

Schedule “A” to By-Law No. 100-202



The Corporation of the Town of Fort Erie

Health and Safety Policy

The Corporation of the Town of Fort Erie - Health and Safety Policy		
Effective: June 2006	LAST REVIEWED: FEBRUARY 27, 2025	Reviewed: March 2026

1.0 Definitions

“Bargaining Agent” means

- the Canadian Union of Public Employees (CUPE) Local #714

“Corporation” means

- The Corporation of the Town of Fort Erie

“Council” means

- the municipal Council of the Town of Fort Erie

“Domestic Violence” is

- a) a pattern of behaviour to gain power and control over an employee by a person who has a personal relationship with the employee, such as a spouse, partner or other family member
- b) this behaviour may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and the use of electronic devices to harass and control

“Gender Expression” is

- how a person publicly presents their gender and through which others perceive that person’s gender and includes external attributes and behaviours such as dress, hairstyle, make-up, body language, voice, name and chosen pronoun

“Gender Identity” is

- each person’s internal and individual experience of gender and sense of being a woman, a man, both, neither or anywhere in between and may be the same as or different from their birth-assigned sex

“Hazard” means

- human, material, equipment, environment and process factors that can contribute to an accident/incident or injury, including but not limited to;
 - a) Musculoskeletal Disorders
 - b) Workplace Harassment
 - c) Workplace Impairment
 - d) Workplace Sexual Harassment
 - e) Workplace Violence
 - f) Noise Induced Hearing Loss
 - g) Pandemic
 - h) Critical Injury
 - i) Fatality

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“Internal Responsibility System” (IRS)

- A system within an organization, where everyone in the workplace shares responsibility for health and safety. These responsibilities are defined in the Occupational Health and Safety Act and is an integral part of every worker’s role.

“Musculoskeletal Disorder” includes

- Soft-tissue injuries caused by sudden or sustained exposure to repetitive motion, force, vibration and awkward positions. These disorders may affect the muscles, nerves, tendons, joints and cartilage areas

“Equivalent Sound Exposure Level” means

- the continuous sound pressure level of noise averaged over time, measured in dBA, and if present in the workplace for eight (8) hours a day, would contain the same total energy as that generated by the actual and varying sound levels to which a worker may be exposed in a total work day

“Prohibited Grounds” includes

- a) race
- b) ancestry
- c) place of origin
- d) colour
- e) ethnic origin
- f) citizenship
- g) creed
- h) sex (including pregnancy, gender identity and gender expression)
- i) sexual orientation
- j) age
- k) marital status
- l) family status
- m) disability
- n) receipt of public assistance
- o) record of offences

“Psychological Health” includes

- a positive state of well-being in which an individual realizes their own abilities, can cope with the normal stresses of life, can work productively and is able to make contributions to their community (interchangeable with psychological well-being, mental health, mental well-being).

“Psychological Safety” means

- the absence of harm and/or threat of harm to worker psychological health.

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“Psychologically Healthy and Safe Workplaces” includes

- workplaces that promote worker psychological well-being and actively work to prevent harm to worker psychological health, including negligent, reckless or intentional ways.

“Psychosocial Risk Factors” includes

- hazards, including elements of the work environment, management practices, and/or organizational dimensions that increase the risk to health. Includes, but not limited to the following:
 - a) Psychological support
 - b) Organizational culture
 - c) Civility and respect
 - d) Psychological job demands
 - e) Growth and development
 - f) Recognition and reward
 - g) Involvement and influence
 - h) Workload management
 - i) Engagement
 - j) Work/life balance
 - k) Psychological protection from violence, bullying and harassment
 - l) Protection of physical safety

“Workplace” means

- a) any land, premises, location, vehicle or thing at, upon, in or near which an employee works; and
- b) includes all locations where business or social activities of The Corporation are conducted

(Consider: is the location in some way connected to work? i.e. deliveries, charity events, offsite meetings, business trips, conferences and social activities during a conference, any other event or place related to employment or when the employee is present in the course of employment or as a representative of The Corporation.)

“Workplace Harassment” means

- a) engaging in a course of vexatious comment or conduct against an employee, in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome and includes workplace sexual harassment and any harassment based on a prohibited grounds
- b) depending on the circumstances, one incident could be significant or substantial enough to be considered harassment

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- c) does not include a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace (this is not considered workplace harassment)

“Workplace Impairment” means

- negative physical, psychosocial, behavioural and performance side effects from the use, abuse or misuse of alcohol, drugs and medications

“Workplace Sexual Harassment” means

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, 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
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

“Workplace Violence” means

- a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to a worker
- b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker
- c) a statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to a worker
- d) domestic violence as defined in this policy
- e) gender-based violence, including violence against transgender persons’ and
- f) acts that constitute offences under Canada’s *Criminal Code*

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2.0 Preface

It is a legislated requirement that The Corporation develop, adopt and maintain a health and safety policy.

Council sets the health and safety policy and establishes expectations for this policy's implementation and maintenance by the administration.

3.0 Purpose

This policy is a formal, written statement of The Corporation's on-going commitment to protect workers from occupational illness, injury, workplace violence and workplace harassment and continually improve occupational health and safety performance.

This policy describes the guiding principles upon which The Corporation's Occupational Health and Safety Management System (OHSMS) is built and puts corporate health and safety into action.

This policy delegates roles and responsibilities for the development, implementation and maintenance of the OHSMS.

An effective health and safety management system and the communication of the system to all workers are sound business practices and an important indicator of leadership and managerial performance.

4.0 Policy Statement

It is the policy of The Corporation to:

- 4.1 Provide and maintain an inclusive, professional work environment that promotes unity through diversity, in a work environment in which all individuals; customers, clients, members of the public and staff are treated with respect and dignity
- 4.2 Maintain a fair and equitable environment free from harassment
- 4.3 Continually strive for the elimination of foreseeable hazards and control accidental loss
- 4.4 Provide and maintain a legal, respectful, healthy and safe workplace for all employees and visitors

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- 4.5 Protect workers and visitors from workplace hazards that may include discrimination harassment, violence and domestic violence at the workplace
- 4.6 Adopt and comply with applicable legal obligations, industry norms and standards for workplace health and safety and ensure continual OHSMS improvement
- 4.7 Provide workers with job-specific, appropriate and regular health and safety information, instruction and skills upgrades
- 4.8 Investigate and address potential workplace violence or harassment, even in the absence of a formal complaint, in a fair and timely manner without reprisal for good faith complaints

5.0 Application and Scope

- 5.1 This policy applies to every Corporation employee, agent, contractor, volunteer(s), members of Council and the workplace and will be followed in all work activities.
- 5.2 This policy applies to employment-related incidents that occur beyond the normal workplace on social media or outside working hours including working from home.
- 5.3 This policy will be posted in conspicuous places, communicated to all employees and reviewed annually.
- 5.4 It is a requirement of this policy that all corporate officers, senior managers, supervisors, the bargaining agent and workers embrace the objective of reducing the risk of occupational illness and injury.

6.0 Policy Implementation

This policy will be reflected in and implemented through the establishment and maintenance of a comprehensive OHSMS.

- 6.1 The OHSMS is the administrative program for setting, communicating and enforcing health & safety policies and procedures, guidelines and practices that protect and promote the health and safety of workers and visitors.

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6.2 The OHSMS will address the sophistication, complexity and risks associated with the varied industrial and construction work performed by Corporation employees and contractors.

6.3 The key elements of the OHSMS include:

- a) Organizational commitment, leadership and participation
- b) Management commitment and leadership
- c) Worker participation
- d) Planning
- e) Review
- f) Hazard identification and assessment
- g) Setting, communicating and enforcing health & safety policies and procedures, guidelines and practices
- h) Health and safety objectives, targets and measures

NOTE:

The Safety Policy and the associated guidelines above may change depending on the status and determinations projected by Region of Niagara Public Health, provincial and federal government guidelines including declared state of emergency.

6.4 The OHSMS will remain consistent with The Corporation’s vision and values.

7.0 Accountabilities

7.1 The Corporation of the Town of Fort Erie is ultimately responsible for workplace health and safety. Roles and Responsibilities are described in the prevailing Safety Policy & Procedures.

7.2 Council will ensure:

- a) this policy remains current;
- b) health and safety activities are adequately funded;
- c) the administration understands the Council’s expectations for maintaining adequate health and safety policies and procedures; and
- d) the administration develops, implements and maintains a health and safety program consistent with this policy and legal requirements.

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7.3 The Chief Administrative Officer will:

- a) direct the OHSMS program;
- b) ensure all employees are aware of their responsibilities under this policy and Safety Policy & Procedures;
- c) appoint a designate responsible for developing, implementing and maintaining the OHSMS and acting as a resource for management;
- d) ensure that all appropriate health and safety protection resources are in place, implemented and maintained in a manner consistent with Council policy and legal requirements;
- e) report annually to Council on OHSMS performance; and
- f) be evaluated, in part, on health and safety program outcomes.

7.4 Every manager will:

- a) ensure the health & safety policies, procedures and practices are communicated and carried out in the workplace;
- b) actively participate in the maintenance of a safe and healthy work environment;
- c) assign and monitor applicable responsibilities for health and safety;
- d) appoint a competent person to be a supervisor;
- e) be evaluated, in part, on health and safety performance in the work unit; and
- f) investigate when facts come to light that may indicate the presence of Harassment or Discrimination in the Workplace, with or without a formal complaint.

7.5 Every supervisor will:

- a) ensure safe and healthy working conditions are maintained in the workplace;
- b) ensure machinery and equipment are safe;
- c) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
- d) provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker;
- e) ensure workers follow established safety policies and procedures and receive regular health and safety instruction and information;

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- f) investigate when facts come to light that may indicate the presence of Harassment or Discrimination in the Workplace, with or without a formal complaint; and
- g) take every precaution reasonable in the circumstances for the protection of a worker.

7.6 The bargaining agent will:

- a) represent workers in health and safety matters and disputes;
- b) select worker health and safety representatives to be active members of the Multi-Site Workplace Joint Health & Safety Committee (MJHSC);
- c) join the employer in promoting the well-being and security of employees in the bargaining unit; and
- d) dutifully exercise its rights and duties under health and safety legislation/regulations.

7.7 Every worker and volunteer will:

- a) understand and comply with legislated standards, corporate procedures and instructions for working safely;
- b) use or wear the equipment, protective devices or clothing that The Corporation requires the employee to wear or use;
- c) report any workplace accident, injury, illness, hazard or contravention to the supervisor immediately or as soon as practical; and
- d) take every precaution reasonable to protect the worker, any co-worker and member of the public.

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Dated this 1st day of March, 2026

ORIGINAL SIGNED

Mayor

ORIGINAL SIGNED

Chief Administrative Officer

ORIGINAL SIGNED

CUPE Local #714