

Type of Decision									
Meeting Date	Friday, June 4, 2010				Report Date	Wednesday, June 2, 2010			
Decision Required		Yes	X	No	Priority	X	High		Low
Direction		Information Only		X	Type of Meeting	X	Open		Closed
REPORT TITLE									
Bill 168 Violence and Harassment in the Workplace Report #04/06/10/205									

Subject: Update of training session and requirements under new legislation.

RECOMMENDATION: That Council adopt policies committing to meeting the obligations under Bill 168, a bill amending the Occupational Health and Safety Act. The policies will be drafted and likely ready for adopting by the July meeting.

BACKGROUND/EXECUTIVE SUMMARY:

The legislation requires the creation of policies, the development of a program which includes an investigative process, and an education program getting the information out to all parties. The municipality currently has a Code of Conduct which includes a section on harassment and discrimination but does not specifically address the new types of discriminatory harassment and/or violence including domestic violence.

Work has commenced on amending the Code of Conduct and combining its harassment section with the new requirements. We will then have three stand alone policies: the Code of Conduct, a Harassment policy and process and a Workplace Violence policy with a specific section on Domestic violence in the workplace.

As a result of unfortunate incidences in Ontario workplaces over the last decade and subsequent lobbying, the political response was to make changes to protect workers by making amendments to the Occupational Health and Safety Act. In 1999 an OC Transpo worker went on a shooting spree at work and killed 5 people. In 2005 Ms. Dupont, a nurse at a Windsor hospital, was killed by her ex, a co-worker. In both of these incidents, the harassment and violence was noticeable in the workplace. People knew yet the employers did nothing, or not enough to stop it. The result was unnecessary death (in both incidences the shooters also killed themselves).

As a result there are new requirements to protect employees from workplace violence, harassment and domestic violence on the job. There are now protections for employees to refuse to work if they believe they are in danger for these reasons and an obligation for employers to warn others of known violent individuals. This includes warning co-workers about fellow workers with a violent history. It also includes warning workers about residents who are known to be violent (e.g. someone who threatens the plow operator or the CBO).

The employer has the responsibility to draw the line between protection of privacy and an employee's right to know. The legislation also imposes an employer's duty to accommodate. This may be by providing for a disability due to physical or mental illness due to bullying. Accommodation might include being transferred to a work place away from the bully or modified duties to allow the victim to cope. Accommodation is required short of undue hardship.

Workplace violence risk assessments need to be completed for each workplace. A template and program was provided to complete these.

Protections against domestic violence will be difficult to deal with. The employer is now required to protect employees from domestic violence that would likely expose a worker to physical injury that may occur in the workplace. It will extend not only to those situations when you are actually aware of the domestic violence but also to occasions when you ought to reasonable to be aware of it.

Financial Considerations/Budget Impact: N/A Only the staff time to complete the policies and educate all parties.

Policy Impact: Involves the amendment of current policy and the creation of new policy.

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

Melinda Reith