

Trees and Forests Advisory Committee

Report

1st Meeting of the Trees and Forests Advisory Committee

February 24, 2021

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Attendance PRESENT: A. Morrison (Chair), A. Cantell, M. Demand, A. Hames, J. Kogelheide, R. Mannella, and A.M. Valastro

ALSO PRESENT: A. Beaton, J. Bunn, D. MacRae, A. Pascual (Committee Clerk), K. Scherr, M. Schulthess, J.A. Spence, and B. Williamson.

The meeting was called to order at 12:16 PM; it being noted that the following Members were in remote attendance: A. Cantell, M. Demand, A. Hames, J. Kogelheide, R. Mannella, A. Morrison, and A.M. Valastro

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

1.2 Election of Chair and Vice Chair for the remainder of the current term

That it BE NOTED that the Trees and Forests Advisory Committee elected A. Morrison and M. Demand as Chair and Vice Chair, respectively, until the end of the current term.

2. Scheduled Items

None.

3. Consent

3.1 2nd Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 2nd Report of the Trees and Forests Advisory Committee, from its meeting held on February 26, 2020, was received.

3.2 Municipal Council Resolution - 2nd Report of the Trees and Forests Advisory Committee

That it BE NOTED that the Municipal Council Resolution, from its meeting held on March 24, 2020, with respect to the 2nd Report of the Trees and Forests Advisory Committee, was received.

3.3 Notice of Planning Application - Draft Plan of Subdivision Official Plan and Zoning By-law Amendment - 14 Gideon Drive and 2012 Oxford Street West

That the following actions be taken with respect to the Notice of Planning Application, dated February 10, 2021, from S. Meksula, Senior Planner, related to a Draft Plan of Subdivision Official Plan and Zoning By-law Amendment for the properties located at 14 Gideon Drive and 2012 Oxford Street West:

- a) the above-noted Notice BE DEFERRED to the next Trees and Forests Advisory Committee (TFAC) meeting; and,
- b) S. Meksula, Senior Planner or delegate, BE INVITED to attend the next TFAC meeting, to give clarification and provide additional details on the above-noted Notice.

3.4 2021 European Gypsy Moth (EGM) Proposed Management Plan

That it BE NOTED that the staff report dated February 8, 2021, from K. Scherr, Managing Director, Environmental and Engineering Services and City Engineer, and the presentation dated February 24, 2021, from J.A. Spence, Manager, Transportation, Roadside and Forestry Operations, with respect to the 2021 European Gypsy Moth (EGM) Proposed Management Plan, were received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Respectful Workplace Policy

That it BE NOTED that the Respectful Workplace Policy document, as appended to the agenda, was received.

5.2 TFAC Terms of Reference

That it BE NOTED that the Trees and Forests Advisory Committee held a general discussion with respect to the TFAC Terms of Reference document, as appended to the agenda.

5.3 Advisory Committee Review

That it BE NOTED that the Trees and Forests Advisory Committee held a general discussion with respect to the ongoing Advisory Committee Review; it being noted that a verbal update from M. Schulthess, Deputy City Clerk, with respect to this matter, was received.

5.4 Service Area Work Plan for 2021

That it BE NOTED that the verbal presentation from K. Scherr, Managing Director, Environmental and Engineering Services and City Engineer and D. MacRae, Director, Roads and Transportation, with respect to the Service Area Work Plan for 2021, was received.

6. Adjournment

The meeting adjourned at 2:19 PM.

Trees and Forests Advisory Committee

Report

The 2nd Meeting of the Trees and Forests Advisory Committee
February 26, 2020
Committee Room #4

Attendance PRESENT: R. Mannella (Chair), M. Demand, A. Hames, J. Kogelheide, A. Valastro and D. Turner (Committee Clerk)

NOT PRESENT: A. Cantell and A. Morrison

ALSO PRESENT: M. Pease, S. Rowland, J. Spence and M. Stone

The meeting was called to order at 12:15 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Accessibility for Ontarians with Disabilities (AODA) Orientation

That it BE NOTED that the presentation from M. Stone, Supervisor I, Municipal Policy (AODA), as appended to the agenda, with respect to 'Accessibility for Ontarians with Disabilities' customer service training, was received.

3. Consent

3.1 1st Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 1st Report of the Trees and Forests Advisory Committee, from its meeting held on January 22, 2020, was received.

3.2 Municipal Council Resolution - 1st Report of the Trees and Forests Advisory Committee

That it BE NOTED that the Municipal Council resolution, from its meeting held on February 11, 2020, with respect to the 1st Report of the Trees and Forests Advisory Committee, was received.

4. Sub-Committees and Working Groups

4.1 Education and Outreach Sub-Committee Update

That the following actions be taken with respect to the Education and Outreach sub-committee:

a) the Civic Administration BE REQUESTED to implement the committee's attached recommendations in order to better promote tree-related educational materials and information in advance of the Spring 2020 planting season; and,

b) the information and recommendations, as appended to pages 23-30 of the Trees and Forests Advisory Committee (TFAC) agenda, BE FORWARDED to the Civic Administration for adoption/action where

appropriate, and that the Civic Administration BE INVITED to a future meeting of the TFAC to provide feedback on these recommendations.

4.2 2020 Work Plan Sub-Committee Update

That the revised ~~attached~~ 2020 Trees and Forests Advisory Committee work plan BE FORWARDED to Municipal Council for consideration and approval.

5. Items for Discussion

5.1 Green Roof By-law

That the Civic Administration BE INVITED to a future meeting of the Trees and Forests Advisory Committee to present a status update on the Green Roof By-law currently in development.

5.2 Tree Planting and Maintenance Near Hydro Lines

That a representative from London Hydro BE INVITED to a future meeting of the Trees and Forests Advisory Committee to discuss the issue of tree planting/maintenance near hydro lines in greater detail.

5.3 Green Space Requirements in Urban Design - 'Cash-in-Lieu' Developments

That it BE NOTED that the committee held a general discussion with respect to green space requirements in urban design as it relates to 'cash-in-lieu' developments, primarily in the downtown core.

5.4 Review of Outstanding Recommendations

That it BE NOTED that the committee held a general discussion with respect to outstanding recommendations.

6. Adjournment

The meeting adjourned at 1:56 PM.



London
CANADA

P.O. Box 5035
300 Dufferin Avenue
London, ON
N6A 4L9

March 25, 2020

G. Barrett
Director, City Planning and City Planner

J. Parsons
Division Manager, Transportation and Roadside Operations

London Hydro
111 Horton Street
London, ON N6A 4H6

I hereby certify that the Municipal Council, at its meeting held on March 24, 2020 resolved:

That, the following actions be taken with respect to the 2nd Report of the Trees and Forests Advisory Committee, from its meeting held on February 26, 2020:

- a) the following actions be taken with respect to the Education and Outreach sub-committee:
 - i) the Civic Administration BE REQUESTED to implement the committee's recommendations appended to the 2nd Report of the Trees and Forests Advisory Committee in order to better promote tree-related educational materials and information in advance of the Spring 2020 planting season; and,
 - ii) the information and recommendations, as appended to pages 23-30 of the Trees and Forests Advisory Committee (TFAC) agenda, BE FORWARDED to the Civic Administration for adoption/action where appropriate, and that the Civic Administration BE INVITED to a future meeting of the TFAC to provide feedback on these recommendations;
- b) the ~~attached~~ 2020 Trees and Forests Advisory Committee Work Plan BE APPROVED;
- c) the Civic Administration BE INVITED to a future meeting of the Trees and Forests Advisory Committee to present a status update on the Green Roof By-law currently in development;
- d) a representative from London Hydro BE INVITED to a future meeting of the Trees and Forests Advisory Committee to discuss the issue of tree planting/maintenance near hydro lines in greater detail; and,
- e) clauses 1.1, 2.1, 3.1, 3.2, 5.3 and 5.4 BE RECEIVED for information.
(4.2/6/PEC)

C. Saunders

City Clerk
/lm

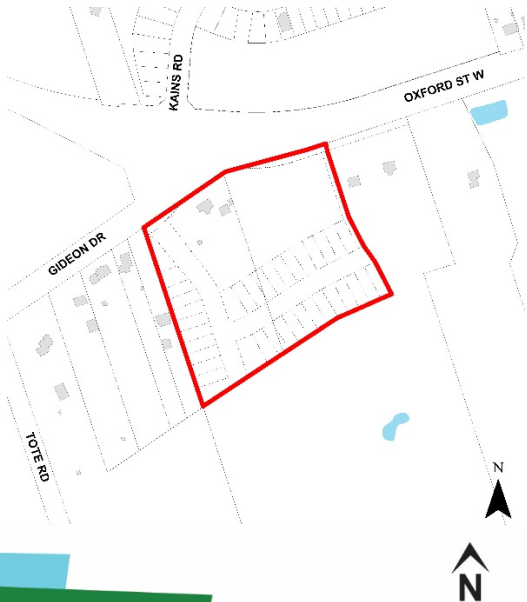
cc C. Smith, Senior Planner
J. A. Spence, Manager, Urban Forestry
S. Rowland, Urban Forestry Planner
A. Beaton, Manager, Operations – Forestry
Chair and Members, Trees and Forests Advisory Committee



NOTICE OF PLANNING APPLICATION

Draft Plan of Subdivision Official Plan and Zoning By-law Amendment

14 Gideon Drive and 2012 Oxford Street West



File: 39T-21501 / OZ-9295

Applicant: 2515060 & 2539427 Ontario Inc.

What is Proposed?

Draft Plan of Subdivision and Zoning amendments to allow:

- 36 single detached residential lots
- 1 medium density residential blocks
- 1 open space block
- 2 new streets.

LEARN MORE & PROVIDE INPUT

Please provide any comments by **February 26, 2021**

Sean Meksula

smeksula@london.ca

519-661-CITY (2489) ext. 5349

Development Services, City of London, 300 Dufferin Avenue, 6th Floor,
London ON PO BOX 5035 N6A 4L9

File: 39T-21501 / OZ-9295

london.ca/planapps

You may also discuss any concerns you have with your Ward Councillor:

Councillor Anna Hopkins

ahopkins@london.ca 519-661-CITY (2489) ext. 4009

**If you are a landlord, please post a copy of this notice where your tenants can see it.
We want to make sure they have a chance to take part.**

Date of Notice: February 10, 2021

Application Details

Commonly Used Planning Terms are available at london.ca/planapps.

Requested Draft Plan of Subdivision (please refer to attached draft plan)

Consideration of a Draft Plan of Subdivision consisting of 36 single detached lots (Lots 1-36); one (1) medium density residential block (Block 37); one (1) walkway block (Block 38); one (1) open space block (Block 39); two (2) road widening blocks (Blocks 40 and 41); and three (3) reserve blocks (Blocks 42, 43 and 44 new local streets (Street A and Street B).

Requested Official Plan Amendment (please refer to attached map)

Possible Amendments to the (1989) Official Plan:

- Schedule 'A' – Land Use Map to change the land use designations from: “Low Density Residential” to “Multi-Family, Medium Density Residential” for Block 37 on the proposed Draft Plan of Subdivision.

Requested Zoning By-law Amendment

Changes to the currently permitted land uses and development regulations are summarized below. The complete Zoning By-law is available at london.ca/planapps.

Requested Zoning (Please refer to attached map)

Possible Amendment to Zoning By-law Z.-1 to change the zoning from an Urban Reserve UR1 Zone to:

- Residential R1 (R1-2) Zone (Lots 1-36) - to permit single detached dwellings on lots with a minimum lot area of 300 square metres and minimum lot frontage of 9 metres;
- Residential R6/Residential R8 (R6-5/R8-4) Zone (Block 37) – to permit various forms of cluster housing including single detached, semi-detached, duplex, triplex, fourplex, townhouse, and stacked townhouse dwellings up to a maximum density of 35 units per hectare and maximum height of 12 metres; and such uses as apartment buildings, senior citizens apartment buildings, and continuum-of-care facilities up to a maximum density of 75 units;
- Open Space OS1 Zone (Block 39) – to permit such uses as conservation lands, conservation works, golf courses, public and private parks, recreational buildings associated with conservation lands and public parks, campgrounds, and managed forests.

The City may also consider applying holding provisions in the zoning to ensure adequate provision of municipal services, that a subdivision agreement or development agreement is entered into, and to ensure completion of noise assessment reports and implementation of mitigation measures for development in proximity to arterial roads.

Planning Policies

Any change to the Zoning By-law must conform to the policies of the Official Plan, London's long-range planning document. These lands are currently designated as "Low Density Residential".

The subject lands are in the “Neighbourhoods” Place Type in The London Plan (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect) permitting a range of housing including single detached, townhouses and low rise apartments, and “Green Space”, permitting a range of public and private open space, parks, recreation, floodplain and conservation uses.

How Can You Participate in the Planning Process?

You have received this Notice because someone has applied for a Draft Plan of Subdivision and to change the zoning of land located within 120 metres of a property you own, or your landlord has posted the notice of application in your building. The City reviews and makes decisions on such planning applications in accordance with the requirements of the *Planning Act*. The ways you can participate in the City's planning review and decision making process are summarized below.

See More Information

You can review additional information and material about this application by:

- contacting the City's Planner listed on the first page of this Notice;

- viewing the application-specific page at london.ca/planapps; or,
- Please note that this application is being circulated during the State of Emergency issued by the Province of Ontario. Opportunities to view any file materials in-person by appointment can be arranged through the file Planner.

Reply to this Notice of Application

We are inviting your comments on the requested changes at this time so that we can consider them as we review the application and prepare a report that will include Development Services staff's recommendation to the City's Planning and Environment Committee. Planning considerations usually include such matters as land use, development intensity, and form of development.

Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the requested Draft Plan of Subdivision and zoning changes on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this meeting, which is required by the *Planning Act*. You will also be invited to provide your comments at this public participation meeting. A neighbourhood or community association may exist in your area. If it reflects your views on this application, you may wish to select a representative of the association to speak on your behalf at the public participation meeting. Neighbourhood Associations are listed on the [Neighbourgood](https://neighbourgood.ca) website. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting. The Council Decision will inform the decision of the Director, Development Services, who is the Approval Authority for Draft Plans of Subdivision.

What Are Your Legal Rights?

Notification of Council and Approval Authority's Decision

If you wish to be notified of the Approval Authority's decision in respect of the proposed draft plan of subdivision, you must make a written request to the Director, Development Services, City of London, 300 Dufferin Ave., P.O. Box 5035, London ON N6A 4L9, or at developmentsservices@london.ca. You will also be notified if you provide written comments, or make a written request to the City of London for conditions of draft approval to be included in the Decision.

If you wish to be notified of the decision of the City of London on the proposed zoning by-law amendment, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9, or at docservices@london.ca. You will also be notified if you speak to the Planning and Environment Committee at the public meeting about this application and leave your name and address with the Secretary of the Committee

Right to Appeal to the Local Planning Appeal Tribunal

If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of London in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body is not entitled to appeal the decision of the Director, Development Services to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of London in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

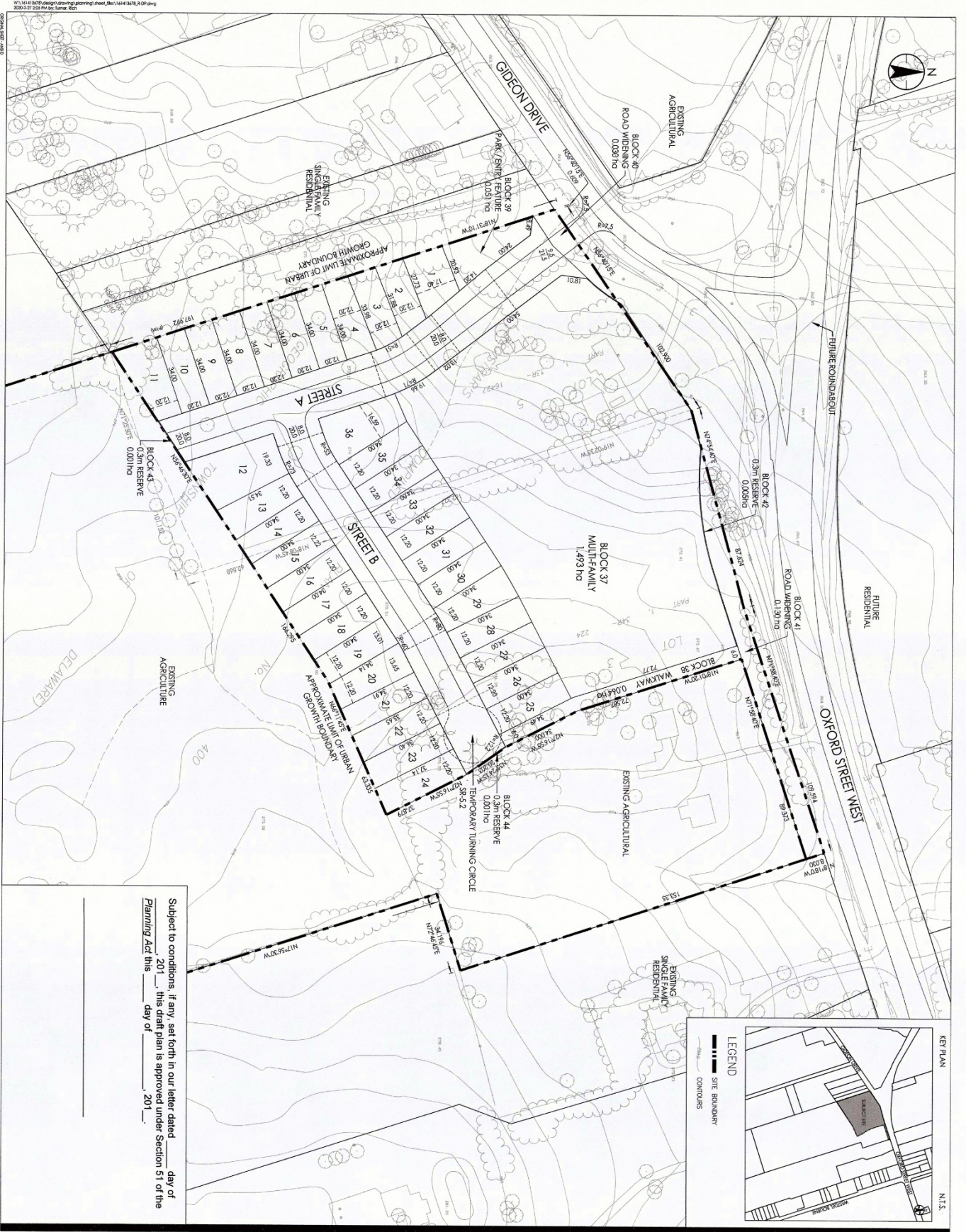
For more information go to <https://olt.gov.on.ca/contact/local-planning-appeal-tribunal/>.

Notice of Collection of Personal Information

Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the *Municipal Act*, 2001, as amended, and the *Planning Act*, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council and City of London staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City's website. Video recordings of the Public Participation Meeting may also be posted to the City of London's website. Questions about this collection should be referred to Cathy Saunders, City Clerk, 519-661-CITY (2489) ext. 4937.

Accessibility - Alternative accessible formats or communication supports are available upon request. Please contact developmentsservices@london.ca for more information.

Requested Draft Plan of Subdivision



Subject to conditions, if any, set forth in our letter dated _____ day of _____, 2011, this draft plan is approved under Section 51 of the Planning Act this _____ day of _____, 2011.



LEGEND
 --- SITE BOUNDARY
 --- CONTOURS

Stantec
 Stantec
 400 711 Gower Avenue
 London ON N6A 5J7
 Tel: 519 445-2007
 www.stantec.com

Liability Note
 The contractor and party or parties responsible for all information received to complete this plan shall be responsible for its accuracy and shall be liable for any errors or omissions.

DRAFT PLAN OF SUBDIVISION
 DATE: FEB 28 2011
 REGISTERED CHARTERED PLANNER No. 400
 (REGULATED UNDER THE PLANNING ACT)
 COUNTY OF HAMILTON

INFORMATION REQUIRED UNDER SECTION 51(1) OF THE PLANNING ACT

A. AS SHOWN ON DRAFT PLAN	(ha)
B. AS SHOWN ON DRAFT PLAN	1.2816
C. AS SHOWN ON DRAFT PLAN	0.0844
D. AS SHOWN ON DRAFT PLAN	0.0870
E. AS SHOWN ON DRAFT PLAN	0.0010
F. AS SHOWN ON DRAFT PLAN	0.0000
G. AS SHOWN ON DRAFT PLAN	0.0000
H. AS SHOWN ON DRAFT PLAN	0.0000
I. AS SHOWN ON DRAFT PLAN	0.0000
J. AS SHOWN ON DRAFT PLAN	0.0000
K. AS SHOWN ON DRAFT PLAN	0.0000
L. AS SHOWN ON PLAN	0.0000
TOTAL	4.0710

SCHEDULE OF LAND USE

LOW DENSITY RESIDENTIAL	1.2816
EMERGENCY ACCESS	0.0844
ROAD WIDENING	0.0870
PARK/BENIT FEATURE	0.0510
ROAD WIDENING	0.0010
ROAD WIDENING	0.0090
ROAD WIDENING	0.0090
ROAD WIDENING	0.0010
ROAD WIDENING	0.0000
ROAD WIDENING	0.0000
TOTAL	4.0710

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE REQUIREMENTS OF THE LAND USE ACT, THE PLANNING ACT AND THE SUBDIVISION ACT HAVE BEEN ACCURATELY AND CORRECTLY SERVED.

OWNERS AUTHORITY
 THE UNDERSIGNED UNDERTAKE THE PERFORMANCE AND SIGNATURE OF THIS DRAFT PLAN OF SUBDIVISION.

APPROVED: _____ DATE: Feb 28/11

REVISION

NO.	DATE	BY	REASON
1			

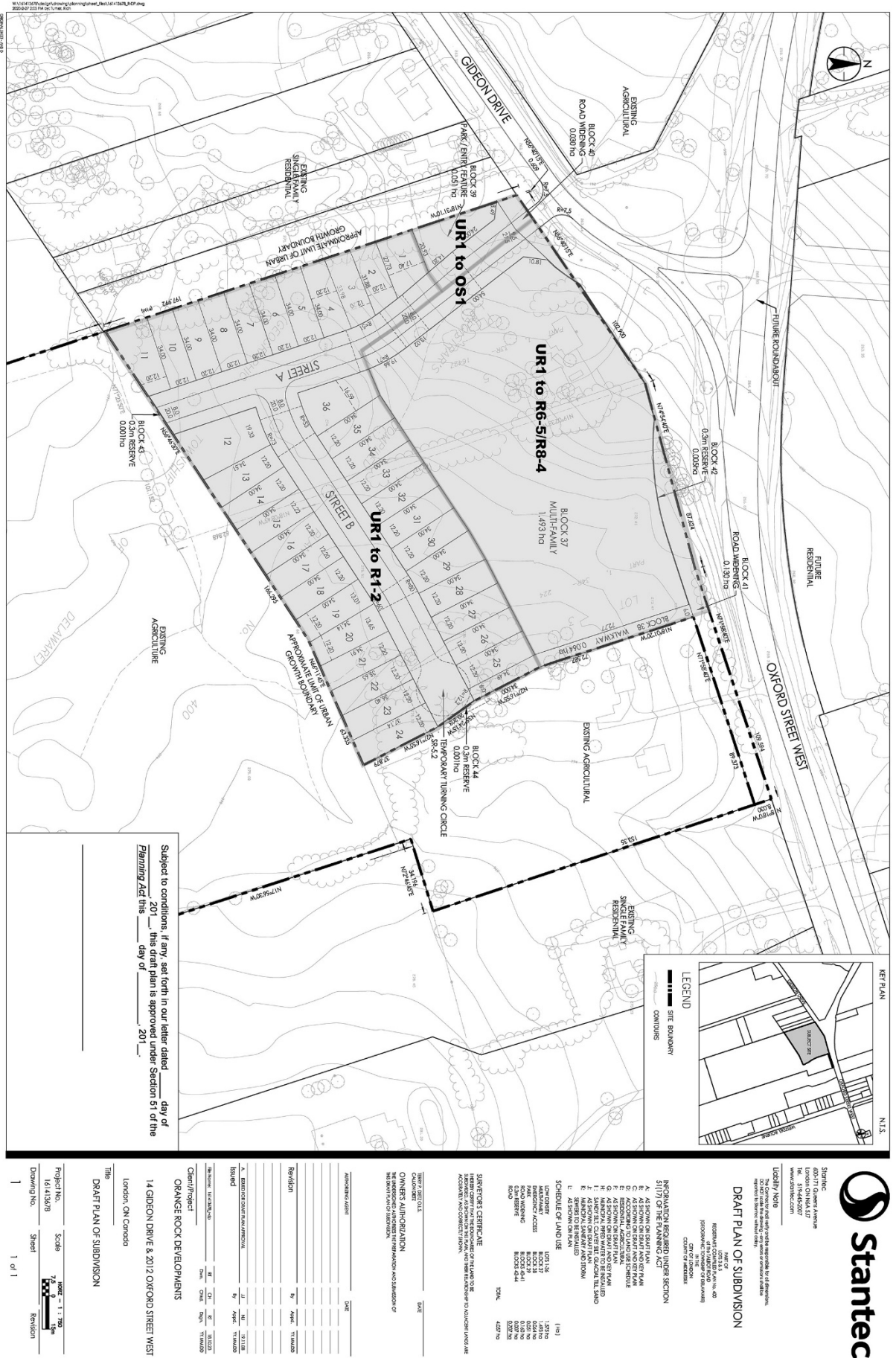
CLIENT/PROJECT
 OKANAGE ROCK DEVELOPMENTS
 14 GIDEON DRIVE & 2012 OXFORD STREET WEST
 London, ON Canada

DRAFT PLAN OF SUBDIVISION

PROJECT NO. 161113678
SCALE 1:750
DRAWING NO. Sheet 1 of 1

The above image represents the applicant's proposal as submitted and may change.

Requested Zoning



The above image represents the applicant's proposal as submitted and may change.

Report to Planning & Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Kelly Scherr, P. Eng., MBA, FEC
Managing Director, Environmental & Engineering Services
and City Engineer

Subject: 2021 European Gypsy Moth (EGM) Proposed
Management Plan

Date: February 8, 2021

Recommendation

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the 2021 European Gypsy Moth (EGM) Proposed Management Plan **BE RECEIVED** for information.

Executive Summary

The European Gypsy Moth (EGM) (*Lymantria dispar dispar*) is a non-native, invasive forest pest that was introduced to North America from Europe in 1869. It was first detected in Ontario in 1969 and has quickly spread across southern Ontario during the 1980's. The Canadian Food Inspection Agency (CFIA) is responsible for preventing the introduction and spread of invasive pest species. EGM is unfortunately considered a well-established regional pest in southern Ontario.

Severe tree defoliation was observed at several locations in 2020 and survey data collected in the fall of 2020 indicated that the EGM population is at a high level of infestation. Projections for 2021 identify severe defoliation in several parks and surrounding streets and a significant threat to our urban forest.

The City of London Urban Forest Strategy (2014) notes the effective management of invasive species of pests that will be harmful to trees under the main goal to "Maintain Better". This report includes a proposed 2021 EGM Management Plan (the Plan) to mitigate the impact to forest health. Primary components of the Plan are comprehensive public communications and egg mass scraping. Due to the degree of the infestation, Civic Administration is also proposing to apply *Bacillus thuringiensis* subspecies *kurstaki* (Btk) at select locations on public land via a single aerial application. Civic Administration previously carried out an aerial application of Btk in 2009 to manage EGM at that time.

The provincial government regulates the sale, use, transportation, storage, and disposal of pesticides in Ontario. Ontario's Pesticides Act and Ontario Regulation 63/09 provide the province's framework to regulate pesticides to protect human health and the natural environment. Civic Administration must acquire the appropriate permits and approvals from both federal and provincial regulatory authorities such as Transport Canada and the Ministry of the Environment, Conservation and Parks for the use of Btk. Information that is submitted as part of the approvals process will include a review of the proposed locations (site and size), road and park closure plans and a Btk aerial application public notification plan. These approvals, as well as interactions with the Middlesex London Health Unit, will inform the public communications plan associated with the strategy.

Linkage to the Corporate Strategic Plan

Municipal Council's 2019-2023 Strategic Plan identifies "Building a Sustainable City" and "Leading in Public Service" as strategic areas of focus. The management of invasive species contributes to a Sustainable City by protecting our urban forest and helps respond to recent public concern regarding the current infestation of EGM.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Planning & Environment Committee (July 14, 2008) Gypsy Moth Infestation

2.0 Discussion and Considerations

2.1 EGM Impacts on Forest Health

EGM is a problematic pest as the caterpillar (larva) stage feeds aggressively on a wide range of trees. EGM affects many types of trees, but it prefers oaks, maples, basswood, white birch, and willow. Many of these types of trees are in parks, along streets and in woodlands. However, oak trees are particularly important. They are a component of the Carolinian forest and are a valuable source of food for wildlife as their acorns are nutrient rich. Oaks can support hundreds of other species over a lifetime, as well as providing useful shade, amenity and other ecosystem and cultural benefits.

Each EGM caterpillar can eat up to one square meter of leaf area. During major infestations there can be hundreds to thousands of caterpillars feeding on a single tree causing major defoliation (loss of tree leaves and canopy). Healthy, mature trees can tolerate a few seasons of defoliation. However, it can make them more susceptible to other impacts such as pests, disease, and drought. Conifer trees (evergreen e.g., pine, spruce) can die after one major defoliation event. Trees rarely die due to one factor but normally a combination of events. Keeping the urban forest healthy and resilient will make it better prepared to respond.

The EGM caterpillar can have negative impacts to the enjoyment and use of forested areas such as parks, woodlands and even tree lined streets and sidewalks. Concerns from residents were also received last year regarding impacts to their health in the form of rashes attributed to EGM. The hairs of the EGM caterpillar can result in mild to moderate cases of contact dermatitis.

Although very disruptive, the caterpillar stage lasts four to six weeks with major infestations collapsing two to four years after peaking due to natural factors. The EGM peak infestation cycle occurs approximately every eight to ten years. The last major outbreak of EGM in London was in 2008/2009.

2.2 EGM Population Density and Movement Trends

Forecasting pest populations is very challenging. There are many influencing unpredictable factors such as weather. EGM is particularly challenging to manage as it responds to a combination of natural factors such as the presence of fungus, virus, and predators in the environment. Over the past two years, there has been a noticeable increase in the EGM pest population and associated negative impacts such as tree defoliation. This trend is not unique to London as it has been documented across the entire southern region of Ontario. In London it has been observed that the pest is also moving from known established areas to new ones.

2.3 Summary of Consultant Data Collection & Surveys

In 2019 Civic Administration contracted BioForest Technologies Inc. to assist with implementing an EGM monitoring program. The consultant adapted two standard forest

methodologies to measure EGM populations in an urban environment to establish fixed-area plots. Across the City, 1,158 fixed-area plots have been established collecting data from thousands of trees. A key consideration in the location of the plots was the presence of oak trees. In 2020, 22 new streets and 12 new parks were added to the monitoring program and associated data plots added due to increasing and more widespread populations. These were guided by EGM complaints, areas of known concentrated oak stands, and strategic locations that would help determine if EGM is moving into new locations. The data collected from these plots will create a benchmark for EGM egg mass densities moving forward.

In 2020, BioForest Technologies Inc. completed one defoliation study in mid July and two egg mass surveys in October and November. The most significant defoliation was found in Crestwood Woods, Fairmont Park, Grand View Park, and Griffith Street Park. Some locations had no sightings of EGM such as Hyde Park Woods and Jorgenson Park.

The average size of all new egg masses was 31.3 mm which indicates a healthy, stable population of the pest. The average egg mass size was classified as “large” (25mm or greater) in both 2019 and 2020. Natural controls such as the fungus and NPV virus were observed in caterpillars exhibiting typical symptoms such as hanging from the trunk of trees in an inverted “V” fashion (NPV).

The defoliation study indicated that egg mass scraping may have mitigated some defoliation on street trees. However, 55% of the data plots along streets are forecasted to experience moderate to severe defoliation in 2021.

The first egg mass scraping work that occurred in Crestwood Woods and Griffith Street Park appears to have not been successful in mitigating defoliation in densely forested park trees. 41% of the data plots in parks are forecasted to experience moderate to severe defoliation in 2021.

Moving forward, the yearly EGM monitoring program will continue. This will help to forecast EGM trends when the pest population is building up in the environment and to apply early intervention techniques.

2.4 Summary of Engagement

There has been a great deal of public interest in EGM and requests for Civic Administration to be more proactive with pest management. Building upon previous website communications, a “Get Involved” webpage was created in December 2020. This is an improved communication tool to assist in the sharing of EGM information and management techniques with residents. An instructional video on “How to Remove Egg Masses” is on the webpage informing residents that now is the perfect time to remove egg masses. The “Get Involved” webpage will also provide a centralized location for comments and concerns related to EGM so that Civic Administration can provide timely feedback and response.

A feedback form was created with the goal to improve Civic Administration’s understanding what residents know about EGM (knowledge, scale/scope, management impacts) and to guide an EGM Communications Plan and this report.

The feedback form consisted of twelve questions and was available to residents to complete from December 17, 2020 until January 18, 2021. Over 1,400 webpage “impressions” and 393 feedback forms completed. Some summary findings are the following:

- 82% rated their understanding on EGM as not knowledgeable or beginner
- 65% felt that EGM is a community level concern; 25% thought it impacted the entire City
- 55% had seen EGM on their own or neighbour's private land
- 29% had seen EGM on public lands (ESA, Park, Along streets in City trees)
- 80% responded that Civic Administration should spray on private land with 73% believing that those costs should be paid by all residents through taxes

- 55% rated that their main concern about the impacts of EGM was the decrease in the environment benefits trees provide and potential long term tree decline/death
- 88% of respondents are dissatisfied with Civic Administration's response to EGM while a very small 5% think a good job is being done

Many residents left comments regarding their frustration with Civic Administration and its management of EGM. There were also many ideas and suggestions brought forward for community activities to help with egg mass removal, creation of an EGM "toolbox" and educational webinars.

The Trees & Forests and Animal Welfare Advisory Committees will be consulted on this plan.

2.5 Proposed EGM 2021 Management Plan

Civic Administration is taking an Integrated Pest Management (IPM) approach to managing EGM on public lands. This means using different management techniques, sometimes at the same time, to address the pest population starting with the lowest risk to the environment. IPM focuses on techniques where the earlier and more often the pest's life cycle can be interrupted, the more successful efforts will be in managing it. The goal of the EGM Management program is not to try to eliminate the pest but to get its population back to tolerable levels where forest health can recover.

The following strategies will be implemented in the EGM Management Plan:

1. A Comprehensive Communications Plan

Communication and education is the most power tool in any pest management program. Residents must be able to correctly identify the pest and then apply appropriate management techniques. For example, Civic Administration routinely gets calls about EGM caterpillars early in the spring and late in the fall when EGM is not present. Early in the spring caterpillars are more than likely to be Forest Tent Caterpillars and in the fall, Fall Webworm. The lifecycles of these caterpillars differ greatly than EGM and so do their management techniques. Applying EGM techniques would not be successful. Also, residents doing these EGM management techniques as a community create a significant impact on EGM populations.

This plan will educate residents on EGM and how to best manage the pest on their own land. As noted above 81.5% of residents rated their EGM knowledge as "not knowledgeable or beginner". Information can be shared on the City website and promoted through social media. Also based on feedback, Civic Administration should look at opportunities to include people that do not rely on social media and create and distribute brochures in the EGM impacted areas.

Civic Administration will continue to promote the following management techniques coinciding with the specific EGM life-cycle stages:

- Manually removing egg masses and cocoons from trees;
- Wrapping burlap around trees trunks to trap caterpillars;
- Consulting with a licensed professional to apply biopesticides or tree injections and providing contact information of companies that perform this type of work; and,
- Other best practices such as keeping trees healthy and not moving firewood.

Civic Administration will not be recommending applying "sticky tape" as a method to manage EGM due to risk to birds, mammals and reptiles. As caterpillars move up and down the tree they become trapped in the tape. In particular, the trapped insects become an attraction for birds and they too can become trapped or subject to harm.

Civic Administration will investigate the ideas and suggestions submitted as part of the “Get Engaged” feedback. These ideas will target opportunities to provide support to residents managing EGM on their properties.

2. Manual Removal & Scraping of Egg Masses from City Trees

This year Civic Administration will target 37 streets forecasted to be severely defoliated in 2021 in the following areas:

- Somerset/Byron (revisit)
- Oakridge/Sanatorium Road (new location for 2021)
- Hamilton Rd/Fairmont Park (new location for 2021)

Scraping egg masses can be an effective tool in managing EGM especially combined with other techniques. Each egg mass that is removed can have between 100 and 1,000 eggs. Work has started for 2021. Crews and contractors will manually remove egg masses by scraping them from the ground and for larger trees with an aerial bucket truck. Arborist climbers may also be used if needed in challenging locations that are not accessible by a vehicle. The evaluation of the winter 2020 street tree egg mass scraping work was noted as having some positive impact on defoliation.

3. A Single Aerial Application of *Bacillus thuringiensis kurstaki* (Btk) in Select City Parks

The above management tools are being improved upon and carried forward from last year. They have been observed to be partially effective, but 2020 severe tree defoliation combined with egg mass counts indicate dramatically increasing EGM populations pose a significant threat to parts of the urban forest. Therefore, Civic Administration is proposing to use *Bacillus thuringiensis kurstaki* (Btk) in combination with the other management techniques. Btk is the primary pest control product recommended for EGM control. Health Canada identifies that Btk is a bacterium found naturally in soils. It is a selective biopesticide that works only against a group of insects called lepidopterans, which includes EGM. Btk only becomes toxic in the alkaline gut of specific lepidopteran insects in the larval (caterpillar) stage of their life cycles. Because of this, it does not affect adult moths and butterflies, other insects, honeybees, fish, birds or mammals.

Civic Administration is proposing to undertake a single aerial spray application to help trees survive the current infestation and associated defoliation where the infestation is the most intense and other management techniques have had minimal effectiveness. Aerial spraying of Btk is a proven management tool that can reduce EGM populations more effectively on large trees with continuous and intercepting canopies. Other benefits include accurate and consistent coverage of the leaves improving contact with EGM caterpillars when eating.

The initial list of locations to be considered for aerial application approvals were identified based on infestation levels and forecasted defoliation and are identified below in the chart.

Chart 1. List of Proposed Btk Aerial Spray Locations

#	Location	2020 Actual Defoliation	2020 Egg Masses/Ha	2021 Defoliation Forecast
1	Fairmont Park	Severe	272,033	Severe
2	Grand View Park	Severe	18,425	Severe
3	Griffith Street Park	Severe	47,633	Severe
4	Crestwood Woods	Severe	29,600	Severe
5	Somerset Woods	Severe	15,100	Severe

Btk is a naturally occurring, widely distributed organism in the natural environment. However, because of the policy context associated with Environmentally Significant Areas (ESAs), ESA forests will be avoided in this current program.

The industry standard is to spray two times in the season to achieve up to 90% effectiveness. However, the first aerial application of Btk has the most impact on the pest population with up to 80% effectiveness. The first application is the earliest in the season and when the EGM caterpillar is at its smallest stage. The second spray occurs later in the season when caterpillars are larger and more Btk product is needed. Also, some EGM caterpillars may get sick, but survive the application. Civic Administration is proposing to eliminate the second aerial application to reduce the risk of over lapping with the life cycles of other Lepidoptera (moths & butterflies) and in particular the Monarch butterfly that occur later in the season.

4. Backpack Spraying of Btk in Select City Parks

Backpack spraying is another application tool for Btk that can be an effective component of an integrated plan. The initial list of locations to be considered for backpack spraying were identified based on infestation levels and forecasted defoliation. They are identified below in the chart.

Chart 2. List of Proposed Btk Backpack Spray Locations

#	Location	2020 Actual Defoliation	Egg Masses/Ha	2021 Defoliation Forecast
1	Springbank Park	Severe	21,300	Severe
2	Thames Valley Golf Course	Severe	2,917	Moderate
3	Clara Brenton Woods	Severe	10,533	Severe

Some advantages to using a backpack sprayer to apply Btk is that smaller isolated plots that are infested can be targeted. For example, one fixed-area plot located at the Thames Valley Golf Course has 90,000 egg masses/Ha surrounded by plots that have much lower populations.

Applying Btk by backpack sprayer must still comply with the Ontario's Pesticide Act, including notifications and signage, however there is a significantly fewer coordination and approvals required.

2.6 Municipal Scan

The spread of the EGM has been tracked by Provincial and Federal agencies. Municipalities and Conservation Authorities have developed EGM Management Plans like what Civic Administration is proposing. Ontario municipalities which have implemented Btk aerial spray programs against EGM include Toronto (2013, 2017, 2019, 2020), Oakville (2018), Mississauga (2018) and Hamilton (2019). The City of London performed an aerial application in 2009.

2.7 Data Collection and Monitoring

The strategy also includes ongoing data collection with services offered through consultants and industry experts to determine effectiveness of the various components of the plan. Much of the upfront work has been completed such as establishing fixed-area survey plots. Egg mass and defoliation data collection will continue to help guide EGM management plans. A post efficiency spray survey will take place to evaluate the effectiveness of the Btk applications.

2.8 EGM Populations Will Eventually Collapse Due to Natural Factors

Natural factors will ultimately cause EGM to collapse which normally follows two to four years after the peak pest populations. Some of the natural factors include the following:

- Virus NPR (Nucleopolyhedrosis) which establishes when EGM population is at high density. This virus has been observed throughout London over the past two years and has the largest impact on collapsing the EGM population.
- Fungus (Entomophage maimaiga) requires a cool wet spring but kills EGM caterpillars at any density.
- Winters with cold temperatures less than -20° C for an extended period and with a lack of snow will kill egg masses.

3.0 Financial Impact/Considerations

There are no direct financial or resource implications associated with the 2021 EGM Management Plan. The plan described herein and can be supported within existing budget.

4.0 Key Issues and Considerations

4.1 Btk Information

Health Canada's Pest Management Regulatory Agency (PMRA) is responsible for ensuring the human health and environmental safety of all pest control products prior to their approval for use in Canada. Pesticide manufacturers must provide a full analysis of the product formulation, as well as extensive health and environmental data, so that a risk assessment can be carried out by Pest Management Regulatory Agency scientists. Only products that are scientifically reviewed and found to be effective and safe for use with minimal risk to human health and the environment are registered by the PMRA. In Canada, the PMRA has classified all Btk products registered for use in forests, woodlands, and residential areas as "restricted". Restricted class products require special permits or licensing from the provincial regulatory authority.

The federal government Health Canada [website factsheet](#) states that Btk poses little threat to human health either through handling products directly or through indirect exposure such as during a spray program. Health Canada identifies that Bt strains have been used by both organic and non-organic farmers throughout the world for many years and is one of the few pesticides acceptable to organic growers, as it is a naturally occurring biological organism, rather than a synthetic chemical. Btk is a bacterium found naturally in soils. Btk only becomes toxic in the alkaline gut of specific lepidopteran insects in the larval (caterpillar) stage of their life cycles.

Civic Administration reached out to the Middlesex-London Health Unit to seek their opinion on the aerial application of Btk. They in turn contacted Public Health Ontario whose role is "to provide scientific evidence and expert guidance that shapes policies and practices for a healthier Ontario". This also includes pesticide use. The letter has been included as an attachment.

4.2 Btk Aerial Application Notification Plan

The aerial application of Btk must have a robust Notification Plan in place. This plan will be submitted to the Ministry of the Environment, Conservation & Parks for their approval. In prior years, public notification through a posting in the local newspaper was appropriate. Now notification is expected to be through social media and web based. All adjacent properties will be directly mailed notification letters and signage will be posted. A comprehensive communications plan will be created to inform Londoners and comply with all notification and logistical processes as required for the safe application of Btk.

Conclusion

The current EGM infestation is healthy, growing, and stable and has resulted in unprecedented levels of tree defoliation. The level of infestation suggests severe defoliation again this year and is a threat to the health of the urban forest.

Civic Administration has reviewed consultant data and verified findings in the affected areas. The recommended 2021 EGM Management Plan, based on IPM principles, will include a communication plan, egg mass scraping, and aerial and backpack applications of Btk at selected sites to reduce the spread of EGM in the London. Liaison with the Middlesex London Health Unit and provincial and federal approval agencies are included in this program.

Prepared by: Jill-Anne Spence, Manager, Urban Forestry
Submitted by: John Parsons, CET
Division Manager, Roads Operations & Forestry
Concurred by: Doug MacRae, P.Eng., MPA
Director Roads & Transportation
Recommended by: Kelly Scherr, P. Eng., MBA, FEC
Managing Director, Environmental & Engineering
Services and City Engineer

Attachment

Middlesex-London Health Unit letter dated January 25, 2021

C.C.: Trees & Forests Advisory Committee
Animal Welfare Advisory Committee

January 25, 2021

Jill-Anne Spence
City of London
663 Bathurst St,
London ON, N5Z 1P8

Dear Ms. Spence,

MLHU provides the following information pertaining to the public safety of *Bacillus thuringiensis* subspecies *kurstaki* (Btk), by aerial application to treat gypsy moth infestations.

Gypsy moth larvae feed on the leaves of deciduous trees and on some conifers, and are quite destructive to trees (Health Canada, 2013). Trees are important for public health as they provide a canopy cover (shade) to mitigate the harmful effects of extreme heat temperatures as well as many additional human health benefits in our communities.

Btk is a naturally occurring bacterium that is readily found in soil and has been used in commercial application to control the infestation of insect pests (Health Canada, 2009). Several municipalities throughout Ontario have used Btk by aerial application and education strategies to control gypsy moth infestations. These applications must be conducted by a certified and licensed exterminator or operator. The application rates and usage must adhere to the permit conditions as instructed by the Ministry of the Environment, Conservation and Parks (MECP), and Health Canada's Pest Management Regulatory Agency (PMRA).

Btk poses little threat to human health either through handling products directly or through indirect exposure such as during a spray program (Health Canada, 2009). Given the ubiquitous nature of the bacterium, it is probable that regular human exposure to the bacterium exists within the community.

Health Canada does not recommend any special precautions during a spray application however residents who have concerns can take certain precautions to further reduce any potential risks to their health. Such measures include, staying indoors if you are within proximity to the treatment area, closing all windows and doors during the spraying and washing down any articles in the yard with running water after the spraying application.

Health Canada. Website Review at <https://www.canada.ca/en/health-canada/services/pest-control-tips/gypsy-moths.html> Gypsy Moths

Health Canada. Website Review at <https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/pesticides-pest-management/fact-sheets-other-resources/bacillus-thuringiensis-subspecies-kurstaki.html>
Bacillus thuringiensis subspecies *kurstaki* - Btk



European Gypsy Moth (EGM) Proposed 2021 Management Plan



Trees & Forests Advisory Committee
February 24, 2021

EGM What is it?

- Non-native invasive pest introduced to North America late 1800's
- Introduction into Ontario 1980's and now a well-established pest in southern Ontario
- Canadian Food Inspection Agency (CFIA) responsible for regulating
- Populations are cyclical in nature and tend to peak every 8-10 years; infestations can last for 2-4 years
- Last peak in London 2008/2009



July – April
Eggs



April – June
Larvae (Caterpillars)



July – August
Adult Moths



June – July
Pupae

EGM Why is it a Problem?

Forest Health Concerns

- Caterpillar stage of development creates the most havoc
- Trees at risk (300 species) loves oak trees, maples, birch, pine & spruce
- 1 caterpillar can eat 1 m² foliage; 1 egg mass = 100 -1,000 caterpillars
- Multi-year defoliation can make trees more susceptible to pests & diseases
- Decrease in biodiversity of natural areas

People Concerns

- Impacting enjoyment of parks & backyards (caterpillars in pools on decks, messy)





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EGM 2018 Forest Health Conditions

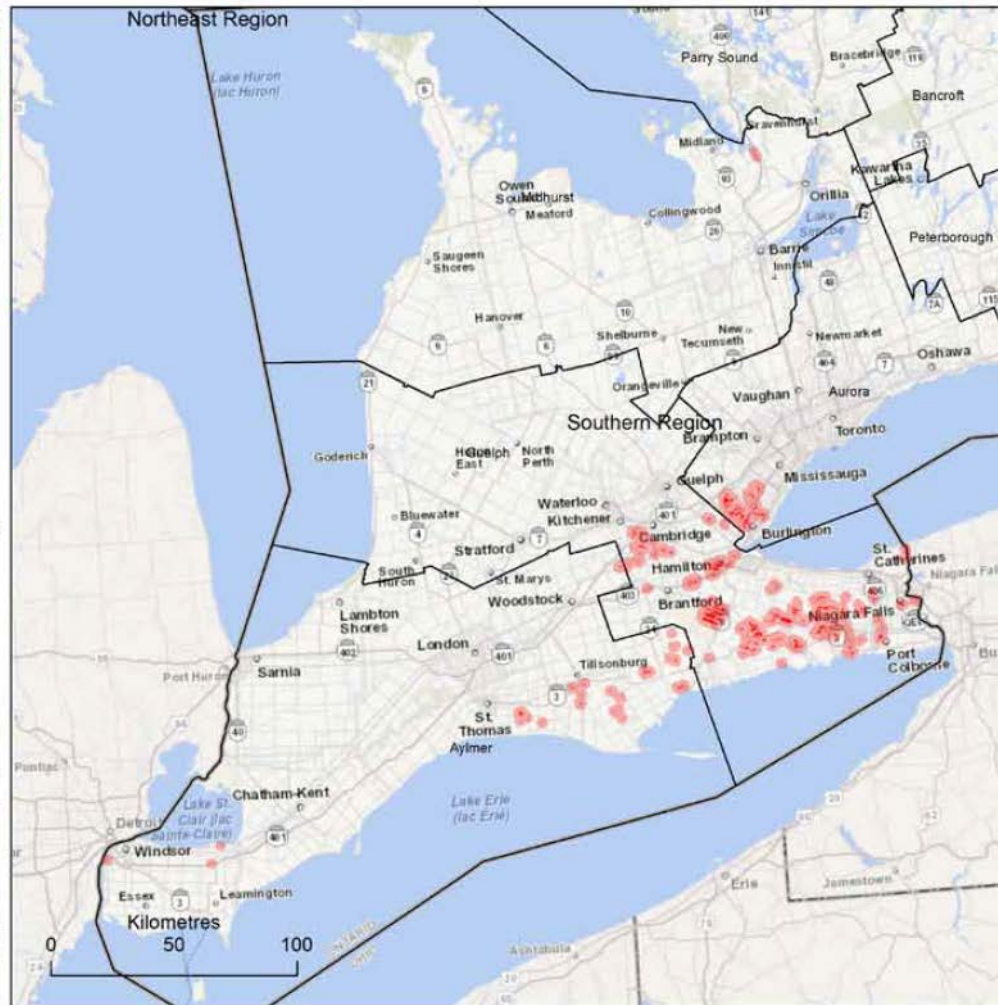


Gypsy moth 2018

Areas in the Southern Region
where gypsy moth caused
defoliation

Moderate to severe = 14,937 ha

 Area of moderate to severe
defoliation





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EGM 2019 Forest Health Conditions




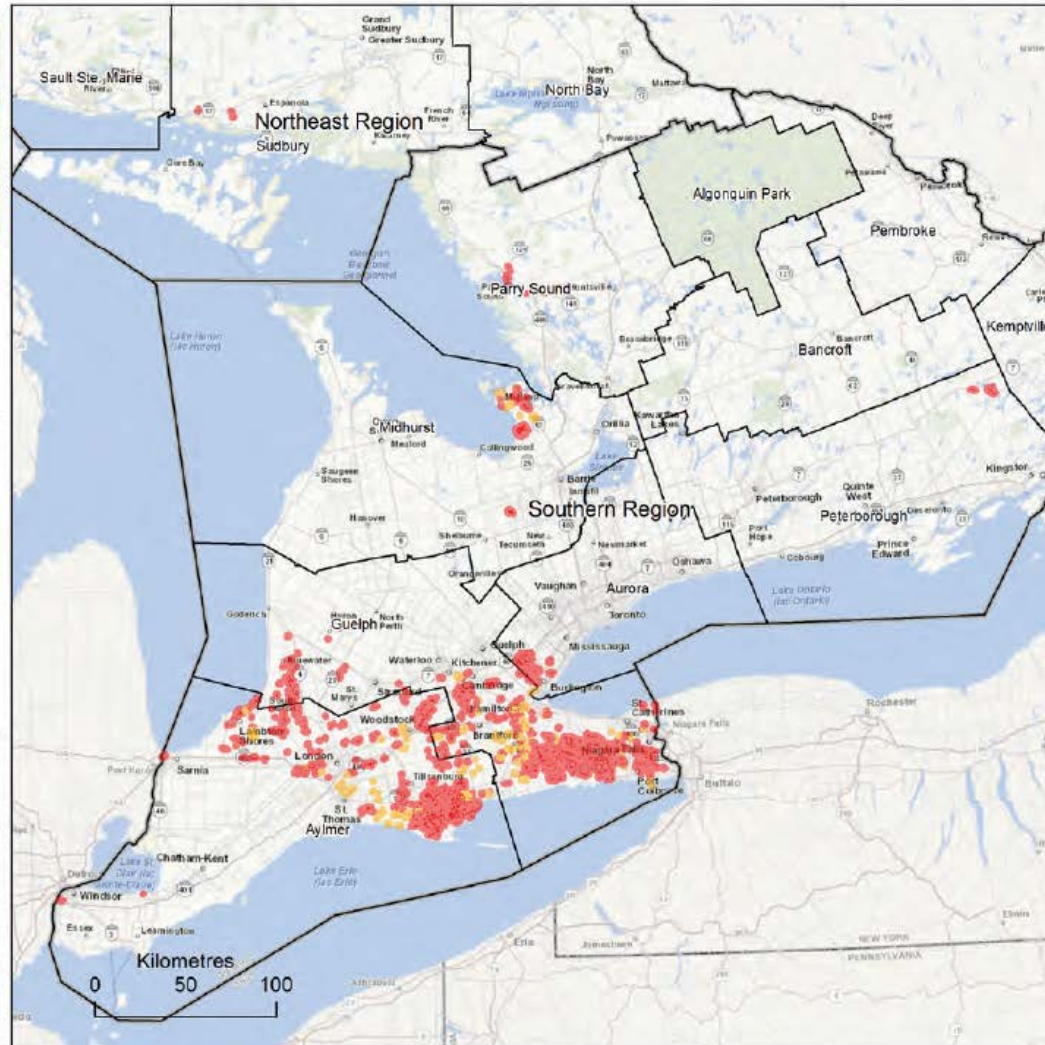
Gypsy moth 2019

Areas in the Ontario where gypsy moth caused defoliation

Light = 4,046 ha
Moderate to severe = 43,157 ha

 Area of light defoliation

 Area of moderate to severe defoliation





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EGM 2020 Forest Health Conditions





Gypsy moth 2020

Areas in Ontario where gypsy moth caused defoliation

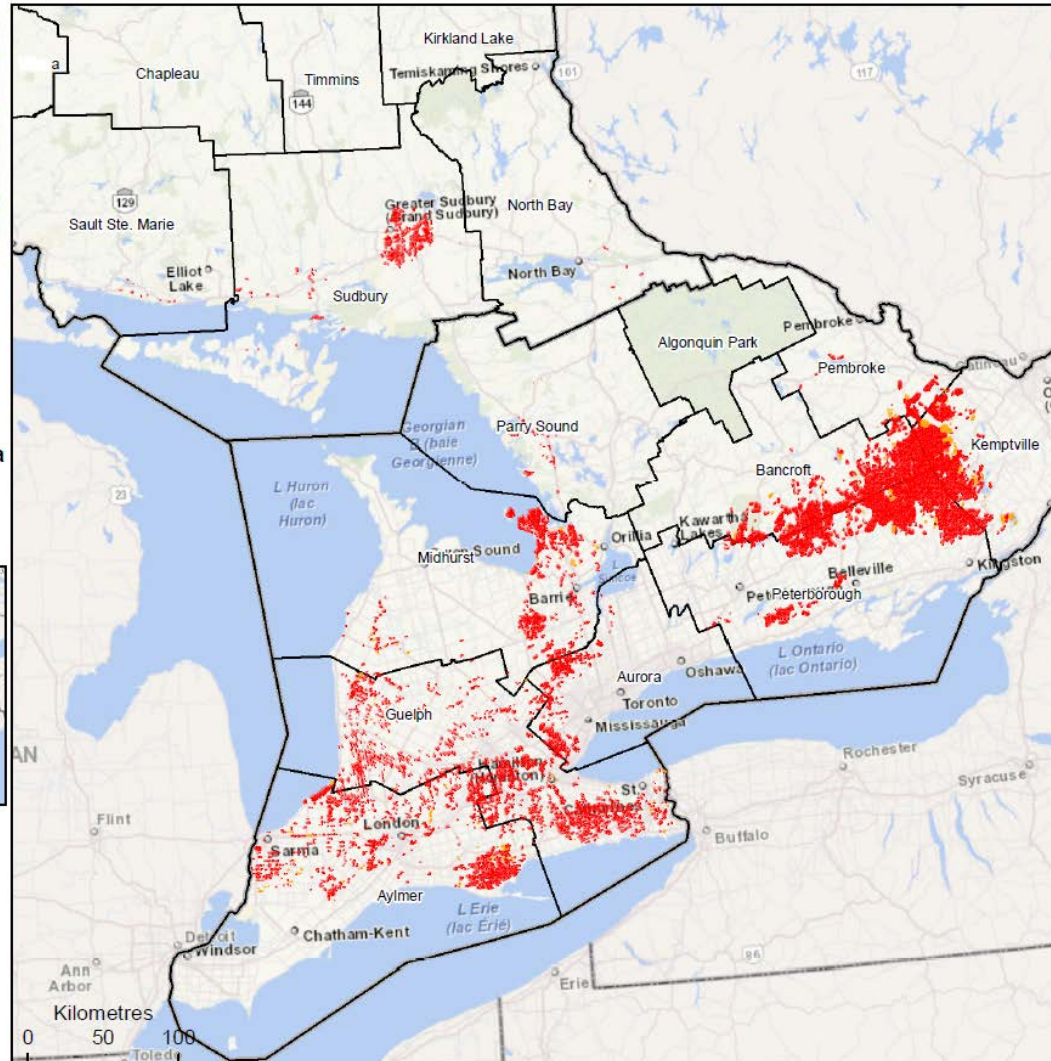
Light = 17,002 ha

Moderate to severe = 569,384 ha

-  Area of light defoliation
-  Area of moderate to severe defoliation

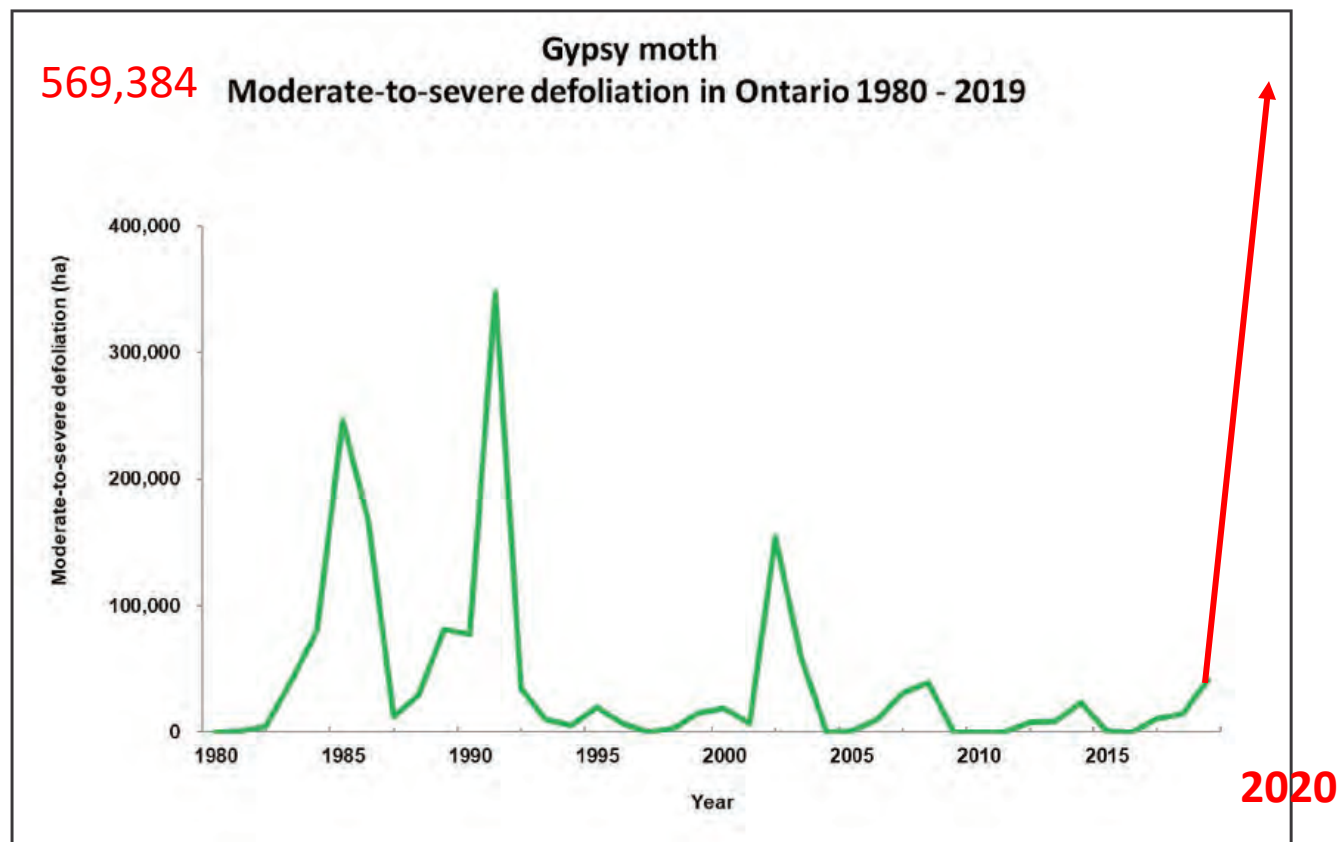


Disclaimer:
This map is illustrative only. Do not rely on this map as being a precise indicator of routes, locations of features, nor as a guide to navigation. This map was produced by the Ministry of Natural Resources and Forestry.



EGM Ontario Trending

Area (in hectares) in which gypsy moth caused moderate to severe defoliation in Ontario, 1980 to 2019.



EGM 2019 Egg Mass Survey Fairmont & Pottersburg Park



Legend

• City Oak Trees	2020 Defoliation Forecast (Plot)	2020 Defoliation Forecast (Walkthrough)
— Multi-use Paths	● Nil	— Nil
— Roads	● Light	— Light-Moderate
■ City Parks	● Moderate	— Moderate-Heavy
- - - Municipal Wards	● Heavy	— Heavy-Severe
▭ Municipal Boundary	● Severe	

CITY OF LONDON
2019 Gypsy Moth Monitoring Program
Secondary Monitoring Areas



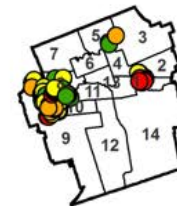
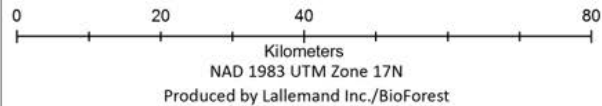
EGM 2020 Egg Mass Survey & Defoliation Forecast Fairmont Park & Pottersburg Valley



2021 Defoliation Forecast

- Nil
- Light to Moderate
- Moderate to Severe
- Severe

CITY OF LONDON
2020 Gypsy Moth Egg Mass Surveys



EGM Integrated Pest Management (IPM)

Integrated Pest Management (IPM)

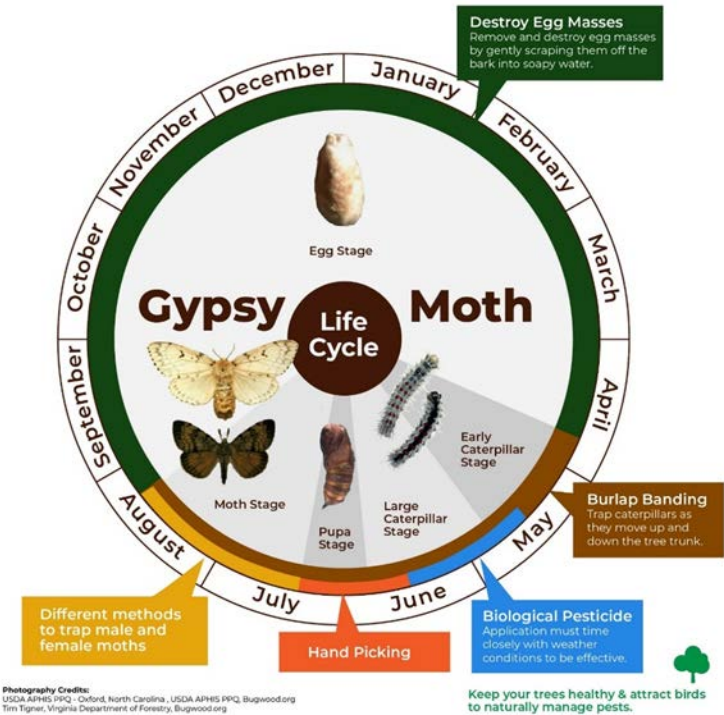
Management strategy that considers the combination of controls to suppress pests effectively, economically and in an environmentally sustainable manner

Behavioral – Communication & Education

**Physical – Manual removal of eggs
Trapping caterpillars**

Biological - biopesticides

Chemical - pesticides





EGM What Have We Done

Communications

- Created comprehensive EGM information; graphics
- Creation of “How to videos”
- Social media

Forestry Operations (2020 & 2021)

- City & park trees egg mass scrapings

Environmentally Significant Areas (ESAs)

- UTRCA under contract with the City and managed by City Planning
- Performed egg mass scrapings in Warbler Woods, Kains Woods, Sifton Bog & Kilally Meadows

BioForest Consultant

- Multi-year contract in place
- GIS/GPS plot sampling used to collect survey data street & park trees
- Studies 2- Defoliation surveys (spring/fall) 1- egg mass survey (fall)



EGM Feedback Form Major Findings

EGM “Get Involved” Major Findings Feedback

Over 1,400 webpage “impressions” and 393 feedback forms completed. Some summary findings are the following:

- 82% rated their understanding on EGM as not knowledgeable or beginner
- 65% felt that EGM is a community level concern
- 25% thought it impacted the entire City
- 55% had seen EGM on their own or neighbour's private land
- 29% had seen EGM on public lands (ESA, Park, Along streets in City trees)
- 80% responded that Civic Administration should spray on private land with 73% believing that those costs should be paid by all residents through taxes
- 55% rated that their main concern about the impacts of EGM was the decrease in the environment benefits trees provide and potential long term tree decline/death
- 88% of respondents are dissatisfied with Civic Administration’s response to EGM while a very small 5% think a good job is being done



EGM Proposed Management Plan Comprehensive Communications Plan

Recommending the following activities:

1. Comprehensive EGM Education
2. Scraping egg masses (Aug-May)
3. Wrapping main trunk of trees with burlap (June-July)
4. Handpicking cocoons (June-July)
5. Applying biopesticide (Btk) (mid May)

Lessons learned: Not recommending wrapping trees with sticky tape due to the possible impact of birds and wildlife

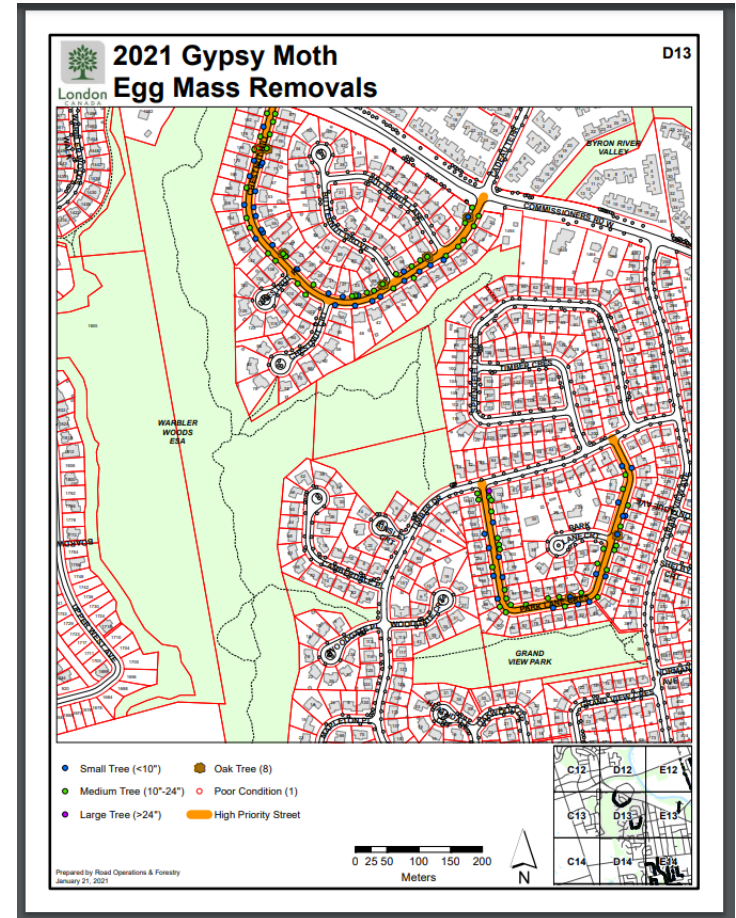
Suggestions from Feedback Form “Get Involved”

1. Brochures to communities impacted
2. EGM webinar for residents to attend
3. Creation of EGM “Toolbox” for distribution to residents
4. Community volunteers “Egg-stravaganza”

EGM Proposed Management Plan City Street Trees – Egg Mass Removal

37 streets forecasted to be severely defoliated in 2021 in the following areas:

- Somerset/Byron (revisit)
- Oakridge/Sanatorium Road (new location for 2021)
- Hamilton Rd/Fairmont Park (new location for 2021)





EGM Proposed Management Plan Btk Aerial Application Locations

Based on data collected the EGM population is healthy,
growing and moving in London.

#	Location	2020 Actual Defoliation	2020 Egg Masses/Ha	2021 Defoliation Forecast
1	Fairmont Park	Severe	272,033	Severe
2	Grand View Park	Severe	18,425	Severe
3	Griffith Street Park	Severe	47,633	Severe
4	Crestwood Woods	Severe	29,600	Severe
5	Somerset Woods	Severe	15,100	Severe



What is Btk?

- *Bacillus thuringiensis kurstaki* (Btk) is a bacterium found naturally in soils and is not a chemical
- Btk is the primary pest control product recommended for EGM control
- It is a selective biopesticide that works only against a group of insects called lepidopterans
- Btk only becomes toxic in the alkaline gut of specific lepidopteran insects in the larval (caterpillar) stage of their life cycles; will impact other caterpillars in the same phase as EGM and feeding
- Does not affect **adult** moths and butterflies, other insects, honeybees, fish, birds or mammals



Btk Application

- Propose a single aerial spray application
- Help trees survive the current infestation and associated severe defoliation
- Other EGM management techniques have had minimal effectiveness
- Reduce EGM populations more effectively on large trees with continuous and intercepting canopies
- Will not impact EGM populations for 2022
- Comprehensive Notification Plan



Btk Regulations

- Health Canada's Pest Management Regulatory Agency (PMRA) is responsible for ensuring the human health and environmental safety of all pest control products prior to their approval for use in Canada
- Btk is registered as a “restricted” class product which require special permits or licensing from the provincial regulatory authority
- The federal government Health Canada website factsheet states that Btk poses little threat to human health either through handling products directly or through indirect exposure such as during a spray program
- Middlesex-London Health Unit provided an opinion letter for the use of Btk

Aerial Applicator Contract in Place

- Submit Paperwork Transport Canada

Ministry of the Environment (MOE)

- Submit Notification Plan for Approval
- Road & Parks Closure Plan

EGM Outbreak Collapse Natural Process

Outbreak collapse occurs 2-4 years after peak pest populations with a combination of the following:

- Cold temperatures $< -20^{\circ}\text{C}$ for extended period
- Starvation, competition between caterpillars
- Host tree induced defenses (thicker; less nutritious leaves)
- Predators (birds, beetles)
- Parasitism (wasps)



EGM Outbreak Collapse Natural Process

Outbreak collapse happen 2-4 years after peak pest populations when a combination of the following occurs:

Virus NPR (Nucleopolyhedrosis)

- Density dependent mortality
- Greater effect at higher populations of pest

Fungus (Entomophaga maimaiga)

- Greater effect in wet cool spring





London
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Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)

Policy Name: Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)

Legislative History: Replaces Workplace Harassment and Discrimination Prevention Policy Enacted September 19, 2017 (By-law No. CPOL.-155-407) and amended July 24, 2019 (By-law No. CPOL.-155(a)-384); Adopted December 10, 2019, in force and effect March 1, 2020 (CPOL.-396-7)

Last Review Date: December 3, 2019

Service Area Lead: Director of People Services

1. Policy Statement

The Corporation of the City of London (“Corporation”) is committed to providing a safe and supportive workplace in which the diversity, dignity, and perspectives of all individuals are valued and respected.

Harassment and discrimination in the workplace are prohibited by law. Under Ontario’s [Human Rights Code](#), every person has a right to equal treatment in employment without discrimination and the right to be free from harassment in the workplace. Workplace measures to prevent and address workplace harassment are also required by the [Occupational Health and Safety Act](#).

The Corporation will not tolerate, ignore, or condone harassment, discrimination, or reprisal of any of its employees in the workplace by anyone, including other employees, elected officials, members of the public, customers/clients, volunteers, contractors, and consultants. Workplace harassment, discrimination, and reprisal are serious forms of misconduct that may result in corrective and and/or disciplinary actions, up to and including termination of employment.

2. Definitions

The following definitions are intended to assist employees in understanding terms referenced in this policy. To the extent definitions may not be identical to legal definitions, they shall be interpreted and applied in accordance with applicable legislation, including the [Human Rights Code](#) and [Occupational Health and Safety Act](#).

- 2.1 **Discrimination** – Actions or behaviours that result in unfavourable treatment or which have a negative impact on an individual or group because of one or more of the prohibited grounds listed in the [Human Rights Code](#). Discrimination may be intentional or unintentional. It may involve direct actions that are outright discriminatory, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people.
- 2.2 **Disrespectful Behaviour** – Failing or refusing, through words or actions, to treat others in a professional, courteous, civil, dignified, fair, and equitable manner.
- 2.3 **Harassment** – Engaging in offensive, hurtful, upsetting or embarrassing comment or conduct that a person knows or ought reasonably to know is unwelcome. The fact that a person does not explicitly object to harassing behaviour, or appears to be going along with it, does not mean the behaviour is welcomed, consented to, or is not harassing. Harassment usually involves more than one incident or a pattern of behaviour, but a single incident may be sufficiently serious, offensive, or harmful to constitute harassment.

Harassment may be:

- a) **Personal** – directed at an individual(s) but not based on any prohibited ground listed in the [Human Rights Code](#); or
- b) **Code-based** – based on one or more of the prohibited grounds listed in the [Human Rights Code](#). Code-based harassment is also a form of discrimination.

Harassment of a worker in the workplace, including sexual harassment of a worker in a workplace, is collectively referred to as “workplace harassment” for the purposes of the [Occupational Health and Safety Act](#).

2.4 Poisoned Work Environment – A hostile, humiliating, or uncomfortable workplace that is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that intimidate, demean or ridicule a person or group. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned work environment. Pornography, pin-ups, offensive cartoons, insulting slurs or jokes, and malicious gossip are examples of comments and conduct that can “poison the workplace” for employees.

2.5 Prohibited Grounds – The [Human Rights Code](#) prohibits harassment and discrimination in employment based on one or more of the following grounds:

- race
- ancestry
- place of origin
- colour
- ethnic origin
- citizenship
- creed (religion, including atheism)
- sex (includes pregnancy and breast feeding)
- sexual orientation
- gender identity
- gender expression
- age
- record of offences (criminal conviction for a provincial offence or for an offence for which a pardon has been received)
- marital status (includes married, single, widowed, divorced, separated, living together in a conjugal relationship outside of marriage, whether in a same-sex or opposite sex relationship)
- family status (such as being in a parent-child relationship)
- disability (includes mental, physical, developmental or learning disabilities)
- association or relationship with a person identified by one of the listed grounds
- perception that one of the listed grounds applies, whether or not it actually does

2.6 Reprisal – Any act of retaliation or revenge against a person for:

- a) Raising a concern or making a complaint under this policy (whether on their own behalf or on behalf of another);
- b) Participating or cooperating in an investigation or other complaint resolution process under this policy; or
- c) Associating with or assisting a person identified in paragraphs a) and/or b) above.

2.7 Sexual Harassment – Harassment based on sex, sexual orientation, gender identity, or gender expression and includes:

- a) Engaging in offensive, hurtful, upsetting or embarrassing comment or conduct because of sex, sexual orientation, gender identity or gender expression that a person knows or ought reasonably to know is unwelcome;
- b) Making a sexual solicitation (i.e. request) or advance where the person making the solicitation or advance is in a position to confer, grant or deny

- a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; and
- c) Retaliating against or threatening to retaliate against an individual for the rejection of a sexual solicitation or advance where the retaliation or threat of retaliation is by a person in a position to confer, grant or deny a benefit or advancement to the individual.

Sexual harassment of a worker in the workplace is referred to as “workplace sexual harassment” for the purposes of the [Occupational Health and Safety Act](#).

2.8 **Supervisor** – When referenced in this policy means a management supervisor.

2.9 **Workplace** – Includes all sites, facilities, and other locations where the business, work, or social activities of the Corporation take place (see also the Applicability section below).

3. **Applicability**

3.1 This policy applies to:

- All Corporation employees, including full-time, part-time, temporary, probationary and casual employees;
- Elected officials;
- Volunteers (including members of Advisory Committees, Special Committees and Task Forces);
- Interns and students on placements; and
- Contractors and consultants acting on behalf of the Corporation.

Members of the public, including visitors to Corporation facilities and individuals accessing services or conducting business with the Corporation, are expected to adhere to the standards of conduct set out in this policy, including refraining from workplace harassment and discrimination of employees, elected officials, and persons acting on behalf of the Corporation.

3.2 This policy applies at all Corporation workplaces, whether during or outside of normal working hours and whether at or away from the worksite. This includes:

- a) All Corporation facilities and worksites;
- b) All Corporation vehicles;
- c) Any other location where Corporation employees are performing work-related duties or carrying out responsibilities on behalf of the Corporation, including work-related travel and off-site meetings, conferences, seminars, and training;
- d) Locations at which work-related social functions take place, including formal events officially sanctioned by the Corporation and informal after-work social gatherings where behaviours could have an impact on the workplace; and
- e) Social media sites (e.g. Facebook, Twitter, Instagram etc.) and internet sites, where posts may be connected to the workplace or could have an impact on the workplace or working relationships.

3.3 This policy also applies to communications by telephone, cell phone, email, text message, or other electronic instant messaging platforms where the communication may be connected to the workplace or have an impact on the workplace or working relationships, whether the computer, phone, or other electronic device used to make the communication is a personal or Corporation-issued device.

4. **The Policy**

4.1 Purpose

The purpose of this policy is to:

- a) Set expectations and standards of behaviour for a respectful, safe and supportive workplace;
- b) Define behaviours that may be offensive and prohibited by law and/or this policy;
- c) Clarify roles and responsibilities with respect to interpersonal behaviour in the workplace;
- d) Outline measures to prevent and address prohibited behaviour, including harassment, discrimination, and reprisal; and
- e) Address the Corporation's obligations under applicable employment laws, including the [Human Rights Code](#) and [Occupational Health and Safety Act](#).

4.2 Expected Behaviour

Employees will interact with one another, members of the public, and all others in the workplace in a professional, courteous, civil, dignified, fair, and equitable manner.

4.3 Prohibited Behaviour

The following behaviours are prohibited in the workplace:

- Disrespectful Behaviour
- Discrimination
- Harassment (Personal and Code-based), including Sexual Harassment
- Reprisal

See [Appendix A](#) for examples of the prohibited behaviours listed above.

4.4 Roles and Responsibilities

Creating and maintaining a respectful workplace is a shared responsibility. Every individual to whom this policy applies, as well as individuals who attend at Corporation workplaces, or who access services or conduct business with the Corporation, are expected and required to abide by the standards of behaviour set out in this policy.

Employees who are subjected to or witness prohibited behaviour in the workplace should consult the Respectful Workplace Dispute Resolution and Complaint Procedures ("[Resolution/Complaint Procedures](#)" – [Appendix B](#)) which outline various options available to address and resolve such behaviour.

4.4.1 All Employees

Every employee has a responsibility to create and maintain a respectful workplace. This includes to:

- a) Ensure words and actions are consistent with this policy;
- b) Raise concerns as soon as possible of prohibited behaviour;
- c) Accept responsibility for their workplace behaviours and their impact on others;
- d) Cooperate in investigations and handling of alleged prohibited behaviour upon request;
- e) Maintain confidentiality related to investigations of alleged prohibited behaviour; and
- f) Participate in training associated with this policy.

4.4.2 Managers/Supervisors

Managers and supervisors have additional responsibilities to create and maintain respectful workplaces and must act immediately on observations or allegations of

prohibited behaviour.

A manager or supervisor may be held responsible if they are aware of an incident of prohibited behaviour but do not take steps to resolve or address it.

Managers and Supervisors must:

- a) Ensure work-related practices/procedures in their areas are free from barriers and do not discriminate against groups or individuals;
- b) Set a good example by ensuring their own words and conduct adhere to this policy;
- c) Be aware of what constitutes prohibited behaviour and the procedures in place for addressing and resolving such behaviour;
- d) Act promptly to address observations or allegations of prohibited behaviour;
- e) Consult and work cooperatively with the Human Rights and Human Resources Divisions as needed;
- f) Keep a detailed record of any violations of this policy and corrective actions taken and report this information to the Human Rights Division as required;
- g) Support training and awareness activities related to this policy;
- h) Ensure this policy is distributed and posted in a location that is easily accessible by all employees and any other individuals who enter the workplace and ensure contractors and consultants who enter the workplace are aware of this policy;
- i) Implement disciplinary/corrective actions and workplace restoration measures as required;
- j) Monitor the workplace where prohibited behaviour has occurred to ensure it has stopped; and
- k) Provide appropriate support to all those in their work area affected by prohibited behaviour, including witnesses.

4.4.3 Non-management Supervisors

Non-management supervisors must likewise set a good example by ensuring their behaviour complies with this policy and must report all observations, concerns, and/or complaints of prohibited behaviour to their supervisor/manager or the Human Rights Division immediately to be addressed in accordance with the [Resolution/Complaint Procedures \(Appendix B\)](#).

4.4.4 Human Rights Division

The focus of the Human Rights Division is to assist in preventing, correcting, and remedying prohibited behaviours. The Human Rights Division does not advocate for, act on behalf of, or represent any party in a dispute (complainant, respondent, or management). All complaints to the Human Rights Division will be dealt with in an unbiased manner.

The Human Rights Division is responsible for:

- a) Reviewing and recommending updates to this policy;
- b) Providing information to employees, including to managers and supervisors, regarding this policy and the various options available for raising, addressing, and resolving concerns and complaints of prohibited behaviour;
- c) Making referrals to agencies for counselling and assistance when required;
- d) Receiving complaints, including conducting intakes;
- e) Recommending appropriate interim measures, and complaint resolution and investigation options;
- f) Conducting independent investigations;
- g) Assisting in implementing resolutions of complaints; and
- h) All tracking of concerns and complaints under this policy.

4.4.5 Human Resources Division

The Human Resources Division is responsible for:

- a) Removing barriers in hiring and employment policies, practices, and procedures that may have the effect of discriminating against groups or individuals;
- b) Providing training on this policy and related practices and procedures;
- c) Providing support to managers and supervisors in responding to and addressing matters under this policy;
- d) Making referrals to agencies for counselling and assistance where required;
- e) Consulting with the Human Rights Division as required with respect to alleged prohibited behaviour; and
- f) Reporting all complaints of prohibited behaviour to the Human Rights Division, including grievances alleging harassment, discrimination and/or reprisal filed under a collective agreement.

4.4.6 Corporate Security and Emergency Management Division

The focus of Corporate Security Services is to protect and promote the safety and security of Corporation workplaces, employees, and the public by assisting in preventing and addressing prohibited behaviours where safety may be at risk. Corporate Security Services is responsible for:

- a) Providing advice and assistance to address concerns and complaints of prohibited behaviour against a member of the public or where the physical safety of employees or others may be at risk;
- b) Making referrals to agencies for counselling and assistance when required;
- c) Receiving complaints alleging a member of the public has engaged in prohibited behaviour, including conducting intakes and determining appropriate interim measures;
- d) Determining informal actions, and conducting independent investigations of complaints of prohibited behaviour against a member of the public;
- e) Consulting and working cooperatively with Human Rights and Human Resources Divisions as required;
- f) Recommending and implementing appropriate corrective action involving members of the public when required; and
- g) Reporting prohibited behaviour by members of the public and corrective actions taken to the Human Rights Division as required.

4.4.7 Respectful Workplace Ombudsperson (“RWO”)

The RWO is available as a neutral and confidential resource for employees to obtain information regarding their rights and obligations under this policy. The RWO advocates for fair and transparent processes under this policy and related practices and procedures, but does not act as an advocate for or provide legal advice to individuals.

The RWO will:

- a) Receive and respond on a confidential basis to questions from employees regarding this policy;
- b) Provide assistance to employees as they proceed through the [Resolution/Complaint Procedures](#);
- c) Review complaints from employees related to processes and procedures undertaken by the Corporation under this policy and make recommendations to the City Manager for improvements; and
- d) Report annually to the City Manager about their interactions with employees related to this policy and identify themes and potential options for action and improvement.

4.4.8 Joint Health and Safety Committees

The Corporation's Joint Health and Safety Committees will be consulted and may provide input and feedback with respect to the implementation and maintenance of this policy and related processes and procedures in accordance with the [Occupational Health and Safety Act](#).

4.4.9 Unions/Associations

Union/Association officials are available for confidential consultation and to provide representation to both complainants and respondents, if they are Union/Association members. Union/Association officials can also make a referral to agencies for counselling and assistance where required.

4.4.10 Community Agencies

Community agencies are available to provide confidential advice to individuals affected by complaints.

4.5 Communication

This policy shall be posted on the Corporation's intranet, on the Corporation's website, and in the Corporation's workplaces.

4.6 Respectful Workplace Training

Employees, elected officials, interns and students on placement, will receive mandatory training on this policy upon assuming their respective roles in the workplace. Thereafter, as appropriate, they will receive refresher or in-service training with respect to specific rights and/or obligations arising from the [Human Rights Code](#) and/or the [Occupational Health and Safety Act](#) and will be reminded of the complaint mechanisms to enforce those rights and any substantial changes.

4.7 Policy Review Process

The Corporation is committed to continuing to enhance its respectful workplace policies, practices, and procedures. This policy will be reviewed as often as necessary, but at least annually, to ensure it remains current and is appropriately implemented. Employees and their representatives are encouraged to provide input and feedback to the Human Rights Division, the Human Resources Division, or the RWO.

4.8 Policy Implementation

Implementation of this policy will be in accordance with applicable Council and/or Corporation by-laws, policies and procedures, legislation, and collective agreement provisions.

4.9 Related Policies and Procedures

- [Accommodation of Employees with Disabilities Procedure](#)
- [Code of Conduct for Members of Council](#)
- [Formal Investigation Process](#)
- [General Policy for Advisory Committees](#)
- Public Conduct Administrative Practice
- [Rzone Policy](#)
- [Time Off for Religious Observances Guideline](#)
- [Use of Technology Administrative Procedure](#)
- [Workplace Violence Prevention Policy](#)

Appendix A: Examples of Prohibited Behaviours

The following are some examples of the prohibited behaviours listed in Section 4.3 above.

Disrespectful Behaviour

Examples could include:

- Teasing or joking that intimidates, embarrasses, or humiliates;
- Belittling and use of profanity;
- Using sarcasm or a harsh tone;
- Deliberately expressing or exhibiting disinterest when an employee is speaking;
- Spreading gossip or rumours that damage one's reputation;
- Condescending or patronizing behaviour;
- Actions that invade privacy or one's personal work space; and
- Deliberately excluding an employee from basic civilities (e.g. saying "good morning"), relevant work activities, or decision making.

Any of the behaviours listed above could also constitute discrimination (if based on one or more of the prohibited grounds) or harassment (if the behaviour is repeated, occurs in combination with other prohibited behaviours, or is severe).

Discrimination

If based on one or more of the prohibited grounds, examples could include:

- Excluding an employee from workplace activities;
- Refusing to work with another employee;
- Denial of hiring, promotion, work assignment, career development or training;
- Failing or refusing to accommodate short of undue hardship; and
- Denial of services to any individual or group of individuals.

Harassment

Examples of **Personal Harassment** could include:

- Angry shouting/yelling;
- Abusive or violent language;
- Physical, verbal, or e-mail threats or intimidation;
- Aggressive behaviours (e.g. slamming doors, throwing objects);
- Targeting individual(s) in humiliating practical jokes;
- Excluding, shunning, or impeding work performance;
- Negative blogging or cyberbullying;
- Retaliation, bullying, or sabotaging;
- Unreasonable criticism or demands;
- Insults or name calling;
- Public humiliation; and
- Communication via any means (e.g. verbal, electronic mail, voice mail, print, social media posts, or radio) that is demeaning, insulting, humiliating, or mocking.

Examples of **Code-based Harassment** could include (if based on one or more of the prohibited grounds):

- Insulting, offensive, humiliating or mocking remarks, gestures, jokes, slurs, or innuendos;
- Name calling, including using derogatory or offensive terms or language;
- Refusing to work or interact with an employee;

- Attaining, viewing, retaining or distributing insulting, derogatory or offensive information from the internet or other sources;
- Vandalism of an individual's property;
- Interference with a person's ability to perform their work responsibilities;
- Offensive, derogatory, insulting or demeaning communication via any means (e.g. verbal, electronic mail, voice mail, print, social media posts, or radio); and
- Displaying pictures, graffiti or other materials that are derogatory or offensive.

Harassment Does Not Include:

- Reasonable performance of management or supervisory functions, including:
 - performance/probation reviews/appraisals,
 - performance management (including coaching, counselling, discipline),
 - organizational changes/restructuring,
 - shift/vacation scheduling,
 - work direction, and
 - work assignments/work location;
- Occasional disagreements or personality conflicts between co-workers;
- Stressful events encountered in the performance of legitimate duties; or
- A single comment or action unless it is serious and has a lasting harmful effect.

Sexual Harassment

Examples could include:

- Comments, jokes, slurs, innuendos or taunting about a person's body, attire, sex, sexual orientation, gender identity, or gender expression;
- Comments or conduct of a sexual nature (verbal, written, physical);
- Jokes of a sexual nature which cause awkwardness or embarrassment;
- Negative stereotypical comments based on gender, sex or sexual orientation;
- Gender related comments about an individual's physical characteristics or mannerisms;
- Displaying or distributing pornographic pictures or other offensive material;
- Inappropriate touching, gestures, leering, staring or sexual flirtations;
- Sexual assault (also an offence under the [Criminal Code](#));
- Persistent unaccepted solicitations for dates (including unwelcome contact subsequent to the end of an intimate relationship);
- Unwelcome solicitation(s) made by a person in a position to confer or deny a workplace benefit or advancement on the recipient; and
- Unwelcome comments or questions about a person's sex life.

Reprisal

Examples could include:

- Issuing discipline, changing work location or hours, demoting, denying of advancement or promotional opportunities, or threatening to carry out such actions if done as an act of retaliation or revenge;
- Bullying, threats, or other intimidating behaviour;
- Making false allegations of workplace misconduct; and
- Pressuring an individual to withdraw or change a complaint or witness statement.

Appendix B: Respectful Workplace Dispute Resolution and Complaint Procedures

1. Purpose

These procedures are intended to:

- a) Outline internal options available for employees to raise concerns of prohibited behaviour for resolution and/or investigation;
- b) Inform managers and supervisors of actions required to address concerns and complaints of prohibited behaviour;
- c) Inform employees of what they can expect to occur in the event they raise a concern of prohibited behaviour, or are a witness to, or accused of such behaviour;
- d) Inform employees of available supports to assist them in raising concerns of prohibited behaviour or in the event they are accused of, or witness such behaviour; and
- e) Outline actions that will be taken to prevent, correct, and remedy incidents of prohibited behaviour.

2. Definitions

For the purposes of these procedures,

- 2.1 **Complainant** – A person(s) alleging they have been subjected to prohibited behaviour under this policy.

Note: Complaints of prohibited behaviour will be accepted from any source that provides reasonable grounds for concern (e.g. witnesses, unions/associations, or other third parties). These individuals will not be considered “complainants” for the purpose of these Resolution/Complaint Procedures or the Corporation’s [Formal Investigation Process](#).

- 2.2 **Prohibited Behaviour** – Behaviour in the workplace that is prohibited by this policy (see Policy, Section 4.3 above).

- 2.3 **Respondent** – The person(s) who is alleged to have engaged in prohibited behaviour.

- 2.4 **Respectful Workplace Response Team** – Shall be comprised of the City Manager, relevant Managing Director, Director of People Services, or their designate(s), and a member of the City Solicitor’s Office.

3. Complaints Involving the City Manager/Deputy City Manager/Managing Directors/Director of People Services/Human Rights Intake Administrator

- a) Complaints received through these Resolution/Complaint Procedures alleging the City Manager has engaged in prohibited conduct (alone or in conjunction with another respondent(s)) shall be forwarded to the Director of People Services or the City Solicitor as soon as possible. Upon receipt of a complaint, the Director of People Services or the City Solicitor will immediately refer the complaint to an external third party.
- b) Complaints received through these Resolution/Complaint Procedures alleging the Deputy City Manager, a Managing Director, the Director of People Services, or the Human Rights Intake Administrator (alone or in conjunction with another respondent(s) other than the City Manager) has engaged in prohibited behaviour shall be forwarded to the City Manager as soon as possible. Upon receipt of a complaint, the City Manager will immediately refer the complaint to an external third party.
- c) The external third party will perform all the functions assigned to the Human Resources Division and/or the Human Rights Division as described in this procedure and the Formal Investigation Process.
- d) In the case of the City Manager, if the external third party determines that a formal investigation is required, they will provide the investigation report

and their recommendations, if any, to the Committee designated by the Municipal Council to deal with such matters. The Committee, after consultation with the external third party and such other external and/or internal resources as appropriate and required (e.g. external legal counsel, member of the City Solicitor's Office, Director of People Services), shall make recommendations to the Municipal Council relating to corrective and/or disciplinary actions, and the Municipal Council shall consider, adopt or otherwise deal with the recommendations from the Committee.

- e) In the case of the Deputy City Manager, Managing Directors, Director of People Services, and the Human Rights Intake Administrator, if the external third party determines that a formal investigation is required, they will provide the investigation report and their recommendations, if any, to the City Manager. The City Manager, after consultation with such other external and/or internal resources as appropriate and required (e.g. external legal counsel, member of the City Solicitor's Office, Director of People Services) will determine or, where required, will recommend to the Committee designated by the Municipal Council to deal with such matters, appropriate corrective and/or disciplinary action.

In all other respects, the Resolution/Complaint Procedures below will apply to the processing of the complaint.

4. Complaints Involving a Member of Council (Including the Mayor)

- a) Complaints received through these Resolution/Complaint Procedures alleging a Member of Council has engaged in prohibited conduct shall be forwarded to the Director of People Services as soon as possible. In the event the Director of People Services, determines that a formal investigation of the complaint is required, they will immediately refer the complaint to the Integrity Commissioner to conduct an investigation in accordance with the Integrity Commissioner's procedures. Where such a request is made to the Integrity Commissioner, the Director of People Services shall be the complainant for the purposes of the Integrity Commissioner's procedures.
- b) Where the Integrity Commissioner conducts an investigation, the Integrity Commissioner will provide results to the Director of People Services in accordance with the Integrity Commissioner's procedures. Based on the Integrity Commissioner's reporting, the Director of People Services will provide the complainant with a written summary of the findings.
- c) Where there are findings of a violation of this policy, the Director of People Services will refer the findings to the Respectful Workplace Response Team to implement appropriate corrective action to ensure the behaviour stops in accordance with section 7.4 below.
- d) As noted in Section 7.10 below, other complaint avenues for raising concerns of prohibited behaviour by a Member of Council may be available, including directly to the Integrity Commissioner as provided for in the [Code of Conduct for Members of Council](#).

In all other respects, the Resolution/Complaint Procedures below will apply to the processing of the complaint.

5. Complaints Involving Members of the Public Attending at Corporation Workplaces and/or Accessing Corporation Services

- a) The Division Manager of Corporate Security and Emergency Management, or designate, in addition to the individuals listed in sections 6.1 and 6.2 below, is available to provide advice, guidance and assistance to employees and supervisors/managers regarding available options to raise and resolve concerns of prohibited behaviour by a member of the public.
- b) The Division Manager, Corporate Security and Emergency Management, or designate, in consultation with the Human Rights Division as needed,

may also determine an appropriate informal course of action that may effectively resolve a complaint against a member of the public in a timely and fair manner as outlined in section 6.3 below. All findings of harassment, discrimination, and/or reprisal determined through informal action, as well as any corrective actions taken, shall be reported to the Human Rights Division.

- c) In addition to the Director of People Services and in accordance with section 6.5 below, the Division Manager, Corporate Security and Emergency Management or designate, in consultation with the Human Rights Division as needed, may determine that further inquiry into a complaint of prohibited conduct against a member of the public is necessary and, if so, a formal investigation of the matter will be conducted in accordance with the Corporation's [Formal Investigation Process](#).
- d) Where there are findings of a violation of this policy, corrective action shall be determined in accordance with section 7.4 below.
- e) The Division Manager, Corporate Security and Emergency Management or designate, shall report all findings of harassment, discrimination, and/or reprisal determined through formal investigation, as well as any corrective actions taken, to the Human Rights Division.

In all other respects, the Resolution/Complaint Procedures set out below will apply to the processing of a complaint against a member of the public.

6. Resolution/Complaint Procedures

There are a number of internal options available to raise and resolve concerns of prohibited behaviour under this policy, including:

- 1) Consultation – Obtaining Advice and Assistance
- 2) Individual Action – Talking to the Respondent
- 3) Informal Action – Dispute Resolution without Formal Investigation
- 4) Mediation
- 5) Formal Investigation

Whether all options are available or appropriate in a particular case will depend on the nature of the concerning behaviour and/or the parties involved. In all cases, concerns should be raised and addressed as soon as possible. Where appropriate, and especially when raised right away, individual or informal actions can bring about a quick resolution and prevent escalation of workplace disputes.

6.1 Consultation – Obtaining Advice and Assistance

Employees who believe they have witnessed or been subjected to prohibited behaviour may benefit from having access to information and advice before deciding how to proceed with a concern. Employees may consult any member of management or Human Resources or Human Rights Division staff. These individuals have responsibility to take action to resolve and stop prohibited behaviour (see Roles and Responsibilities – Policy, Section 4.4). They can provide advice, assistance, coaching, and referrals to assist employees in addressing the dispute themselves where appropriate to do so. Depending on the nature and circumstances of the concern raised, these individuals may be obligated to initiate an investigation even if the complainant does not wish to pursue that option.

The RWO is also available to provide neutral, confidential advice and information regarding available resolution and complaint options (see Policy, Section 4.4.7).

Employees who are members of a bargaining unit may also consult their Union/Association representative.

6.2 Individual Action – Talking to the Respondent

If an employee believes they are being subjected to prohibited behaviour and

there are no immediate health or safety concerns, it is recommended the respondent be told as soon as possible that their behaviour is unwelcome and must stop.

It is not necessary for the employee to advise the respondent directly. The communication may be done verbally, via e-mail, transcribed, or other suitable means. It is recommended that if the communication is done verbally, what was said, as well as the date, time and place, be documented. Human Rights and Human Resources Division staff, a Union/Association representative, any member of management, or a trusted friend may assist.

It is recommended that the complainant maintain a detailed record of incidents of prohibited behaviour, including the number of occurrences, date(s), time(s), place(s), nature of the offensive behaviour(s), names of individuals who may have observed the incidents and all actions taken.

If addressing the respondent directly could raise health or safety risks, escalate the dispute, or is not appropriate, complainants may take other resolution options outlined in these procedures.

6.3 Informal Action – Dispute Resolution without Formal Investigation

If individual action is not appropriate or if the prohibited behaviour continues after asking the person to stop, the employee shall advise their supervisor/manager or the Human Rights Division of their complaint, preferably in writing. Where the employee's supervisor/manager is involved in the complaint, the employee may advise a more senior member of management. Supervisors and managers will report all complaints of behaviour that may constitute harassment, discrimination, or reprisal to the Human Rights Division as soon as possible. When uncertain, supervisors/managers should consult the Human Rights Division for guidance.

Where the prohibited behaviour alleged is not harassment, discrimination, or reprisal, the supervisor or manager in consultation with the Human Rights Division, as needed, and with the parties to the dispute, if appropriate, may determine an appropriate informal course of action that will effectively resolve the complaint in a timely and fair manner without the need for formal investigation. If the prohibited behaviour warrants disciplinary action, the supervisor or manager must consult with Human Resources or Human Rights Division staff before issuing discipline. The supervisor or manager shall document and report to the Human Rights Division any informal action taken, including any corrective/disciplinary action(s) implemented, to resolve the complaint.

Where the alleged prohibited behaviour may constitute harassment, discrimination, or reprisal, the Director of People Services, or designate, in consultation with the Human Rights Division, and with the complainant if appropriate, will determine whether an informal course of action may be appropriate.

Circumstances in which an informal course of action may be appropriate include the following:

- i) Where the alleged misconduct is minor in nature;
- ii) Where all the facts necessary for resolution are known without the need for further inquiry;
- iii) Where no other resources or special expertise are required for an impartial and timely resolution;
- iv) Where the alleged misconduct is acknowledged by the respondent, the parties to the complaint are in agreement as to how to effectively resolve the issues, and the agreed upon resolution is acceptable to the appropriate manager(s) and the Director of People Services or designate.

Informal action may include, among other actions:

- i) Consulting, advising, meeting with and/or interviewing those involved in the complaint (i.e. an informal review/investigation);
- ii) Reviewing documentary evidence (e.g. emails);
- iii) Communication of findings to the parties to the complaint and making recommendations to remedy concerns; or
- iv) A facilitated discussion to resolve the issues.

The [Occupational Health and Safety Act](#) requires employers to conduct an investigation that is appropriate in the circumstances of all incidents and complaints of workplace harassment. Therefore options for informal action that do not include investigation will not be available for complaints of workplace harassment until after an appropriate investigation has been completed.

Where there are findings of prohibited behaviour determined through informal action, communication of those findings will be in accordance with the Communication of Findings section of the Corporation's [Formal Investigation Process](#).

6.4 Mediation

Mediation is a form of informal action. It is a voluntary process whereby the complainant and respondent meet with a trained mediator to determine whether the complaint can be resolved in a mutually satisfactory manner.

Mediation is not appropriate in all circumstances. For example, when there are allegations of severe discrimination or harassment which, if substantiated, would result in disciplinary action, or where there are potential health or safety concerns. If the Director of People Services or designate, in consultation with the Human Rights Division, deems mediation appropriate, it will be offered to the parties but will only be conducted with the consent of both the complainant and the respondent.

It is preferable that mediation be attempted prior to a formal investigation but will remain available to the parties throughout the investigation process. Where workplace harassment is alleged, mediation will only be available, if deemed appropriate, after an investigation is completed as required by the [Occupational Health and Safety Act](#).

During the mediation process, the complainant and the respondent may, if desired, be accompanied by a Union/Association representative or a trusted friend.

If a mediated settlement is reached, the terms of the settlement shall be reduced to writing and signed by the complainant, respondent and the mediator. If the settlement requires any action on the part of the Corporation, the agreement of the Director of People Services or designate will be required.

Discussions at the mediation will be treated as carried out with a view to coming to a settlement. Discussions will be treated as privileged and confidential to the full extent permitted by law.

6.5 Formal Investigation

If mediation or other informal options to resolve the complaint are not appropriate or are unsuccessful or where the Director of People Services or designate, in consultation with the Human Rights Division, determines that further inquiry is necessary, a formal investigation into the matter will be conducted.

Corporate-initiated Investigations: In circumstances where a complaint is made by someone other than the alleged victim, the Corporation may conduct a formal investigation where the Director of People Services or designate, in

consultation with the Human Rights Division, deems it appropriate, including where allegations of harassment or discrimination warrant further action/investigation or where the alleged victim does not wish to submit a complaint. The Corporation may also conduct a formal investigation where there is information to suggest the existence of an outstanding specific or systemic problem in the workplace.

Formal investigations and communication of the findings from such investigations will be conducted in accordance with the Corporation's [Formal Investigation Process](#).

7. General Provisions

7.1 Refusal to Act or Investigate

The Corporation may refuse to act or investigate or may discontinue an informal action or investigation where:

- i) The behaviour alleged, if true, would not be a breach of this policy;
- ii) The complaint is anonymous and there is insufficient information to warrant any or further steps;
- iii) The complaint is vexatious or made in bad faith (see Section 7.5 below);
- iv) Another complaint avenue has been pursued or engaged regarding the same or a related concern/complaint; or
- v) Having regard to all of the circumstances, further investigation of the matter is unnecessary.

7.2 Interim Measures

In certain circumstances such as where health or safety is at issue, it may be necessary to take immediate measures. In such a case, interim measures shall be determined by the Director of People Services, or designate, in consultation, where appropriate, with the Human Rights Division, other members of the Respectful Workplace Response Team, Corporate Security, and/or the London Police Service. Interim measures may include relocating a party, or placing a party on a non-disciplinary suspension with pay pending the resolution of the complaint or outcome of the investigation. The Division Manager, Corporate Security and Emergency Management Division, or designate, in consultation, where appropriate, with the Human Rights Division, other members of the Respectful Workplace Response Team, and/or the London Police Service, shall determine interim measures with respect to members of the public. The implementation of interim measures does not mean that conclusions have been reached relating to the allegations.

7.3 Support for Parties

The Corporation recognizes that involvement in a workplace investigation may be stressful and emotionally upsetting. Complainants, respondents, witnesses, and other affected employees may access the counselling services and support provided by the Corporation's employee assistance provider. Additionally, complainants may wish to access counselling and support through outside agencies.

Parties to a complaint also have the right to be accompanied by a support person of their choice during meetings relating to a complaint made pursuant to these procedures, including their Union/Association representative, if applicable, or a trusted friend (e.g. another manager if they are a management employee). Where the Human Rights Intake Administrator/investigator is of the opinion that the presence of the support person is inappropriate (e.g. they have a conflict) or is hindering the process, the relevant party may select another support person provided that doing so does not hinder or unduly delay the meeting/process. As these procedures are intended as an internal means of addressing prohibited

behaviour outside of more formal legal proceedings, parties are not entitled to select legal counsel as their support person.

7.4 Corrective Action and/or Disciplinary Action

Where a finding of a violation of this policy that does not constitute harassment, discrimination, or reprisal has been made, the applicable division manager, in consultation with the Director of People Services, or delegate, will determine appropriate corrective and/or disciplinary actions.

Where a finding of harassment, discrimination, or reprisal in violation of this policy has been made, the Respectful Workplace Response Team will determine appropriate corrective and/or disciplinary actions.

Where it is determined that corrective or disciplinary action is to be taken against an employee of the Corporation, such action may include the following:

- An apology
- Coaching or counselling
- Education or training
- Warning
- Suspension or leave without pay
- Demotion
- Transfer
- Termination of employment

The appropriate supervisor or manager will implement corrective or disciplinary actions to be taken against an employee.

Where it is determined that corrective action is to be taken against members of Council, volunteers (including members of Advisory Committees, Special Committees, and Task Forces), students on placements, contractors, consultants, members of the public, including clients or customers, the Corporation will take such corrective action as is reasonable in the circumstances and permitted by law to ensure the prohibited behaviour stops. This may include barring the person from Corporation facilities or discontinuing business with contractors or consultants. The Division Manager, Corporate Security and Emergency Management Division or designate will be consulted with respect to determining any corrective action to be taken against members of the public.

The Corporation may also implement any systemic remedies it deems appropriate.

7.5 Vexatious/Bad Faith Complaints

Where it is determined that the complainant has made a vexatious or bad faith complaint or an individual makes allegations knowing them to be false, the Respectful Workplace Response Team will take appropriate corrective and/or disciplinary action which may include the same corrective and/or disciplinary actions noted above.

A complaint is vexatious or made in bad faith if it is made for the purpose of annoying, embarrassing or harassing the respondent, out of spite or vindictiveness, or the complainant is engaging in improper behaviour such as fraud, deception, or intentional misrepresentation.

A complaint that is made in good faith but is not substantiated does not constitute a vexatious or bad faith complaint.

7.6 Timing of Complaint

A complaint under these procedures should be made as soon as possible after the prohibited behaviour occurred and no later than one year after the last

incident occurred unless there are reasons why it was not possible to bring it forward sooner. Where failure to make a complaint in a timely fashion affects the ability of the Corporation to conduct a full and complete investigation, the Corporation may decline to deal with the complaint.

7.7 Timing of Completion of Actions/Investigation

The Corporation will complete any informal actions or formal investigations pursuant to these procedures in a timely manner and within three (3) months from the date of receiving a complaint/initiating an investigation, unless there are extenuating circumstances (e.g. illness, complex investigation) warranting a longer period. The Human Rights Intake Administrator/investigator, supervisor, or manager responsible for handling a complaint under these procedures will update the parties to the complaint on a regular basis (approximately every two to three weeks) as to the status of their complaint and anticipated next steps.

7.8 Confidentiality

The administration of these procedures will be in accordance with the [Municipal Freedom of Information and Protection of Privacy Act](#) (“MFIPPA”). All complaints received under these procedures will be considered strictly confidential subject to the Corporation’s obligation to safeguard employees, to conduct a thorough investigation, take appropriate corrective and/or disciplinary action, or to otherwise disclose information as required by law. The parties to the complaint and any witnesses are also expected to maintain confidentiality. Unwarranted breaches of confidentiality will result in corrective and/or disciplinary action.

7.9 Complaint Records

Where an investigation results in corrective and/or disciplinary action against an employee, a record of such action will be placed in the employee’s Human Resources file. Where there is insufficient evidence to prove that prohibited conduct occurred, no record of the complaint shall be placed in the respondent’s Human Resources file.

All records pertaining to enquiries and complaints under this policy will be kept in confidential storage separate from employees’ Human Resources files. All records will be subject to the provisions of [MFIPPA](#) as noted above.

7.10 Other Avenues of Complaint

In addition to these internal resolution and complaint procedures, there may be other avenues available to pursue complaints of prohibited behaviour. Depending on the nature of the behaviour at issue and the parties involved, other complaint avenues may include an Application to the Human Rights Tribunal of Ontario, a complaint to the Ministry of Labour, an application to the Ontario Labour Relations Board, a civil action, a criminal complaint, a complaint to the Integrity Commissioner, and a grievance pursuant to the terms of an applicable collective agreement.

These resolution/complaint procedures are not intended to interfere with or restrict employees’ rights to pursue any other available avenue(s) of complaint, including pursuant to the Ontario [Human Rights Code](#) and the [Occupational Health and Safety Act](#). Where appropriate and/or required by law, the Corporation will conduct its own independent investigation into the allegations and make its own determination in accordance with this policy even when another avenue of complaint is pursued. This includes circumstances where there may be a related criminal proceeding.

Trees and Forests Advisory Committee Terms of Reference

Role

While it is the legislative mandate of the Municipal Council to make the final decision on all matters that affect the Municipality, the role of an advisory committee is to provide recommendations, advice and information to the Municipal Council on those specialized matters which relate to the purpose of the advisory committee, to facilitate public input to City Council on programs and ideas and to assist in enhancing the quality of life of the community, in keeping with the Municipal Council's Strategic Plan principles. Advisory committees shall conduct themselves in keeping with the policies set by the Municipal Council pertaining to advisory committees, and also in keeping with the Council Procedure By-law.

Mandate

The Trees and Forests Advisory Committee serves as a resource and information support group to the Planning and Environment Committee, the Municipal Council, and its Committees as required, and to the citizenry and provides advice on the following matters:

the formation and implementation of London's Urban Forest Strategy through three main areas:

Planning & Protection

- provide advice on the development and monitoring of London's Urban Forest Strategy;
- provide advice on City's policies, by-laws and guidelines which effects trees;
- work with the City's Corporate Communications Division and the Culture Office to publicize the benefits and importance of the initiatives designed to achieve the objectives of the Municipal Council through such vehicles as the Urban Forest Strategy and the Creative City Committee; and
- provide advice concerning the co-ordination of London's efforts with adjacent municipalities with a view to maximizing the retention of existing trees, woodlands and natural areas to maximize the retention of existing trees, woodlands and natural areas.

Planting & Renewal

- encourage public participation in initiatives designed to achieve the objectives of the Municipal Council as identified in the Urban Forest Strategy;
- provide advice on the expansion and advertisement of City and community programs to support community planting initiatives;
- encourage the expansion of annual tree planting programs (parks, natural areas and streets) to meet demand;
- work with the Civic Administration to pursue opportunities for federal, provincial and corporate funding for tree planting initiatives; and
- provide advice in support of the City's Role in its 10 year partnership undertaking 'Million Tree Challenge'.

Management & Maintenance

- provide advice on the development of a comprehensive plan for tree and forest management city-wide;
- support the retention and health of trees on private lands; and
- educate and build awareness of best practices for the maintenance and management of trees;
- to investigate such other aspects of environmental concerns as may be suggested by the Municipal Council, its other Committees, or the Civic Administration.

Composition

Voting Members

Maximum of thirteen members consisting of:

- Five members-at-large with related expertise
- One representative from each of the following:
 - A representative of the Environmental and Ecological Planning Advisory Committee
 - A representative with forestry expertise
 - A local business association or tree-related business
 - An active community planting group
 - A representative of the Urban League of London
 - A representative of the University of Western Ontario with related expertise

- A representative of Fanshawe College with related expertise
- A representative of the Middlesex-London Health Unit
- A representative of the London Development Institute/London Home Builders Association (jointly)

Non-Voting Resource Group

One representative from each of the following:

- Ministry of Natural Resources – London Office
- City's Community Services Department
- City Ecologist
- Urban Forester
- City's Planning Division
- Planning, Environmental & Engineering Services Department
- London Hydro
- Upper Thames Valley Conservation Authority
- City Manager's Office

Sub-committees and Working Groups

The Advisory Committee may form sub-committees and working groups as may be necessary to address specific issues; it being noted that the City Clerk's office does not provide secretariat support to these sub-committees or groups. These sub-committees and working groups shall draw upon members from the Advisory Committee as well as outside resource members as deemed necessary. The Chair of a sub-committee and/or working group shall be a voting member of the Advisory Committee.

Term of Office

Appointments to advisory committees shall be for a four-year term, commencing March 1 of the first year of a Council term and ending on February 28 or, in the case of a leap year, February 29 of the first year of the following Council term.

Appointment Policies

Appointments shall be in keeping with Council Policy.

Qualifications

The representatives of the organizations must be members or employees of the organizations they represent. Other members shall be chosen for their special expertise, experience, dedication and commitment to the mandate of the Committee. Non-voting representatives from local resource groups shall be members or employees of the organization they represent.

Conduct

The conduct of Advisory Committee members shall be in keeping with Council Policy.

Meetings

Meetings shall be once monthly at a date and time set by the City Clerk in consultation with the advisory committee. Length of meetings shall vary depending on the agenda. Meetings of working groups that have been formed by the Advisory Committee may meet at any time and at any location and are in addition to the regular meetings of the Advisory Committee.

Remuneration

Advisory committee members shall serve without remuneration.



2021 Forestry Work Plan



Trees & Forests Advisory Committee (TFAC)

February 24, 2021



TFAC Forestry Staff Support

Forestry Leadership:

- Kelly Scherr, Managing Director, Environmental & Engineering Services and City Engineer
- Doug MacRae, Director, Roads & Transportation
- John Parsons, Division Manager, Transportation, Roadside & Forestry Operations

TFAC Primary Liaison:

- Jill-Anne Spence, Manager, Urban Forestry

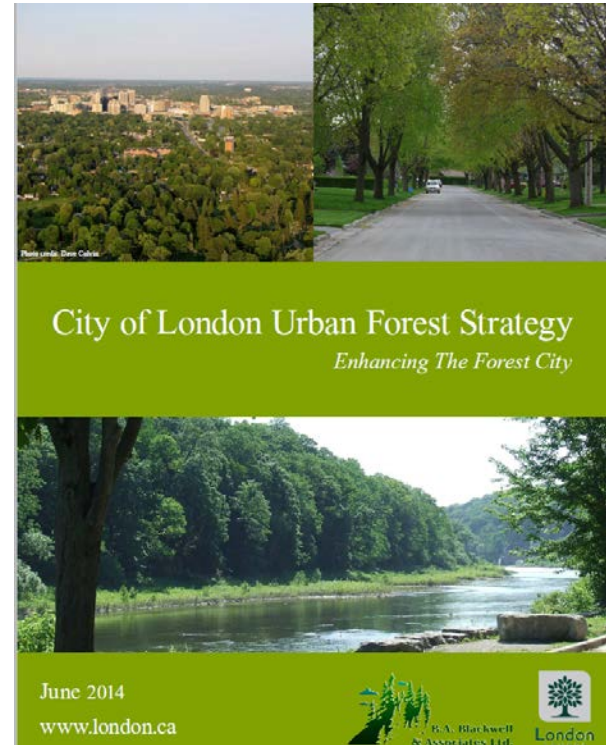
Support Project Based:

- Sara Rowland, Planner, Urban Forestry
- Andy Beaton, Manager, Forestry Operations
- Kat Hodgins, Supervisor, Forestry Operations

Forestry & TFAC Project Work

Agenda items are intended to:

- Support the Urban Forest Strategic Plan Goals & Objectives
- Planned & Proactive Workplans
- Resolution Tracking
- Timely Updates
- Update TFAC on project work
- Consult TFAC for feedback
- Notify TFAC of key project and program milestones





Forestry Major Projects

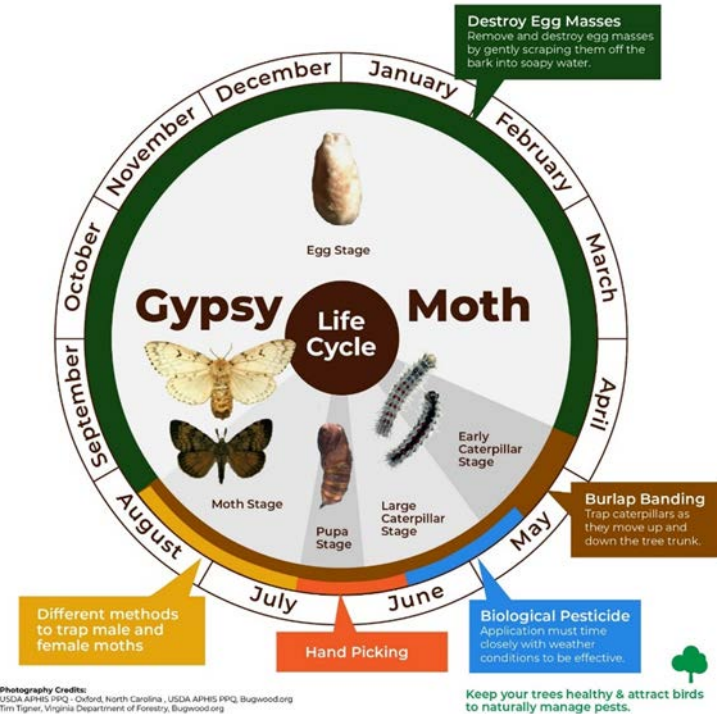
The following items will be brought to TFAC in 2021:

2021 European Gypsy Moth (EGM) Proposed Strategy	Planning & Environment Committee Report (Feb 8), Council (Feb 23)	Q1 Feb
Annual UFS 2020 Update to TFAC	Accomplishments & Update to Implementation Plan	Q1 Mar
Tree Planting Strategy Update	Ends 2021	Q2 Q3 Q4
Tree Protection Bylaw Update & Implementation	Into effect March 1	Q2 April
NEW Tree Canopy Cover Place Type Policy	Based on London Plan approvals	(TBD) Q3 Q4
Design Guidelines & Standards	Review & Update	(TBD)

2021 European Gypsy Moth (EGM) Proposed Strategy

TFAC February Meeting

- Planning & Environment Committee Report Feb 8
- Municipal Council Feb 23
- Overview of Report
- Presentation to Follow





Annual UFS 2020 Update to TFAC

TFAC March Meeting

Forestry 2020 Accomplishments

- Tree Canopy Monitoring
- Update to Implementation Plan

Proposed NEW Project Work 2021

- Veteran Tree Incentive Program
- No Net Loss Policy
- Tree Contractor Bylaw (investigate)

Tree Protection Bylaw Update & Implementation

TFAC April Meeting

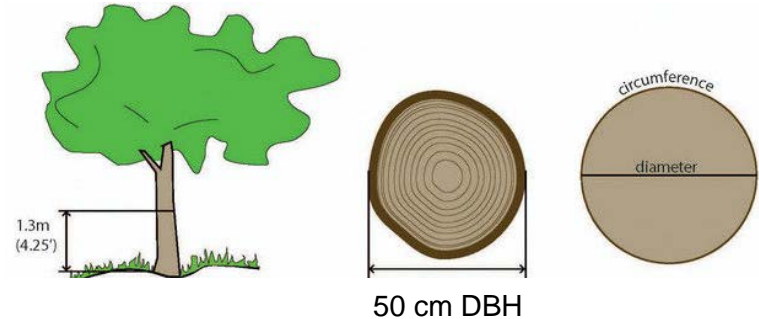
NEW Bylaw Major Changes

Update on Implementation

- March 1 in effect
- 2 months in place
- Training with Industry

Improved Internal Processes

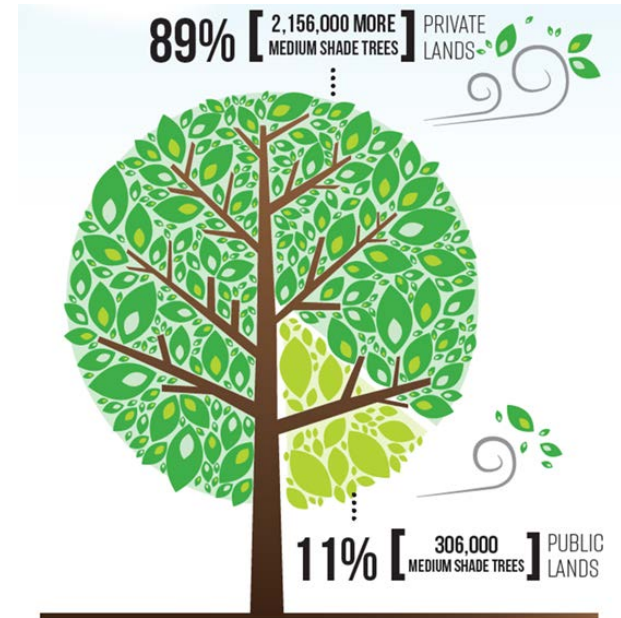
- Online Payment
- Service Request Tracking
- Fillable Forms



Tree Planting Strategy Update

TFAC May – on-going

- 5-year Strategy 2017-2021
- Review Progress with Stakeholders
- Successes & Challenges
- Update for next 5 years 2022-2026
- Possible Working Group



Forestry On-going Work & Projects

- Administration & Enforcement of Bylaws
- TreeMe Grant Program 2021
- National Tree Day Celebration





London
CANADA

Questions?

