

**WELCOME TO
NEWMARKET CHAMBER OF COMMERCE**

MANAGEMENT

HEALTH AND SAFETY TRAINING

BY TERRY WEBB

TS WEBB & ASSOCIATES

TRAINING TOPICS

**DUE DILIGENCE
MANAGEMENT RESPONSIBILITIES
SUPERVISOR RESPONSIBILITIES
CRITICAL INJURIES
WORKERS' RIGHTS
WORK REFUSAL PROCESS
RETURN TO WORK
CONTINUOUS IMPROVEMENT**

NEWMARKET CHAMBER OF COMMERCE

DUE DILIGENCE

The Occupational Health and Safety Act is enforced by the Ministry of Labour through its inspectors. Ministry inspectors may enter an organization's premises at any time without warrant or notice, require any safety related records or reports and conduct tests. Everyone is expected to cooperate and do everything within his or her power to assist inspectors in the performance under the Act. It is a violation to interfere in any way or give false or misleading information.

Charges under the Occupational Health and Safety Act are laid at the discretion of the Ministry of Labour. Charges are most commonly laid at companies for non-compliance when:

- a fatality or critical injury has occurred
- activities with a high injury risk potential have occurred, even if there has not been an injury
- there has been intentional or conscious disregard of the Act
- there has been a failure to comply with a Ministry of Labour order
- an inspector has been obstructed in the course of his or her inspection of the workplace
- there is a high profile case - the hope being that future activities of a similar nature will be prevented.

Because the Occupational Health and Safety Act places specific personal, legal duties on workers, supervisors and employers, these duties cannot be delegated. In addition, their breach can lead to personal fines or imprisonment. By imposing jail terms and heavy fines, the courts have demonstrated that contraventions of the Occupational Health and Safety Act and regulations are serious.

The Ministry of Labour may prosecute any person for a violation of the Act or the regulations, or for failing to comply with an Inspector, a Director or the Minister [Sec. 66]. If convicted of an offence under the OH&S Act, an individual can be fined up to \$25,000.00 and/or imprisoned for up to 12 months. The maximum fine for a corporation is \$500,000.00.

Due diligence is defined as "the level of judgment, care, prudence, determination, and activity that a person would reasonably be expected to do under particular circumstances". It can be either a challenge or a legal defense for a person or corporation charged under the OH&S Act. **A person or corporation charged under the Act must be able to prove that all precautions reasonable under the circumstances were taken to protect the health and safety of workers (documentation).**

It is not enough for corporations and their officers and directors to simply create a health and safety program on paper. They must monitor and enforce the program as necessary. In the event of prosecution, a corporation must be able to show that every reasonable step was taken to prevent specific accidents and design a safety system that takes into account unlikely events. Documentation is vital to establishing that reasonable precautions have been taken.

A due diligence defense is based on a corporation's ability to show that the following elements are in place:

Policy, Program and Procedures

- A health and safety policy has been prepared and posted.
- The policy has been reviewed annually.
- An Occupational Health and Safety Program has been developed which supports the policy.
- This program has been implemented and maintained.
- Safe work procedures have been established to ensure that all jobs are performed safely.
- Supervisors are competent (i.e., knowledgeable about health and safety hazards in their workplace as well as the Occupational Health and Safety Act, applicable regulations, standards and procedures, etc.) and understand their responsibilities.
- All workplace parties are held accountable for safety.
- All information on disciplinary action taken when an employee violates safety procedures has been documented.

Hazard Identification

- A thorough audit has taken place to identify all workplace hazards (unsafe conditions and practices).
- Individual(s) conducting the audit were familiar with workplace hazard analysis and the proper process of conducting an audit.
- All information has been well-documented.

Monitoring and Evaluating

- The Occupational Health and Safety Program and safe work procedures have been monitored and evaluated to determine their effectiveness.
- Revisions have been made, where required.
- Evaluation data and program/procedure changes have been well-documented.

Training

- Prior to commencing a job, all workplace parties have been trained in the proper procedures of the job, have been made aware of the inherent hazards of the job and know how to prevent harm to themselves and others.
- Documented proof of competency in performing the job has been required and recorded.

Accidents / Incidents

- All accidents, including "near misses," have been investigated.
- Individual(s) conducting the accident/incident investigations were trained in conducting accident/incident investigations.
- All causes of accidents (immediate and root) have been determined.
- Corrective measures have been taken to prevent similar occurrences.
- All investigations and corrective actions have been well documented.

Inspections

- The safety representative and immediate supervisors have inspected the workplace on a regular basis.
- Individual(s) conducting the inspections were trained in conducting workplace inspections.
- All inspections and corrective actions have been well documented.
- Senior management has periodically conducted informal inspections and documented the results of these inspections.

Bill C45

Bill C45 took effect in 2004. This law, Section 217.1 of the Canadian Criminal Code, requires every person who undertakes, or has the authority, to direct how a person does work or performs a task to take reasonable steps to protect the worker or another person against bodily harm arising from the work.

Section 219(1)(b) of the Criminal Code says a person is guilty of criminal negligence if the person does something the law bans or doesn't do something the law requires and the act or omission shows wanton or reckless disregard for the lives and safety of other people.

This means a person who fails to take reasonable steps to protect a person doing work under Bill C45 out of wanton or reckless disregard would be guilty of criminal negligence under section 219(1)(b) for any fatalities or serious injuries that result.

Not every person in the company is required to take reasonable steps under Bill C45. It only affects persons who direct or have authority to direct how work is done. This means employees are not liable under C45 including the JHSC and safety representatives. The JHSC can only make non-binding recommendations to the employer which the employer may or may not apply the recommendations.

There are five factors to consider when deciding if a person has control over a worker:

- 1. The authority to decide who can do particular jobs.
- 2. The authority to decide which equipment, tools or processes will be used to perform particular tasks.
- 3. The authority to halt work because it is unsafe.
- 4. The authority to train personnel how to do their jobs.
- 5. Direct or supervise a job.

Name: _____

Title: _____

Signature: _____

Date: _____

For TS Webb & Associates: _____

NEWMARKET CHAMBER OF COMMERCE

MANAGEMENT RESPONSIBILITIES

Employer responsibilities, as found in sections 25 and 26 of the OHSA:

- 25. (1)** An employer shall ensure that,
- (a) the equipment, materials and protective devices are provided as prescribed;
 - (b) the equipment, materials and protective devices provided by the employer are maintained in good condition;
 - (c) the measures and procedures prescribed are carried out in the workplace;
 - (d) the equipment, materials and protective devices provided by the employer are used as prescribed; and
 - (e) a floor, roof, wall, pillar, support or other part of a workplace is capable of supporting all loads to which it may be subjected without causing the materials therein to be stressed beyond the allowable unit stresses established under the Building Code Act.
- 25 (2)** Without limiting the strict duty imposed by subsection (1), an employer shall,
- (a) provide information, instruction and supervision to a worker to protect the health or safety of the worker;
 - (b) in a medical emergency for the purpose of diagnosis or treatment, provide, upon request, information in the possession of the employer, including confidential business information, to a legally qualified medical practitioner and to such other persons as may be prescribed;
 - (c) when appointing a supervisor, appoint a competent person;
 - (d) acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent;
 - (e) afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions;
 - (f) only employ in or about a workplace a person over such age as may be prescribed;
 - (g) not knowingly permit a person who is under such age as may be prescribed to be in or about a workplace;
 - (h) take every precaution reasonable in the circumstances for the protection of a worker;
 - (i) post, in the workplace, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers;
 - (j) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;

- (k) post at a conspicuous location in the workplace a copy of the occupational health and safety policy;
 - (l) provide to the committee or to a health and safety representative the results of a report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the portions of the report that concern occupational health and safety; and
 - (m) advise workers of the results of a report referred to in clause (1) and, if the report is in writing, make available to them on request copies of the portions of the report that concern occupational health and safety.
- (3)** For the purposes of clause (2) (c), an employer may appoint himself or herself as a supervisor where the employer is a competent person.
- (4)** Clause (2) (j) does not apply with respect to a workplace at which five or fewer employees are regularly employed. R.S.O.1990, c. O.1, s. 25.

Additional duties of employers:

- 26. (1)** In addition to the duties imposed by section 25, an employer shall,
- (a) establish an occupational health service for workers as prescribed;
 - (b) where an occupational health service is established as prescribed, maintain the same according to the standards prescribed;
 - (c) keep and maintain accurate records of the handling, storage, use and disposal of biological, chemical or physical agents as prescribed;
 - (d) accurately keep and maintain and make available to the worker affected such records of the exposure of a worker to biological, chemical or physical agents as may be prescribed;
 - (e) notify a Director of the use or introduction into a workplace of such biological, chemical or physical agents as may be prescribed;
 - (f) monitor at such time or times or at such interval or intervals the levels of biological, chemical or physical agents in a workplace and keep and post accurate records thereof as prescribed;
 - (g) comply with a standard limiting the exposure of a worker to biological, chemical or physical agents as prescribed;
 - (h) establish a medical surveillance program for the benefit of workers as prescribed;
 - (i) provide for safety-related medical examinations and tests for workers as prescribed;
 - (j) where so prescribed, only permit a worker to work or be in a workplace who has undergone such medical examinations, tests or x-rays as prescribed and who is found to be physically fit to do the work in the workplace;
 - (k) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker; and
 - (l) carry out such training programs for workers, supervisors and committee members as may be prescribed.

(2) For the purposes of clause (1) (a), a group of employers, with the approval of a Director, may act as an employer. R.S.O. 1990, c. O.1, s. 26 (1, 2).

(3) If a worker participates in a prescribed medical surveillance program or undergoes prescribed medical examinations or tests, his or her employer shall pay,

- (a) the worker's costs for medical examinations or tests required by the medical surveillance program or required by regulation;
- (b) the worker's reasonable travel costs respecting the examinations or tests; and
- (c) the time the worker spends to undergo the examinations or tests, including travel time, which shall be deemed to be work time for which the worker shall be paid at his or her regular or premium rate as may be proper. R.S.O. 1990, c. O.1, s. 26 (3); 1994, c. 27, s. 120 (3).

I confirm that I have received training and understand my responsibilities in the Occupational Health and Safety Act.

Name: _____

Title: _____

Signature: _____

Date: _____

For TS Webb & Associates: _____

NEWMARKET CHAMBER OF COMMERCE

SUPERVISOR RESPONSIBILITIES

Supervisors must perform or adhere to the following:

- Perform workplace inspections
- Conduct information sessions (safety talks, staff meetings)
- Conduct incident investigations
- Conduct employee training
- Correct substandard acts or conditions
- Commend employee health and safety performance
- Perform employee safety observations

Duties of supervisor:

- 27.** (1) A manager/supervisor shall ensure that a worker,
- (a) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and
 - (b) uses or wears the equipment, protective devices or clothing that the worker's employer requires to be used or worn.

Additional duties of supervisor:

- (2) Without limiting the duty imposed by subsection (1), a supervisor shall,
- (a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
 - (b) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and
 - (c) take every precaution reasonable in the circumstances for the protection of a worker. R.S.O. 1990, c. O.1, s. 27.

I confirm that I have received training and understand my responsibilities in the Occupational Health and Safety Act.

Name: _____

Title: _____

Signature: _____

Date: _____

For TS Webb & Associates: _____

NEWMARKET CHAMBER OF COMMERCE

CRITICAL INJURY

In the Occupational Health and Safety Act, a critical injury is an injury of a serious nature that places life in jeopardy such as:

- produces unconsciousness
- results in substantial loss of blood
- involves the fracture of a leg or arm but not a finger or toe
- involves the amputation of a leg, arm, hand or foot but not a finger or the toe
- consists of burns to a major portion of the body
- causes the loss of sight in an eye.

If a person is critically injured or killed on the job, Newmarket Chamber must:

- Call 911 for Emergency Medical Service (EMS)
- Apply first aid until the EMS arrive.
- Immediately notify an MOL Inspector and the health and safety representative. The notice to the MOL must be by a direct means such as by telephone, telegram or fax. (See telephone numbers at bottom of page)
- Control the accident scene with tape or reasonable barrier.
- Within 48 hours, the employer must also notify in writing a Director of the Ministry of Labour, giving the circumstances of the occurrence and any information that may be prescribed.

If an accident, explosion or fire occurs and a worker is disabled or requires medical attention, Newmarket Chamber must:

- Notify a Director of the Ministry of Labour, the JHSC within four days of the occurrence. This notice must be in writing and must contain any prescribed information.
- The employer is responsible to assist in a medical emergency by providing any information, including confidential business information, to legally qualified medical practitioners who request such information so that they may diagnose and treat any worker.

Critical Injury Reporting & Notification Process

1. Awareness that an injury has occurred.
2. Supervisor assesses the scene for danger and takes steps to prevent further injury/damage.
3. Emergency first aid is provided as required.
4. Critical injury is determined.
5. Accident site is secured.
6. Ministry of Labour is notified.
7. Supervisor/manager investigates with H&S Rep.
8. Accident investigation process is followed, including action plan to prevent future occurrences.
9. Information is documented on the internal accident investigation form.
10. A written report is prepared for the Ministry of Labour within 48 hours.
(For details, see "Written Report" below)
11. Follow up is done to ensure action plan is effective.

Written Report for the MOL

The written report required by section 51 of the Act shall include:

- the name and address of the employer
- the nature and circumstances of the occurrence and the bodily injury sustained
- a description of the machinery or equipment involved
- the time and place of the occurrence
- the name and address of the person who was killed or critically injured
- the names and addresses of all witnesses to the occurrence
- the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury

If an employer is told that a current or former worker has or had an occupational illness or has filed a claim with the WSIB, Newmarket Chamber must:

- notify a Director of the Ministry of Labour, the health and safety representative within four days. This notice must be in writing and must contain specific prescribed information. The duty to notify applies not only to current employees but also to former ones. (See "Written Notice" below)

Written Notice for the MOL

For the purposes of section 52 of the Act notice of:

- an accident, explosion or fire which disables a worker from performing his or her usual work; or
- an occupational illness, shall include,
- the name, address and type of business of the employer;
- the nature and circumstances and the bodily injury or illness sustained;
- a description of the machinery or equipment involved;
- the time and place of the occurrence;
- the name and address of the person suffering the injury or illness;
- the names and addresses of all witnesses to the occurrence;
- the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury or illness; and
- the steps taken to prevent the occurrence.

A record of an accident, explosion or fire causing injury requiring medical attention but not disabling a worker from performing his or her usual work shall be kept in the permanent records of the employer and include particulars of,

- the nature and circumstances of the occurrence and the injury sustained;
- the time and place of the occurrence; and
- the name and address of the injured person.

Where, under section 5, 51 or 68 of the Act, a report or permanent record is prescribed to be kept, it shall be kept for,

- a period of at least one year; or
- such longer period as is necessary to ensure that at least the two most recent reports or records are kept.

**Occupational Health and Safety
Inquiries:
Provincial 1-800-268-8013
Central 416-314-5421 or 1-800-991-7454**

NEWMARKET CHAMBER OF COMMERCE

Employees' Rights

The Occupational Health and Safety Act presents three basic rights of employees.

The employees' rights are:

1. the right to participate in workplace health and safety
2. the right to know about workplace hazards
3. the right to refuse unsafe work

The first right of workers is the **right to participate**. Workers have the right to be part of the process of identifying and resolving workplace health and safety concerns. This right is expressed through the worker health and safety representative. The right to participate also includes their obligation to report hazards or contraventions of the Act to their supervisors.

Workers have the **right to know** about any potential hazards to which they may be exposed. This translates into the right to be trained and have information on machinery, equipment, working conditions, processes and hazardous substances. In fact, employers and supervisors have an obligation to inform workers about hazards that may be present in the workplace. Those parts of the Occupational Health and Safety Act that pertain to WHMIS play an important role in giving workers the right to know.

Workers have the **right to refuse** work that they feel is dangerous either to their own health and safety or that of another worker. The Occupational Health and Safety Act precisely describes the process of refusing dangerous work and the responsibilities of the employer in responding to such a refusal.

NEWMARKET CHAMBER OF COMMERCE

WORK REFUSAL PROCESS

The Occupational Health and Safety Act (OHSA) states:

“A worker may refuse to work or do particular work where he or she has reason to believe that,

- (a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;*
- (b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself; or*
- (c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker.*

1. Upon refusing to work or do particular work, the worker shall promptly report the circumstances of the refusal to the worker's employer or supervisor who shall forthwith investigate the report in the presence of the worker and, if there is such, in the presence of one of,
 - (a) a committee member who represents workers, if any;
 - (b) a health and safety representative, if any; or
 - (c) a worker who because of knowledge, experience and training is selected by a trade union that represents the worker, or if there is no trade union, is selected by the workers to represent them, who shall be made available and who shall attend without delay. Worker to remain near workstation.
2. Until the investigation is completed, the worker shall remain in a safe place near his or her workstation.
3. Where, following the investigation or any steps taken to deal with the circumstances that caused the worker to refuse to work or do particular work, the worker has reasonable grounds to believe that,
 - (a) the equipment, machine, device or thing that was the cause of the refusal to work or do particular work continues to be likely to endanger himself, herself or another worker;
 - (b) the physical condition of the workplace or the part thereof in which he or she works continues to be likely to endanger himself or herself; or
 - (c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention continues to be likely to endanger himself, herself or another worker, the worker may refuse to work or do the particular work and the employer or the worker or a person on behalf of the employer or worker shall

cause an inspector to be notified thereof.

4. An inspector shall investigate the refusal to work in consultation with the employer or a person representing the employer, the worker, and if there is such, the person mentioned in (1) (a), (b) or (c).
5. The inspector shall, following the investigation referred to in item (4), decide whether the machine, device, thing or the workplace or part thereof is likely to endanger the worker or another person.
6. The inspector shall give his or her decision, in writing, as soon as is practicable, to the employer, the worker, and, if there is such, the person mentioned in (1) (a), (b) or (c).
7. Pending the investigation and decision of the inspector, the worker shall remain at a safe place near his or her work station during the worker's normal working hours unless the employer, subject to the provisions of a collective agreement, if any,
 - (a) assigns the worker reasonable alternative work during such hours; or
 - (b) subject to section 50 (in the Act), where an assignment of reasonable alternative work is not practicable, gives other directions to the worker.
8. Pending the investigation and decision of the inspector, no worker shall be assigned to use or operate the equipment, machine, device or thing or to work in the workplace or in the part of the workplace being investigated unless, in the presence of a person described in subsection (9), the worker has been advised of the other worker's refusal and of his or her reasons for the refusal.
9. The person referred to in item (8) must be,
 - (a) a committee member who represents workers and, if possible, who is a certified member;
 - (b) a health and safety representative; or
 - (c) a worker who because of his or her knowledge, experience and training is selected by the trade union that represents the worker or, if there is no trade union, by the workers to represent them.
10. A person shall be deemed to be at work and the person's employer shall pay him or her at the regular or premium rate, as may be proper,
 - (a) for the time spent by the person carrying out the duties under items (1) and (4) of a person mentioned in item (1) (a), (b) or (c); and
 - (b) for time spent by the person carrying out the duties under item (5) of a person described in item (7).

NEWMARKET CHAMBER OF COMMERCE

RETURN TO WORK PROGRAM

POLICY STATEMENT

Newmarket Chamber of Commerce values the goal of prevention of injuries and illnesses through maintaining a safe and healthy workplace. Consistent with this value is Newmarket Chamber of Commerce's commitment to the successful recovery of injured and ill employees by assisting in early intervention and return to safe work.

It is Newmarket Chamber of Commerce's policy to take all reasonable steps to return injured and ill employees to their pre-injury jobs quickly as possible.

Where the employee is unable to return to their pre-injury job, the goal will be to return them to alternative work which is consistent with their functional abilities.

Newmarket Chamber of Commerce and its employees are committed to co-operate and participate in the success of the Return to Work Program.

RETURN TO WORK PROCEDURES

Best Practices for Managing Accidents

1. **Report:** Workers must report all accidents promptly.
2. **Assess:** Assess and provide First Aid.
3. **Action:** Depending on the severity of the injury the Supervisor will:
 - Arrange transport to a local clinic or hospital emergency.
 - The worker must sign the WSIB Claim/Consent form 1492c.
 - Review and provide employee injury management forms.
 - Complete necessary health and safety and WSIB reports.
4. **Medical Treatment:**
 - Worker must cooperate in obtaining appropriate medical treatment.

- Provide the doctor with the White copy of the WSIB Claims/Consent form and the WSIB Functional Abilities form 2647a.
5. **Log Incident:** Log the incident and treatment in the First Aid log.
 6. **Return to Work:** Worker returns to the workplace and presents the WSIB Functional Abilities Form to his/her supervisor the same day or by the next shift.
 7. **Case Planning for Minor Injuries: Cooperation in Early and Safe Return to Work.**
 - The supervisor and the worker will compare the functional abilities (restrictions) and the employee's personal assessment with the physical demands of any available tasks.
 - Determine a work assignment in light of any accommodation deemed necessary.
 8. **Documentation:** Briefly note the Action Plan and any temporary forms of accommodation. Send a copy to the WSIB Adjudicator.
 9. **Return to Work:**
 - The employee is to return to work as outlined in the Action Plan.
 - The supervisor will brief co-workers where appropriate.
 10. **Follow Up:** Supervisor will monitor the worker's progress and resolve any difficulties.
 11. **Notice:** Supervisor will provide written notice to the WSIB of the return to full duties.

This program was developed by Return to Work Solutions in collaboration with TS Webb & Associates. Please call Return to Work Solutions at 416-450-4711 for additional support.

NEWMARKET CHAMBER OF COMMERCE

RETURN TO WORK

LETTER OF UNDERSTANDING

Between: Newmarket Chamber of Commerce

and: Employee

Purpose: Return to Work Program

We believe that a workplace-based joint management/employee approach, which will assist employees who become injured or ill to return to work, is the most effective strategy toward reducing the economic cost of disability and maintaining the employability of our employees.

We believe that this program can be implemented and be compatible with current statutory obligations.

Both parties agree to develop and implement an effective Joint Management/Employee Return to Work Program which will return employees back to a productive capacity.

The Health and Safety Representative and management will be the forum for discussing and implementing details of this program.

Name: _____

Signature: _____

Date: _____

For TS Webb & Associates: _____

NEWMARKET CHAMBER OF COMMERCE H&S CONTINUOUS IMPROVEMENT PLAN

January 2010	Health and Safety Policy
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February 2010	Health and Safety Responsibilities
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March 2010	Posted Health and Safety Material
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April 2010	Hazard Identification and Control
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May 2010	Health and Safety Representative
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June 2010	Health and Safety Training & Education
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Employer Commitment	
Employer Responsibility	
Supervisor Responsibility	
Worker Responsibility	
Policy Signed	
Policy Dated	
Policy Posted	
Review Health and Safety Program and Update Dates	

Managers	
Supervisors	
Workers	
Contract Labour	
Contractors	
Visitors	

Occupational Health & Safety Act	
Guides Posted	
Form 82	
Emergency Services Reports	

Identification of Hazards	
Implementation of Controls	
Safe Operating Procedures	
Standards and Procedures	
Illness/Injury Reporting	
Hazard Reporting	
Emergency Evacuation Plan	
Emergency Equipment Refusal to Work	

Selection	
Posting of Member's Name and Location	
Advice to Employer	

Training Review	
Applicable Legislation	
Employer Certifications	
Material Handling	
Employee Orientation	
Promotion-Transfer Orientation	
Initial Job Instruction	
Planned Inspections	
Injury-Incident Investigations	
Emergency Preparation & Response	
PPE Use & Maintenance	

NEWMARKET CHAMBER OF COMMERCE H&S CONTINUOUS IMPROVEMENT PLAN

July 2010	
First Aid	

Availability of First Aid Kits	
Required Components	
Number of Qualified First Aid Employees	
Works in Vicinity of Kit	
First Aid Treatment Recorded	
First Aid Certificates Posted	
First Aid Inspection Record	
Stretcher and Blanket	
Transportation to MD/Hospital or Home	

August 2010	
Management Inspections	

Responsibilities Assigned and Schedule Established	
Employee Contacts and Observations	
Use of Standard Recording Form	
Reporting Follow Up	
Health and Safety Representative Inspections	
Responsibilities Assigned and Schedule Established	
Use of Standard Recording System	
Worker and Supervisor Contacts	
Inspections Reviewed by Senior Management	
Follow Up	

September 2010	
Preventative Maintenance	

An Inventory List	
Standards To Be Met	
Schedule	
Standard Recording System	
Inspections by Qualified Persons	
Review of Program	
Operator's Pre-Use Inspection	
Equipment to be Inspected	
Schedule	
Standard Recording System	
Corrective Action	
Follow Up	

October 2010	
Accident/Incident Investigations	

Investigation- Review of Injury or Incident	
Investigators	
Assessment of the Scene	
Interviewing	
Identifying Contributing Factors	
Report	
Recommendations for Corrective Action	
Recommendations Acted Upon	
Recommendations are Communicated	
Notification Requirements	

November 2010	
Senior Management Team	

Initiates H&S Continuous Improvement Plan	
Reviews the H&S Program	
Responds to the H&S Rep Recommendations	
Established a H&S Communication Program	
Integrates H&S into All Aspects of the Organization	
Records H&S Program Changes	
Regularly Encourages off-the-job H&S Activities	
Senior Management Performs Workplace Inspections	

December 2	
Early and S Return to W	

Roles and Responsibilities	
Contact With Injured Worker	
Medical Treatment and Monitoring	
Provisions for Modified Worker	
Re-integration Worker to Regular Job	

Title: 19.3 Workplace Harassment Policy	Date of Issue: June 2010
Approved by: President & CEO, Debra Scott, Newmarket Chamber of Commerce	Review Date: January 2011

NEWMARKET CHAMBER OF COMMERCE

WORKPLACE HARASSMENT POLICY

Newmarket Chamber of Commerce is committed to providing a work environment in which all individuals are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace. We will take whatever steps are reasonable to protect our workers from workplace harassment from all sources. Managers, supervisors and workers are expected to uphold this policy and will be held accountable.

Workplace harassment means engaging in a course of vexatious (provoking) comment or conduct against a worker in a workplace - - a comment or conduct that is know or ought reasonably to be known to be unwelcome. Harassment may also relate to a form of discrimination as set out in the Ontario Human Rights Code, but it does not have to.

This policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace. Workers are encouraged to report any incidents of workplace harassment.

Management will investigate and deal with all concerns, complaints, or incidents of workplace harassment in a fair and timely manner while respecting workers' privacy as much as possible.

Nothing in this policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's Human Rights Code within one year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available.

Title: 19.4 Violence and Harassment Overview	Date of Issue: June 2010
Approved by: President & CEO, Debra Scott, Newmarket Chamber of Commerce	Review Date: January 2011

NEWMARKET CHAMBER OF COMMERCE

WORKPLACE VIOLENCE AND HARASSMENT

The Occupational Health and Safety Act defines workplace violence as the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker. It also includes an:

- ❖ attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker: and a
- ❖ statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

This definition of workplace violence is broad enough to include acts that would constitute offences under Canada's Criminal Code.

Examples of workplace violence include:

- ❖ verbally threatening to attack a worker;
- ❖ leaving threatening notes at or sending threatening e-mails to a workplace;
- ❖ shaking a fist in a worker's face;
- ❖ wielding a weapon at work;
- ❖ hitting or trying to hit a worker;
- ❖ throwing an object at a worker;
- ❖ sexual violence against a worker;
- ❖ kicking an object the worker is standing on such as a ladder; or
- ❖ trying to run down a worker using a vehicle or equipment such as a fork-lift.

What if a worker is accidentally pushed or hurt?

Accidental situations – such as a worker tripping over an object and pushing a co-worker as a result – are not meant to be included.

Does the person need to intend to hurt the worker?

For a workplace violence to occur, a person must apply or attempt to apply physical force against a worker. However, he or she does not need to have the capacity to appreciate these actions could cause physical harm.

For example, a person may have a medical condition that causes them to act out physically in response to a stimulus in their environment. This would still be considered workplace violence.

In addition, workplace violence would include situations where two non-workers, patients for example, are fighting and a worker could be injured when he or she intervenes. The non-workers may not have intended their violence to spill over to anyone else, but they used physical force, which could ultimately cause physical injury to a worker.

Newmarket Chamber of Commerce would be expected to take these situations into account when assessing the risks of workplace violence and when dealing with incidents. They would be required to establish measures and procedures to protect workers from this type of behaviour.

Domestic Violence

A person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or family member – may physically harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.

Workplace Harassment

The Occupational Health and Safety Act defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker, in a workplace – behaviour that is known or ought reasonably to be known to be unwelcome.

The comments or conduct typically happen more than once. They could occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or years).

Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It can also include behaviour that intimidates, isolates or even discriminates against the targeted individual(s).

Workplace harassment often involves repeated words or actions, or a pattern of behaviours, against a worker or group of workers in the workplace that are unwelcome.

This may include:

- ❖ making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
- ❖ displaying or circulating offensive pictures or materials in print or electronic form;
- ❖ bullying;
- ❖ repeated offensive or intimidating phone calls or e-mails; or
- ❖ inappropriate sexual touching, advances, suggestions or requests.

This definition of workplace harassment is broad enough to include harassment prohibited under Ontario's Human Rights Code, as well as what is often called "psychological harassment" or "personal Harassment."

What isn't workplace harassment?

Reasonable action or conduct by an employer, manager or supervisor that is part of his or her normal work function would not normally be considered workplace harassment. This is the case even if there are sometimes unpleasant consequences for a worker. Examples could include changes in work assignments, scheduling, job assessment and evaluation, workplace inspections, implementation of dress codes and disciplinary action.

Differences of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment.

In addition, any behaviour that would meet the definition of workplace violence would not be considered to be workplace harassment.

Continuum of Inappropriate Behaviours

A continuum of inappropriate behaviours can occur at the workplace. This can range from offensive remarks to violence. Workplace harassment may escalate over time into threats, or acts, of physical violence. In some cases, a targeted worker may react violently to prolonged harassment in the workplace.

It is important for Newmarket Chamber of Commerce to recognize these behaviours and to deal with them promptly because they could lead to workplace violence.

Information about a Person with a History of Violent Behaviour

The Occupational Health and Safety Act clarifies that Newmarket Chamber of Commerce and its supervisors must provide workers with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour [Section 32.0.5(3)].

However, this duty is limited and applies only when the:

- a) worker can be expected to encounter the violent person in the course of his or her work; and the
- b) risk of workplace violence is likely to expose the worker to physical injury.

Newmarket Chamber of Commerce and its supervisors must also not disclose more information than is reasonably necessary for the protection of a worker from physical injury.

What factors should I consider in determining what is “likely to expose a worker to physical injury”?

Newmarket Chamber of Commerce would have to evaluate the circumstances of a person’s history of violent behaviour and determine which workers would be likely to encounter this person in the course of their work and whether the person poses a risk to those workers.

Some factors to consider include:

- ❖ Was the history of violence associated with the workplace or work?
- ❖ Was the history of violence directed at a particular worker or workers in general?
- ❖ How long ago did the incident(s) of violence occur?
- ❖ What measures and procedures are in place in the existing workplace violence program?

Do I have to tell every worker about a person with a history of violent behaviour?

Not necessarily. Newmarket Chamber of Commerce would first have to determine which workers, if any, would be likely during the course of their work to encounter the violent person and if the risk of workplace violence was likely to expose the worker to physical injury [Section 32.0.5(3)].

Depending on the results, Newmarket Chamber of Commerce would not have to provide a worker with specific information about the violent person if the worker was:

- ❖ not likely to encounter that person in his or her work; or
- ❖ not at risk of physical injury from that person.

What information do I have to disclose to workers?

Under the Occupational Health and Safety Act, Newmarket Chamber of Commerce and its supervisors must disclose as much information about a person with a history of violent behaviour as needed to protect workers from physical injury while respecting privacy as much as possible [Sections 32.0.5(3) and (4)].

For example, the information disclosed should allow workers to identify the person with the violent history and, if appropriate, the triggers of his/her potential aggression.

Only personal information that is necessary to protect the worker from physical injury should be disclosed.

For example, a manufacturing worker should be told if there is a person with a history of hitting workers at the workplace and what the triggers are for that person's violent behaviour. However, the worker would not necessarily need to know all the personal information Newmarket Chamber of Commerce has about the person with the violent history.

In workplaces where the risk of workplace violence is similar from many people, such as in correctional institutions, it may be appropriate to provide general information about these risks as part of the information and instruction given to worker under Section 25(2)(a).

However, in these types of workplaces, workers may require information about a specific individual's history of violent behaviour so workers are aware of the specific risks [Section 32.0.5(3)].

What about privacy legislation?

There may be other laws that govern the release of personal or medical information such as the:

- ❖ Youth Criminal Justice Act (Canada)
- ❖ Personal Information Protection and Electronic Documents Act (Canada);
and
- ❖ Personal Health Information Protection Act

Newmarket Chamber of Commerce will have to take into account a person's right to privacy under those laws in addition to a worker's right to be informed of workplace violence risks under the Occupational Health and Safety Act.

In such cases, Newmarket Chamber of Commerce may wish to seek legal advice.

Do I have to disclose personal medical information:

In most situations, it should be possible to provide workers with enough information to protect them without disclosing personal medical information.

In cases where an employer or supervisor feels personal medical information should be disclosed to a worker, Newmarket Chamber of Commerce may wish to obtain legal advice about possible implications under human rights or privacy legislation.

Am I required to conduct criminal background checks on people in the workplace?

The Occupation Health and Safety Act does not require Newmarket Chamber of Commerce to do criminal background checks or to otherwise seek out information on workers or other people who are likely to be in the workplace.

Domestic Violence

Under the Occupational Health and Safety Act, Newmarket Chamber of Commerce must take every precaution reasonable in the circumstances for the protection of workers when they are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace, and that it would likely expose a worker to physical injury [Section 32.0.4].

Domestic violence may put the targeted worker at risk, and may also pose a threat to co-workers.

Measures and procedures in the workplace violence program can help protect workers from domestic violence in the workplace. For example, measures for the summoning of immediate assistance or for reporting of violent incidents could help protect workers from domestic violence when it may occur in the workplace.

Workers should be told that they can report their concerns to their employer if they fear domestic violence may enter the workplace.

Newmarket Chamber of Commerce must be prepared to investigate and deal with these concerns on a case-by-case basis.

In addition to evaluating a worker's specific circumstances, Newmarket Chamber of Commerce should determine how measures and procedures in the existing workplace violence program could be used to support the development of reasonable precautions for the worker.

This could involve creating an individual safety plan for the worker while he or she is in the workplace. The safety plan should be developed in consultation with the targeted worker.

In developing the plan, Newmarket Chamber of Commerce and worker may be able to work with the police, courts, or other organizations who may already be involved.

When a worker and his or her spouse work at the same organization, and there are concerns about domestic violence occurring in the workplace, Newmarket Chamber of Commerce should follow the workplace violence policy and program in dealing with the abusive worker's behaviour.

How might the Chamber become aware of domestic violence that may enter the workplace?

Newmarket Chamber of Commerce may become aware of domestic violence when an incident takes place at the workplace or when a concern is reported by a targeted worker, co-workers or someone else.

Other indicators could include threatening emails and phone calls received at work or unwelcome visits at the workplace such as by an abusive partner.

What is the Chamber's obligation if the targeted worker does not want Newmarket Chamber of Commerce to take any steps?

Even if a worker does not want any steps taken, Newmarket Chamber of Commerce may still be required to take some action to protect the targeted worker and other workers, depending on the circumstances.

Newmarket Chamber of Commerce should work closely with the targeted worker to develop reasonable precautions to address the situation while attempting to respect the worker's privacy and sensitivity of the issue.

Does the Chamber have to assess the risk that domestic violence will occur in the workplace?

The Occupational Health and Safety Act does not require Newmarket Chamber of Commerce to assess the risk of domestic violence occurring in a workplace.

However, Newmarket Chamber of Commerce may wish to conduct a review of violent incidents or threats of violence from all sources. This may help Newmarket Chamber of Commerce determine origins of workplace violence and the likelihood violence will occur at a particular workplace.

Work Refusals

Under the Occupation Health and Safety Act, a worker can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence [Section 43(3)(b.1)]. However, work cannot be refused on the grounds of workplace harassment.

The act sets out a specific procedure that must be followed in a work refusal. It is important for workers, Newmarket Chamber of Commerce, supervisors, health and safety representatives to understand and follow this procedure.

These measures can help workers, supervisors and Newmarket Chamber of Commerce address workplace violence concerns before they escalate to work refusals.

Where must workers stay during a work refusal?

A worker must remain in a safe place as near as reasonably possible to his or her workstation while waiting for Newmarket Chamber of Commerce to investigate [Section 43(5)] or for the Ministry of Labour to investigate [Section 43(10)].

The location will depend on the circumstances that led to the work refusal.

Newmarket Chamber of Commerce may wish to develop workplace-specific procedures for work refusals related to workplace violence, including where a safe place would be. These workplace-specific procedures must be consistent with the work refusal provisions in the Occupational Health and Safety Act.

Can a worker refuse work on the basis of a threat?

Yes, if it is (or can be reasonably interpreted to be) a threat to exercise force that could cause physical injury to the worker. Where a worker receives a threat that does not cause him/her personal safety, the worker should use the procedures in the workplace violence or harassment program to report the incident to his or her employer.

Does all work need to be suspended during an investigation if there is a work refusal due to workplace violence?

Although Section 43 allows workers to refuse to work or do particular work if their health and safety is in danger due to workplace violence, this does not mean all work needs to be suspended during a work refusal.

For example, if the risk of workplace violence is eliminated by the removal of a violent person, it may be possible for work to continue during Newmarket Chamber of Commerce's investigation.

Can the measures and procedures that an employer has in place affect a worker's right to refuse due to workplace violence?

A worker who has reason to believe that he or she is likely endangered by workplace violence always has the right to refuse work.

Newmarket Chamber of Commerce, with a good workplace violence policy and program, supported by equipment, training and effective communication, should have established methods for immediately dealing with violent and potentially violent incidents. For example, Newmarket Chamber of Commerce may direct workers to call the police for assistance when they have immediate safety concerns due to workplace violence.

Having these internal procedures in place may be the best way to prevent further danger and to protect workers. This does not limit a worker's right to refuse work. However, because the danger to workers is dealt with quickly, a worker may not need to refuse work in these circumstances.

Whether there is a work refusal or not, workers should report an incident of workplace violence to their employer or supervisor. Newmarket Chamber of Commerce needs to investigate and take any steps necessary to protect workers. A worker may also contact the Ministry of Labour with a complaint if their concerns are not resolved at the workplace.

Notices

When an incident of workplace violence occurs, Newmarket Chamber of Commerce should first notify police or emergency responders for immediate assistance. In addition, under the Occupational Health and Safety Act, Newmarket Chamber of Commerce has a number of duties if a workplace violence incident results in a person being killed or critically injured [Section 51(1)].

Newmarket Chamber of Commerce must:

- ❖ immediately notify by direct means such as telephone, a Ministry of Labour inspector, the workplace's joint health and safety committee or health and safety representative and union, if any; and
- ❖ within 48 hours notify, in writing, a director of Ministry of Labour, giving the circumstances of the occurrence and any information that may be prescribed.

If there is an incident of workplace violence and a worker is disabled or requires medical attention, Newmarket Chamber of Commerce must notify the health and safety representative within four days of the incident.

This notice must be in writing and must contain any prescribed information [Section 52(1)]. If required by an inspector, this notice must also be given to a director of the Ministry of Labour. Notices are not required for incidents of harassment.

Title: 19.5 Violence and Harassment Employees	Date of Issue: June 2010
Approved by: President & CEO, Debra Scott, Newmarket Chamber of Commerce	Review Date: January 2011

NEWMARKET CHAMBER OF COMMERCE

WORKPLACE VIOLENCE AND HARASSMENT EMPLOYEES

The Occupational Health and Safety Act defines workplace violence as the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker. It also includes an:

- ❖ attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker: and a
- ❖ statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

This definition of workplace violence is broad enough to include acts that would constitute offences under Canada's Criminal Code.

Examples of workplace violence include:

- ❖ verbally threatening to attack a worker;
- ❖ leaving threatening notes at or sending threatening e-mails to a workplace;
- ❖ shaking a fist in a worker's face;
- ❖ wielding a weapon at work;
- ❖ hitting or trying to hit a worker;
- ❖ throwing an object at a worker;
- ❖ sexual violence against a worker;
- ❖ kicking an object the worker is standing on such as a ladder; or
- ❖ trying to run down a worker using a vehicle or equipment such as a fork-lift.

What if a worker is accidentally pushed or hurt?

Accidental situations – such as a worker tripping over an object and pushing a co-worker as a result – are not meant to be included.

Does the person need to intend to hurt the worker?

For a workplace violence to occur, a person must apply or attempt to apply physical force against a worker. However, he or she does not need to have the capacity to appreciate these actions could cause physical harm.

For example, a person may have a medical condition that causes them to act out physically in response to a stimulus in their environment. This would still be considered workplace violence.

In addition, workplace violence would include situations where two non-workers, patients for example, are fighting and a worker could be injured when he or she intervenes. The non-workers may not have intended their violence to spill over to anyone else, but they used physical force, which could ultimately cause physical injury to a worker.

Domestic Violence

A person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or family member – may physically harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.

Workplace Harassment

The Occupational Health and Safety Act defines workplace harassment as engaging in a course of vexatious (provoking) comment or conduct against a worker, in a workplace – behaviour that is known or ought reasonably to be known to be unwelcome.

The comments or conduct typically happen more than once. They could occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or years).

Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It can also include behaviour that intimidates, isolates or even discriminates against the targeted individual(s).

Workplace harassment often involves repeated words or actions, or a pattern of behaviours, against a worker or group of workers in the workplace that are unwelcome.

This may include:

- ❖ making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
- ❖ displaying or circulating offensive pictures or materials in print or electronic form;
- ❖ bullying;
- ❖ repeated offensive or intimidating phone calls or e-mails; or
- ❖ inappropriate sexual touching, advances, suggestions or requests.

This definition of workplace harassment is broad enough to include harassment prohibited under Ontario's Human Rights Code, as well as what is often called "psychological harassment" or "personal Harassment."

What isn't workplace harassment?

Reasonable action or conduct by an employer, manager or supervisor that is part of his or her normal work function would not normally be considered workplace harassment. This is the case even if there are sometimes unpleasant consequences for a worker.

Examples could include changes in work assignments, scheduling, job assessment and evaluation, workplace inspections, implementation of dress codes and disciplinary action.

Differences of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment.

In addition, any behaviour that would meet the definition of workplace violence would no be considered to be workplace harassment.

Continuum of Inappropriate Behaviours

A continuum of inappropriate behaviours can occur at the workplace. This can range from offensive remarks to violence. Workplace harassment may escalate over time into threats, or acts, of physical violence. In some cases, a targeted worker may react violently to prolonged harassment in the workplace.

Work Refusals

Under the Occupation Health and Safety Act, a worker can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence [Section 43(3)(b.1)]. However, **work cannot be refused on the grounds of workplace harassment.**

The act sets out a specific procedure that must be followed in a work refusal. It is important for workers, employers, supervisors, joint health and safety committees to understand and follow this procedure.

These measures can help workers, supervisors and employers address workplace violence concerns before they escalate to work refusals.

Where must workers stay during a work refusal?

A worker must remain in a safe place as near as reasonably possible to his or her workstation while waiting for the employer to investigate [Section 43(5)] or for the Ministry of Labour to investigate [Section 43(10)].

The location will depend on the circumstances that led to the work refusal.

Can a worker refuse work on the basis of a threat?

Yes, if it is (or can be reasonably interpreted to be) a threat to exercise force that could cause physical injury to the worker. Where a worker receives a threat that does not cause him/her personal safety, the worker should use the procedures in the workplace violence or harassment program to report the incident to his or her employer.

Does all work need to be suspended during an investigation if there is a work refusal due to workplace violence?

Although Section 43 allows workers to refuse to work or do particular work if their health and safety is in danger due to workplace violence, this does not mean all work needs to be suspended during a work refusal.

For example, if the risk of workplace violence is eliminated by the removal of a violent person, it may be possible for work to continue during the employer's investigation.

Can the measures and procedures that an employer has in place affect a worker's right to refuse due to workplace violence?

A worker who has reason to believe that he or she is likely endangered by workplace violence always has the right to refuse work.

Whether there is a work refusal or not, workers should report an incident of workplace violence to their employer or supervisor. The employer needs to investigate and take any steps necessary to protect workers. A worker may also contact the Ministry of Labour with a complaint if their concerns are not resolved at the workplace.

Title: 19.6 Health and Safety Representative	Date of Issue: June 2010
Approved by: President & CEO, Debra Scott, Newmarket Chamber of Commerce	Review Date: January 2011

NEWMARKET CHAMBER OF COMMERCE

HEALTH AND SAFETY REPRESENTATIVE

Health and safety representatives have the same powers and responsibilities for workplace violence hazards as they do for other occupational health and safety hazards under the Occupational Health and Safety Act. For Example, their role during a work refusal [Section 43] is the same for workplace violence as it is for any other workplace hazard.

Health and safety representatives should also be able to recognize risks of workplace violence in the course of carrying out their regular functions such as inspecting workplaces.

Newmarket Chamber of Commerce may wish to consult with the health and safety representative when developing workplace violence and workplace harassment policies and programs.

Newmarket Chamber of Commerce must advise the health and safety representative of the results of an assessment of workplace violence risks [Section 32.0.3(3)(a)] or the results of a reassessment [Section 32.0.3.(5)].

Newmarket Chamber of Commerce must also inform the health and safety representative if a person is killed, critically injured, disabled from performing their usual work, or requires medical attention due to workplace violence [Sections 51(1) and 52(1)].

For more information, see Section 2.9 – Notices.

Title: 19.7 Emergency Assistance	Date of Issue: June 2010
Approved by: President & CEO, Debra Scott, Newmarket Chamber of Commerce	Review Date: January 2011

NEWMARKET CHAMBER OF COMMERCE

EMERGENCY ASSISTANCE

If there is, or is likely to be, a violent incident, immediately remove your self from the unsafe situation if possible. Contact emergency services where appropriate.

Telephones are located throughout the workplace. Familiarize yourself with the locations of the telephones.

If you require immediate assistance, contact the following :

- Emergency Services: 9-1-1
- Local Police: _____
- Building Security: _____
- Reception: _____

Safety Measures

Newmarket Chamber of Commerce endeavours to ensure the safety of all workers. To that end, all workers are asked to take the following measures:

- Remove yourself from immediate danger.
- Follow all Newmarket Chamber of Commerce safety rules.
- Inform a co-worker or your supervisor if you will be working late and alone in the workplace.
- Inform a co-worker or your supervisor if you will be attending an unfamiliar workplace.
- If you see an unaccompanied stranger or suspicious person in the workplace, notify management immediately.
- Use the services of building security, ask security to walk you to your car if it is late or you are uncomfortable walking alone.
- If you notice any safety risks in the workplace, such as a broken telephone or unlit areas, advise your supervisor immediately.
- Familiarize yourself with the location of all exits.
- Use common sense. Be alert to your surroundings.

Newmarket Chamber of Commerce Violent Incident Report Form

A reportable violent incident should be defined as any threatening remark or overt act of physical violence against a person(s) or property whether reported or observed.

1. Date: _____ 2. Specific Location: _____
Day of Week: _____
Time: _____
Assailant: Female Male

3. Violence Directed Toward: Worker Staff Visitor Other
Assailant: Worker Staff Visitor Other
Assailant's Name: _____
Assailant: Unarmed Armed (weapon)

4. Predisposing Factors:
 Intoxications Dissatisfied with Service Time
 Grief Reaction Prior History of Violence
 Gang Related
 Other (Described) _____

5. Description of Incident: Physical Abuse Verbal Abuse Other
6. Injuries: Yes No
7. Extent of Injuries: _____

8. Detailed Description of the Incident: _____

9. Did Any Person Leave the Area because of the Incident?
 Yes No Unable to Determine

10. Present at Time of Incident:
 Police _____ Name of Department _____
 Security _____

11. Needed to Call:
 Police _____ Name of Department _____
 Security _____

12. Termination of Incident:
Incident Diffused Yes No
Police Notified Yes No
Assailant Arrested Yes No

13. Disposition of Assailant:
Stayed on Premises? Yes No
Escorted off Premises: Yes No
Left on Own Yes No
14. Restraints Used: Yes No
Type: _____

Other _____

15. Report Completed By: _____ Title: _____
Witnesses: _____
Supervisor Notified _____ Time: _____

Title: 19.9 Workplace Violence Assessment	Date of Issue: June 2010
Approved by: President & CEO, Debra Scott, Newmarket Chamber of Commerce	Review Date: January 2011

NEWMARKET CHAMBER OF COMMERCE

WORKPLACE VIOLENCE ASSESSMENT

Date Assessment Performed: _____

Performed by: _____

The purpose of this checklist is to assist Newmarket Chamber of Commerce with performing a workplace assessment of the risk of workplace violence that may arise from the nature of the workplace, type of work or conditions of work. "Workplace violence" means the use, or attempted use, of physical force against a worker that could cause physical injury. Workplace Violence also includes a statement or behaviour that a worker could reasonably interpret as a threat to use physical force against him/her that could cause physical injury.

The intention of the risk assessment is to identify and assess risks related to workplace violence in an effort to develop strategies to mitigate risks as identified. The risk assessment process includes consideration and analysis of:

1. circumstances specific to the workplace,
2. circumstances that would be common to similar workplaces,
3. past incidents of workplace violence in your workplace or similar workplaces, and
4. any other prescribed elements.

Upon completion of the assessment, advise the health and safety representative of the results of the assessment and provide a copy. If your workplace does not have a JHSC or health and safety representative, advise the workers of the results of the assessment and make copies available on request or advise the workers how to obtain copies.

Risk Assessment – Physical Workplace

Identify risks (things, conditions, operations and situations) that may expose a worker to workplace violence.

The following tools can be used as part of the risk assessment process to assist in identifying risks:

- Workers surveys
- Worker interviews
- Reports of previous incidents
- Facility inspections
- Industry experiences/research

Outside the Building

- Is the parking area secured? Circle: Yes / No
 - Is the parking area well lit? Circle: Yes / No
 - Is the building front entrance well lit? Circle: Yes / No
 - Is the building back entrance well lit? Circle: Yes / No
 - Is the building side entrance well lit? Circle: Yes / No
 - Is access to the property controlled? Circle: Yes / No
 - Is access to the building controlled? Circle: Yes / No
 - Is your building shared with other business? Circle: Yes / No
 - If yes, is access to your workplace controlled? Circle: Yes / No
 - Are outside areas used by workers (e.g., garbage areas, equipment, etc.) near the building: Circle: Yes / No
 - Are outside areas used by workers (e.g., garbage areas, equipment, etc.) Well Lit? Circle: Yes / No
 - Are public and private spaces clearly identified? Circle: Yes / No
Is landscaping preventing visibility to and from entrances? Circle: Yes / No
 - Is the building in a high risk area for crimes? Circle: Yes / No
 - Are there any crime generating locations nearby (i.e., liquor store, bank machine, bars, convenience stores, vacant lots, etc.) Circle: Yes / No
 - If so, what time of day are these crimes most likely to occur? Circle: Early morning / morning / lunch / afternoon / evening / night / late night
 - Are there objects in and around entrances that could be used as a weapon? Circle: Yes / No
 - If yes, describe:
-

- Are there any broken windows, damaged locks, burnt out light-bulbs that require repair or replacement? Circle: Yes / No
 - If yes, describe _____
- Is the area surrounding the building isolated: Circle: Yes / No

Reception Area

- Is there a clearly marked reception area? Circle: Yes / No
- Is reception visible and easy to access? Circle: Yes / No
- Are visitors required to go to reception before they can enter the workplace? Circle: Yes / No
- Can the receptionist clearly see people entering and exiting the workplace? Circle: Yes / No
- Is the reception area staffed at all times? Circle: Yes / No
- Can outsiders enter the workplace if the receptionist is not present? Circle: Yes / No
- Do you have a policy for receiving, escorting and identifying visitors? Circle: Yes / No
- Does the reception area serve as a screening area for visitors? Circle: Yes / No
- Does your receptionist sometimes work alone? Circle: Yes / No
- Does the reception area have an emergency call button or other emergency procedure? Circle: Yes / No
 - If yes, describe _____
- Is there a response protocol for when the emergency call button or emergency procedure is activated? Circle: Yes / No
 - If yes, describe _____
- Are there any objects in reception that could be used as a weapon? Circle: Yes / No
- Does the layout and the furniture of the reception area create a natural barrier to entry into the facility? Circle: Yes / No

Inside the Workplace

- Does your workplace have a security system? Circle: Yes / No
 - If yes, is it activated and working? Circle: Yes / No
- Is the system regularly tested? Circle: Yes / No
 - If yes, at what interval:- _____
- Are signs posted indicating that a security system is in place? Circle: Yes / No
- How is access controlled to your workplace controlled (e.g., cards, keys, passcodes, etc.) _____
- Is there a system for recording the names of individuals with access to the workplace? Circle: Yes / No

- Are locks and codes changed immediately if there is a lost key or card? Circle: Yes / No
- Does your building have security guards or safe walking services? Circle: Yes / No
- Evaluate the layout of each area of the workplace.
 - Are there any hiding places? Circle: Yes / No
 - Describe: _____
 - Are there any areas that are not visible? Circle: Yes / No
 - Describe: _____
 - Can workers easily escape the building? Circle: Yes / No
 - Describe: _____
 - Can workers easily escape various rooms in the building? Circle: Yes / No
 - Describe: _____
- Are any areas in the not well-lit? Circle: Yes / No
 - If yes, describe: _____
- Are any areas infrequently accessed by workers? Circle: Yes / No
 - If yes, identify and describe: _____
- Are any areas isolated or remotely located from the rest of the workplace? Circle: Yes / No
 - If yes, identify and describe: _____
- Are there means to call for assistance throughout the workplace? (e.g., telephones, paging systems etc.) Circle: Yes / No
 - If yes, identify and describe: _____
- Are washrooms used by workers controlled by locked doors? Circle: Yes / No
- Is public access to washrooms areas controlled? Circle: Yes /No
- Are there signs showing where an individual may obtain emergency assistance? Circle Yes/No
- Is there an emergency response system in place? Circle: Yes / No
 - If yes, is it activated and working? Circle: Yes / No
- Is the system regularly tested? Circle: Yes / No
 - If yes, at what interval: _____
- Are exits clearly marked? Circle: Yes / No
- Are stairwells lit and unlocked? Circle: Yes / No
- Are visitor and private areas clearly delineated? Circle: Yes / No
- Are rules for visitors posted? Circle: Yes / No
- Is confidential information stored in a controlled or secured manner? Confidential information includes employees' personal information (addresses, bank account, dependents, etc.) company's proprietary information (banking information, trade secrets, industrial designs, etc.) and customer information (contract, shipping and billing addresses, credit card numbers, bank accounts, etc.) Circle: Yes / No

History of Workplace Violence

- Have any workers reported any incidents or threats of workplace violence or are any such incidents or threats known to have occurred? Circle: Yes / No
 - If yes please describe each incident or threat. Include details about the location, when the incident occurred, identity of the assailant, nature of the violent incident, severity of the incident, what events led to the incident and what steps (if any) were taken to address the Incident:

 - Were there any environment or situational factors that contributed to the violent incident:

 - If multiple incidents or threats of workplace violence have been reported or are known to have occurred, identify and describe and commonalities (i.e., time, location, characteristics of workers affected):

- Are any incidents or threats of workplace violence known to have been reported or occurred at nearby workplaces or other similar workplaces (i.e., within the same industry or workplaces providing similar services)? Circle: Yes / No
 - If yes, please describe:

 - If multiple incidents or threats of workplace violence are known to have been reported or occurred at nearby or similar workplaces, identify and describe any commonalities (i.e., time, location, characteristics of workers affected):

Activity Risk Analysis

- Do workers work with money or other valuables? Circle: Yes / No
 - If yes, do they work with money or other valuables in a public area? Circle: Yes / No
 - Are there security measures in place to protect these workers? (e.g., security guards, emergency call buttons, cameras, etc.) Circle: Yes / No
 - If yes, describe: _____

- Do workers interact with individuals who are not employed or contracted by the company? Circle: Yes / No
 - If yes, to what extent is this interaction and what is the nature of the contact?

- Do workers interact with people who may be under the influence of drugs or alcohol? Circle: Yes / No
 - If yes, to what extent is this interaction and what is the nature of the contact?

- Do workers interact with distressed or highly emotional people? Circle: Yes / No
 - If yes, to what extent is this interaction and what is the nature of the contact?

- Do workers supervise other individuals and make decisions (e.g., disciplinary decisions, deny requests, etc.) that adversely affect other individuals (e.g., other workers, customers, suppliers, etc.) Circle: Yes / No
 - If yes, please describe:

- Do workers perform functions that may elicit a negative or confrontational response?
Circle: Yes / No

- If yes, please describe:

- Are there any workplace activities which may trigger a violent response? Circle: Yes / No

- If yes, please describe:

- Do any workers work alone during normal business hours? Circle: Yes / No

- If yes, please describe:

- Do any workers work alone after normal business hours? Circle: Yes / No

- If yes, please describe:

- What safeguards have been implemented to protect workers who work alone? (e.g., availability of backup assistance, check-in system, etc.)

- What other factors may increase the risk of workplace violence?

- Does your workplace have policies to reduce the risk of workplace violence?"
