

## 2015 Overview of ‘Bill 168’ Requirements and MLHU’s Current Level of Compliance

As presented to the Board of Health: September 17, 2015





○ – No compliance

◐ – Progress Towards Compliance







● – Full Compliance

1. Workplace Violence				
LEVEL OF COMPLIANCE JUNE 2013	LEVEL OF COMPLIANCE SEP 2015	REQUIREMENT	OHS REFERENCE	PROGRESS NOTES AND/OR RECOMMENDATIONS FOR ONGOING COMPLIANCE
◐	●	a. Prepare a written policy.	32.0.1(1)	<p>With the Services of Ms. Catherine Birr and following the direction outlined in The Ministry of Labour Guideline entitled: <i>Workplace Violence and Harassment: Understanding the Law</i>, MLHU’s policy was revised and approved by the SLT on June 5, 2013. The policy incorporates all of the required elements as outlined in the OHS.</p> <p><b>RECOMMENDATION:</b> No further action is required at this time.</p>
◐	●	b. Review policy as often as is necessary, but at least annually.	32.0.1(1)	<p>In 2014, the policy was reviewed by:</p> <ul style="list-style-type: none"> <li>• Ted Carroll, PSMS (September); and</li> <li>• Lisa Kwasek, Hicks Morley (December).</li> </ul> <p>As a result of these reviews, there are a number of proposed revisions to the policy.</p> <p>In 2015, the policy was reviewed by:</p> <ul style="list-style-type: none"> <li>• The JOHSC (March 25 and April 21)</li> <li>• Scheduled for BOH/Governance Committee approval by Q4 of 2015.</li> </ul> <p><b>RECOMMENDATIONS:</b> No further action is required at this time.</p>





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c.			Policy to be posted conspicuously in the workplace.	32.0.1 (2)	<p>Current Policy (2013) is posted to:</p> <ul style="list-style-type: none"> <li>• JOHSC intranet page</li> <li>• e-Administrative Policy Manual;</li> <li>• JOHSC Bulletin Boards at all HU sites.</li> </ul> <p><b>RECOMMENDATION:</b> Updated policy to be posted pending BOH/Governance Committee approval.</p>
d.			<p>Employer must assess risk of WV that may arise from the:</p> <p>(1) Nature of the workplace* (i.e. the <b>physical aspects</b> of the workplace);</p> <p>(2) The type of work* (i.e. the <b>type of activities</b> workers perform); or</p> <p>(3) The conditions of the work* (i.e. <b>other aspects</b> such as hours worked, the surrounding neighbourhood, etc.)</p> <p><small>* Explanation of these terms taken for the <i>MOL Guideline: Workplace Violence and Harassment: Understanding the Law.</i></small></p>	32.0.3(1)	<ol style="list-style-type: none"> <li>1. Two (2) Nature of Workplace Assessments completed:             <ol style="list-style-type: none"> <li>a. 2008: PSMS conducted a comprehensive review of the physical sites of the 3 Health Unit offices; and</li> <li>b. 2011: PSMS conducts a technical review of the panic alarm system.</li> </ol> </li> <li>2. One (1) Type-of-Work Assessment completed. The <i>2015 Workplace Violence Risk Assessment Report</i> includes a detailed analysis of the vulnerabilities and threats that are experienced by MLHU Job Function.</li> <li>3. One Conditions-of-Work Assessment completed. The <i>2015 Workplace Violence Risk Assessment Report</i> includes detailed analysis of some of the other aspects of work that impact on the safety and security of staff, including the <i>Violent Crime Severity Index</i> for London Area Neighbourhoods.</li> </ol> <p><b>RECOMMENDATION:</b> No further action is required at this time.</p>



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e.			Assessment must address: (a) circumstances that would be common to similar workplaces (i.e. <b>other public health units</b> ); and	32.0.3 (2)	<p>(a) The <i>2015 Workplace Violence Risk Assessment Report</i> includes information on circumstances that are common to:</p> <ul style="list-style-type: none"> <li>Windsor-Essex County Health Unit</li> <li>Sudbury District Health Unit</li> <li>Wellington-Dufferin Guelph Health Unit</li> <li>Lambton Public Health   County of Lambton</li> </ul> <p>(b) The <i>2015 Workplace Violence Risk Assessment Report</i> includes information on circumstances that are MLHU-specific.</p> <p><b>RECOMMENDATION:</b> No further action is required at this time.</p>
			(b) circumstances specific to the workplace ( <b>MLHU</b> );		
f.			Communicate the results of the WV Risk Assessment to the JOHSC	32.0.3 (3)	<p>The results of the Risk Assessment were provided to the JOHSC on March 24, 2015.</p> <p>Also, in 2013, the JOHSC received a number of updates on the Health Unit's progress with respect to the workplace violence initiative.</p> <p><b>RECOMMENDATION</b> No further action is required at this time.</p>



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g.			Reassess the risks of WV as often as is necessary to ensure that the policy and program continue to protect workers from WV.	32.0.3 (4)	<p>With the completion of the <i>2015 Workplace Violence Risk Assessment Report</i>, all required elements have been examined. <i>The MOL Guideline: Workplace Violence and Harassment: Understanding the Law</i> indicates that the employer should review the assessment at least annually. It further outlines the following triggers for commissioning a re-assessment. A re-assessment should be undertaken if:</p> <ul style="list-style-type: none"> <li>• The workplace moves or the existing workplace is renovated or reconfigured;</li> <li>• There are significant changes in the type of work (for example, new tasks are assigned or a new project is undertaken);</li> <li>• There are significant changes in the conditions of work (for example, making a service or clinic available at a later hour);</li> <li>• There is new information on the risks of workplace violence; or</li> <li>• A violent incident indicates a risk-related to the nature of the workplace, type of work or conditions of work as was not identified during an earlier assessment.</li> </ul> <p><b>RECOMMENDATIONS:</b></p> <ol style="list-style-type: none"> <li>1. That the SLT, the NLT and the JOHSC receive regular (at least annually) reminders of the triggers for initiating a workplace violence re-assessment.</li> <li>2. That the SLT assign the annual review of the Workplace Violence Risk Assessment to the JOHSC.</li> <li>3. That the JOHSC provide the SLT with a report on the outcomes of the annual review, including a recommendation for whether or not a re-assessment is required as per the triggers for re-assessment as outlined in the <i>MOL Guideline</i>.</li> </ol>
h.			Communicate the results of the re-assessment to the JOHSC	32.0.3 (5)	<p>Not applicable.</p> <p><b>RECOMMENDATION:</b> No further action is required at this time.</p>



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i.			<p>Develop and maintain a program to implement the workplace violence policy, inclusive of the following elements:</p> <ul style="list-style-type: none"> <li>(a) Measures and procedures to control the risks (identified in the risk assessment required under 32.0.3 (1)) that are likely to expose a worker to physical injury.</li> <li>(b) Measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;</li> <li>(c) Measures and procedures for workers to report incidents of workplace violence</li> <li>(d) Set out how the employer will investigate and deal with incidents or complaints of workplace violence</li> </ul>	32.0.2 (1) and (2)	<p>All of the required elements of a workplace violence program are delineated in the workplace violence policy. A number of recommendations have been made within the <i>2015 Workplace Violence Risk Assessment Report</i> for the strengthening of these measures and controls.</p> <p><b>RECOMMENDATION:</b> That the Manager, Privacy and Occupational Health and Safety, as designated by the SLT continue to coordinate the implementation of the SLT-approved recommendations from the <i>2015 Workplace Violence Risk Assessment Report</i>.</p>

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j.			Provide instruction to the worker on the contents of the policy and program with respect to workplace violence.	32.0.5 (2)	<p>In December 2014, 48 staff members were provided with De-escalating Aggressive Behaviour (Level 1) Training.</p> <p>In June 2015, 30+ Public Health Inspectors and Tobacco Enforcement Officers received Evade and Escape (Level 2) workplace violence prevention training.</p> <p>In November 2015, all Public Health Nurses and Family Home Visiting staff from the Health Unit's high-risk home visiting team (Healthy Babies, Healthy Children) will receive a workplace violence prevention training curriculum that has been customized for their work, based on the results from the <i>2015 Workplace Violence Risk Assessment Report</i>.</p> <p><b>RECOMMENDATIONS:</b></p> <ol style="list-style-type: none"> <li>1. That the remainder of staff receive the appropriate level of training, based on the results from the <i>2015 Workplace Violence Risk Assessment Report</i>.</li> <li>2. That an online learning module be adopted for inclusion in the catalogue of the Health Unit's new online Learning Management System.</li> </ol>

## 2. Domestic Violence

	LEVEL OF COMPLIANCE JUNE 2013	LEVEL OF COMPLIANCE 2015	REQUIREMENT	OHSА REFERENCE	CURRENT STATUS and RECOMMENDATIONS FOR ONGOING COMPLIANCE
a.			If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker	32.0.4	<p>In 2014, MLHU launched a new online employee injury/incident reporting tool that includes content to allow for the reporting of domestic violence and its potential impact on the workplace. This tool has been tested in that 4 reports were made in 2014. In each case, the Health Unit launched response protocols and developed safety plans for the protection of all workers.</p> <p>In order to meet the responsibilities within the act that require the employer to become aware or to “ought reasonably to be aware”, MLHU was advised that this standard could be met by offering training to managers and staff that increases their capacity to recognize potential signs of domestic violence in the workplace. Therefore, in May 2013, MLHU offered voluntary training entitled: <b>Neighbours, Friends and Families at Work</b>. This training, funded by the government of Ontario and administered through the Centre for Research on Violence Against Women and Children at Western University consists of a 1-hour curriculum that provides instruction on recognizing the warnings signs of domestic violence and its potential to impact the workplace. Seventy-nine (79) of 336 active staff received that training. Seventeen (17) of 40 managers and directors received the corresponding 3-hour curriculum for managers entitled: <b>Make it Our Business</b>.</p> <p><b>RECOMMENDATIONS:</b></p> <ol style="list-style-type: none"> <li>1. That MLHU incorporate the Neighbours, Friends and Families at Work and Make it Our Business curricula into the Library Catalogue of the soon-to-be launched Learning Management System (LMS); and</li> <li>2. That all managers and staff be encouraged to complete the training at least once.</li> </ol>

### 3. Harassment

	LEVEL OF COMPLIANCE JUNE 2013	LEVEL OF COMPLIANCE 2015	REQUIREMENT	OHSА REFERENCE	CURRENT STATUS and RECOMMENDATIONS FOR ONGOING COMPLIANCE
a.			Prepare a written policy	32.0.1(b)	Complete.
b.			Policy to be posted conspicuously in the workplace	32.0.1 (2)	Pending BOH/Governance Committee approval.
c.			Develop and maintain a program to implement the workplace harassment policy. Program must include: (a) Measures and procedures for workers to report incidents of workplace harassment; (b) Set out how the employer will investigate and deal with incidents and complaints of workplace harassment.	32.0.6.(1)	Program elements to be included in the revised policy draft.
d.			Provide worker with information and instruction to the worker on the contents of the harassment policy and program	32.0.7 (a)	Pending BOH/Governance Committee approval.