

## **Lom Nava Co-operative Homes Inc. Board of Directors**

June 16, 2010

### **Re: Bill 168 – Workplace Violence and Harassment**

#### **Background**

##### *Policy Requirements*

Regardless of the size of an organization, all employers are liable for harassment or violence committed by or done to their employees. Although a smaller organization will not have the financial resources for reporting, mediation and investigation of a larger company, the essential requirements for a workplace harassment and violence are very similar.

##### *Workplace Harassment*

The Ontario Occupational Health and Safety Act (OHSA) require that an employer prepare and review a workplace policy on harassment at least annually, regardless of the size of employer.

This policy must be in writing and conspicuously posted in workplaces with five or more workers. This policy can be combined with an existing policy, such as current Human Rights Policy, as provided for under s. 25(2)0) of the OHSA.

However, the definition of workplace harassment under the OHSA goes beyond the prohibited grounds present in the Ontario Human Rights Code, and a merged policy will have to reflect these differences. As of June 15, 2010, workplace harassment will include "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome."

The workplace harassment policy should:

- Show an employer's commitment to addressing and preventing workplace harassment;
- Account for harassment from all sources, including management, staff, tenants/members and the public;
- Outline the rights and responsibilities of all workplace parties (management, staff and tenants/members);
- Be approved, dated and signed by the Lom Nava Co-operative Homes Inc. Board of Directors.

The OHSA places further onus on every employer to develop and maintain a workplace harassment program that implements the harassment policy (under section 32.06(1)). This program must provide for:

- Measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor;
- How the employer will investigate and deal with any incidents of harassment;

- Any prescribed elements that may be included under the OHSA, although at present there are no such regulations or elements.

### *Workplace Violence*

As of June 15, 2010, all employers in Ontario must prepare and review a policy on workplace violence under the OHSA. As with the requirements for workplace harassment, employers with 5 or more workers must post this written policy in a conspicuous workplace location.

The amendments also include a new responsibility for all employers to assess the risk of workplace violence for all employees.

A workplace violence policy should:

- Show an employer's commitment to protecting workers from workplace violence;
- Address violence from all possible sources, including management, staff, tenants/members and the public;

An employer must also protect workers from risks of domestic violence that could occur in the workplace where the employer is aware or ought to have been aware of such a risk (Section 32.0.4)

- Outline the roles and responsibilities of the workplace parties (management, staff and tenants/members) in supporting the policy and program; and
- Be dated and signed by Lom Nava Co-operative Homes Inc. Board of Directors.

### *Assessing the Risks of Workplace Violence*

The amendments to the OHSA require all employers to assess the risk of workplace violence through the following:

- Assess the risk of workplace violence that may arise from the nature of the workplace (physical aspects such as lighting, lines of sight, entrances and exits), type of work (such as handling of cash, interaction with public or tenants/members) or conditions of work (aspects such as hours worked, the surrounding neighborhood and movement of workers between job sites);
- Take into account the specific circumstances of Lom Nava Co-operative Homes Inc. (including the physical design and geography of the workplace, how and when work is carried out, and any previous violent incidents), and circumstances common to other housing providers; and
- Develop procedures to control identified risks that are likely to expose a worker to physical injury by implementing a workplace violence program.

Such assessments should be completed for each specific worksite. Lom Nava Co-operative Homes Inc. would, at present, require two assessments to be undertaken. An assessment of the risks associated with an employee's vehicle would be required if transportation is required for work purposes.

As in Lom Nava Co-operative Homes Inc. situation there will not be a joint health and safety committee, employees must be advised in writing of the assessment results. Copies can be provided on request.

Assessments must be repeated whenever circumstances change to a degree that requires reassessment. Examples of such changes include the addition of new facilities, significant renovations, working hours' alterations, staffing changes or a violent incident indicates a risk that was not previously identified.

### *Workplace Violence Program*

After implementing a workplace violence policy and assessing risks of workplace violence at Lom Nava Co-operative Homes Inc. worksites, the OHSA requires to develop and maintain workplace violence program. This program must include:

- Measures and procedures to control the risks identified in the assessment as likely to expose a worker to physical injury.
- Measures and procedures for summoning immediate assistance when workplace violence occurs;
- Measures and procedures for employees to report incidents of workplace violence to the manager;
- How the manager will investigate and deal with incidents or complaints of workplace violence; and
- Any other elements prescribed by regulations under the OHSA, of which there are currently none.

This program could include any existing emergency procedures currently existing at Lom Nava Co-operative Homes Inc. worksites. A review of the workplace violence program should be undertaken annually at a minimum, or whenever circumstances suggest that the effectiveness of the program is inadequate or requires revision.

### ***Recommendations***

- To implement a compliant Workplace Violence and Harassment Policy and program.
- Develop comprehensive procedures based on the checklist and which meet the statutory requirements imposed on Lom Nava Co-operative Homes Inc. by the OHSA.