

Get Bill 168 Compliant

Bill 168: the Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009



Good Corporate Governance Made Easy Through Virtual Security Director™

Translate *Legislative Requirements* into *Active Compliance!*

SECURaGLOBE uses a unique business model to deliver customized security and investigative solutions that are infinitely scalable in size and scope to protect your people, property and information at a fraction of the cost of comparable in-house resources



www.securaglobe.com/vsd.pdf
866-767-4111

Legislative Requirements

Bill 168: Explanatory Note

The Bill adds Part III.0.1 (Violence and Harassment) to the Occupational Health and Safety Act. Subsection 1 (1) of the Act is amended to include definitions of workplace violence and workplace harassment.

Section 32.0.1 of the Act requires an employer to prepare policies with respect to workplace violence and workplace harassment, and to review the policies at least annually.

Section 32.0.2 of the Act requires an employer to develop a program to implement the workplace violence policy. The program must include measures to control risks of workplace violence identified in the risk assessment that is required under section 32.0.3, to summon immediate assistance when workplace violence occurs, and for workers to report incidents or threats of workplace violence. The program must also set out how the employer will deal with incidents, complaints and threats of workplace violence.

Section 32.0.3 of the Act requires an employer to assess the risk of workplace violence and to report the results of the assessment to the joint health and safety committee or to a health and safety representative. If there is no committee or representative, the results must be reported to the workers. The risk must be reassessed as often as is necessary to protect workers from workplace violence.

Under **section 32.0.4** of the Act, if an employer is aware or ought to be aware that domestic violence that is likely to expose a worker to physical injury may occur in the workplace, the employer must take every reasonable precaution to protect the worker.

Section 32.0.5 of the Act clarifies that the employer duties in section 25, the supervisor duties in section 27 and the worker duties in section 28 apply, as appropriate, with respect to workplace violence. Section 32.0.5 also requires an employer to provide a worker with information and instruction on the contents of the workplace violence policy and program.

Section 32.0.6 of the Act requires an employer to develop a program to implement the workplace harassment policy. The program must include measures for workers to report incidents of workplace harassment and set out how the employer will deal with incidents and complaints of workplace harassment.

Section 32.0.7 requires an employer to provide a worker with information and instruction on the contents of the workplace harassment policy and program.

The Bill amends **section 43** of the Act, which deals with a worker's right to refuse work in various circumstances where health or safety is in danger, to include the right to refuse work if workplace violence is likely to endanger the worker.

The Bill provides for authority to make regulations, including the following:

1. Requiring an employer to designate a workplace co-ordinator with respect to workplace violence and workplace harassment.
2. In the case of workers with a limited right to refuse work under section 43 of the Act, specifying situations in which a danger to health or safety is inherent in the workers' work or a normal condition of employment.
3. Varying or supplementing subsections 43 (4) to (13) of the Act with respect to workers with a limited right to refuse under section 43 and workers to whom section 43 applies by reason of a regulation made for the purposes of subsection 3 (3) of the Act.
4. Governing the application of the duties and rights set out in Part III.0.1 to the taxi industry.

Primary Components – Workplace Violence

1. Prepare policies, post throughout workplace, and review at least annually
2. Develop and maintain a program to implement policies
 - a. include measures and procedures to control the risks identified in the assessment required under subsection 32.0.3 (1) as likely to expose a worker to physical injury;
 - b. include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur, or when a threat of workplace violence is made;
 - c. include measures and procedures for workers to report incidents or threats of workplace violence to the employer or supervisor;
 - d. set out how the employer will investigate and deal with incidents, complaints or threats of workplace violence; and
 - e. include any prescribed elements
3. Conduct risk assessment and report results (reassess as necessary)
4. Protect workers upon awareness of domestic violence (take every reasonable precaution)
5. Perform regulatory duties regarding violence, specifically
 - a. sections 25 & 27 for the employer, and section 28 for the worker;
 - b. inform workers of information and instructions from the contents of the policy and programs regarding workplace violence;
 - c. include personal information of a person related to a risk of workplace violence if a worker can be expected to encounter that person in the course of his/her work or may be exposed to physical injury;
 - d. disclosure of personal information must be limited to that which is reasonably necessary to protect a worker from physical injury.

Primary Components – Workplace Harassment

1. Prepare policies, post throughout workplace, and review at least annually
2. Develop and maintain a program to implement policies
 - a. include measures and procedures for workers to report incidents or threats of workplace harassment to the employer or supervisor;
 - b. set out how the employer will investigate and deal with incidents, complaints or threats of workplace harassment; and
 - c. include any prescribed elements
3. Inform workers of information and instructions from the contents of the policy and programs regarding workplace harassment.

Virtual Security Director (VSD™)

SECURaGLOBE's unique business model to deliver customized security and investigative solutions that are infinitely scalable in size and scope to protect your people, property and information at a fraction of the cost of comparable in-house resources.

VSD is a result of two SECURaGLOBE initiatives:

- A. **Technology:** Through investments made by SECURaGLOBE in internet technologies, a web portal is now available whereby companies may extract ethics, compliance and security solutions through an interface with SECURaGLOBE.
- B. **Marketing:** Bundling of services allows SECURaGLOBE to maximize cost savings for customers via a series of discounts combined with shared costs amongst services.



VSD Part A: The Mechanics

SECURaLINE

- Caller/Subscriber Anonymity
- 24 x 7 Incidence Reporting
- 800 Multi-Lingual Hotline
- Web Intake
- Interview Specialists
- Electronic Reports
- Employee Kits
- Letters, Brochures, and Wallet Cards
- Location / Posting Materials



SECURaCASE

- Incident Management
- Web Portal
- Centralized Database
- Built-in Task Management
- Oversee all Investigations
- Facilitate Collaboration
- Benchmark Industry Data
- Best Practises & Workflow Library

Compliance Services

- Workplace Violence
- Threat Risk Assessments
- Investigations
- HR Support & Legal Services
- Training & Education

Professional Services

- Pre-Employment Screening
- Executive Protection
- Strike Management
- C-TPAT / PIP



VSD Part B: Active Compliance!

Strategic Partnership with SECURaGLOBE



Allow SECURaGLOBE to assist you in developing a successful WPV program, tailored to your organization. Attend our “Self-help” Workshops at www.securaglobe.com/workshops and learn about:

1. Recognized and approved best security practices for conducting workplace violence risk assessments (toolkit provided)
2. Putting workplace violence in perspective with other security issues in your organization
3. The four categories of workplace violence and how each one requires different mitigation actions
4. Seven steps to creating a court defensible workplace violence program
5. Workplace Violence Risk Assessment – more than checklists
6. Writing and implementing effective policies and procedures that work
7. Training programs – what works and what doesn’t – getting buy-in from the beginning
8. Incident management – the multidisciplinary team approach
9. Mitigating the impact of incidents to minimize the impact on your operations
10. Case management – how proper recording and analyzing incident reports can enable you to take proactive preventive steps to avoid similar future scenarios.
11. Supporting the victims of workplace violence to minimize the effect on the workplace



SECURaGLOBE's "Take AIMM" program

▪ Assess

- Certified Security Experts
- Acknowledged Threat Risk Assessors for the Government of Ontario
- CAP Index Reports (Crimes Against People & Property) specific to any address in North America

▪ Identify

- Recognizing the signs of WPV and having an effective incidence reporting mechanism (SECURaLINE) is a critical program component.
- Workplace Violence & Harassment policies & procedures must include assessment results as well as industry benchmarks and best practices.

▪ Mitigate

- Analysis of WPV incidents show that in almost every case there were clear signs of a brewing problem that were not recognized within the organization.
- Document and analyze incidents to proactively address changing threats
- Train & educate staff to recognize and report incidents

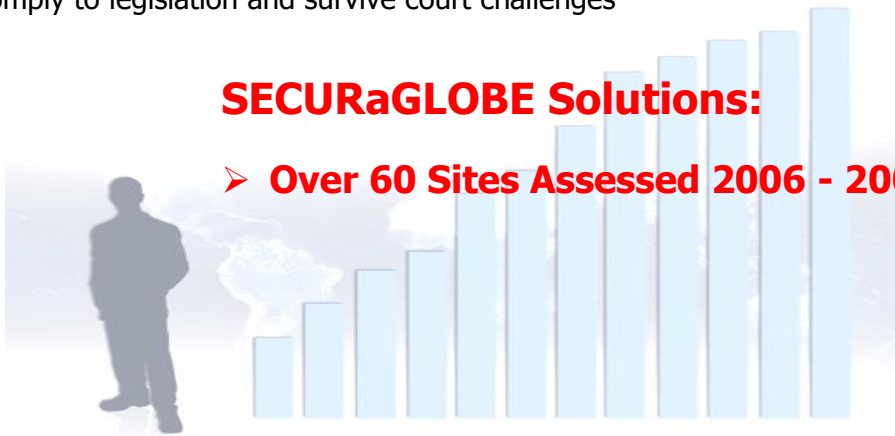
▪ Manage

- Comprehensive, action oriented incidence management (SECURaCASE) with complete supervision, reporting and collaboration amongst all investigators and case managers.
- Comply to legislation and survive court challenges



SECURaGLOBE Solutions:

- **Over 60 Sites Assessed 2006 - 2009**



VSD Part C: Available Services

1. SECURaLINE	Able to preserve employee anonymity at all times, SECURaLINE provides 24x7x365 incidence reporting capability both via a dedicated 800 Hotline and through a customized website. Coverage is based on the number of employees per annum for each organization.
2. SECURaCASE	Via a customized web portal, members may login and manage their investigations through a structured, court-defendable process allowing seamless interaction between case managers and investigators. SECURaCASE offers both a centralized repository of data universally accessible to all and a Workflow Library containing “Best Practices” with “Industry Benchmarks”.
3. Threat Risk Assessments (TRA)	A comprehensive report of > 45 pages entailing objective & recognized security methodologies to score and rank a site’s overall safety. An assessment is conducted once per contract duration and is limited to one building, one location. Site visit is required.
4. Workplace Violence (WPV)	Utilizing our “Take AIMM” approach, an assessment is conducted once per contract duration and forms the basis for an effective WPV Program. Corporate policies & procedures are thereafter modified. This assessment is limited to one location. Site visit is required.
5. Investigations / Surveillance	Average investigations or surveillance projects endure 48 hours and incur expenses which contain travel and accommodations. SECURaGLOBE provides one project per contract duration, all travel & accommodations expenses included within North America. Limit of 48 hours per event. On-site work conducted.
6. Pandemic Preparedness Plan	A detailed document created to ensure an organization is prepared to respond appropriately to a pandemic whilst maintaining business continuity. Pandemic Preparedness Plan includes life safety, protection of property, and preservation of financial stability for the organization.
7. Contingency Planning / Pre-Strike Services	SECURaGLOBE enables employers to manage work stoppages due to strikes, lockouts or plant closures safely and securely through a series of proactive recommendations that in turn lead to a 30-50% reduction in security costs. A Labour Unrest Contingency Plan is developed as an integral part of our Pre-Strike Services. This > 80 page inclusive report provides clients cost savings through proper planning and communications. Pre-Strike Services are provided once per contract duration. Site visit is required.
8. HR Support & Legal Advise	Access to a Certified Human Resources Professional (CHRP) and Attorney of law in the US and Canada. Over 25 years experience available in 3 hour segments! Each event represents 3 hours of remote telephone or email assistance and is limited to 12 sessions per year. Remote service.
9. Pre-Employment Investigations	Both a Vulnerable Sector Search as well as a Criminal Background Check is provided on each event. Other forms of Background Screens are available but have not been included in the VSD bundles. Twelve (12) background screening events are provided per year. Remote service.
10. C-TPAT / PIP	Designed to provide expedited processing at ports of entry, strict standards have been identified and mandated by both US & Canadian border agencies. SECURaGLOBE’s assessment provides the guidelines & action items required to attain compliance with these agencies. Inspection and assessment is provided once per contract duration and is limited to one location. Site visit is required.

Credentials

Acknowledged Vendor of Record for Multiple Government Agencies



Certified Protection Professionals (CPP)



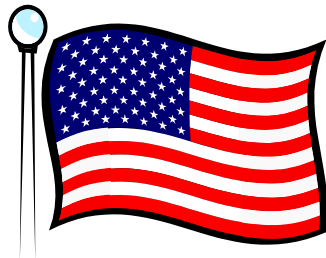
Certified Fraud Examiners (CFE)



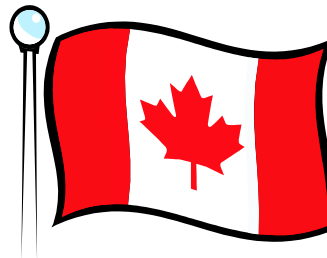
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CANADA



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