Corporate Administration Committee
REPORT 05-016
9:30 a.m.
Wednesday, November 2, 2005
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present: Councillor A. Samson (Vice Chair)
Councillors P. Bruckler, C. Collins, M. Ferguson, M. Pearson

Absent with Regrets: Councillor D. Braden – Vacation

Also Present: Councillors B. McHattie, T. Whitehead
G. Peace – City Manager
J. Rinaldo – General Manager, Finance and Corporate Services
C. Graham – General Manager, Human Resources
P. Barkwell – City Solicitor
K. Christenson – City Clerk
C. Biggs – Legislative Assistant, City Clerk’s

THE CORPORATE ADMINISTRATION COMMITTEE PRESENTS REPORT 05-016 AND RESPECTFULLY RECOMMENDS:

1. Quarterly Status Report on the Use of Policy #10 – Emergency Purchasing and Policy #11 – Negotiations, for the 3rd Quarter 2005 (FCS05046(b)) (City Wide) (Item 5.1)

That Report FCS05046(b) respecting Quarterly Status Report on the use of Policy #10- Emergency Purchasing and Policy #11- Negotiations for the 3rd Quarter 2005, be received.

2. Monthly Status Report of Tenders and Requests for Proposals for September, 2005 (FCS05023(g)) (City Wide) (Item 5.2)

That Report FCS05023(g) respecting Monthly Status Report of Tenders and Requests for Proposals for September, 2005, be received.

Council – November 9, 2005
3. **Quarterly Investment Update to September 30, 2005 (FCS05060(b)) (City Wide) (Item 5.3)**

That Report FCS05060(b) respecting Quarterly Investment Update to September 30, 2005, be received.

4. **Hamilton Future Fund Quarterly Investment Update as at September 30, 2005 (FCS05061(b)) (City Wide) (Item 5.4)**

That Report FCS05061(b) respecting Hamilton Future Fund Quarterly Investment Update as at September 30, 2005, be received.

5. **Red Hill Valley Project Financial Status Report (FCS05027g/PW05023g)**

That Report FCS05027(b)/PW05023(g) respecting Red Hill Valley Project Financial Status Report, be received.

6. **2004 Statement of Reserves (FCS05111) (City Wide) (Item 8.3)**

(a) That Report FCS05111 and the 2004 Reserve Report attached as Appendix “A” be received;

(b) That the Reserve Additions and Amendments outlined in Appendix “B” to Report FCS05111 be approved.

(c) That the following Reserve Polices be approved:

(i) **General Reserve Policies**

(aa) That actual investment earnings from the City’s investment management program be allocated to the Reserves, to the Reserve funds, to the Obligatory Reserves and to the Capital Fund based on month end balances from these sources for a 12 month period.

(bb) That the creation of new reserves be reviewed by the General Manager of Finance & Corporate Services for compliance to the Municipal Act and for compliance to the City’s Reserve Policies.
(ii) **Borrowing From Reserves**

(cc) That borrowings from a reserve be allowed only if the analysis of the reserve’s funds indicates excess funds are available and the use of these funds will not impact the reserves current operations.

(dd) That all internal reserve borrowings be repaid with principal and interest.

(ee) That the internal borrowing interest rate be the equivalent of the City of Hamilton’s external borrowing rate at the time of borrowing.

(iii) **Stabilization Reserves**

(ff) To provide sufficient flexibility and protection for unforeseen events, a balance be maintained in the Tax Stabilization reserves of 5% of the annual tax revenues. That the City’s move toward achieving the target of 5% of tax revenues be based on the City’s financial affordability.

(gg) Stabilization reserve balances may be used at Council’s discretion for emergencies, unanticipated economic downturns, and one time opportunities. If feasible, minimum balances be restored in the following year or at the

iv) **Program Specific Reserve Policies**

(hh) That Program Specific reserves only be established if there is an associated financial plan to ensure sustainability of these reserves. The financial plan should include target balances.

(ii) That the Program Specific reserves be reviewed annually and provide or update the associated financial plan if necessary.

(jj) That year end surpluses related to these programs only be transferred to their reserves subject to statutory and legal constraints and subject to the overall corporate operating surplus.

Council – November 9, 2005
(v) **Vehicle & Equipment Replacement Reserves**

(kk) That the Vehicle & Equipment Replacement Reserves be funded through a contribution from the operating budget, based on lifecycle costing and depreciation and projections for changes in the fleet and equipment.

(ll) Minimum reserve levels be established based on life cycle replacement schedules and updated annually.

(mm) Proceeds from the disposal of capital equipment be deposited to the credit of the applicable Vehicle and Equipment Replacement Reserve.

(vi) **Capital Reserves**

(nn) To provide sufficient flexibility and protection for unforeseen capital related events a target be maintained in the Tax Capital Levy Reserve of 5% of annual tax revenues and that the City's move toward achieving the target of 5% of tax revenues be based on the City's financial affordability.

(oo) That a portion of the year end Capital Financing Surplus (Debt Charges), be transferred to the Tax Capital Levy Reserve subject to the overall corporate surplus.

(pp) That the maximum capital reserve balances be reviewed periodically to ensure sustainability.

(vii) **Employee Related Pension and Benefit Costs**

(qq) That the Employee related benefits and pension cost reserves be monitored on a regular basis to ensure that appropriate funds are set aside to finance future unfunded obligations.

(viii) **Utility Rate Supported Reserves**

(rr) That the utility rate reserves be reviewed annually to ensure sufficiency of balances and that these reserves be funded from operating surpluses and contributions from the operating fund.

Note: Due to bulk, the Appendices “A” and “B” to Report FCS05111 are available in the Office of the City Clerk.

Council – November 9, 2005
9. Violence in the Workplace Prevention Policy (HUR05001) (City Wide) (Item 8.4)

That the Violence in the Workplace Prevention Policy attached hereto as Appendix “A”, be approved and implemented.

FOR THE INFORMATION OF THE COMMITTEE:

(a) Changes to the Agenda (Item 1)

The Clerk advised of the following changes to the agenda:

(a) Requests to Appear from:

(i) Joanna Chapman respecting the audit of Mayor Larry Dilanni’s campaign finances

(ii) Margaret Robertson respecting audit of Mayor Larry Dilanni’s campaign contributions

(b) Item 8.2 – Support for the Restructuring Plan for Stelco Inc (FCS05121) – Report withdrawn – Verbal update from staff


The agenda was approved, as amended.

(b) Declarations of Interest (Item 2)

None.

(c) Approval of Minutes (Item 3)

The Minutes of the October 19, 2005 meeting of the Corporate Administration Committee were received and adopted as presented.
(d) **Delegation Request**

On motion, the requests of Ms. Joanna Chapman and Ms. Margaret Robertson, to appear before the Committee respecting the matter of the audit of Mayor Larry DiIanni’s campaign finances and campaign contributions were referred to a special meeting of the Committee of the Whole for consideration.

The City Clerk was directed to determine an appropriate date for this matter to be considered by the Committee of the Whole.

(e) **2004 Salaries – Hamilton Utilities Corporation (No Copy) (Item 8.8)**

Mr. Art Leitch, President and Chief Executive Officer of Hamilton Utilities Corporation, was in attendance to respond to questions of the Committee.

Councillor Collins requested that separate and apart from the salary information posted on the HUC website, information related to Board members’ expenses, e.g., stipends, expenses resulting from travel/training, etc. be provided to members of Council. Mr. Leitch advised that this information had been previously provided to the Mayor, including expenses for the Board. Mr. Leitch also assured the Committee that this information will be provided to Committee and Council in the future.

On motion, the Committee received the information with respect to the 2004 salaries for Hamilton Utilities Corporation, and deleted this item from the Outstanding Business List of the Corporate Administration Committee.

(f) **Support for the Restructuring Plan for Stelco Inc. (FCS05121) (City Wide)**

Report FCS05121 respecting support for the restructuring plan for Stelco Inc. was withdrawn; however, staff advised that agreement has been reached where all outstanding amounts entitled to the City in terms of taxes, water arrears, Interest, etc. have been recovered.

On motion, the information received with respect to Stelco Inc., was received.

(f) **General Information/Other Business (Item 11)**

On motion, the Committee move In Camera to discuss a personnel issue.

On motion, the Committee reconvened in Open Session.

No recommendations to report.

Council – November 9, 2005
There being no further business, the Committee adjourned at 10:30 a.m.

Respectfully submitted

Councillor A. Samson
Vice Chairman
Corporate Administration Committee

Carolyn Biggs
Legislative Assistant
November 2, 2005
VIOLENCE IN THE WORKPLACE PREVENTION POLICY
(Code of Conduct)

POLICY STATEMENT AND PURPOSE

The City of Hamilton is committed to providing a respectful, supportive, healthy, safe, accessible and inclusive work environment for all employees, who are entitled to work in an environment free from violence, threats of violence, intimidation and other disruptive behaviour. The City is also committed to providing a safe and respectful environment for all those who enter its facilities and access its services.

This policy defines Violence in the Workplace, and identifies the rights and responsibilities of employees and management. It establishes expectations about appropriate behaviour and clarifies the City’s commitment to addressing inappropriate behaviour.

The City prohibits violence in the workplace, or at any work related and/or staff function, or in any other work-related circumstances. The City will be proactive in working with its employees to prevent violence in the workplace.

The intention of this policy is to prevent violence from taking place, and where necessary to act upon incidents of violent behaviour promptly, fairly, and judiciously. The most effective element in preventing violence in the workplace is education. The City will provide education, information and promote awareness of violence issues to foster a safe, secure and respectful workplace.

The City of Hamilton has also implemented policies on Harassment and Discrimination and Personal Harassment. Those policies may provide means for addressing concerns which do not fall within the provisions of the Violence in the Workplace policy.

SCOPE

This policy applies to all employees of the City of Hamilton, including but not limited to regular, temporary, probationary and contract employees and to students, volunteers, and interns.

Members of the general public, visitors to City facilities, individuals conducting business with the City of Hamilton and employees of contractors or other organizations providing services to the City are expected to refrain from violence towards employees. Should such violence occur, the City will take all available steps to ensure a workplace free from violence.
SHARED RESPONSIBILITY

Since all employees have the right to work in an environment free from violence, all employees share the responsibility to support a violence free workplace. The particular responsibilities of the employer, management, and employees are specified as follows.

EMPLOYER RESPONSIBILITY

The City of Hamilton is responsible for:

- Providing a workplace free from all forms of violence, threats of violence, intimidation and other disruptive behaviour.
- Providing violence awareness education and information to employees, including training in conflict resolution and violence prevention for managers and supervisors where appropriate.
- Creating an environment that encourages victims of violence and witnesses to report all incidents of violence.

MANAGEMENT RESPONSIBILITY

Management staff are expected to provide employees with a safe work environment, free from violence, threats of violence, intimidation and other disruptive behaviour. They must ensure that violence is not tolerated, ignored or condoned.

Management staff are responsible for not only their own actions, but also for dealing with the actions of staff under their supervision. The following are steps which management staff will undertake to prevent violence in the workplace and to address violent behaviour.

- If violence occurs or if management staff becomes aware of violence in the workplace, or the threat of violence, action must be taken in accordance with this policy. Management staff must approach an employee if violence or the threat of violence is suspected because some employees may be embarrassed or reluctant to report a violent incident, or threat of violence. In some circumstances, it may be necessary for management staff to report incidents of violence if the employee who is the victim of violence is reluctant, too frightened or otherwise unable to do so. Management staff who do not take corrective action may be subject to disciplinary action.
- Discipline those employees found to have violated this policy.
- Depending on the nature of the violent incident, management staff may advise those involved of their option to contact the Police, or alternatively, may decide the situation warrants them to call the Police directly.
- Attend education and training sessions on violence prevention and conflict resolution provided by the City of Hamilton.
- In consultation with the Human Resources Department, provide employees who have been subjected to workplace violence and their co-workers who witnessed the incident, with appropriate supports, eg, Employee and Family Assistance Program, Critical Incident Response Team.
EMPLOYEE RESPONSIBILITY

Employees share the responsibility to ensure that their work environment is free from violence, threats of violence, intimidation and other disruptive behaviour. Employees must not threaten violence or engage in any violent behaviour in the workplace, at any work related functions, or in any other work related circumstances. This includes but is not limited to:

- Engaging in or threatening violence and/or using any City resources such as workplace phones, fax machines, mail, or email to perpetrate or threaten violence. (See City of Hamilton Computer Acceptable Use Policy).

- Engaging in violence or threatening violence which has arisen out of a workplace incident or relationship while away from the workplace.

Employees must report any incidents of violence or threatened violence in the workplace, to supervisors or managers, or directly to the Human Resources Department, Labour Relations Officer or Human Rights Consultant. Employees covered under a collective agreement may also speak to a union representative. If a criminal act, or suspected criminal act has occurred, employees are to report the incident to the Police and are strongly encouraged to notify the Human Resources Department, Labour Relations Officer.

Employees are expected to co-operate fully in any investigation of a violent incident.

Employees are expected to treat all other employees and members of the public with respect and dignity.

VIOLENT WORKPLACE BEHAVIOURS

Workplace violence may be physical or psychological in nature. Examples of violent workplace behaviours may include but are not limited to the following:

- Assault or Battery (with or without a weapon) including shoving, hitting, pushing or kicking

- Behaviour intended to intimidate such as vandalism, arson, sabotage, or throwing objects

- Displays of any kind of weapon

- **Verbal or written threats:**

  **Direct Threats:** Clear and explicit written or verbal communication which clearly indicates that the perpetrator intends harm, eg. “You’re going to pay for what you did”

  **Conditional Threats:** Implied, (written or verbal) involving a condition eg. “If you don’t stop bugging me, you will be sorry”.

  **Veiled Threats:** Typically involve behaviours that suggest that the perpetrator intends harm eg., “This hammer could really do some damage”.

- Threatening messages transmitted through third parties.

- Intimidation and bullying.
COMPLIANCE

Any employee who is found to have violated this Violence in the Workplace Prevention Policy may be disciplined according to the severity of the actions, up to and including dismissal.

REPRISAL

Any form of retaliation against employees exercising their rights under this policy will be considered a serious violation of this policy and will not be tolerated. Such retaliatory actions may be subject to disciplinary action, up to and including dismissal.

FALSE ACCUSATIONS

Any employee found to have lodged or otherwise supported a false accusation will be subject to appropriate disciplinary action up to and including dismissal.

CONFIDENTIALITY

The City of Hamilton will make every effort to ensure appropriate confidentiality where an incidence of violence has occurred.

DEFINITIONS

**Assault:** Any willful attempt or threat to inflict injury upon another person, when coupled with an apparent present ability to do so, and any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm.

**Battery:** Occurs when a person:
1. Actually and intentionally touches or strikes another person against the will of the other, or;
2. Intentionally causes bodily harm to another person

**Bullying:** The misuse of power or position to persistently criticize and condemn; to openly humiliate and undermine an individual’s ability. The bullying attacks on a person may be sudden, irrational, and unpredictable.

**Management Staff:** Any individual responsible for directing the work of others, including but not limited to elected officials (when in a supervisory relationship with city employees), the City Manager, General Managers, Executive Directors, Directors, Managers, Supervisors, Team Leaders, Project Managers and Forepersons.

**Perpetrator:** An individual who threatens or commits an act of violence.

**Violence:** Unjust or unwarranted exercise of force; the unlawful use of force so as to injure, damage or abuse a person.

**Weapon:** Anything used, or designed to be used, in destroying,