) A deferred pension or a refund of your contributions plus interest (subject to the Pension Benefits Act) if you are terminated.
- 8) Complete portability of pension benefits between employers who participate in OMERS and portability of benefits between OMERS and some other government employers.
- 9) Past service benefits if provided under a supplementary agreement between your employer and OMERS.
- 10) Pensions under payment are increased each year based on the difference between 7% and the earnings rate of the Fund.

REFERENCES:      See details of OMERS literature.

## EXCEPTION

The only exception to mandatory retirement is Department Heads who may be retained after age 65 on a year-to-year basis. All requests for extensions from Department Heads who have reached 65 years of age shall be made in writing to the Town Administrator. The Town Administrator will in turn make a written recommendation to Council. The recommendation will include:

- a) All pertinent facts and reasons for the extension.
- b) Reasons why extension should be allowed or disallowed.
- c) Corrective measures to insure that another extension should not be necessary.
- d) Time schedule for the implementation of the measures in c) above.

## FIREFIGHTERS

The normal retirement age for fire fighters under the Ontario Municipal Employees Retirement System is age 60 years. Should a fire fighter wish to continue beyond age 60, he/she shall make application through his Chief to the Town Administrator in writing and shall in his application:

- a) a recommendation from the Fire Chief.
- b) A Fireman medical report form signed by a competent qualified physician.

Favourable applications will be given approval on a year-to-year basis up to the age of 65 at which time mandatory retirement takes effect.

Approved By: Council

Date: October 16, 1984

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b>	<b>SUBJECT:</b> <b>SAFETY POLICY</b>	<b>Pg. 1 of 1</b>
		<b>DATE: February 2, 1993</b>

The Corporation of the Town of Kirkland Lake is fully committed to the health and safety of each employee. To this end, health and safety shall receive priority as a performance standard along with the protection of property, equipment and the provision of services to our citizens.

This will be achieved by using the best management tools available in a constructive and aggressive manner to eliminate and control all hazards to life, property or equipment. Special emphasis shall be placed on the categories of personal injury, occupational health, property and equipment damage, fire, emergency preparedness, and compliance with legislation.

The primary responsibility for the safety and health of employees rests with management and supervisors, but each employee is individually responsible for his / her own safety and for the safety of co-workers

The full commitment of all employees to the Town of Kirkland Lake Safety Program is required.

**NO JOB IS SO IMPORTANT AND NO SERVICE IS SO URGENT THAT  
WE CANNOT TAKE TIME TO PERFORM OUR WORK SAFELY.**

Approved By: Council

Date: February 16, 1993

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>PHYSICAL SERVICES</b>	<b>SUBJECT:</b> <b>SALE OF LAND: PROHIBITION</b>	<b>Pg. 1 of 1</b>
		<b>DATE: August 26, 1975</b>

The policy regarding the disposition of municipal property be amended to prohibit the sale of land to anyone who in the opinion of the Property Committee is unreasonably indebted to the municipality.

Approved By:

Date:

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b>	<b>SUBJECT:</b> <b>SEMINAR, CONVENTION, ETC., ATTENDANCE</b>	<b>Pg. 1 of 1</b>
		<b>DATE: November 3, 1981</b>

The present policy governing attendance at any seminars, workshops, conventions or professional development activity be amended effective January 1<sup>st</sup>, 1982 so that any application by a staff member may be approved by the Department Head provided funds have been allocated in the budget to cover the expenditure.



**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b>	<b>SUBJECT:</b> <b>SEMINAR, CONVENTION REPORTS</b>	<b>Pg. 1 of 1</b>
		<b>DATE:</b> September 15, 1981

Any elected or appointed official attending any seminar or convention or any other professional development activity, submit a written report on filling his expense report and that such report be distributed to the Mayor or Council.

Further, that any staff member requesting to attend a seminar or convention or any other professional development activity, submit a written report to his / her Department Head, who at their discretion will distribute it to the Mayor and Council.

Further, that if one or more persons attend the same conference, individual reports are required but only one report is required if one or more persons attend the same meeting.

Approved By:

Date:

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> <b>ADMINISTRATION</b>	<b>SUBJECT:</b> <b>MONTHLY TELEPHONE RECONCILIATION</b>	<b>Pg. 1 of 1</b>
		<b>DATE: FEBRUARY 18, 2005</b>

We will no longer reconcile long distance telephone calls except for the following exceptions:

1. Personal phone calls will be recorded by the individual on a reconciliation sheet which will be forwarded to you at the end of each month.
2. Faxes will be recoded, accounted for an appropriately charged in the format as present, and
3. You should scan each bill for any phone call over \$5.00. If there are any, they should be verified that they are a legitimate call.

You will apply the following percentages to the following departments:

Town Hall	G-111	Mayor	10%
	G-351	Parking	5%
	G-121	Administration	25%
	G-123	Treasury	40%
	G-281	Econ Devel	20%

Approved By: Don Studholme  
Director of Corporate Services

Date:

**TOWN OF  
KIRKLAND LAKE**

**POLICY**

<b>SECTION:</b> GENERAL CORPORATE	<b>SUBJECT:</b> TEMPORARY HIRING FREEZE	<b>Pg. 1 of 1</b>
		<b>DATE: January 23, 1992</b>

That a temporary hiring freeze for all Town Departments be put into effect until further notice; whereby there will be no new positions created and all replacements for vacancies must be approved by Council; and that this policy will apply to full time positions and take effect immediately.

Approved By: Council

Date: February 4, 1992

<b>SECTION:</b> <b>Police Services</b>	<b>SUBJECT:</b> <b>Transporting Persons in Custody</b>	<b>Pg. 1 of 1</b>
		<b>DATE: July 3, 2008</b>

**PURPOSE:**

To set guidelines to assist OPP Officers in calling out Town of Kirkland Lake Special Constables when an escort is required to transport persons in custody.

**LOCATION:**

Special Constables will only escort persons in custody within the following boundaries:

- a) North Bay to the south,
- b) Sudbury to the west,
- c) Cochrane to the north.

All other escorts of persons in custody beyond the boundaries listed will be provided by OPP Officers. If there is an extenuating circumstance and a Special Constable has to travel outside these boundaries, then approval must be obtained from the Court Case Manager or designate beforehand.

**OPP RESPONSIBILITY WHEN CALLING OUT A SPECIAL CONSTABLE:**

- a) Refer to the availability list which will be kept in the assigned tray in the Sergeant's office.
- b) Determine whose name is to be called next, by checking previous dates and determining who was called last.
- c) Call the next person on the list (and their cell phone number if provided), and if there is no answer, move on to the next person on the list.
- d) Officers are not obligated to wait any length of time before calling the next Special Constable on the list if all phone numbers were attempted.
- e) Make notes on the appropriate date on the availability list, including the time of the call out, each Special Constable that was called, and the response received.
- f) Any complaints received by Officers will be directed to the Court Case Manager in writing to be addressed by the Court Case Manager.

**SPECIAL CONSTABLE'S RESPONSIBILITY:**

- a) To ensure that the availability sheet is current.
- b) Hours of work begin when you arrive at the Detachment.
- c) Any and all complaints will be directed to the Court Case Manager in writing to ensure continuity of this process, and not to individual officers.

<b>SECTION:</b>	<b>SUBJECT:</b>	<b>Pg. 1 of 2</b>
	<b>VIDEO SURVEILLANCE SYSTEM POLICY</b>	<b>DATE: September 2005</b>

RATIONALE

The Parks & Rec Department has installed a Video Surveillance System as of September 2005. 6 cameras have been installed in the following locations:

- 1) 2 cameras in the Weight Room
- 2) 2 cameras in the hockey hallway
- 3) 1 camera in the stairs leading from the Player's Entrance
- 4) 1 camera at the Main Entrance

The purpose for the camera system is two fold:

- 1) Safety - The weight room is unsupervised and as such poses a risk for those individuals who utilize it alone or with untrained individuals. The combination of video and audio will allow our front desk staff to be alerted if an emergency occurs.
- 2) Behaviour - We have problems with vandalism in the hockey hallways which will now be monitored. Behaviour of individuals in the weight room, as well as assurance that those in attendance have paid, will also be monitored.

USE OF EQUIPMENT

The location of the reception equipment will be at the front desk. The front desk staff will be REQUIRED to view monitors on a frequent basis. The desk staff will not be permitted to review the tapes, erase or reprogram unless authorized by the Recreation Coordinator.

Any information obtained by way of Video Surveillance Systems may only be used for the purposes of the above stated rationale to protect public safety and to detect and deter criminal activity. Information will not be retained or used for any other purposes.

All tapes that are not in use shall be locked in the safe in the main office. Each tape which has been used will be dated and labelled with a sequential number.

Access to the tapes shall be authorized by the Recreation Coordinator or the CAO. Logs will be kept of all instances of access to, and use of, recorded material to enable a proper audit trail.

Information can only be viewed because an incident has been reported or to investigate a potential crime.

RETENTION PERIOD

Information that has not been viewed for law enforcement of public safety purposes shall be routinely erased by the desk staff every 72 hours.

DEPARTMENT OF PARKS AND RECREATION  
JOE MAVRINAC COMMUNITY COMPLEX

Postal Bag 1757, Allen Avenue, Kirkland Lake, Ontario, Canada P2N 3P4 T (705) 567-5215 F (705) 567-2452 E recreation@tkl.ca

If recorded information has been viewed by law enforcement or public safety purposes section 5(1) of Ontario Regulation 460 under the provincial Act requires the recorded information to be retained for one year.

### USE OF CAMERAS

The cameras will be utilized whenever there are individuals employed at the front desk.

### OBLIGATIONS

- 1) The Recreation Coordinator will be responsible for the Complex's privacy obligations under the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*.
- 2) The staff at the Community Complex will maintain control of and responsibility for the Video Surveillance System at all times.
- 3) Employees must review and comply with the policy and the Acts in performing their duties and functions related to the operation of the Video Surveillance System. Employees will be subject to discipline if they break the policy or the provisions of the Acts. Employees will sign written agreements regarding their duties, including an undertaking of confidentiality.
- 4) Staff obligations shall be reviewed annually at trainings.
- 5) This policy shall be reviewed and updated every two years.

### SIGNAGE

Signage regarding the use of a Video Surveillance System in the Community Complex will be posted at all access doors to the facility. Signage shall include informing individuals of the legal authority for the collection of personal information; the purpose for which the information is intended to be used as well as the title, business address and telephone number of the Recreation Coordinator who can answer questions about the collection of information.



# REPORT TO COUNCIL

Meeting Date: 10/20/2020	Report Number: 2020-PW-009
Presented by: Michel Riberdy	Department: Public Works

## REPORT TITLE

Award of RFP-559-20 Engineering Assessment, Design and Contract Administration Services for Kirkland Lake Gold Water/Sewer Servicing

## RECOMMENDATION(S)

**BE IT RESOLVED THAT** Report Number 2020-PW-009 entitled “**Award of RFP-559-20 Engineering Assessment, Design and Contract Administration Services for Kirkland Lake Gold Water/Sewer Servicing**”, be received,

**THAT** Council hereby awards RFP-559-20 Engineering Assessment, Design and Contract Administration Services for Kirkland Lake Gold Water/Sewer Servicing to EXP Services Inc. in the amount of \$213,490.00 (HST excluded),

**THAT** staff is hereby authorized to execute the necessary documents to complete the terms of RFP-559-20, and

**THAT** staff be directed to include \$153,490.00 dollars in the 2021 Capital Budget as a pre-approved project.

## BACKGROUND

EXP Services Inc. will provide engineering services to the Town of Kirkland Lake for the design to construct a new watermain and sanitary forcemain underneath Highway 66 by jack and boring to the South East of the Kirkland Lake Gold property line. It also involves the design of replacement valves, new booster pumps and all related work to improve water distribution, including but not limited to, piping, new valves, generator and SCADA controls.

The engineering design will incorporate pressure zones in the Chaput Hughes area to improve the water pressure. A provision for remote camera inspection will be included in the Tender Documents for inspecting approximately 1 km of water service line

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between the existing booster pumping station and KL Gold property line to determine the condition of the water service line for future consideration.

Furthermore, EXP will prepare the tender documents and assist with the tender call, tender questions and provide recommendations. In addition, EXP will provide the personnel for Contract Administration and Construction Supervision of all required construction activities.

The existing booster pumping station in Chaput Hughes was deemed to be inoperable in 2013 due to the low water flowrate in the water distribution system. The engineering firm that designed the booster station at the time failed to perform the necessary studies to ensure that the booster station would operate without fault. Stantec and EXP Services Inc. performed studies in the past of the existing booster pumping station and they both came to the same conclusion that it was inoperable in the current state of the water distribution system.

EXP considered operating the existing booster station; however; it appears that the operation of this facility would prove to be troublesome with the current configuration of the KL water system. Through past studies, EXP was able to provide insight as to why the Booster Pump Station is currently inoperable. Hydrant testing and pipe friction testing in the area revealed that the current distribution system could only provide approximately 8 L/s of flow at 31 psi to this station. If an attempt is made to pump at a flowrate that is higher than what is available (>8 L/s) then a negative pressure could form upstream of the pump and the watermains become at risk of collapsing, while also greatly reducing the pressures throughout Chaput Hughes below 20 psi. Furthermore, severe pump cavitation and subsequent pump failure could result from operation in the current configuration.

As part of the RFP, EXP will analyze the existing Booster Pump Station and its components to determine if there is a possibility of repurposing any equipment for future use as part of the new design. It should also be noted that EXP is not ruling out the option of remediating the existing Booster Pump Station for future use. If this is the direction that the Town and Stakeholders would like to take, EXP will provide options for facilitating this.

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## **R A T I O N A L E**

RFP-559-20 Engineering Assessment, Design and Contract Administration Services for Kirkland Lake Gold Water/Sewer Servicing was advertised on the Town's Website and Biddingo Website. There were 21 document takers listed on the Biddingo Website. In addition, staff conducted a mandatory site meeting for this project that took place on Thursday, September 17, 2020 and three prospective consultant representatives from EXP Services Inc., J.L. Richards & Associates Ltd, and WSP Canada Inc. were present at the meeting. Unfortunately, the Town received only one submission from EXP Services Inc. for RFP-559-20. Fortunately, the submission meets the requirements of



the Request for Proposal. The Director of Public Works recommends that EXP Services Inc. be awarded the engineering services to fulfill the terms of RFP-559-20 Engineering Assessment, Design and Contract Administration Services for Kirkland Lake Gold Water/Sewer Servicing. EXP Services Inc. project fees are as provided for in the table below.

<b>Project Fees</b>	
<b>Activity</b>	<b>Fees (\$)</b>
Project Management	4,025.00
Preliminary Design	27,035.00
Detailed Design	69,175.00
Approvals	4,225.00
Tender	3,305.00
Contract Administration	105,725.00
<b>Total Contract Price</b>	<b>213,490.00</b>

The engineering design will begin in November of 2020 and be completed by the end of January 2021, and ready for Tender award at the end of March 2021 as highlighted in the EXP engineering design schedule to proceed with construction in the Spring of 2021.

### OTHER ALTERNATIVES CONSIDERED

Not applicable.

### FINANCIAL CONSIDERATIONS

This project was included and approved within the 2020 Budget under project reference B2020-0027. The project was identified as a multi-year project as follows:

2020	Preliminary design/engineering	\$60,000.00
2021	Remaining design, construction	\$2,279,514.00

The anticipated work in 2020 remains aligned with the budgeted scope of \$60,000 and will be funded partially by grant monies and reserve funds. The remaining awarded contract costs, as well as construction costs, will be required to be captured within the 2021 Annual Budget.

## **RELATIONSHIP TO STRATEGIC PRIORITIES**

The Town of Kirkland Lake has identified sustainable service delivery of core service as a strategic priority. The Kirkland Lake Gold Water/Sewer Servicing projects will improve the water distribution system and promote economic growth.

## **ACCESSIBILITY CONSIDERATIONS**

Not applicable.

## **CONSULTATIONS**

Keith Gorman, Director of Corporate Services  
Richard McGee, CAO

## **ATTACHMENTS**

Attachment 1 – Chaput Hughes Project Map.

[BACK  
TO TOP](#)



ESTIMATED  
CHAPUT HUGHES  
PRESSURE ZONE

EXISTING KLG  
BOOSTER PUMP  
(NOT IN  
OPERATION)

LOCATION OF  
NEW BOOSTER  
PUMPS

MINER'S  
MEMORIAL VALVE  
CHAMBER

NEW WATERMAIN  
CONNECTION

CHAPUT HUGHES  
WATER TOWER

APPROXIMATE  
WATERMAIN TO BE  
CAMERA INSPECTED

ARCHER DRIVE  
CROSSING

GOVERNMENT ROAD WEST

GOVERNMENT ROAD WEST

ARCHER DRIVE

## REPORT TO COUNCIL

Meeting Date: 10/20/2020	Report Number: 2020-FIN-007
Presented by: Keith Gorman	Department: Corporate Services

### REPORT TITLE

Safe Restart Agreement – Phase 2 Consideration

### RECOMMENDATION(S)

**BE IT RESOLVED THAT** Report Number 2020-FIN-007 entitled “**Safe Restart Agreement – Phase 2 Consideration**”, be received, and

**THAT** staff be directed to prepare, finalize and submit an application for Phase 2 funding consideration.

### BACKGROUND

Consistent with other municipalities across the Province and Nation, Kirkland Lake has been faced with both revenue losses and added costs as a direct result of the COVID-19 Pandemic.

In response to the COVID-19 Pandemic, Town facilities were closed to the public in March 2020. Facilities driven by user fees such as the Community Complex, Heritage North, the Museum, and the Library were all negatively impacted.

In addition, other measures of financial support were offered by the Town in support of the community including:

- Waiving of penalties and interest associated with tax arrears for the period of April, May & June 2020.
- Temporary suspension of disconnection of water services for non-payment of water and wastewater billings.
- Temporary suspension of ticketing and implementation of warnings relating to parking infractions.
- Relief from rental fees and leases.

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The estimated impact of approximately \$391,000 relating to lost revenues, incremental costs and other relief measures had been identified and included within the 2020 Budget process and was supported by the tax levy.

The most significant drivers of the budget estimates included:

- Lost recreation revenues, which were partially offset by program/service delivery cost savings such as the temporary layoff of part-time casual staff, reduced consumables and other similar costs.
- Lost tax interest and penalty revenues.
- Lost facility rentals at Heritage North.
- Lost user fees in areas such as the planning, building and other similar divisions.

In August of 2020 the Ministry of Municipal Affairs and Housing announced that the Ontario government had secured up to \$4 billion in emergency assistance to support Ontario's 444 municipalities for their needs in responding to COVID-19 to help and support the key role municipalities play in providing critical services as well as being at the frontlines of safe reopening of the economy.

Within the \$4 billion in funding, \$2 billion had been allocated to support municipal operating pressures. All Ontario municipalities received funding as part of Phase 1, including Kirkland Lake which received \$566,600.

Phase 1 of the funding was intended to be sufficient to cover 2020 operating costs and pressures due to COVID-19; however, municipalities which have experienced greater financial impacts arising from COVID-19 can be considered for additional funding and are required to submit a report outlining various costs and pressures. This report must be submitted by October 30, 2020 and be supported by a Council resolution seeking additional funding.

## **R A T I O N A L E**

As the Phase 1 monies were intended to cover 2020 operating pressures, staff have prepared a financial forecast of potential shortfalls in revenues, as well as increased operating costs due to the pandemic. Staff have also identified several cost savings due to reduced levels of service which have helped lessen the overall impact of the pandemic.

The financial impact of COVID-19 has been greater than anticipated prior to and during the 2020 Budget deliberations, largely due to the length of closures, on-going impact of social distancing measures and the general uncertainty surrounding the Pandemic.

As the anticipated impact is likely to exceed initial monies funded through Phase 1, staff recommend applying for additional funding in the Phase 2 intake.

## **OTHER ALTERNATIVES CONSIDERED**

Council could choose not to seek additional funding through Phase 2 and pursue other means to address the anticipated shortfall.

Potential options include:

- Await year-end results and fund the anticipated shortfalls attributable to COVID-19 from savings which may be realized in other areas;
- Council could resolve that staff be directed to further seek cost savings and mitigation measures to reduce the impact over the remaining 2.5 months of 2020.

## **FINANCIAL CONSIDERATIONS**

The extent and impact of COVID-19 are difficult to estimate given the significant changes faced, on-going developments and Provincial guidance provided relating to services potentially impacted by the on-going COVID-19 Pandemic.

As recently as late September and into early October, Ontario has seen a surge in COVID-19 cases and has imposed heightened restrictions in select areas of the Province. The Timiskaming District has not been included in these directives to this point.

While facilities began to re-open in late June, in most instances partial service offerings remain in place and continue to impact revenues. Previously identified areas, particularly within Recreation, have been impacted to a greater extent than initially estimated in the 2020 Budget process. Pool usage has significantly decreased, facility rentals continue to be impacted due to group-size restrictions and some organized sport user groups have paused to better understand the impact of the pandemic on their respective sports, resulting in lost facility rentals including ball fields, the pool and the ice surface.

The Town has incurred additional expenditures particularly relating to cleaning labour and supplies, protective gear, protective barriers, public messaging and signage and believes this trend will continue into the foreseeable future.

Despite seeing cost savings due to reduced services within Recreation, the impact of lost revenues far exceeds these savings. Please see Attachment 1 for estimated impacts.

## **RELATIONSHIP TO STRATEGIC PRIORITIES**

Understanding the potential impacts of the pandemic, as well as options for funding align with both financial sustainability and improved accountability within the Strategic Plan.

## **ACCESSIBILITY CONSIDERATIONS**

None noted.

## **CONSULTATIONS**

Bonnie Sackrider, Director of Community Services  
Sheri Mathews, Performance Improvement Coordinator  
Richard McGee, Chief Administrative Officer

## **ATTACHMENTS**

Attachment 1 – COVID 19 Impact Projections

[BACK  
TO TOP](#)

# Attachment 1

## Summary - COVID 19 IMPACT

<b>Phase 1 Funding</b>		<b>\$ 566,600</b>
Estimated Lost Revenues	<i>Schedule 1</i>	(593,223)
Incremental Costs	<i>Schedule 2</i>	(156,563)
Cost Savings & Mitigation	<i>Schedule 3</i>	153,156
<b>Estimated Impact</b>		<b>(596,629)</b>
<b>Shortfall</b>		<b>(30,029)</b>



**Schedule 1**

**Estimated COVID-19 IMPACT - User Fees & Revenues**

<b>Community Services</b>	<b>Sept. 2020 YTD</b>	<b>Q4 Forecast</b>	<b>2020 Projected</b>	<b>Initial Estimate</b>	<b>Estimated Impact</b>
Pool	\$ 55,786	\$ 18,000	\$ 73,786	\$ 209,995	\$ 136,209
Fitness	62,707	4,500	67,207	178,194	110,987
Ice	55,667	15,815	71,482	156,502	85,021
Other	6,784	1,640	8,424	38,460	30,036
<b>Recreation</b>	<b>180,944</b>	<b>39,955</b>	<b>220,899</b>	<b>583,151</b>	<b>362,253</b>
Hall Rentals & Related	19,954	2,500	22,454	170,850	148,396
<b>Heritage North</b>	<b>19,954</b>	<b>2,500</b>	<b>22,454</b>	<b>170,850</b>	<b>148,396</b>
User Fees	1,890	200	2,090	11,300	9,210
Store Sales	4,883	600	5,483	6,000	517
Other	2,207	200	2,407	6,450	4,043
<b>Museum</b>	<b>8,980</b>	<b>1,000</b>	<b>9,980</b>	<b>23,750</b>	<b>13,770</b>
User Fees/Fines/Misc.	1,379	460	1,839	8,600	6,761
<b>Library</b>	<b>1,379</b>	<b>460</b>	<b>1,839</b>	<b>8,600</b>	<b>6,761</b>
<b>Total - Community Services</b>	<b>\$ 211,257</b>	<b>\$ 43,914</b>	<b>\$ 255,171</b>	<b>\$ 786,351</b>	<b>\$ 531,180</b>

<b>Development Services</b>	<b>Sept. 2020 YTD</b>	<b>Q4 Forecast</b>	<b>2020 Projected</b>	<b>Initial Estimate</b>	<b>Additional Impact</b>
Parking & By-Law	\$ 8,458	\$ 2,819	\$ 11,277	\$ 24,000	\$ 12,723
Application Fees	15,140	5,047	20,187	24,000	3,813
Building Permits	43,044	14,348	57,392	90,000	32,608
<b>Total - Development Services</b>	<b>\$ 66,642</b>	<b>\$ 22,214</b>	<b>\$ 88,856</b>	<b>\$ 138,000</b>	<b>\$ 49,144</b>

<b>Airport</b>	<b>Sept. 2020 YTD</b>	<b>Q4 Forecast</b>	<b>2020 Projected</b>	<b>Initial Estimate</b>	<b>Additional Impact</b>
User Fees	\$ 50,311	\$ 15,000	\$ 65,311	\$ 65,000	(311)
Fuel	32,790	12,000	44,790	58,000	13,210
<b>Total - Airport</b>	<b>\$ 83,101</b>	<b>\$ 27,000</b>	<b>\$ 110,101</b>	<b>\$ 123,000</b>	<b>\$ 12,899</b>

<b>Total:</b>	<b>\$ 593,223</b>
---------------	-------------------

**Schedule 2**

**Additional Costs Incurred**

	<b>Sept 2020 YTD</b>	<b>Q4 Estimate</b>	<b>2020 Projected</b>
Identified Expenditures	14,105	8,333	\$ <b>22,438</b>

*Advertising, signage, plexiglass barriers, protective equipment & similar items.  
(Excludes costs associated with TPR)*

	<b>Sept 2020 YTD</b>	<b>Q4 Estimate</b>	<b>2020 Projected</b>
Janitorial Wages & Burden	152,671	45,000	\$ 197,671
Budgeted			(141,143)
			\$ <b>56,528</b>

			<b>2020 Projected</b>
Waived Interest & Penalties		\$	<b>77,597</b>

**Schedule 3**

**Cost Savings & Mitigation Estimates**

<b>Community Services</b>	<b>Sept. 2020 YTD</b>	<b>Q4 Forecast</b>	<b>2020 Projected</b>	<b>Initial Estimate</b>	<b>Cost Savings</b>
Chemicals & Supplies	\$ 13,514	\$ 8,500	\$ 22,014	\$ 30,500	\$ 8,486
Service Charges (POS System)	6,103	2,700	8,803	18,800	9,997
Casual Labour (Pool)	31,694	18,000	49,694	127,088	77,394
Electricity	201,672	135,000	336,672	376,078	39,406
<b>Recreation</b>	<b>252,983</b>	<b>164,200</b>	<b>417,183</b>	<b>552,466</b>	<b>135,283</b>
Part-Time Wages	16,414	7,920	24,334	31,246	6,912
Contracted Services	1,342	750	2,092	4,000	1,908
<b>Museum</b>	<b>17,756</b>	<b>8,670</b>	<b>26,426</b>	<b>35,246</b>	<b>8,820</b>
<b>Total - Community Services</b>	<b>\$ 270,739</b>	<b>\$ 172,870</b>	<b>\$ 443,609</b>	<b>\$ 587,712</b>	<b>\$ 144,103</b>

	<b>Sept. 2020 YTD</b>	<b>Q4 Forecast</b>	<b>2020 Projected</b>	<b>Initial Estimate</b>	<b>Cost Savings</b>
<b>Crossing Guards</b>	<b>\$ 1,123</b>	<b>\$ 12,000</b>	<b>\$ 13,123</b>	<b>\$ 22,176</b>	<b>\$ 9,053</b>

**Total:** **\$ 153,156**



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW 20-082

**BEING A BYLAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT AND TO APPOINT KIM CHOLETTE AS THE INTEGRITY COMMISSIONER FOR THE TOWN OF KIRKLAND LAKE**

**WHEREAS** the *Municipal Act, 2001, c.25 s5(1)* provides that the powers of a municipal corporation are to be exercised by its Council;

**AND WHEREAS** the *Municipal Act, 2001, c25 s5(3)* provides that the powers of every council are to be exercised by bylaw;

**AND WHEREAS** the *Municipal Act, 2001 c.25 s 223.3(1)* authorizes a municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing, in an independent manner, the application of the Council Code of Conduct for Members of Council, Boards and Committees;

**AND WHEREAS** at its meeting on March 5, 2019 Council of the Town of Kirkland Lake adopted the 'Council Code of Conduct' policy under By-law 19-026, attached as Schedule 'B';

**AND WHEREAS** at its meeting on March 5, 2019 Council of the Town of Kirkland Lake adopted the 'Integrity Commissioners Inquiry Protocol' policy attached as Schedule 'C';

**AND WHEREAS** Council of the Town of Kirkland Lake on August 11, 2020 awarded RFP-553-20 for services of an Integrity Commissioner to DPRA Canada.

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:**

1. **THAT** Council authorizes the execution of an agreement with DPRA Canada to provide Integrity Commissioner services to the Town of Kirkland Lake effective September 20<sup>th</sup>, 2020, attached as Schedule 'A' to this By-law;
2. **THAT** Council hereby appoints Kim Cholette as the Integrity Commissioner for a term of five (5) years effective October 20<sup>th</sup>, 2020 to October 19, 2025;
3. **THAT** the responsibilities of the Integrity Commissioner are approved by By-law Number 19-027 as outlined in Schedule 'C';
4. **THAT** this By-law comes into force on the day of its passing; and
5. **THAT** By-law 19-028 and any predecessor By-law(s) are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME, ENACTED AND PASSED THIS 20<sup>TH</sup> DAY OF OCTOBER 2020.**

\_\_\_\_\_  
Pat Kiely, Mayor

\_\_\_\_\_  
Meagan Elliott, Clerk

## Agreement for Services

This Agreement between the Corporation of the Town of Kirkland Lake (hereinafter referred to as the "Town") and DPRA Canada Incorporated (hereinafter referred to as, "DPRA") authorizes DPRA to provide professional Integrity Commissioner services to the Town in accordance with the terms and conditions contained herein.

The terms and conditions of this Agreement are as follows:

1. **Scope of Services** The Town authorizes DPRA to perform, and DPRA agrees to provide Integrity Commissioner services (the "Services") as outlined and as described in the attached proposal from DPRA to the Municipal Clerk, Corporate Services Department, Corporation of the Town of Kirkland Lake dated August 19, 2020 (the "Proposal"), a copy of which is attached hereto and made a part of this Agreement.
2. **Period of Service** The services provided by DPRA shall commence immediately upon execution of this Agreement and shall terminate upon completion of the term of the appointment identified by the Town [five (5) years from the date of the appointment, with an option to renew for two (2) additional two (2) year periods], unless this Agreement is amended pursuant to Section 17.
3. **Delegation of Services** DPRA shall not delegate responsibility in part, or in whole, for any Services to be provided without the express written consent of the Town.
4. **Confidential Information** It may be necessary for DPRA to receive certain confidential information in order to provide the services contemplated herein. DPRA agrees that it will not publish or otherwise make available this information to any individual or organization without the prior written consent of the Town. Any and all information that DPRA receives in connection with this Agreement shall be deemed confidential, unless such information is generally available to the public. DPRA shall provide the services in accordance with all relevant legislation, including, but not limited to, the *Municipal Freedom of Information and Protection of Privacy Act*.
5. **Work Product** Work product will not be generated by DPRA, except at the request of the Town. DPRA recognizes that DPRA is acting at the direction and under the supervision of the Town and all reports, data, materials, information and other work product prepared and developed in connection with the provision of services stipulated herein are the property of the Town. Any and all such work product shall be made available to the Town upon request and shall not be published or made available to any other individual or organization without the prior written consent of the Town. Any and all such work product shall be deemed confidential and privileged.

N 43 DEG 39 MIN 4 SEC  
W 79 DEG 22 MIN 30 SEC

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6. **Compliance with Laws** DPRA shall comply with all Federal, Provincial and municipal laws, together with all ordinances and regulations, applicable to the services to be provided, in effect on the date of this Agreement, and/or as amended or passed into force and effect following the execution of this Agreement. DPRA shall procure all licenses, permits or other rights necessary for the fulfillment of its obligations under this Agreement.
7. **Standard of Care** Services shall be performed in accordance with the standard of professional practice ordinarily exercised by the applicable profession at the time and within the locality where the Services are performed. Professional services are not subject to, and DPRA cannot provide, any warranty or guaranty, express or implied, included warranties or guarantees contained in any uniform commercial code. Any such warranties or guarantees contained in any purchase orders, requisitions or notices to proceed issued by the Town are specifically objected to.
8. **Payment** The Town agrees to pay DPRA for all reasonable costs, fees and expenses to perform the Services outlined in the attached Proposal on an as required basis. Payment will be based upon the hourly rate for services provided, described in the Proposal [\$245.00 per hour].
9. **Estimated Cost** DPRA will provide the Town with an estimate of the costs and schedule for all services performed on an as required basis. DPRA will attempt to perform the work and complete the objectives defined within the estimated costs and schedule provided for in the Proposal. The estimated costs and schedule proposed are based on DPRA's best judgment of the requirements known at the time that services are required by the Town. Successful completion within cost and schedule limits can be influenced, favorably or adversely, by changes in work scope and schedule as dictated by presently unforeseen circumstances. DPRA will notify the Town, in writing and in advance if the schedule or costs are expected to exceed the estimate. DPRA will provide a detailed account of the reasons these changes are necessary to complete the assignment.
10. **Invoicing and Payment** Invoice statements, when necessary, shall be issued within thirty (30) days of the work being performed, with net payment due in 30 days. Past due invoices will be subject to a service charge at the rate of 0.25% per month beginning 30 days from the date of the invoice. Payments shall be sent to the address appearing on the invoice. Unless the Town provides DPRA with a written statement of any objections to the invoice within 15 days of receipt,

the Town shall be deemed to accept the bill as submitted. If any invoice is not paid within 60 days of the date of the invoice, DPRA, at its sole discretion, may immediately cease further work and/or withhold the release of any work product. In the event of DPRA ceasing further work and/or withholding the release of any work product, DPRA shall have no liability of any kind to the Town for delay or damage from such action by DPRA.

11. **Delays** If events beyond the control of the Town or DPRA, including, but not limited to, fire, flood, explosion, riot, strike, war, process shutdown, Act of God or the public enemy, or any act or regulation of government agency, results in delay to any schedule established in the Proposal, such schedule shall be amended to the extent necessary to adjust for such delay.
12. **Termination/Suspension** Either party may terminate this Agreement upon 30 days written notice to the other party. The Town shall pay DPRA for all Services, rendered prior to termination, plus any expenses of termination.

In the event either party defaults in its obligations under this Agreement (including the Town's obligation to make the payments required hereunder), the non-defaulting Party may suspend performance under this Agreement if, after 7 days' written notice stating its intention to suspend performance under the Agreement if remedy of such default is not commenced and diligently continued, and the defaulting party fails to commence remedy and diligently continue the remedy within such time limit.

13. **Insurance** DPRA will maintain insurance coverage for:

**Commercial General Liability**

The Proponent shall, at their expense obtain and keep in force during the term of the Agreement, Commercial General Liability Insurance satisfactory to the Town and underwritten by an insurer licensed to conduct business in the Province of Ontario. The policy shall provide coverage for Bodily Injury, Property Damage and Personal Injury and shall include but not be limited to:

- (a) A limit of liability of not less than \$2,000,000/occurrence with an aggregate of not less than \$2,000,000
- (b) Add the Town of Kirkland Lake as an additional insured with respect to the operations of the Named Insured
- (c) The policy shall contain a provision for cross liability and severability of interest in respect of the Named Insured
- (d) Non-owned automobile coverage with a limit not less than \$2,000,000 and shall include contractual non-owned coverage

(SEF 96)

- (e) Products and completed operations coverage
- (f) Broad Form Property Damage
- (g) Contractual Liability
- (h) Work performed on Behalf of the Named Insured by Sub-Contractors
- (i) The policy shall provide 30 days prior notice of cancellation

### **Professional Liability Insurance**

DPRA shall take out and keep in force Professional Liability insurance in the amount of \$2,000,000 providing coverage for acts, errors and omissions arising from their professional services performed under this Agreement. The policy SIR/deductible shall not exceed \$100,000 per claim and if the policy has an aggregate limit, the amount of the aggregate shall be double the required per claim limit. The policy shall be underwritten by an insurer licensed to conduct business in the Province of Ontario and acceptable to the Town. The policy shall be renewed for 3 years after contract termination. A certificate of insurance evidencing renewal is to be provided each and every year. If the policy is to be cancelled or non-renewed for any reason, 90-day notice of said cancellation or non-renewal must be provided to the Town. The Town has the right to request that an Extended Reporting Endorsement be purchased by DPRA at DPRA's sole expense.

### **Primary Coverage**

The proponent's insurance shall be primary coverage and not additional to and shall not seek contribution from any other insurance policies available to the municipality.

### **Certificate of Insurance**

The proponent shall provide a Certificate of Insurance evidencing coverage in force at least 10 days prior to contract commencement.

14. **Indemnities** Both DPRA and the Town agree to and hereby do defend, hold harmless, and indemnify each other and their officers, directors, employees, agents and representatives from and against any and all claims, damages, demands, costs and expenses, including attorneys' fees, and other losses of any kind or nature whatsoever relating in any manner to any and all personal injuries, deaths, and/or property damage by whomsoever suffered including, but not limited to, the other party or its officers, directors, employees, agents or representatives arising out of, resulting from or in any manner connected with any negligent act or omission or any



intentional misconduct by the other party, its agents or employees under the services provided hereunder.

15. **Limitations to Liability** It shall be the sole responsibility of DPRA to ensure that DPRA procures and maintains sufficient insurance coverage to fully and completely respond to any and all claims resulting from, DPRA's negligence, errors, omissions, etc. The Town's insurance will not provide coverage and the Town will not assume any liability or extend any protection to DPRA for DPRA's negligence, errors, omissions, etc.
16. **WSIB** DPRA shall be responsible to provide coverage for its employees in accordance with the *Workplace Safety and Insurance Board Act* and provide proof of coverage to the Municipal Clerk.
17. **Access** The Town shall provide DPRA safe access to any premises necessary for DPRA to provide the Services.
18. **Amendment** This Agreement, upon execution by both parties hereto, may only be amended by both Parties, through mutual agreement and the execution by both Parties of a written amendment, signed by both parties.
19. **Assignment** The Agreement to which these terms and conditions relate and the rights and obligations hereunder may not be assigned or otherwise transferred, by either the Town or DPRA, without prior written consent of the other party. Any such assignment or transfer without prior written consent of the other party shall be void.
20. **Statutes of Limitation** To the fullest extent permitted by law, the parties agree that, except for claims for indemnification, the time period for bringing claims under this Agreement shall expire one year after Project completion.
21. **Prevailing Party Litigation Costs** In the event any actions are brought to enforce this Agreement, the prevailing party shall be entitled to collect its litigation costs as determined by the presiding court.
22. **No Waiver** No waiver by either Party of any default by the other Party in the performance of any particular section of this Agreement shall invalidate any other section of this Agreement or operate as a waiver of any future default, whether like or different in character.

- 23. **No Third-Party Beneficiary** Nothing contained in this Agreement, nor the performance of the Parties hereunder, is intended to benefit, nor shall inure to the benefit of, any third party.
- 24. **Severability** The terms, provisions and covenants herein contained shall be deemed to be separate and severable, and the invalidity or unenforceability of any term, provision and/or covenant shall not affect or impair the validity or enforceability of the remainder.
- 25. **Governing Law** This Agreement shall be governed by, construed and interpreted in accordance with the laws of the Province of Ontario.
- 26. **Entire Agreement** This Agreement and the Proposal embody the entire agreement between the Town and DPRA, including any prior understandings and agreements, and may not be modified except in writing and signed by both parties.

ACKNOWLEDGED AND AGREED:

DPRA Canada Incorporated

\_\_\_\_\_  
Timm Rochon, President & CEO

\_\_\_\_\_  
Date

**DPRA**

Corporation of the Town of Kirkland Lake

\_\_\_\_\_  
Pat Kiely, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Meagan Elliott, Clerk

**THE TOWN**



**KIRKLAND LAKE**  
THE RIGHT ENVIRONMENT



# Code of Conduct

*Town of Kirkland Lake*

**Important Disclaimer:** this protocol complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the “*Act*”). If you have any questions or concerns about this protocol or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this protocol other than as expressly authorized or directed by Wishart Law Firm LLP.

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## 1. Principles Upon Which This Code is Based

- 1.1 A municipality is a responsible level of government. Improving the quality of municipal governance and administration can best be achieved by encouraging high standards of conduct on the part of all Members. In particular, the public is entitled to expect the highest standards of conduct from the Members of its local government. In turn, adherence to these standards will protect and promote the Municipality's reputation and integrity.
- 1.2 Key statements of principle that underline this Code of Conduct are as follows:
- a) Council, and its Members are the leaders of the Municipality both inside and outside its geographic boundaries. Especially in an age of social media and electronic messaging, strong positive management of the reputation of the Municipality is needed. The statements and behavior of Council affect the Municipality's reputation as a place to live and do business. Conflict and inappropriate conduct among Members, staff, officers and members of the public, adversely affects the Municipality's reputation and is to be avoided. Put differently, Council has a strong role to protect and promote the Municipality and its reputation as an excellent place to live, work and do business;
  - b) Members must serve and be seen to serve their constituents in a conscientious and diligent manner;
  - c) Members must be committed to performing their functions with integrity, avoiding the improper use of the influence of their office, and conflicts of interest, both real and perceived;
  - d) Members are expected to conduct themselves and perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;
  - e) Members must recognize and act upon the principle that democracy is best achieved when the operation of government is as transparent and accountable to the Public as possible;
  - f) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by the Municipal Council;

- g) Members must not use the status of their position to inappropriately influence the decision of another individual or body. For example, to obtain a personal advantage for the Member, the Member's parents, children, spouse, staff, friends, associates, business or otherwise; or to disadvantage another party.
- h) Members shall be respectful of the role of staff to provide advice with political neutrality and objectivity and without undue influence from a Member or Members.

## 2. Application of this Code

2.1 This Code of Conduct applies to every Member.

## 3. Definitions

3.1 In this Code of Conduct:

- a) "Benefit" means preferential treatment, privileged access, favours or other advantage including, but not necessarily limited to, invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new employment.
- b) "Ceremonial Gift" means official gifts provided as part of the culture or practices of communities or government within Canada or internationally, which although they may be given to a Member, are accepted by a Member on behalf of a municipality and become the property of a municipality.
- c) "Child" means a child born within or outside marriage and includes any adopted child, step child, foster child and a person whom a Member has a demonstrated a settled intention to treat as a child of his or her family;
- d) "Confidential Information" means any information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* or any other law. Confidential Information also includes information of a corporate, commercial, scientific or technical nature received in confidence from third parties; personal information; information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel, labour relations, litigation, property acquisition, the security of the property of the Municipality or a Local

Board; and any other information lawfully determined by the Council to be confidential, or required to remain or be kept confidential by legislation or order.

- e) “Council” means the Council of the Town of Kirkland Lake.
- f) “Gift” means free or discounted items or services and any item or service that would, viewed in light of all the circumstances, be regarded as a gift by a reasonable Person not including Ceremonial Gifts.
- g) “Hospitality” means the friendly reception and entertainment of guests, which may range from light refreshments at a meeting to expensive restaurant meals and sponsored travel or accommodation.
- h) “In-camera meeting” means a meeting, or part of a meeting, closed to the public pursuant to section 239 of the *Municipal Act, 2001*.
- i) “Information” includes a record or document written or otherwise;
- j) “Integrity Commissioner” means the Person appointed by by-law in accordance with section 223.3 of the *Municipal Act, 2001* and who is responsible for performing, in an independent manner, the functions assigned by the Municipality with respect to the application of the Code of Conduct for Members.
- k) “Local Board” means, for the purpose of this Code of Conduct, a local board other than:
  - i. A society as defined in subsection 2(1) of the *Child, Youth and Family Services Act, 2017*;
  - ii. A board of health as defined in subsection 1(1) of the *Health Protection and Promotion Act*;
  - iii. A committee of management established under the *Long-Term Care Homes Act, 2007*;
  - iv. A police services board established under the *Police Services Act* and/or the *Police Services Act, 2018*;
  - v. A board as defined in section 1 of the *Public Libraries Act*; and
  - vi. A corporation established in accordance with section 203 of the *Municipal Act, 2001*;



- l) “Member” means a member of Council, which shall include the Mayor/Reeve, members of Committees and members of Local Boards, unless, with respect to members of Local Boards, the context requires otherwise, and shall not include staff or ratepayers.
- m) “Officer(s)” means a person who holds a position of responsibility with definite rights and duties prescribed by statute or by-law.
- n) “Parent” means a person who has demonstrated a settled intention to treat a child as a part of his or her family whether or not that person is the natural parent of the child;
- o) “Person” includes a corporation, partnership, association and any other entity, as the context allows; and
- p) “Spouse” means an individual to whom an individual is married or with whom an individual is living in a conjugal relationship outside marriage.
- q) “Transparency” means that the municipality actively encourages and fosters stakeholder participation and openness in its decision-making processes. It means that the municipality’s decision-making process is open and clear to the public.

## 4. Compliance with Declaration of Office

- 4.1 Every Member shall act in accordance with his or her declaration of office sworn pursuant to section 262 of the *Municipal Act, 2001*. A copy of the Declaration of Office is attached as Schedule “A”.

## 5. Adherence to Council Policies and Procedures

- 5.1 Every Member shall observe and comply with every provision of this Code of Conduct, as well as all other policies and procedures adopted or established by Council.

## 6. Conduct at Meetings

- 6.1 Every Member shall conduct himself or herself properly and in a civil and respectful manner at meetings, and in accordance with the provisions of the Procedural By-law, this Code of Conduct, and other applicable law.

- 6.2 Members will respect the decision-making process. Members will attempt to accurately and adequately communicate the attitudes and decisions of Council, even if they disagree with a majority decision of Council.
- 6.3 Members shall strive to attend all Council Meetings. Any Member who is unable to attend a Council Meeting shall advise the clerk as soon as is reasonably possible of the reason for their absence.

## 7. Conduct Respecting Others

- 7.1 Every Member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. The Member shall be familiar with, and comply with, the Municipality's Workplace Anti-Violence, Harassment and Sexual Harassment Policy.
- 7.2 A Member shall not use indecent, abusive or insulting words, tone or expressions toward any other Member, any municipal staff or any member of the public.
- 7.3 A Member shall not speak in a manner that is discriminatory to any individual, based on any protected grounds. Protected grounds include: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, and gender expression<sup>1</sup>.

## 8. Conduct Respecting Staff and Officers

- 8.1 Under the direction of the senior administrative staff, and in accordance with the decisions of Council, staff and Officers are required to serve the municipal corporation as a whole. Every Member shall be respectful of the role of staff and Officers to provide advice based on political neutrality and objectivity and without undue influence from any Member or group of Members. Accordingly, no Member shall maliciously or falsely injure or impugn the professional or ethical reputation of any staff person or Officer.
- 8.2 Members shall acknowledge and respect the fact that staff carry out directions of Council, through senior staff, including but not limited to the treasurer, clerk, director of public works, and administer the policies of the Municipality. No Member shall perform, direct or attempt to undermine the duties of any staff person or Officer except in accordance with the Municipality's procedural by-law.

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<sup>11</sup> See *Human Rights Code*, R.S.O. 1990, c.H.19

- 8.3 Every Member shall show respect for staff and Officers, and for their professional capacities and responsibilities.
- 8.4 No Member shall direct, instruct or compel any staff member or Officer to engage in partisan political activities or subject any staff member or Officer to threat or discrimination for refusing to engage in any such activity.
- 8.5 No Member shall use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or improperly influencing any staff person or Officer or interfering with that person's duties, including the duty to disclose improper activity.

## 9. Gifts, Benefits and Hospitality

- 9.1 For the purposes of this Code, Gifts, Benefits and Hospitality provided, with a Member's knowledge, to that Member's spouse, child or parent, or to his or her staff, that is connected directly or indirectly to the performance of the Member's duties, are deemed Gifts, Benefits and Hospitality provided to that Member.
- 9.2 No Member shall accept Gifts, Benefits and Hospitality connected directly or indirectly with the performance of his or her duties, unless permitted under one or more of the exceptions listed below:
- 9.3 Each of the following is recognized as an exception:
- a) compensation authorized by law;
  - b) Gifts, Benefits and Hospitality of the kind that normally accompanies the responsibilities of office and is received as an incident of protocol or social obligation;
  - c) a political contribution otherwise authorized and reported as required by law, in the case of a Member running for office;
  - d) services provided without compensation by a Person volunteering their time in a function that would not normally be provided for compensation;
  - e) a suitable memento of a function honouring the Member;

- f) food, lodging, transportation or entertainment lawfully provided by any Provincial, regional or local government or board or political subdivisions of any of them, by the Federal government, a foreign government, or by those organizing a conference, seminar or event where the Member is speaking or attending in an official capacity;
- g) food and beverage consumed at a banquet reception or similar event, if:
  - i. attendance by the Member is for a legitimate municipal purpose;
  - ii. the Person extending the invitation, or a representative of the organization holding the event, is in attendance; and
  - iii. the value is reasonable;
- h) communications to the office of a Member, even if such communication would, in the ordinary course, require a subscription; and
- i) a sponsorship or donation for a community event organized or run by a Member, or a third party on behalf of a Member, subject to the limitations set out in any applicable municipal policy.

9.4 Except for exception 9.3 (c) (political contributions allowable by law), these exceptions do not apply where Gifts, Benefits and Hospitality are provided by a lobbyist or a lobbyist's client or employer. In this provision, a lobbyist is an individual, organization or business who or that:

- a) lobbies, or causes the lobbying of, any public office holder of the Municipality, the municipal council or corporation or a Local Board;
- b) the Member knows is attempting or intending to lobby the Member or any of the public, Persons or bodies listed in paragraph (a); or
- c) is maintaining an active lobbyist registration with the Municipality, whether or not with respect to any specific or current subject matter.

9.5 The exceptions in section 9.3 do not apply to a gift from an anonymous sender. No Member shall accept a gift from an anonymous sender. Where a Member receives a gift from an anonymous sender, the Member will turn the gift in to the Clerk who will donate the gift to a charity/organization on the Municipality's approved donation list.

- 9.6 In the case of any of the recognized exceptions in sections 9.3 (b), (e), (f), (h) and (i), to enhance transparency and accountability with respect to Gifts, Benefits and Hospitality, if the value of the Gift, Benefit or Hospitality is over \$300, or if the total value of Gifts, Benefits and Hospitality received from any one source during the course of a calendar year exceeds \$300, the Member shall file, within 30 days of receipt, or of reaching the annual limit, a disclosure statement with the Municipality or with its Integrity Commissioner.
- 9.7 The disclosure statement must set out:
- a) the nature of all Gifts, Benefits, and Hospitality;
  - b) its source and date of receipt;
  - c) the circumstances under which it was given and received;
  - d) its estimated value or, if determinable, its exact value;
  - e) what the recipient intends to do with any gift; and
  - f) whether any gift will at some point be provided to the Municipality.
- 9.8 Every disclosure statement filed under this Code shall be made a public record and posted in a place available for public review.
- 9.9 Upon receiving a disclosure statement, the Municipality or the Integrity Commissioner, as the case may be, shall examine, or in the case of the Municipality, appoint a Person to examine, the disclosure statement to ascertain whether the receipt of any Gifts, Benefits, or Hospitality, in his or her opinion, acting reasonably, contravenes this Code. Making such determination shall include providing the Member an opportunity to provide an explanation as to why receipt of any Gift, Benefit or Hospitality at issue does not contravene this Code.
- 9.10 Should a determination be made that receipt of any Gift, Benefit or Hospitality contravenes this Code, the Member shall be directed to promptly return, dispose of, or reimburse the person giving the Gift, Benefit or Hospitality, for the full value thereof, as applicable or remit the value of any gift or benefit already consumed to the Municipality.

## 10. Confidential Information

- 10.1 **No Member shall disclose, release, sell or publish by any means directly or indirectly, to any person or to the public, any Confidential Information acquired by virtue of his or her office**, in any form including, but not limited to, written notes, reports, oral and video recording, pictures, electronic correspondence, and any form of social media except when required or authorized by Council or otherwise by law to do so.
- 10.2 No Member shall use Confidential Information for personal or private gain or benefit, or to disadvantage any other person or body.
- 10.3 Unless required by law, no Member shall disclose the substance of deliberations of meetings held *in-camera* and that are authorized to be held *in-camera* under the *Municipal Act, 2001* or any other legislation unless or until Council discloses such information at a meeting that is open to the public or otherwise releases such information to the public.
- 10.4 Without limiting the generality of the foregoing, no Member shall, without lawful authority, disclose or make personal use of any of the following types of Confidential Information:
- a) Information concerning litigation, negotiation or personnel or labour matters;
  - b) Information the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence);
  - c) Price schedules in any contract, tender or proposal document while such remains Confidential Information;
  - d) Information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*, and
  - e) Any other information or statistical data required by law not to be released.
- 10.5 No Member shall obtain access, or attempt to gain access, to Confidential Information in the custody of the Municipality, Local Board or Committee except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.

## 11. Use of Municipal Property, Services and Other Resources

- 11.1 No Member shall use, or permit the use of, municipal equipment, land, facilities, supplies, services, staff or other resource, including any municipally-owned information, website, or funds allocated for Member expenses, for any purpose or activity other than the lawful business of the municipal corporation. No Member shall seek or acquire any personal financial gain from the use or sale of Confidential Information, or of any municipally-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, for which property remains exclusively that of the Municipality.

## 12. Conduct of Election Campaign

- 12.1 Every Member shall comply with all applicable requirements of the *Municipal Elections Act, 1996* and with the Municipality's municipal or board resources rules and procedures established pursuant to section 88.18 of the *Municipal Elections Act, 1996*.
- 12.2 No Member shall use Confidential Information, facilities, equipment, supplies, services, or other resources of the Municipality, including any Member newsletter or website linked through the Municipality's website, for any election campaign or campaign-related activity. No Member shall undertake campaign-related activities on municipal property during regular working hours unless authorized by the Municipality.
- 12.3 No Member shall use the services of any person for election-related purposes during hours in which that person receives any compensation from the Municipality.

## 13. No Improper Use of Influence

- 13.1 No Member shall use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes.
- 13.2 No Member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage, the private advantage of the Member's parent, child, spouse, staff member, friend or associate, business or otherwise or the disadvantage of others. No Member shall attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. No Member shall hold out the

prospect or promise of future advantage through the Member's supposed influence within Council in return for any action or inaction.

- 13.3 For the purposes of this provision "private advantage" does not include a matter:
- a) That is an interest in common with electors generally as defined in the *Municipal Conflict of Interest Act*;
  - b) that affects a Member, his or her parents/children or spouse, staff, friends or associates, business or otherwise, as one of a broad class of persons; or
  - c) that concerns the remuneration or benefits of a Member.
- 13.4 This provision does not prevent a Member from requesting that Council grant a lawful exemption from a policy.

## **14. Non-Compliance with this Code of Conduct – Sanctions**

- 14.1 A Member found by the Integrity Commissioner to have contravened any provision of this Code, may be subject to one or more of the following consequences imposed by Council as referred to in the following:
- a) a reprimand;
  - b) suspension of the remuneration paid to the Member in respect of his or her services as a Member of the Council or Local Board, for a period of up to 90 days;
  - c) Other penalties, including, but not necessarily limited to:
    - i. Removal from membership of a Committee or Local Board;
    - ii. Removal as Chair of a Committee or Local Board;
    - iii. Require repayment or reimbursement of moneys received;
    - iv. Return of property or reimbursement of its value;
    - v. A request for an apology;
    - vi. Revocation of travel or another budget;
    - vii. Request for resignation; and



- viii. Trespass order restricting access except for Council Meetings.

## 15. No Reprisal or Obstruction in the Application or Enforcement of this Code

- 15.1 Every Member must respect the integrity of the Code of Conduct and inquiries and investigations conducted under it and shall co-operate in every way possible in securing compliance with its application and endorsement. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities or pursuing any such objective.
- 15.2 Every Member shall cooperate with the Integrity Commissioner if the Integrity Commissioner conducts an inquiry concerning an alleged contravention of this Code.

## 16. Statutes and Policies Regulating the Conduct of Members

- 16.1 In addition to this Code of Conduct, the following Ontario legislation also governs the conduct of Members:
- a) the *Municipal Act, 2001* as amended;
  - b) the *Municipal Conflict of Interest Act*;
  - c) the *Municipal Elections Act, 1996*;
  - d) the *Municipal Freedom of Information and Protection of Privacy Act*;
  - e) the *Ontario Human Rights Code*; and,
  - f) the *Occupational Health and Safety Act*.

- 16.2 The following policies govern the conduct of Members:

Accountability and Transparency Policy	December 18, 2007	
Procedural By-Law	July 14, 2015	15-075

- 16.3 The *Criminal Code* also governs the conduct of Members.
- 16.4 A Member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the *Criminal Code* or being found to have failed to comply with the *Municipal Conflict of Interest Act*, whether or not the conduct in question involves contravention of this Code of Conduct. In the case of any inconsistency between this Code and a Federal or Provincial statute or regulation the statute or regulation shall prevail. Should any provision of the Code become or be determined to be invalid, illegal or unenforceable, it shall be considered separate and several from the agreement and the remaining provisions shall remain in force.

## 17. Complaints Alleging Violation of This Code

- 17.1 Where a Member, a municipal employee, Officer, or a member of the public has reasonable grounds to believe that a Member(s) has contravened this Code, a complaint may be submitted to the Clerk's Department in the prescribed form which will be forwarded to the Municipality's Integrity Commissioner who will process it in accordance with the Integrity Commissioner Inquiry Protocol attached hereto as Schedule "B". The Complaint may also be submitted directly to the Integrity Commissioner in the event that such office is readily accessible.
- 17.3 Where a Member is found not to have contravened this Code, the Municipality is authorized to protect that Member against costs or expenses incurred by the Member as a result of the complaint proceedings.

### Acknowledgment

The undersigned Member of Council hereby acknowledges receipt of 1 copy of the Code of Conduct. And that one signed copy of the "Acknowledgment" is to be returned to the Clerk.

\_\_\_\_\_  
Signature of Member of Council

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Printed Name

**DECLARATION OF OFFICE**  
**(Section 232 of the *Municipal Act, 2001*)**

I, \_\_\_\_\_, having been elected or appointed to the office  
*(name of person)*

of \_\_\_\_\_  
*(name of office)*

in the municipality of \_\_\_\_\_  
*(name of municipality)*

do solemnly promise and declare that:

1. I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
3. I will disclose any pecuniary interest, direct or indirect, in accordance with the *Municipal Conflict of Interest Act*.
4. I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being).

And I make this solemn promise and declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me )

at the ..... )

..... )

..... )

on ..... )

20..... )

\_\_\_\_\_

signature of declarant

\_\_\_\_\_

Commissioner for taking Affidavits



**KIRKLAND LAKE**  
THE RIGHT ENVIRONMENT



**Integrity Commissioner  
Inquiry Protocol  
(Post March 1, 2019 Draft)**

*Town of Kirkland Lake*

**Important Disclaimer:** this protocol complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the “*Act*”). Wishart Law Firm LLP recommends that legal advice be sought by the Integrity Commissioner or anyone acting under his or her authority in responding to an application or conducting an inquiry pursuant to this protocol. If you have any questions or concerns about this protocol or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this protocol other than as expressly authorized or directed by Wishart Law Firm LLP.

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## 1. Introduction

The Municipality has, pursuant to section 223.2 of the *Municipal Act, 2001*, established a Code of Conduct for members of council of the Municipality and members of its Local Boards.

The Municipality has appointed an Integrity Commissioner whose duties include, among other things, conducting inquiries in respect of alleged contraventions of the Code of Conduct and sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* (“*MClA*”).

The purpose of this protocol is to set out a framework for the Integrity Commissioner’s inquiries into allegations of contraventions of the Code of Conduct and sections 5, 5.1 and 5.2 of the *MClA* breaches.

## 2. Definitions

“**Applicant**” means the person who has submitted an application to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention by a Member of sections 5, 5.1 or 5.2 of the *MClA*.

“**Code of Conduct**” means a code of conduct established pursuant to section 232.2 of the *Municipal Act, 2001*.

“**Elector**” means a person entitled to vote at a municipal election in the Municipality.

“**Integrity Commissioner**” means the Integrity Commissioner appointed by Municipal Council and any individual acting under powers delegated to him or her in writing by the Integrity Commissioner.

“**Local Board**” means a Local Board other than:

- a. A society as defined in subsection 2(1) of the *Child, Youth and Family Services Act, 2017*;
- b. A board of health as defined in subsection 1(1) of the *Health Protection and Promotion Act*;
- c. A Committee of management established under the *Long-Term Care Homes Act, 2007*;
- d. A police service board established under the *Police Services Act, 2018*;
- e. A board as defined in section 1 of the *Public Libraries Act*; and,
- f. A corporation established in accordance with section 203 of the *Municipal Act, 2001*;



**“Member”** means a member of the municipal council and any person on his or her staff and/or a member of a Local Board or a Committee of the Municipality and any person on his or her staff.

**“Requestor”** means the person who has submitted a request to the Integrity Commissioner for an inquiry concerning an alleged contravention of the applicable Code of Conduct.

**“Respondent”** means the person who is alleged to have violated the Code of Conduct or sections 5, 5.1 or 5.2 of the *MClA* and whom an Integrity Commissioner inquiry application has been submitted.

## 3. Integrity Commissioner

### 3.1. Functions

The Integrity Commissioner reports to council and is responsible for performing in an independent manner, the functions assigned by the Municipality with respect to any of the following:

1. The application of the Code of Conduct for Members.
2. The application of any procedures, rules and policies of the Municipality and Local Boards governing the ethical behaviour of Members.
3. The application of sections 5, 5.1 and 5.2 of the *MClA* to Members.
4. Requests from Members for advice respecting their obligations under the Code of Conduct applicable to the Member.
5. Requests from Members for advice respecting their obligations under a procedure, rule or policy of the Municipality or of the Local Board, as the case may be, governing the ethical behaviour of Members.
6. Requests from Members for advice respecting their obligations under the *MClA*.
7. The provision of educational information to Members, the Municipality and the public about the Municipality’s Code of Conduct for Members and about the *MClA*.

### **3.2. Powers and duties**

In carrying out the responsibilities described in section 3.1 above, the Integrity Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the Municipality.

### **3.3. Delegation**

After satisfying himself or herself that a person is fully capable of carrying out the Integrity Commissioner's powers or duties, the Integrity Commissioner may, in writing, delegate to any person, other than a member of council, any such duties or powers. For greater certainty, if the Integrity Commissioner delegates any duties or powers, the Integrity Commissioner may continue to exercise the delegated powers and duties despite the delegation.

### **3.4. Outside assistance**

In performing any of his or her duties, the Integrity Commissioner may engage outside assistance or consult with the Municipality's legal counsel. When the Municipality's legal counsel is assisting the Integrity Commissioner their role is solely to assist the Integrity Commissioner and not any particular individual.

## **4. Requests for advice**

### **4.1. Requests for advice shall be in writing**

A request by a Member for advice from the Integrity Commissioner under paragraphs 4, 5 or 6 of section 3.1 above, shall be made in writing.

### **4.2. Advice shall be in writing**

If the Integrity Commissioner provides advice to a Member under paragraphs 4, 5 or 6 of section 3.1 above, the advice shall be in writing.

### **4.3. Release of advice**

Advice provided by the Integrity Commissioner to a Member under paragraphs 4, 5 or 6 of section 3.1 above may be released by the Integrity Commissioner:

1. With the Member's written consent; or
2. Without the Member's written consent if the Member releases part of the advice.

## 5. Inquiry by Integrity Commissioner re Code of Conduct

### 5.1. Request for inquiry

A request for inquiry may be made in writing to the Integrity Commissioner by a Member, staff or member of the public about whether a Member has contravened the Code of Conduct.

### 5.2. Request contents

A request for inquiry under section 5.1 above may be in the form set out in Schedule “A” or, otherwise, shall include sufficient information to set out a prima facie contravention of the applicable Code of Conduct, including, but not necessarily limited to, all of the following:

- The Requestor’s name and contact information.
- What happened – a description of the events or situation.
- When it happened – dates and times of the events or incidents.
- Where it happened – the location(s) where the events or incidents occurred.
- Who saw it happen – the names of any witnesses, if any.

### 5.3. Jurisdiction re workplace violence, harassment, and sexual harassment

Requests made under this section must specifically refer to alleged contraventions of the Code of Conduct by a Member. Allegations of workplace violence, harassment, and sexual harassment by a Member must be reported in the manner set out in the Town of Kirkland Lake Workplace Anti-Violence, Harassment and Sexual Harassment Policy and must be reported as provided thereunder and that policy shall exclusively apply in respect of any such report.

### 5.4. Request review

The Integrity Commissioner will conduct an initial review of the request to ensure that it is a proper allegation of a breach of the Code of Conduct . If, after the initial review, the Integrity Commissioner determines that the request is not properly an allegation of a breach of the Code of Conduct, there are insufficient grounds to believe that there has been a contravention of the Code of Conduct, or the Integrity Commissioner determines that an inquiry is not appropriate for any other reason in the Integrity Commissioner’s reasonable discretion, the Integrity Commissioner will dismiss the request. When determining if an inquiry is appropriate, the Integrity Commissioner may, among other things, take into account the date of the alleged breach. Further, the Integrity Commissioner shall, in his or her discretion, dismiss the request.

If, upon initial review, the Integrity Commissioner determines that the Requestor has not supplied the information as mentioned by section 5.2, the Integrity Commissioner will advise the Requestor that he or she must supply additional information and shall take no further action until the information is provided.

### **5.5. Powers on inquiry**

The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case, notwithstanding anything to the contrary herein, those sections apply to the inquiry.

### **5.6. Information**

The Municipality, its Local Boards and Committees shall give the Integrity Commissioner such information as the Integrity Commissioner believes to be necessary for an inquiry including free access to all books, accounts, financial records, electronic data processing records, reports, files and other papers, things or property belonging to or used by the Municipality, Committee or a Local Board. For greater certainty, providing the Integrity Commissioner with information concerning legal advice shall be deemed not to constitute a waiver of solicitor-client privilege.

### **5.7. Penalties the Municipality may impose**

Council may impose any of the following penalties on a Member if the Integrity Commissioner reports to the Municipality that the Member has contravened the Code of Conduct:

1. A reprimand;
2. Suspension of the remuneration paid to the Member for a period of up to 90 days;
3. Other penalties, including, but not necessarily limited to:
  - a. Removal from membership of a Committee or Local Board;
  - b. Removal as Chair of a Committee or Local Board;
  - c. Require repayment or reimbursement of moneys received;
  - d. Return of property or reimbursement of its value;
  - e. Request for an apology to Council, the Requestor or other relevant party;
  - f. Revocation of travel or other budget;
  - g. Request for resignation;
  - h. Trespass Order restricting access except for Council Meetings.

### **5.8. Penalties the Local Board may impose**

A Local Board may impose any of the penalties described in section 5.7 above on a member of the Local Board if the Integrity Commissioner reports to the Local Board that, in his or her opinion, the member of the Local Board has contravened the Code of Conduct applicable to the Member of the Local Board, and if the Municipality has not imposed a penalty on the member of the Local Board under section 5.7 above in respect of the contravention.

### **5.9. Termination of inquiry when regular election begins**

If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is so terminated, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the Member or former Member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.

### **5.10. Other rules that apply during regular election**

The following rules apply during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that *Act*:

1. There shall be no requests for an inquiry about whether a member of council or of a Local Board has contravened the Code of Conduct applicable to the Member.
2. The Integrity Commissioner shall not report to the Municipality or Local Board about whether, in his or her opinion, a member of council or of a Local Board has contravened the Code of Conduct applicable to the Member.
3. The Municipality or Local Board shall not consider whether to impose the penalties referred to in sections 5.5 and 5.6 above on a member of council or of a Local Board.

## **6. Inquiry by Integrity Commissioner re s. 5, 5.1 or 5.2 of the MClA**

### **6.1. Application**

An Elector, or a person demonstrably acting in the public interest, may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1 or 5.2 of the *MClA* by a Member.

### **6.2. Content of application**

An application may be in the form set out in Schedule “B” or, otherwise, shall set out the reasons for believing that the Member has contravened sections 5, 5.1 or 5.2 of the *MClA* and include the Applicant’s name and contact information and a statutory declaration attesting to the fact that the Applicant became aware of the contravention not more than six weeks before the date of the application or, in the case where the Applicant became aware of the alleged contravention during the period of time described in paragraph 1 of section 6.6 below, a statutory declaration attesting to the fact that the Applicant became aware of the alleged contravention during that period of time.

### **6.3. Review of application**

The Integrity Commissioner will conduct an initial review of the application to ensure that it complies with this section. If the application does not comply with this section, the Integrity Commissioner will advise the Applicant about the non-compliance in writing and the Integrity Commissioner shall take no further action unless or until the Applicant submits a compliant application. If upon initial review, the Integrity Commissioner determines that the application is not properly an application alleging contravention of sections 5, 5.1 or 5.2 of the *MClA* or there are no reasonable grounds to support the application, the Integrity Commissioner shall dismiss the application.

### **6.4. No application for inquiry during regular election**

No application for an inquiry under this section may be made to the Integrity Commissioner during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, and ending on voting day in a regular election as set out in section 5 of that *Act*.

### **6.5. Application timing**

An application under this section may only be made within six weeks after the Applicant became aware of the alleged contravention. No application shall be brought after the expiration of six years from the time at which the contravention is alleged to have occurred.

### **6.6. Exception**

Despite section 6.5 above, an application may be made more than six weeks after the Applicant became aware of the alleged contravention if both of the following are satisfied:

1. The Applicant became aware of the alleged contravention six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that *Act*.
2. The Applicant applies to the Integrity Commissioner under section 6.1 within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*.

### **6.7. Public meeting**

If the Integrity Commissioner decides to conduct an inquiry, the Integrity Commissioner may have a public meeting to discuss the inquiry.

### **6.8. Powers on inquiry**

The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case, notwithstanding anything to the contrary herein, those sections apply to the inquiry.

### **6.9. Information**

The municipality and its Local Boards shall give the Integrity Commissioner such information as the Integrity Commissioner believes to be necessary for an inquiry including free access to all books, accounts, financial records, electronic data processing records, reports, files and other papers, things or property belonging to or used by the Municipality or a Local Board. For greater certainty, providing the Integrity Commissioner with information concerning legal advice shall be deemed not to constitute a waiver of solicitor-client privilege.

### **6.10. Termination of inquiry when regular election begins**

If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day.

### **6.11. No other inquiry in respect of the matter to commence without application**

If an inquiry is terminated under section 6.10, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*, the person who made the application or the Member or former Member whose conduct is concerned applies in writing to the Integrity Commissioner for the inquiry to be carried out.

### **6.12. Timing for completion of inquiry**

The Integrity Commissioner shall complete the inquiry within 180 days after receiving the completed compliant application under section 6.1 above unless the inquiry is terminated under section 6.10 above.

### **6.13. Decision to apply to a judge upon completion of inquiry**

Upon completion of the inquiry, the Integrity Commissioner may, if he or she considers it appropriate, apply to a judge for a determination as to whether the Member has contravened sections 5, 5.1 or 5.2 of the *MCLA*.

### **6.14. Notice to Applicant re decision not to apply to judge**

The Integrity Commissioner shall advise the Applicant if the Integrity Commissioner will not be making an application to a judge.

### **6.15. Reasons re decision to apply to a judge**

After deciding whether or not to apply to a judge, the Integrity Commissioner shall publish written reasons for the decision.

### **6.16. Costs**

The Integrity Commissioner's costs of applying to a judge shall be paid by:



1. The municipality, if the Member is alleged to have contravened sections 5, 5.1 or 5.2 of the *MCLIA* as member of council of the Municipality; or
2. The Local Board, if the Member is alleged have contravened sections 5, 5.1 or 5.2 of the *MCLIA* as member of the Local Board.

## 7. Conduct of inquiry

The Integrity Commissioner may conduct such inquiry as he or she considers necessary in response to a compliant request or application under sections 5 or 6 above and such inquiry may include all or some of the following:

- Informing the Respondent of the application;
- Interviewing the Applicant, the Respondent, any person involved in the incident, and any identified witnesses;
- Interviewing any other person who may have knowledge of the incidents related to the application or any other similar incidents; and
- Reviewing any information the Integrity Commissioner believes necessary and document such review.

## 8. Reference to appropriate authorities

### 8.1. Referral of matter by Integrity Commissioner

If the Integrity Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of the Criminal Code of Canada or any other *Act*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting investigation, including, but not limited to, police investigations and/or the charges have been finally disposed of, and shall report the suspension to council. Contravention of any other *Act* includes, but is not limited to, contravention of the *Occupational Health and Safety Act*.

### 8.2. No derogation of rights

The provisions of this protocol in no way affect the right of anyone to:

- (a) contact the police, other law enforcement agency, or any other appropriate authority on their own initiative;
- (b) exercise their right(s) under any legislation; or

(c) take any other available legal action.

## 9. Confidentiality

### 9.1. Integrity Commissioner's duty of confidentiality

The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality with respect to all matters that come to his or her knowledge in the course of performing his or her duties. This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.

### 9.2. Confidentiality of those involved in inquiry

Out of respect for the relevant individuals, it is essential that the Applicant, Respondent, witnesses and anyone else involved in an inquiry conducted by the Integrity Commissioner hereunder maintain confidentiality throughout the inquiry and afterwards.

### 9.3. Disclosure required by law

Notwithstanding sections 9.1 or 9.2 above, information may be disclosed in a criminal proceeding, or as required by law.

### 9.4. Retention of records

The Integrity Commissioner and person providing outside assistance to the Integrity Commissioner pursuant to section 3.4 above, shall retain all records related to any application and any inquiry indefinitely.

## 10. Reports

### 10.1. Periodic report to council

If the Integrity Commissioner provides a periodic report to the Municipality on his or her activities, the Integrity Commissioner may summarize advice he or she has given, but shall not disclose confidential information that could identify a person concerned.

### 10.2. Report about conduct

After completing an inquiry, the Integrity Commissioner shall provide a written report to the Municipality or the Local Board (the "Report").

The Integrity Commissioner may disclose in the Report, such matters as in the Commissioner's opinion are necessary for the purposes of the Report. Where the Integrity Commissioner finds that there has been a contravention of the Code of Conduct, the Report may, at the Integrity Commissioner's discretion, contain the following:

1. An outline of the Integrity Commissioner's finding; and,
2. The terms of any recommended corrective action;

Where the Integrity Commissioner finds that there has been a contravention of the Code of Conduct, the Report must contain sufficient information for the Municipality or Local Board to determine whether or not to impose corrective action under section 5.7.

### **10.3. Report to Council or Local Board**

Upon receipt of the Report, the Clerk shall indicate on the regular agenda of Council or the Local Board, notice of intent from the Integrity Commissioner to submit a Report for consideration at the following regular meeting.

The Respondent shall have the right of reply when the Report is considered by the Municipality or the Local Board.

Upon review of the Report, Council shall pass a resolution stating whether or not it intends to take action in response to the Report, and if so, what action Council will take.

### **10.4. Publication of reports**

The Municipality and each Local Board shall ensure that reports received from the Integrity Commissioner by the Municipality or by the Local Board, as the case may be, are made available to the public upon request.

## **11. Bad Faith Applications or Requests**

If a person or entity makes a request or application for an inquiry hereunder and the Integrity Commissioner determines such request or application is made in bad faith, notwithstanding anything to the contrary in protocol, the Integrity Commissioner may disclose all relevant information concerning the request or application to the Municipality such that the Municipality may pursue any recourse available against the individual or entity. Examples of bad faith include, but are not limited to, making a report knowing the allegations therein are untrue or making a report for an improper purpose.

## 12. Indemnity

The Municipality shall indemnify and save harmless the Integrity Commissioner, or any person acting under the instructions of the Integrity Commissioner, for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority hereunder or an alleged neglect or default in the performance in good faith of such duty or a by-law passed under Part V.1 of the *Municipal Act, 2001*. For greater certainty, nothing in this section affects the application of section 448 of the *Municipal Act, 2001* with respect to a proceeding referred to in this section.

## 13. Protocol review

The Municipality will review this Policy as often as it deems reasonably necessary and will post the most current version of this protocol on its website.

## SCHEDULE "A"

### INTEGRITY COMMISSIONER REQUEST FOR INQUIRY CODE OF CONDUCT

This form will be used to request the Integrity Commissioner conduct an inquiry of an alleged Code of Conduct contravention	Submit completed complaint in a sealed envelope to: <b>Integrity Commissioner</b> <b>Request for Inquiry Re Code of Conduct</b> [ <b>Integrity Commission Contact Information</b> ]
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#### REQUESTOR'S INFORMATION

Last Name:	First Name:
Street Address:	Municipality:
Postal Code:	Phone #:
E-mail Address:	Name of Member:

#### DETAILS OF ALLEGED CODE OF CONDUCT CONTRAVENTION

Date(s) of alleged Code of Conduct contravention:	
Provision(s) of Code of Conduct allegedly contravened:	
Facts constituting the alleged Code of Conduct contravention (please use separate page(s) if required)	
Name(s) and contact information of any witnesses:	
<input type="checkbox"/> I agree to release my identity with regard to this request <input type="checkbox"/> I do NOT agree to release my identity with regard to this request	
Signature:	Date: Year:                      Month:                      Day:

#### FOR OFFICE USE ONLY

Date Received Year:      Month:      Day:	Request #:	Comments:
Personal information contained on this form is collected under the authority of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and will be used for the purpose of requesting an inquiry.		

## SCHEDULE "B"

### INTEGRITY COMMISSIONER APPLICATION FOR INQUIRY *MUNICIPAL CONFLICT OF INTEREST ACT*

**AFFIDAVIT OF** \_\_\_\_\_ (insert full name) I,  
 \_\_\_\_\_ (insert full name), of the (insert City, Town etc.)  
 \_\_\_\_\_ (Municipality of residence) in the Province of Ontario.

MAKE OATH AND SAY (or AFFIRM):

1. I have personal knowledge of the facts as set out in this affidavit, because: (insert reasons - e.g. I work for/I attended a meeting at which, etc.)
  
  2. I have reasonable and probable grounds to believe that a Member, namely: (insert specify name of Member)
- has contravened section(s) \_\_\_\_\_ (specify section(s) 5, 5.1 or 5.2) of the *Municipal Conflict of Interest Act*, RSO 1990, c M.50. The particulars of which are as follows:

(If more room is required, attach and initial extra pages to set out the statement of facts in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact. Exhibits should be labelled as Exhibit A, B, etc. and attached to this affidavit.)

3. I became aware of the alleged contravention:
  - not more than six weeks before the date of this application.
  
  - within the period of time beginning six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that *Act*.

This affidavit is made for the purpose of applying for an inquiry by the Integrity Commissioner and for no other purpose.

SWORN (or AFFIRMED) before me at the \_\_\_\_\_ )  
 City of \_\_\_\_\_, this day of \_\_\_\_\_ )  
 \_\_\_\_\_, 20\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )

A Commissioner etc.



**THE CORPORATION OF THE TOWN OF KIRKLAND LAKE**

**BY-LAW 20-083**

**BEING A BYLAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT WITH PENNY AND GARRY FURNEL FOR A PORTION OF THE KIRKLAND AVENUE ROAD ALLOWANCE IN SWATIKA**

**WHEREAS** Penny and Garry Fournel are the owners of 11 Kirkland Avenue in Swastika;

**AND WHEREAS** Penny and Garry Fournel have placed a storage container structure on the Kirkland Avenue road allowance;

**AND WHEREAS** Penny and Garry Fournel, in order to rectify this infraction have requested permission to enter into an encroachment agreement on the Kirkland Avenue road allowance in Swastika;

**AND WHEREAS** the Council of the Town of Kirkland Lake has requested that an encroachment agreement be established for consideration at the October 20, 2020 Council meeting;

**AND WHEREAS** the Purchaser is not in arrears on property taxes or been in tax registration in the last 10 years, and has no outstanding accounts owed to the Town of Kirkland Lake;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:**

**THAT** The Mayor and Clerk be and they are hereby authorized to execute an Agreement with Penny and Garry Fournel, a copy of which Agreement is attached hereto and marked Schedule "A" to this By-law.

**READ A FIRST, SECOND AND THIRD TIME, ENACTED AND PASSED THIS 20<sup>TH</sup> DAY OF OCTOBER 2020.**

---

Patrick Kiely, Mayor

---

Meagan Elliott, Clerk

**Schedule "A" to By-Law Number 20-083**

THIS ENCROACHMENT AGREEMENT made in triplicate this 20<sup>th</sup> day of October, 2020.

BETWEEN: THE CORPORATION OF THE TOWN OF KIRKLAND LAKE  
hereinafter referred to as the "Corporation"

OF THE FIRST PART

- and -

PENNY AND GARRY FOURNEL  
hereinafter referred to as the "Owners"

OF THE SECOND PART

**WHEREAS** the Corporation is the owner of the road allowance known as Kirkland Avenue in Swastika, as outlined on the enclosed map identified as Schedule "A" to this Agreement, in the Town of Kirkland Lake in the District of Timiskaming on file in the office of Land Titles in Haileybury, Ontario;

**AND WHEREAS** the Owners are the legal owner of 11 Kirkland Avenue in Swastika, as outlined on the enclosed map identified as Schedule "A" to this Agreement, in the Town of Kirkland Lake in the District of Timiskaming on file in the office of Land Titles in Haileybury, Ontario;

**AND WHEREAS** the Owners have installed a 2.43 metre x 12.19 metre storage container structure immediately beside the northern wall of the existing building at 11 Kirkland Avenue for the purpose of parking vehicles;

**AND WHEREAS** the 2.43 metre x 12.19 metre storage container structure encroaches onto the Kirkland Avenue road allowance, owned by the Corporation and the Owners have no right, title, easement or agreement to encroach upon the said lands at any time preceding the execution of this Agreement by the Parties to this Agreement;

**AND WHEREAS** Council for the Corporation of the Town of Kirkland Lake has agreed to enter into an Encroachment Agreement to permit the Owners to occupy this block of land, being approximately 29.72 square metres of open municipal road allowance;

**NOW THEREFORE BE IT RESOLVED THAT** in consideration of the premises and initial onetime payment to the Corporation the sum of One Hundred and Forty Six (146.00) Dollars initially and every year thereafter, as amended in accordance with the municipal User Fee By-law, the Corporation hereby gives



and grants to the Owners, a permit to occupy the said lands, based upon the following terms and conditions:

- (a) The Owners are hereby permitted to construct and install a 2.43 metre x 12.19 metre storage container structure at the Owners' cost on the road allowance known as Kirkland Avenue, in accordance with Schedule "B" attached, and the Owners shall be responsible for the maintenance and repair thereof, subject to notification to the Corporation;
- (b) The Owners understand and acknowledge that the construction/installation of the storage container and any enhancements or alterations to the structure in the future, requires a building permit in accordance with the Ontario Building Code Act. The Owners agree to apply for and obtain a building permit and make all necessary modifications to the unit necessary to meet the regulations in this Agreement and in the Ontario Building Code, including signed and stamped confirmation from a Professional Engineer declaring that the structure is structurally adequate to withstand and sustain the loads that it may be subject to;
- (c) The Owners intend to install deck boards and railings on the roof of the storage container for the purpose of accommodating outdoor living space. All improvements to the structure will be compliant with the Ontario Building Code and may require sign-off from a structural engineer;
- (d) The Owners agree to side the structure with the same siding as the dwelling and to keep the structure in good condition;
- (e) The storage container structure is capable of being removed at ease from the road allowance to facilitate private and public infrastructure installations and/or upgrades at the total cost of the Owners;
- (f) The Corporation will provide ten (10) days' notice if there is a municipal project to repair public and private infrastructure on, or within the Kirkland Avenue road allowance;
- (g) In the event of an emergency involving any public or private infrastructure, the Owners are responsible, if deemed necessary by the Director of Public Works (or designate), for removing the storage container as soon as possible. Any added costs in order to properly conduct the repair work without disrupting the storage container will be billed to the Owners for payment;
- (h) That the Owners will allow without delay access to utility companies, when necessary, for the purposes of construction or maintenance of the facilities. The utility companies nor the Corporation shall be responsible for any damages that may arise to the property as a result of the construction or maintenance of the utilities. The Owners shall be entirely responsible for any damage that may occur to the structure;

- (i) The Owners understand and acknowledge that at no time shall the parked vehicles affect winter maintenance operations;
- (j) In accordance with Section 181 of the Ontario Highway Traffic Act, the Owners shall not deposit snow or ice on a roadway without permission in writing to do so from the Ministry or the road authority responsible for the maintenance of the road;
- (k) The Owners understand and acknowledge that they shall take action to ensure that the visibility at Kirkland Avenue and Highway 66 intersection is not obstructed or limited;
- (l) The Owners agree that they will not damage nor interfere with the adjoining lands of the Corporation;
- (m) The Owners agree that they will keep the property tidy, neat and in good order and covenant and agree to remain compliant with the Community Standards By-law, and all other applicable By-laws. Failure to comply with this condition will result in the cancellation of this Encroachment Agreement;
- (n) The Owners shall not cause to be erected any other structure upon the said lands owned by the Corporation, nor alter or modify the existing structure under any circumstances whatsoever;
- (o) That Owners agree to remove the structure when the structure is deemed to be structurally inadequate and, at that time, this Encroachment Agreement shall be null and void; and
- (p) When the Owners sell the property known as 11 Kirkland Avenue in Swastika, this Encroachment Agreement shall be null and void and all encroachments shall be removed by the Owners prior to the closing of the Offer of Purchase and Sale. It shall be the sole responsibility of the Owners to ensure that any Purchaser of the lands known as 11 Kirkland Avenue in Swastika understand this this Encroachment Agreement is not transferrable nor assignable to any other Party.

**IT IS HEREBY DECLARED AND AGREED UPON** that in the event the Corporation should require use of the said lands for municipal purposes or any other purpose, the Corporation shall give six (6) months' notice to the Owners to remove the structure from the lands. The Owners shall not be entitled to maintain any claim whatsoever against the Corporation for any damages that the Owners may suffer by reason of having delivered up possession of the said land.

And that in the event the Owners breach any term and/or condition of this Encroachment Agreement or are unable to meet the requirements of the Ontario Building Code and other applicable regulations and By-laws, the Corporation reserves the right to cancel this Encroachment Agreement immediately, unless the Owners take immediate action to correct the breach to the sole satisfaction of

the Corporation. The Owners will remove the structure from the lands immediately upon direction from the Corporation in the event of a breach of this Encroachment Agreement. The Owners shall not be entitled to maintain any claim whatsoever against the Corporation for any damages that the Owners may suffer by reason of having delivered up possession of the said land.

### **Insurance**

- a) The Owners agree that they will acquire and maintain general liability insurance over this portion of property in the amount of \$2,000,000.00 and name the Town of Kirkland Lake as additional insured for the duration of this Agreement. The policy shall provide coverage for Bodily Injury, Property Damage and Personal Injury. If general liability insurance is not practical, the Owners shall provide a letter from their homeowners insurance provider to acknowledge that the container is insured for all risks and the Owners are insured for any liability under this agreement.
- b) The Owners shall be required to provide proof of automobile liability insurance. The automobile policy shall cover property damage caused by use of the vehicle which would include a spill or contamination caused by the contents of the vehicle's operation system but not cargo or contents being stored in the actual vehicle. This policy shall have an inclusive limit of not less than \$2 million per occurrence for third party liability.
- c) The Owners insurance shall be primary coverage and not additional to and shall not seek contribution from any other insurance policies available to the Corporation.
- d) The Owners shall provide a Certificate of Insurance evidencing coverage in force on an annual basis at the same time as the Encroachment Agreement Fee is due, being January 31 of each year.
- e) The Owners shall indemnify and save harmless the Corporation, its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the Owner in accordance with this Agreement and shall survive this Agreement.

The Owners agree that in the event of any contamination of the lands occupied of which it becomes aware it shall immediately notify the Ministry of Environment, Conservation and Parks (MECP) or any successor or agency of any such contamination. The Owners further agree to indemnify and save harmless the Corporation from any environmental condition on the said property as a result of any use of the said property by the Owners, their servants, agents or assigns and this clause shall provide full indemnification to the Corporation for any such

adverse environmental effects that the Corporation may be required to take to prevent, ameliorate or eliminate or to restore the property to the natural environment.

The Owners agree to indemnify and save harmless the Corporation from any and all damages and/or liability including costs that the Corporation may incur as a result of the structure being on the said lands from any cause whatsoever. The Owners agree that it shall not make, nor does he or she have any claims against the Corporation for any loss or damage which may occur on to the structure in the event that it is damaged for any reason whatsoever while on the property of the Corporation.

**THIS AGREEMENT** shall ensure to the benefit of and be binding upon the Parties hereto.

**IN WITNESS THEREOF** the parties hereto have set their hands and seals this 20<sup>th</sup> day of October, 2020.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

**The Corporation of the Town of Kirkland Lake**

\_\_\_\_\_  
Witness as to the signature of

\_\_\_\_\_  
Patrick Kiely  
Mayor

\_\_\_\_\_  
Meagan Elliott  
Clerk

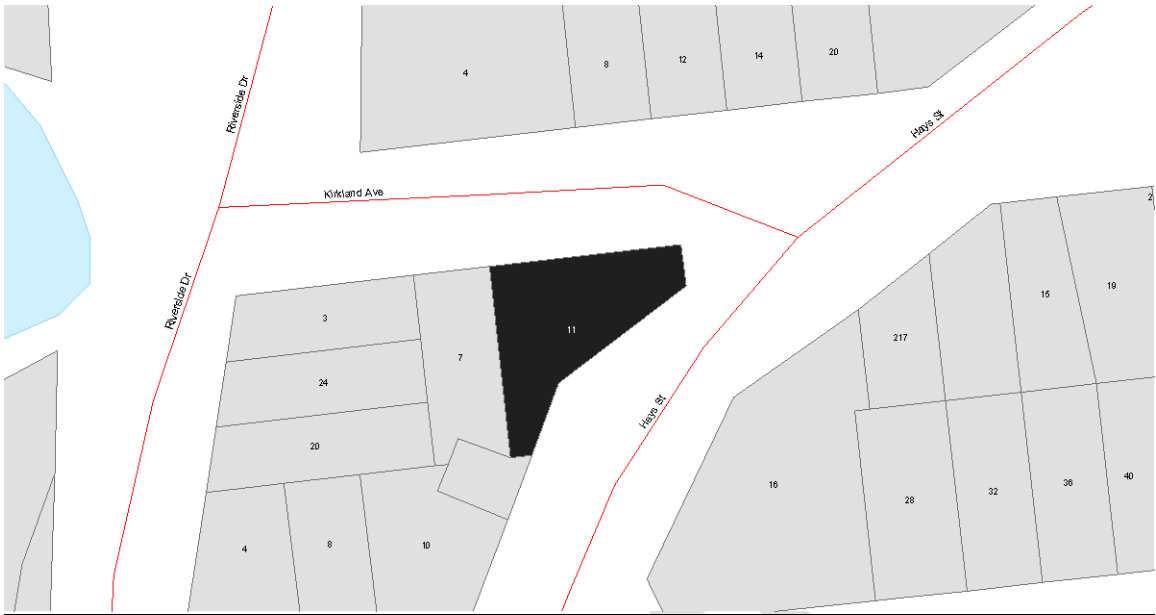
**The Owners**

\_\_\_\_\_  
Witness as to the signature of

\_\_\_\_\_  
Garry Fournel  
Owner of 11 Kirkland Avenue

\_\_\_\_\_  
Penny Fournel  
Owner of 11 Kirkland Avenue

### Schedule "A": Subject Property



DRAFT

Schedule "B"



Good morning,

Could the Council receive a status report on the following items as per Strategic Plan, with a target of Q3, 2020:

- 1) OE-1 Establish Standard Procurement Guidelines and Practices, Corporate Services, Approve new Procurement By Law & Policy.
- 2) OE-48 Assess Contracted Services/Leases/Rentals Prior to Expiry to Ensure Maximum Efficiency and Best Use of Taxpayers Dollars, Corporate Services, Family Health Team
- 3) BT-2 Enhance and improve functionality of CGIS, Developmental Services, Expand CGIS activity request system to all departments Work towards enhancing use of CGIS by introducing new layers and/or activities Have certain layers available to the public
- 4) BT-5 Develop and report variance reporting for staff, Corporate Services, Establish a process for reporting variances to directors in a timely manner
- 5) BT-13 Review purpose and best approach for Health & Safety Committee structure, Corporate Services
- 6) BT-14 Review Sick Time Policy, Part-Time Benefits, Corporate Services
- 7) BT-19 Finalize Organizational Review, CAO
- 8) BT-25 Analyze need for Facilities Management Position, Community Services
- 9) BT-26 Analyze need for Contract Manager Position, Public Works
- 10) OS-16 Implement Customer Relations Management System, Developmental Services, Implement CGIS Activity Request system town-wide
- 11) OS-17 to OS-20 Establish a Communications Policy for communication with Council, staff and the public, Corporate Services, Policy to include measuring techniques, such as customer satisfaction surveys, Policy to include direction on public engagement on high profile sensitive topics, Use of social media, websites and TKL alerts, Use of standardized templates for letters, memos, etc

Thank you for adding this to "Questions from Council",  
Councilor Wight

[BACK  
TO TOP](#)



## John Vanthof

MPP/député Timiskaming-Cochrane



October 1, 2020

Town of Kirkland Lake  
Postal Bag 1757  
3 Kirkland Street West  
Kirkland Lake, Ontario  
P2N 3P4

Dear Mayor Kiely and Council;

Thank you the invitation to present at the council meeting on Sept 22, 2020. I truly appreciated the opportunity to discuss many of the issues that are impacting the municipality and its residents.

As discussed, I would be happy to approach ministers to advocate on your behalf for issues Kirkland Lake has raised to their individual ministries at AMO.

To ensure that process is effective, I would request that you make my office aware of any correspondence that you have had with the Minister's offices since the conference. Please send it to my constituency office lead assistant at [jvanthof-co@ndp.on.ca](mailto:jvanthof-co@ndp.on.ca) – attention Darlene Bowen.

Some of the issues raised by council during the meeting were not covered in the AMO briefing binder provided for my review; for example, Northern College. I would appreciate if you would forward any correspondence that you have on these issues so we can develop a coordinated approach.

Please contact my office at any time if you have questions or need more information. Once again, thank you for inviting me to present at your meeting.

Yours truly,

John Vanthof,  
MPP Timiskaming-Cochrane

**Queen's Park** - Room/Bureau 156, Main Legislative Building/Édifice de l'Assemblée législative, Queen's Park, Toronto, ON, M7A 1A5 • Tel/Tél. : 416-325-2000 • Fax/Télécop.: 416-325-1999 • email/cour.: [jvanthof-qp@ndp.on.ca](mailto:jvanthof-qp@ndp.on.ca)

**Community Office** - Pinewoods Center, 247 avenue Whitewood Ave., Unit/Unité 5, Temiskaming Shores, • Tel/Tél. : 705-647-5995 • Fax/Télécop. : 705-647-1976 • toll free/sans frais : 1-888-701-1105 • email/cour. : [jvanthof-co@ndp.on.ca](mailto:jvanthof-co@ndp.on.ca) **Mailing Address** - PO Box 398, New Liskeard, ON, P0J 1E0





# VICTIM SERVICES of Temiskaming & District

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October 5, 2020

Sent by email to [Meagan.Elliott@tkl.ca](mailto:Meagan.Elliott@tkl.ca)

Meagan Elliott - Municipal Clerk  
Town of Kirkland Lake – Mayor and Council Members  
Postal Bag 1757  
3 Kirkland Street  
Kirkland Lake, ON P2N 3P4

**Re: 2020 Victims and Survivors of Crime Awareness Week**

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**“RECOGNIZING COURAGE, RENEWING COMMITMENT”!** That is the theme of the 2020 Victims and Survivors of Crime Awareness Week which will take place virtually from November 22-28, 2020.

Victim Services of Temiskaming & District would like to make a request to council that they proclaim the week of November 22-28, 2020 as “Victims and Survivors of Crime Awareness Week” in the Town of Kirkland Lake.

*“We can all help shape a future in which victims and survivors of crime are treated with the compassion, courtesy, and respect they deserve. Victims Week is about raising awareness about issues facing victims of crime and the services, programs, and laws in place to help them and their families.”*

Thank you for your consideration.

Sincerely,

*“Sent by Email”*

Monique Chartrand, Executive Director  
Victim Services of Temiskaming & District  
Email: [ed@tdvictimservices.ca](mailto:ed@tdvictimservices.ca)

Temiskaming Shores Main Office  
P.O. Box 1312, 300 Armstrong St. N.  
New Liskeard, Ontario P0J 1P0  
(705) 647-0096 Fax: (705) 647-5646  
Email: [ed@tdvictimservices.ca](mailto:ed@tdvictimservices.ca)

Kirkland Lake Satellite Office  
145 Government Road E.  
Kirkland Lake, Ontario P2N 3P4  
(705) 568-2154 Fax: (705) 568-2153  
Website: [www.tdvictimservices.ca](http://www.tdvictimservices.ca)



**BY EMAIL**

Council for the Town of Kirkland Lake  
c/o Pat Kiely, Mayor  
P.O. Box 1757  
Kirkland Lake, ON  
P2N 3P4

October 13, 2020

Dear Mr. Kiely:

**Re: Ombudsman Investigation**

This is to notify you that the Ombudsman's Office has received a complaint alleging that on August 25, 2020, council for the Town of Kirkland Lake held a meeting that did not comply with the open meeting rules in the *Municipal Act, 2001*. The Ombudsman's Open Meetings Team will be investigating this complaint.

Emily Prosser, with our Office's Open Meetings Team, will be in contact with the Clerk in the near future to provide further information with respect to the conduct of this investigation.

Please do not hesitate to contact Emily by e-mail at [eprosser@ombudsman.on.ca](mailto:eprosser@ombudsman.on.ca), should you have any questions.

Thank you for your cooperation with our Office during this investigation.

Sincerely,

Wendy Ray  
General Counsel



**THE CORPORATION OF THE TOWN OF KIRKLAND LAKE**

**BY-LAW NUMBER 20-084**

**BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS  
REGULAR MEETING HELD OCTOBER 20, 2020**

**WHEREAS** Subsection 5(1) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

**AND WHEREAS** Subsection 5(3) of the said Municipal Act provides that the powers of every Council are to be exercised by by-law;

**AND WHEREAS** it is deemed expedient that the proceedings of the Council of the Town of Kirkland Lake at this meeting be confirmed and adopted by by-law;

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:**

- 1 The actions of the Council of the Town of Kirkland Lake in respect of each motion passed and other actions taken by the Council of the Town of Kirkland Lake at this meeting are hereby adopted and confirmed as if all such proceedings were expressly embodied in this by-law.
- 2 The Mayor and Councillors of the Town of Kirkland Lake are hereby authorized and directed to do all things necessary to give effect to the actions of the Council of the Town of Kirkland Lake referred to in the preceding section.
- 3 The Mayor and the Clerk are hereby authorized to execute all documents necessary on behalf of the Council and to affix thereto the corporate seal of the Town of Kirkland Lake.
- 4 This by-law comes into force upon adoption by Council of the Town of Kirkland Lake.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 20<sup>th</sup> DAY OF OCTOBER, 2020.**

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Pat Kiely, Mayor

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Meagan Elliott, Clerk