

APPLICABLE TO:

DATE: June 15, 2010

<input checked="" type="checkbox"/>	Municipal & Private Non Profit
<input checked="" type="checkbox"/>	Co-operatives
<input checked="" type="checkbox"/>	Federal Non Profits
<input type="checkbox"/>	OCHAP/CSHP
<input type="checkbox"/>	Rent Supplement

<input checked="" type="checkbox"/>	Mandatory
<input type="checkbox"/>	For Information

SUBJECT: Bill 168 – Workplace Violence and Harassment

BACKGROUND

Bill 168 – Workplace Violence and Harassment, an amendment to the Occupational Health and Safety Act (OHSA), is effective **June 15, 2010**. The amendment includes new definitions of workplace violence and workplace harassment.

The OHSA defines **workplace violence** as:

1. The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
2. An attempt to exercise physical force against a worker, in the workplace, that could cause physical injury to the worker; or,
3. A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace harassment is defined as “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”.

All Housing providers are owners of a workplace and are required to comply with Bill 168 even if they do not have direct employees (i.e. property management firm or contractors). Housing Providers are required to:

- a) Develop policies on workplace violence and harassment, and maintain programs to implement them;
- b) Assess the risks of workplace violence based on the nature of the workplace and type of conditions of work; and,
- c) Develop measures and procedures to control them.

Under Bill 168, workers have a right to refuse work if they believe they are at risk of physical injury due to possible workplace violence. Housing providers, who are aware of the potential for domestic violence in a workplace, are required to take reasonable precautions to protect the workers who are at risk of physical injury.

Housing providers are required to alert certain workers of the risk of workplace violence from persons with a history of violent behaviour. Housing providers must provide workers who may encounter such persons at work with as much information, including personal information, as needed to protect the workers from physical injury.

Penalties for non-compliance can be significant and can include fines up to \$25,000 and 12 months imprisonment per person, and a \$500,000 fine for organizations.

Housing Provider's Role

Housing Providers are required to develop policies and procedures to ensure compliance with Bill 168.

To assist housing providers in complying with Bill 168, the following is a link to OHSA's "Developing Workplace Violence and Harassment Policies and Programs" guidelines and toolbox at http://www.labour.gov.on.ca/english/hs/pdf/wvps_toolbox.pdf. This Toolbox contains information, tools, and assessments that can be used by housing providers to develop their workplace violence and harassment policy and program.

Housing providers are encouraged to work through this toolbox to ensure proper policies and procedures are established in compliance with the requirements of Bill 168. In particular, please note the following components of the toolbox:

1. Workplace Violence Survey (pg. 1) – *(can be completed by board members and staff)*
2. Workplace Violence Assessments (p.16)
3. Sample Workplace Violence Policy (p.67)
4. Sample Workplace Harassment Policy (p.68)

NRH recommends that housing providers complete Bill 168 training. There are various private organizations in the Niagara area that are providing Bill 168 training. SHSC, ONPHA and/or CHF should also be contacted to determine if workshops are being arranged.

NRH is investigating options for providing training sessions for housing providers that will also provide a venue for the group to complete the risk assessment as a joint exercise. More information on upcoming NRH training sessions will be provided in the near future.

Housing provider staff are required to forward this Notice to their board of directors for information and action.

Service Manager's Role

NRH will ensure compliance with this Notice during the operational review process.

If you have any questions or concerns regarding this notice, please contact your Housing Administrator at (905) 682-9201.

(Original signed by Lora Beckwith)

Lora Beckwith, General Manager