



REPORT FOR ACTION

Review of Toronto Parking Authority Policy Resolutions 4-19 - Occupational Health and Safety and 4-22 - Workplace Harassment and Violence

Date: October 14, 2020

To: Board of Directors, Toronto Parking Authority

From: Acting President, Toronto Parking Authority

Wards: All

SUMMARY

Toronto Parking Authority (TPA) has established a range of Board-enacted Policies which form the guiding principles and procedures by which it operates. The *Occupational Health and Safety Act* requires that two policies relating to the *Act* be reviewed on an annual basis. These policies were most recently reviewed and affirmed by the Board at its meeting of February 28, 2019. This report confirms that TPA's Joint Health and Safety Committee, at its February 19, 2020 meeting, conducted its' annual review as per requirements under the *Act* and concurred in the policies, with no recommended changes to the following TPA policy resolutions, namely:

- Policy Resolution 4-19: Occupational Health and Safety Policy; and
- Policy Resolution 4-22: Workplace Harassment and Violence Policy.

RECOMMENDATIONS

The Acting President, Toronto Parking Authority recommends that:

1. The Board of Directors of Toronto Parking Authority (TPA) review and endorse TPA Policy Resolutions as follows:

a) Policy Resolution 4-19 - Occupational Health and Safety Policy, attached as Appendix A; and

b) Policy Resolution 4-22 - Workplace Harassment and Violence Policy, attached as Appendix B;

and direct staff to enact these Policy Resolutions, as approved.

FINANCIAL IMPACT

The review and endorsement of TPA Policy Resolution 4-19 and Policy Resolution 4-22 as outlined in this report will have no financial impact.

DECISION HISTORY

The TPA Board of Directors most recently reviewed and approved Policy Resolution 4-19, Occupational Health and Safety Policy; and Policy Resolution 4-22, Workplace Harassment and Violence Policy (Item PA13.4), at its meeting of February 28, 2019.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PA3.3>

COMMENTS

The rationale for the policy review and approval recommended in this report is set out as follows.

Policy 4-19 - Occupational Health and Safety (refer to Appendix A):

Proposed change - No changes are proposed.

Reason for review and approval - The *Occupational Health and Safety Act* requires the policy to be reviewed on an annual basis.

Policy 4-22 Workplace Harassment and Violence (refer to Appendix B):

Proposed change - No changes are proposed.

Reason for review and approval - The *Occupational Health and Safety Act* requires the policy to be reviewed on an annual basis.

CONTACT

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SIGNATURE

Robin Oliphant, Acting President
Toronto Parking Authority

ATTACHMENTS

Appendix A: Proposed Toronto Parking Authority Policy Resolution 4-19, Occupational Health and Safety Policy

Appendix B: Proposed Toronto Parking Authority Policy Resolution 4-22, Workplace Harassment and Violence Policy

APPENDIX A

PROPOSED TORONTO PARKING AUTHORITY POLICY RESOLUTION 4-19, OCCUPATIONAL HEALTH AND SAFETY POLICY

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-19

ITEM: **Occupational Health & Safety Policy**
(TO BE POSTED)

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PURPOSE: **Duty to Have Occupational Health and Safety Policy**

Every employer under the legislative authority of the ***Occupational Health and Safety Act*** must have a written health and safety policy. This duty also requires the employer to prepare and review at least annually a written occupational health and safety policy and to develop and maintain a program to implement that policy.

POLICY: The ***Toronto Parking Authority*** is vitally interested in the occupational health and safety of all of its employees and workers. In recognition and support of the corporate goal of providing a healthy and safe workplace, management is committed to the protection of employees from injury, occupational hazards and occupational disease.

The ***Occupational Health and Safety Act***, the provincial legislation applicable in our operations, is important public welfare legislation that sets requirements for occupational health and safety in the province. The ***Toronto Parking Authority*** is committed to the requirements, duties and standards set by the ***Occupational Health and Safety Act*** and its applicable regulations.

The ***Occupational Health and Safety Act*** is based on the internal responsibility system. This is a system of overlapping and concurrent duties on the employer, managers, supervisors and workers at the ***Toronto Parking Authority***. Each level of our employees must be familiar with the circumstances of and in full compliance with their respective duties and responsibilities under the ***Occupational Health and Safety Act***.

The ***Occupational Health and Safety Act*** also provides for the right of every employee to refuse to do work that he or she believes to be unsafe. Any such dangerous or hazardous circumstances shall be immediately reported to the employee's direct supervisor. The supervisor will investigate and follow the procedures set out in the ***Occupational Health and Safety Act***.

The ***Toronto Parking Authority*** encourages every employee not only to be concerned about his or her own occupational health safety, but also to ensure healthy and safe work practices on the part of other employees with whom he or she works and all stakeholders and customers.

FIRST ADOPTED:	July 22, 2008	MINUTE NUMBER:	17-055
LAST AMENDED:	April 24, 2017	BOARD APPROVAL REF:	Meeting 3: Feb 28-2019 Item PA3.3
LAST REVIEWED:	February 28, 2019		

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ITEM: **Occupational Health & Safety Policy
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Occupational health and safety is everyone's business. Ensuring full compliance with the **Occupational Health and Safety Act** will not only mean that our organization has a healthier and safe workplace, but will also maintain employee morale and encourage other good business practices.

In furtherance of these goals and values, **Management, Managers / Supervisors** and **Employees / Workers** are acknowledged to have the following specific health and safety responsibilities:

Management

1. to provide a healthy and safe workplace
2. to instruct and train employees in safe work practices
3. to establish and maintain a joint health and safety committee **whenever** required by the **Occupational Health and Safety Act**
4. to take every precaution reasonable for the health and safety of all employees and workers in and at the workplace
5. to provide a first aid box or station as required at the workplace
6. to post and comply with the **Occupational Health and Safety Act**
7. to evaluate all employees regarding health and safety compliance
8. to enforce health and safety violations by progressive discipline
9. to ensure compliance with this Policy by all outside suppliers, service providers and independent contractors.

Managers / Supervisors

1. to ensure employees and workers comply with this Policy
2. to ensure employees and workers use all safety equipment, devices and clothing as directed
3. to advise employees and workers of all known hazards in the workplace and to ensure employee / worker attendance at all occupational health and safety training seminars as required
4. to participate in the investigation of all unsafe work refusals
5. to review and comply with all legal duties on supervisors under the **Occupational Health and Safety Act**
6. to ensure compliance with this Policy by all outside suppliers, service providers, and independent contractors

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7. to take every precaution reasonable for the health and safety of employees and workers at and in the workplace
8. to report all workplace accidents, injuries and occurrences to management
9. to comply with the **Occupational Health and Safety Act** and the health and safety policies established by the **Toronto Parking Authority** as an ongoing condition of employment.

Employees / Workers

1. to co-operate with managers / supervisors and management in the compliance and implementation of this Policy
2. to review and comply with all legal duties on workers under the **Occupational Health and Safety Act**
3. to use safety equipment, devices and clothing as provided
4. to refrain from ever making any safety equipment, device or clothing ineffective
5. to refrain from using any dangerous equipment or machinery without proper authorization
6. to exercise the right to refuse to do work that the employee or worker believes is unsafe in accordance with the procedure set out in the **Occupational Health and Safety Act**
7. to immediately report any unsafe and unhealthy hazard or condition in the workplace to the direct supervisor or the most available management representative
8. to comply with the **Occupational Health and Safety Act** and the policies established by the **Toronto Parking Authority** as an ongoing condition of employment.

The **Toronto Parking Authority** values each and every employee and worker, and places his or her health and safety on the job as a current and ongoing priority in corporate decision-making and day-to-day operations. We ask and require you to do your part and work together with your fellow employees / workers and with management in complying with the objectives of this health and safety policy and the provisions of the **Occupational Health and Safety Act**.

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The **Toronto Parking Authority** seeks to encourage a co-operative attitude and approach to health and safety in the workplace by all persons. Maintaining effective communication and a proactive approach to health and safety will make all of our workplaces healthier, safer and more enjoyable as we seek to serve all stakeholders. In recognition of this principle and in accordance with the requirements of the Occupational Health and Safety Act, the **Toronto Parking Authority** will have its Joint Health and Safety Committees (JHSC) review this Policy annually for their input.

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APPENDIX B:

PROPOSED TORONTO PARKING AUTHORITY POLICY RESOLUTION 4-22, WORKPLACE HARASSMENT AND VIOLENCE POLICY

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

4-22

ITEM: **Workplace Harassment & Violence Policy**
(To Be Posted)

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1. Policy Statement

The *Toronto Parking Authority* believes in the prevention of *harassment* and *violence* and promotes a harassment / violence-free workplace in which all people respect one another and work together to achieve common goals. The *Toronto Parking Authority* is committed to working with its employees to provide a safe work environment. The *Toronto Parking Authority* will not tolerate any acts of harassment/violence and will take all reasonable and practical measures to prevent harassment/violence and protect employees. In response to violations of this policy, appropriate remedial, disciplinary, and /or legal action will be taken according to the circumstances. This policy applies to all employees, partners, students, contractors and representatives of *Toronto Parking Authority* (hereinafter referred to as "representatives"), and to all activities, including the use of social media, that occur while on *Toronto Parking Authority* premises or while engaging in *Toronto Parking Authority* business, activities, or social events.

2. Purpose

The purpose of this policy is to ensure that all requirements of Part III.0.1 – *Occupational Health and Safety Act*, are adhered to and that:

- a) individuals are aware of and understand that acts of workplace harassment or violence are considered a serious offence for which necessary action will be imposed;
- b) those subjected to acts of workplace harassment or violence are encouraged to access any assistance they may require in order to pursue a complaint; and
- c) individuals are advised of available recourse if they are subjected to, or become aware of, situations involving workplace harassment or violence.

3. Toronto Parking Authority Commitment

The *Toronto Parking Authority* is committed to:

- a) investigating reported incidents of workplace harassment or violence in an objective and timely manner;
- b) taking necessary action to respond to those incidents; and
- c) providing support for complainants.

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4. Definition

The *Occupational Health and Safety Act* (Ontario) – Sec 1. (1) states:

"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 the worker,
- b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Examples of workplace violence include, but are not limited to:

- a) any threat, behaviour or action which is interpreted to carry the potential to harm or endanger the safety of others, result in an act of aggression, or destroy or damage property;
- b) threatening behaviour such as shaking fists, throwing objects, or disruptive behaviour that is not appropriate to the work environment;
- c) verbal or written threats that express an intent to inflict harm;
- d) physical acts (e.g., hitting, shoving, pushing, kicking, sexual assault);
- e) bullying;
- f) any other act that would arouse fear in a reasonable person in the circumstances.

Workplace violence also includes domestic violence that occurs in the workplace as well as domestic violence that would likely expose a worker to physical injury that may occur in the workplace.

The *Occupational Health and Safety Act* (Ontario) – Sec 1 (1) states:

"workplace harassment" means 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.

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

- a) insulting, intimidating, demeaning, annoying, embarrassing or otherwise offensive behavior;
- b) inappropriate or unwelcome focus or comments on a person's physical characteristics or appearance;
- c) bullying or cyber bullying;
- d) isolation or shunning, gossip, rumours, negative blogging, insults, and name calling;
- e) slamming doors, throwing objects or physical contact;
- f) offensive or intimidating comments or jokes;
- g) displaying or circulating offensive pictures or materials;
- h) inappropriate staring;

Reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace does not constitute workplace harassment.

The *Ontario Human Rights Code* – Sec 10 (1) states:

"Harassment" means engaging in a course of vexatious comments or conduct that is known or ought reasonably be known to be unwelcome.

The *Occupational Health and Safety Act* (Ontario) – Sec 1 (1) states:

"sexual harassment" means

- a) 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 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.

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Examples of workplace sexual harassment include, but are not limited to:

- a) unwelcome sexual advances and requests for sexual favours;
- b) sexual jokes and graphic spoken commentary about a person's body;
- c) derogatory or degrading remarks;
- d) unwanted touching such as kissing, hugging, pinching or patting;
- e) leering or whistling;
- f) enquiries or comments about a person's sex life;
- g) displaying sexually offensive material in the workplace.

5. Prohibited Conduct

No representative or any other individual affiliated with the *Toronto Parking Authority* shall subject any other person to workplace harassment or violence or allow or create conditions that support workplace harassment or violence.

A representative of the *Toronto Parking Authority* that subjects another *Toronto Parking Authority* representative, client, or business associate to workplace harassment or violence may be subject to disciplinary action commensurate to the incident including:

- a) training;
- b) referral to an assistance program;
- c) reassignment or relocation;
- d) formal reprimand;
- e) suspension;
- f) discharge; and / or
- g) legal action.

6. Management Responsibilities

For the purposes of this policy, as a *Toronto Parking Authority* supervisor or manager, you are responsible to:

- a) act respectfully towards other individuals while at work and participating in any work-related activity;
- b) Promote a non-harassment and non-violent workplace;
- c) Ensure that this policy is explained to all employees that you supervise or manage;

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- d) Identify training needs for employees;
- e) Ensure that employees understand who to contact regarding concerns about the policy or when reporting an incident;
- f) Ensure your own immediate physical safety if an incident of workplace violence occurs, then report criminal behaviour to the appropriate law enforcement agency; and
- g) Ensure the security and safety of all parties involved during an investigation of an incident of workplace harassment or violence;
- h) Report all incidents of violence / harassment to the Director of Human Resources;
- i) Investigate the incident in consultation with the Director of Human Resources;
- j) Discipline, in consultation with the Director of Human Resources, representatives of the *Toronto Parking Authority* who engage in workplace violence / harassment as defined in the policy.

7. Worker Responsibilities

For the purposes of this policy, as a representative of the *Toronto Parking Authority*, you are responsible:

- a) to act respectfully towards other individuals while at work and participating in any work-related activity;
- b) to ensure your own immediate physical safety in the event of workplace violence;
- c) to report the incident to a Supervisor, or Manager, or to the Director of Human resources and, if the situation warrants, the police;
- d) to co-operate with any efforts to investigate and resolve matters arising under this policy.

Evaluation / Joint Health and Safety Committee / Hazard Assessment

This policy will be reviewed by the *Joint Health & Safety Committee* on an annual basis to ensure that it conforms with any changes to the *Occupational Health & Safety Act and Regulations* (Ontario) and that it continues to address the needs of the *Toronto Parking Authority* regarding workplace harassment and violence.

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Joint Health & Safety Committee will:

- Participate in the development of a *Workplace Violence Hazard Assessment Program*
- Review the *Workplace Violence Hazard Assessment Program* results and provide recommendations to management to reduce or eliminate the risk of violence
- Review all reports forwarded to the JHSC regarding workplace violence and other incident reports, as appropriate, pertaining to incidents of workplace violence that result in personal injury or threat of personal injury, property damage, or police involvement
- Participate in the investigation of critical injuries (e.g., incidents that place life in jeopardy, result in substantial blood loss, fracture of leg or arm, etc.)
- Recommend corrective measures for the improvement of the health and safety of workers
- Respond to employee concerns related to workplace violence and communicate these to management
- Participate in the review of the policy and guidelines for continuous improvement

8. Complaint Procedure

1. A Complainant should discuss and ask for support from a Supervisor or Manager or Human Resources or Manager of Health and Safety/Corporate Security to communicate their objections to an incident and / or to prepare and submit a formal complaint if they choose. In the event that a complaint arises in which the alleged harasser is the Complainant's Supervisor or Manager, the complainant should report his or her complaint directly to the Director of Human Resources.
2. The Complainant should carefully record details of the incident including the date and time of the incident, the nature of the harassment / violence, and names of people who may have witnessed the incident. This document is the Complainant's personal record and property.
3. The Complainant may choose to file a formal complaint that documents their concerns to the Director of Human Resources.

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The *Toronto Parking Authority's* first priority is to maintain a safe and violence-free workplace. Further to this objective, nothing in the complaint procedure is intended to discourage representatives from seeking immediate assistance in the event that an incident of workplace violence occurs. In such an instance, a representative should summon immediate assistance, and where appropriate, should call 911. Once immediate assistance has been summoned, the representative should then take steps to notify Management and Security.

9. Confidentiality

Anyone with knowledge of a violent workplace incident ought not to speak to others about it until the incident has been investigated by management. The facts must be dealt with as much accuracy as possible. Gossiping about an incident seriously undermines the privacy of all parties involved and significantly interferes with the investigation. If you have any questions or concerns about an incident, you should speak to the Director of Human Resources.

10. Reprisal

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace harassment / violence, or act as witnesses. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisals, or further harassment / violence. All persons involved in the processing of a complaint will ensure that the complainant is neither penalized nor subjected to any prejudicial treatment as a result of making the complaint. Disciplinary action will be taken against any person who takes any reprisal against a person who reports workplace harassment / violence. Reprisal is defined as any act of retaliation, either direct or indirect.

11. Investigation

1. Upon receipt of a complaint of workplace harassment / violence, the Director of Human Resources will investigate and advise the Complainant of the steps that will be taken. For unionized employees, collective agreement requirements will be complied with if it is determined that discipline may result in the circumstances. The Director of Human Resources may assign an internal or external person to investigate. The Director of Human Resources may suggest that the police be notified.
2. The investigation by management;
 - a) will ensure that unionized employees are dealt with as required by the collective agreement;

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- b) will act cooperatively with police and take their direction if the police become involved;
 - c) will be as discreet as possible in its investigation given the nature and substance of the complaint;
 - d) will gather information in a thorough fashion; and
 - e) will advise all directly concerned about the results of the investigation.
3. The investigator will investigate the incident expeditiously and report his/her findings to the Complainant and to senior management. For unionized employees, any decision respecting discipline will be dealt with in accordance with the collective agreement. For non-unionized staff, the Complainant and the person(s) who are the subject of the investigation will be advised of the results of the investigation and whether corrective action is to be taken.

12. Corrective Action and Discipline

1. If the results of the investigation result in discipline, the following factors will be considered in determining the appropriate corrective action:
- a) the impact of the incident on the Complainant;
 - b) the nature of the incident;
 - c) the degree of aggressiveness and physical contact;
 - d) the period of time and frequency of the incidents;
 - e) the vulnerability of the Complainant;
 - f) whether there was an admission of responsibility;
 - g) whether there was an expression of remorse;
 - h) whether the person who is being disciplined has a disciplinary record; and
 - i) whether the person who is being disciplined has sincerely apologized to the Complainant.
2. The following corrective actions may be considered depending on the particular incident and the factors in the previous paragraph:
- a) training;
 - b) referral to an assistance program;
 - c) reassignment or relocation;
 - d) formal reprimand;
 - e) suspension;
 - f) discharge; and / or
 - g) legal action.

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13. Record Keeping

If the investigation of the incident results in discipline, the discipline will become part of the employee's disciplinary record.

If the incident does not result in discipline, the investigation documents will be kept on file in a secured location, separate from any personnel files, to be available for inspection by an Occupational Health and Safety Branch Inspector from the Ministry of Labour, a WSIB Officer, or by management, as may be necessary in the investigation of other incidents covered by this policy.

The disciplinary records of unionized employees will be dealt with in accordance with the collective agreement.

14. False Accusations

A person who submits a complaint in good faith is acting appropriately in accordance with this policy whether or not the complaint is made out.

If an investigation results in a finding that the Complainant falsely accused the Respondent of workplace harassment / violence knowingly or in a malicious manner, the Complainant will be subject to appropriate discipline up to and including discharge.

15. Complaint Resolution Alternatives

In addition to reporting workplace harassment / violence incidents to management, unionized employees may file a human rights grievance under the collective agreement. Non-unionized employees may file a complaint under the *Human Rights Code* or seek legal recourse in the courts.

All employees may file a safety-related workplace violence complaint under the *Occupational Health and Safety Act*.

All employees may call the police about an incident.

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16. Assistance

Anyone associated with the Toronto Parking Authority, directors, officers and employees may contact the Director of Human Resources for help and advice respecting this policy. Enquiries and concerns will be kept in confidence by the Director of Human Resources. Complaints will be investigated as described above. Confidentiality will be maintained unless disclosure is required by law. Decisions respecting imminent threats of physical violence will be acted upon immediately.

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