



Human Resources Committee Agenda

Thursday, July 5, 2018
11:00 a.m.

Bruce Gallery
Bruce County Museum and Cultural Centre, Southampton

1. Declaration of Pecuniary Interest

2. Action Items

- A. Harassment Policy Update (attached)
- B. WSIB Liabilities-Proposed Funding Options (attached)
- C. Council's One-Third Tax Exemption (attached)

3. Closed Meeting

- A. That the Committee move into a closed meeting pursuant to
 - Section 239 (2) (b) of the Municipal Act, 2001, as amended, to discuss personal matters about an identifiable individual, including municipal or local board employees; and,
 - Section 239 (3.1) of the Municipal Act 2001, as amended for the purpose of educating or training members.
- B. Approval of Minutes - June 1, 2018

4. Rise and Report

5. Act on Recommendations

That in accordance with the Procedure By-law, staff be authorized and directed to give effect to the actions of the Human Resources Committee in respect of all resolutions passed during the July 5, 2018 meeting.

6. Next Meeting

August 2, 2018

7. Adjournment



Committee Report

To: Warden Paul Eagleson
Members of the Human Resources Committee

From: Marianne Nero
Director of Human Resources

Date: July 5, 2018

Re: Harassment Policy Update

Recommendation:

That the updated E1. Harassment Policy related to workplace harassment be adopted.

Background:

In 2016 the Province amended the Occupational Health and Safety Act Part III.0.1 concerning workplace harassment. The Act now includes additional requirements concerning employer harassment programs. The harassment program must include the following items:

1. Inclusion of workplace sexual harassment in the definition of workplace harassment
2. Written notifications to both the complainant and the alleged harasser concerning the outcome of a harassment investigation
3. Annual review of the program by any joint health and safety committee or safety representative in a workplace.

A Ministry of Labour Inspector wrote an order at Gateway Haven Long Term Care Home on April 19, 2018, after reviewing the current County Harassment Policy and discovering that it had not been updated to reflect the changes in the Occupational Health and Safety Act.

The original order had a compliance date of May 18, 2018. The County was given an extension to July 18, 2018 in recognition that County Council had to approve changes to County Policy.



Financial/Staffing/Legal/IT Consideration:

Legal

Failure to comply with an order is liable to a fine up to \$25,000 and/or imprisonment up to 12 months on conviction.

Financial

No impact if order is satisfied prior to date of compliance of July 18, 2018.

Staffing

No Impact

Interdepartmental Consultation:

The draft has been shared with the Senior Management Team, and County Safety Committees. The Ministry of Labour Inspector has seen the updated Policy and is satisfied that it will be compliant once adopted.

Link to Strategic Goals and Elements:

The update of the Harassment Policy does not link to strategic goals but is consistent with the County's adopted Health and Safety Policy which states that the County will comply with the Occupational Health and Safety Act and applicable regulations

Approved by:

Kelley Coulter
Chief Administrative Officer



Policy: E1 Workplace Harassment

Department: Human Resources

Effective Date: June 3, 2010

Revision Date: July 5, 2018

Review Date: July 5, 2018

1. Coverage

This policy applies to all workers and all behaviours that are in some way connected to work including off-site meetings, training and day to day operations.

2. Policy Statement

The Corporation of the County of Bruce is committed to providing a work environment in which all individuals are treated with respect and dignity

The Corporation of the County of Bruce will not tolerate behaviour by any employee, family member, customer or client that is intended to be annoying, bullying, or negative with respect to, but not limited to: age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), physical or mental health status, gender identity, gender expression, receipt of public assistance, record of offences, sex (including pregnancy and breastfeeding), or sexual orientation, that a reasonable person would find insulting, intimidating or embarrassing.

These types of behaviour are uncalled for and unacceptable within the Corporation. This policy includes acts of workplace harassment or bullying through the internet via e-mail, weblogs or on social networking sites.

Being treated differently because of a diagnosis related to mental illness is not acceptable and linking a stigma to any mental health illness is not acceptable in the workplace and is considered discrimination. Acts of discrimination towards an employee with a mental health illness is considered workplace harassment.

Discrimination related to mental health is defined as “the way people living with mental illness are treated, intentionally or unintentionally, due to stigma. People with mental illness are often treated with disrespect, experiencing such behaviours as exclusion, bullying, aggression, ridicule and devaluation. Such discrimination can result in limits and barriers to many of life’s opportunities”. (Stigma and Discrimination/ Workplace mental health Promotion – www.cmhaontario.ca)

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- Measures to correct performance deficiencies, such as placing someone on a performance improvement plan;
- Imposing discipline for workplace infractions; or
- Requesting medical documents in support of an absence from work.

3. Procedure

It is often difficult for an employee who feels he or she is the victim of harassment to complain because of embarrassment or the fear that complaining will make the situation worse. However, we need the assistance of every employee to discourage and eliminate harassment in the workplace.

There are three steps an employee should take if he or she feels they are being subjected to harassment. These steps are intended to:

- respect the rights of the employee who feels harassed and the person accused of the harassment;
- mend the relationship; and

- if necessary, discipline the harasser appropriately, up to and including dismissal

STEP 1

If they feel comfortable doing so, the employee should immediately tell the person whom they feel is harassing them that they dislike the behaviour and wish it stopped. If the employee does not feel comfortable doing so, they should move to step 2 or 3 as appropriate. In any situation where the employee feels their personal safety is threatened, they should immediately report the issue to their immediate Supervisor or Department Head.

STEP 2

The employee should make some notes about what happened, when it happened, who was involved, and who may have witnessed the incident. This information may be needed if the problem is not corrected and the matter has to be taken further.

STEP 3

If the harassing behaviour continues and the employee feels comfortable doing so, the employee should again tell the harasser to "stop". The incident should then be reported in writing to the immediate Supervisor or Department Head outlining what happened and what actions have already been taken.

At this stage, it is the responsibility of the Department Head involved to investigate the matter and initiate appropriate action. The objective is that this would be done within three weeks.

If no action is initiated within the three weeks, the employee should follow up in writing to his/her Department Head and send a copy to the Director of Human Resources, P.O. Box 70, Walkerton, Ontario, N0G 2V0, or via e-mail.

4. Exceptions

1. It may happen that the person that the employee feels is harassing them is the top manager of the unit. If so, then at Step Three the written complaint should be sent directly to the Director of Human Resources at the above address or email.

2. There may be times when the employee wishes simply to discuss the problem with his/her boss and/or the Director of Human Resources without formalizing the matter. They are entirely free to do so.
3. It is possible that the employee may wish to withdraw a complaint. There is no reason why that cannot be done but please be sure that the employee is aware that he/she has a right to continue a complaint and that it should be discontinued only if they feel the original complaint is not valid, or a satisfactory solution has been achieved.

5. Confidentiality

All notes and statements made during an investigation are strictly confidential and will not be filed in the employee's personnel file.

Upon completion of the investigation, both the complainant and respondent will be informed in writing of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.

Where practicable, the complainant and respondent will receive notification of the results of the investigation within 10 days of the investigation being completed.

After an investigation has been satisfactorily completed, all documentation is to be sent to the Director of Human Resources where it will be kept in a special, strictly confidential, limited access file.

All that will be kept at the Department/Unit will be a single copy summary, (one or two paragraphs) outlining the nature of the complaint, who was involved, and the nature of the solution. These summaries will be kept in a special file controlled by the Department Head and will be accessible only to him or her.

The issue of mutual respect and the sensitivity of these matters is paramount. Investigations will be thorough and complete without the presumption of the guilt or innocence of either party. The primary objective of the Corporation is to solve this type of problem fairly to achieve and maintain mature working relationships between employees at all levels within the Corporation.

6. Training

All Corporation employees will receive training in what constitutes workplace harassment, and what steps to take if an employee believes they or a co-worker are being harassed. Supervisors and Managers will receive additional training in order to effectively and appropriately deal with reported incidents and complaints.

7. No Reprisals

Workplace violence (as referenced in the Corporate Health & Safety Manual) and this policy are serious matters. This policy prohibits reprisals against employees who have made good faith complaints or provided information regarding a complaint or incident of workplace harassment. Employees who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

Reprisal includes:

Any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace harassment;

Intentionally pressuring a person to ignore or not report an incident of workplace harassment; and

Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace harassment.

If an employee makes a complaint in good faith and without malice, regardless of the outcome of the investigation, they will not be subject to any form of discipline. The Corporation will however, impose discipline, up to and including termination, on any employee who initiates a false and malicious complaint.

8. Legislative Authority

The Ontario Occupational Health and Safety Act requires employers to prepare a policy with respect to workplace harassment and to review it as often as necessary, but at least annually. [OHS s. 32.0.1(1) (b) and (c)].

The joint health and safety committee or safety representative, if any, will be consulted regarding development and maintenance of the written the procedure.

9. Definitions

Workplace Harassment: is defined as “engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or workplace sexual harassment.”

Workplace Sexual Harassment: is defined as “engaging in a course of vexatious comment or conduct against a worker 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.”

Mental Health: A state of well-being in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community. (Source: World Health Organization)

Stigma: a mark of disgrace associated with a particular circumstance, quality, or person.

10. Related Organizational Policies/Plans/Procedures

- Code of Ethics Policy
- Workplace Mental Health Program
- PTSD Prevention Plan
- Workplace Violence Policy



Committee Report

To: Warden Paul Eagleson
Members of the Human Resources Committee

From: Marianne Nero
Director of Human Resources

Date: July 5, 2018

Re: WSIB Liabilities - Proposed Funding Options

Recommendation:

That the Staff Report be received; and,

That Council provide direction to staff for the funding strategy to be utilized for the preparation of the 2019, 2020 and 2021 budgets.

Background:

Council received a staff report on May 3, 2018, Actuarial Valuation - County of Bruce Liabilities as of December 31, 2016. The report indicated the County's WSIB Reserve balance at the end of 2016 at \$781,695 which reflects a 66% funded position. The Committee requested a review of the funding and staff were directed to prepare estimations based on 80%, 85% and 90% funded for the HR Committee's consideration.

In preparing the funding estimations, multiple factors influence the reserve account funding level. Revenue for the reserve is the most significant component of the funding strategy. The reserve is funded 98% as expensed through payroll and the remaining 2% is funded through Investment Income. WSIB establishes their rates annually based on a rate group's injury frequency. The payroll funding reflects the applicable WSIB rates and year of rate application is determined by department and funding strategies. WSIB rate groups over the past 10 years (samples) are (proposed 2019 rates utilized marked with an *):

RATE GROUP / CATEGORY	2018	2017	2016	2014	2011	2008
590 Paramedic Services	7.09*	6.76	6.46	6.46	6.18	5.75
817 Library & Museum	.37	.36*	.36	.36	.36	.34
845 NU & Transportation	3.20	3.05	2.88	2.24	2.15*	1.70



RATE GROUP / CATEGORY	2018	2017	2016	2014	2011	2008
845 Human Services	3.20*	3.05	2.88	2.24	2.15	1.70
851 Long Term Care	3.23	3.08*	3.29	3.29	3.15	2.69
905 Housing	2.83*	2.70	3.04	3.04	2.91	2.49

Bold = 2018 budget rates and * = 2019 proposed budget rates

The estimates include 2019 budget assumptions as follows (noted in chart): Paramedic Services and Human Services rates increasing from 2017 to 2018 rates, increasing the Library, Museum and Long Term Care to 2017 rates. Corporate Services, Department of the CAO, Human Resources, Planning & Economic Development and Transportation & Environmental Services assumptions including stepped rate increases in 3-year intervals to reduce the departmental impact.

The funding estimates are also based on expenditures from the reserve account which are indicated below. The percentages illustrated are those of total expenses incurred in the years represented.

	2015-2017 3 Year	2008-2017 10 Year
WSIB Claims (includes admin)	15.16%	25.34%
Reinsurance	16.48%	18.82%
Other Expenses	0.96%	0.50%
Offset Operating Budget	36.74%	35.04%
HR Health & Safety (transfer)	<u>30.66%</u>	<u>20.30%</u>
	100.00%	100.00%

In preparing the funding estimates, to expedite the growth in funding the reserve, the funding estimate further proposes a reduction in the transfers to the Operating Budget annually over the next three (3) years. Additionally, it is notable that not included is a change in our WSIB claims experience. Additionally, when reviewing the current reserve level, the 2016 Actuarial Evaluation included a one-time adjustment for The Allowance for Future Improvements with a significant financial impact of \$387,228 and the net actuarial loss of \$271,002 at December 31, 2016 amortized in 2017 (one (1) year period). The Actuarial Evaluation reflected an estimated WSIB Reserve funded at 62% at the end of 2018.

Following review of the Committee's requested estimations based on 80%, 85% and 90% funded position, we also included a 75% funded position for consideration. The four (4) Options provided reflect our estimated funding position for the next three-years, 2019, 2020 and 2021. Option 1 is the least aggressive and Option 4 the most aggressive funding strategy while attempting to minimize impact to the departments and County Levy. An



additional option, Option #5 would be to continue to fund the WSIB reserve as per current practice (no change).

OPTION 1 - Target 75%

	2019	2020	2021
WSIB Contribution Increase	\$83,161	\$91,973	\$159,439
% Increase in WSIB Contributions	7.74%	8.39%	14.26%
% Increase on Salary & Wages	.23%	.25%	.42%
Reduction in Transfer to Operating	\$75,000	\$75,000	\$75,000
Impact on Levy	\$158,161	\$166,973	\$234,439
% Impact on Levy	.34%	.35%	.47%
Reserve % Funded	63%	67%	75%

OPTION 2 - Target 80%

	2019	2020	2021
WSIB Contribution Increase	\$83,161	\$91,973	\$159,439
% Increase in WSIB Contributions	7.74%	8.39%	14.26%
% Increase on Salary & Wages	.23%	.25%	.42%
Reduction in Transfer to Operating	\$100,000	\$100,000	\$100,000
Impact on Levy	\$183,161	\$191,973	\$259,439
% Impact on Levy	.40%	.40%	.52%
Reserve % Funded	64%	69%	80%

OPTION 3 - Target 85%

	2019	2020	2021
WSIB Contribution Increase	\$83,161	\$91,973	\$159,439
% Increase in WSIB Contributions	7.74%	8.39%	14.26%
% Increase on Salary & Wages	.23%	.25%	.42%
Reduction in transfer to Operating	\$130,000	\$130,000	\$130,000
Impact on Levy	\$213,161	\$221,973	\$289,439
% Impact on Levy	.46%	.46%	.57%
Reserve % Funded	65%	72%	85%

OPTION 4 - Target 90%

	2019	2020	2021
WSIB Contribution Increase	\$83,161	\$91,973	\$159,439
% Increase in WSIB Contributions	7.74%	8.39%	14.26%
% Increase on Salary & Wages	.23%	.25%	.42%
Reduction in transfer to Operating	\$155,000	\$155,000	\$155,000
Impact on Levy	\$238,161	\$246,973	\$314,439
% Impact on Levy	.51%	.52%	.64%
Reserve % Funded	66%	75%	90%



Financial/Staffing/Legal/IT Consideration:

All departments would be impacted by the increase in the WSIB rate for 2019, 2020 & 2021, in addition to the reduction in reserve transfer to operating. There is no staffing, legal or ITS considerations associated with this report

Interdepartmental Consultation:

Lynn Hatten, Corporate Services, Finance Division provided the financial projections based on agreed assumptions. Joan Lang, Compensation & Benefits Specialist provided compensation support and assisted with the committee report.

Link to Strategic Goals and Elements:

Goal # 5 - A systematical, repeatable approach to administering the WSIB reserve.

Approved by:

Kelley Coulter
Chief Administrative Officer



Committee Report

To: Warden Paul Eagleson
Members of the Human Resources Committee

From: Marianne Nero
Director of Human Resources

Date: July 5, 2018

Re: Council's One-third Tax Exemption

Recommendation:

That Councillors' net pay inclusive of monthly honorarium and meeting per diem remain the same as before the legislative change by increasing the rates to offset the increased tax payments to maintain the current level of compensation effective January 1, 2019; and,

That By-law Number 2015-022 be repealed effective end of day December 31, 2018.

Background:

Section 255 of the former Municipal Act, R.S.O. 1990 provided that one-third of the salary paid to an elected member of council was deemed to be expenses incurred in the discharge of the member's duties. As such, this portion of a councillor's salary is not subject to income tax.

Section 283(7) of the Municipal act requires that each Council review the option to exempt one-third of the salary at least once during each four-year term of Council after a regular election. Bruce County Council opted to maintain the exemption for the current Council in June 2015.

In March, 2017, the Federal Government announced through its budget that it would be removing the tax exemptions for expense allowances paid to municipal councillors effective January 1, 2019. The measure affects elected members of provincial and territorial legislatures, as well as municipalities. Elected officials of municipal utilities boards, commissions and corporations will also be subject to the rule, as will members of school boards.



The following is an excerpt from the 2017 Federal Budget:

- Remove the tax exemptions for non-accountable expense allowances paid to members of provincial and territorial legislative assemblies and to certain municipal office-holders. This exemption is only available to certain provincial, territorial and municipal office holders, and provides an advantage that other Canadians do not enjoy. This federal tax exemption has been in place since 1947 under the *Income Tax Act*. AMO is lobbying the federal government to reconsider removing this exemption. There will be an increased cost to municipalities whether elected officials maintain their same net or gross pay through mandated employer contributions to the Canada Pension Plan, Employer Health Tax and to OMERS.

Remuneration for elected officials should be fair and reasonable to both Council and the tax payers and compensate in a manner consistent with the nature, responsibilities and accountability associated with these positions, demonstrate fiscal responsibility and attract qualified candidates to local government. The equalizing of 2019 as compared to 2018 Councillor's pay will assist with this compensation strategy.

Financial/Staffing/Legal/IT Considerations:

The financial impact of salary and benefits is estimated at \$30,250. No staffing, legal or ITS considerations associated with this report.

Interdepartmental Consultation:

N/A.

Link to Strategic Goals and Elements:

Goal #5 - Reduce our own red tape.

Approved by:

Kelley Coulter
Chief Administrative Officer