

Operations Division  
Occupational Health and Safety

## Field Visit Report

Page 1 of 4

OHS Case ID: 02776LCQN159

Field Visit no: 02776LCQN160

Visit Date: 2017-FEB-01

Field Visit Type: INITIAL

Workplace Identification: VICTORIA MANOR

Notice ID:

220 ANGELINE STREET SOUTH, LINDSAY, ON, CANADA K9V 4R2

Telephone:  
(705) 324-3558JHSC Status:  
ActiveWork Force #:  
170

Completed %:

Persons Contacted: JENNIFER VANDERBURG- D.O.C., JAMEY COONS- HR GENERALIST, GLORIA ALTON- JHSC WORKER CO-CHAIR

Visit Purpose: COMPLAINT/REPRISAL INVESTIGATION.

Visit Location: WORKPLACE ADMINISTRATIVE OFFICES.

Visit Summary: ORDERS ISSUED, SEE DETAILED NARRATIVE.

## Detailed Narrative:

This inspection was conducted after the Ministry received a number of complaints from workers at this workplace. Each of the workers indicated that they had been the victim of assault by residents including being struck in the face, grabbed and pushed.

Workers, including the worker representative from the joint health and safety committee put forward a number of concerns relating to workplace violence including:

- The employer has taken insufficient steps to protect workers from workplace violence
- That workers are unaware of the employers program regarding workplace violence
- That incidents of assault are increasing and becoming more severe
- The workers who report workplace violence are subjected to reprisal

The provisions of the Occupational Health and Safety Act specific to workplace violence prevention are structured such that a significant burden is placed on the employer and the internal responsibility system. This is even more so in a facility such as this that falls under the health care regulations. Employers must, in consultation with the JHSC, prepare policies and programs in writing specific to the prevention of workplace violence, train workers and implement the policies in the workplace. All policies/programs relating to worker protection, including those specific to workplace violence must be reviewed annually. Recent court decisions from the health care sector reflect a very high standard to which employers are held in terms of the employer duty to take reasonable precautions to protect workers from violence.

This workplace and its 170 workers are owned and employed by the City of Kawartha Lakes (CKL). The situation is somewhat complicated however as the employer has contracted the oversight of operations to another provider.

Policies within the workplace were reviewed during this inspection including those of the employer (CKL) and the management company.

## Recipient

## Inspector Data

## Worker Representative

Name

Pamela Kulas

MICHAEL BENEDICT  
OCCUPATIONAL HEALTH & SAFETY INSPECTOR  
PROVINCIAL OFFENCES OFFICER  
300 Water St 3rd Flr, Peterborough ON K9J 8M5  
HSPeterboroughDistrict@ontario.ca  
Tel: (705) 755-4711  
Fax: (705) 755-4724

Name

Miranda Attelaar

Title

Administrator

Title

Worker Rep

Signature

Signature

Signature

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A electronic suite of training materials for workers is provided to workers and most elements are required to be refreshed annually including those relating to workplace violence prevention. Members of the JHSC indicated that policies are brought to the JHSC for discussion and are reviewed annually as required. A brief risk assessment is also conducted annually by members of the JHSC. This risk assessment predominantly focuses on the physical condition of the workplace.

New workers complete the suite of training materials immediately upon being hired. Existing workers complete training as time permits with reminders from their supervisors. Workers report that there is frequently insufficient time to complete these modules which is reflected somewhat in the training records. It does appear that although some staff have not completed training in the past year, most have done the training at least once over the past 3 years.

The policy specific to workplace violence that was prepared by the employer (CKL) that was available during this inspection had a review date of 2013 and no recent training of workers in it's contents has been provided. Because this requirement for policy and program development is on the employer, and the employer is the City of Kawartha Lakes, this duplication or redundancy of programs might reasonably be confusing to workers and difficult to follow as each contain disparate elements. 1 order has been issued.


As this a unionized workplace one of the complainants has been advised to work with their union with regard to their reprisal allegation.

It has been put forward by a number of workers, including the worker member of the JHSC, that workers fear reprisal from the employer for bringing forward safety concerns. This includes those relating to workplace violence. The worker member expressed a belief that as many as 40 events might be occurring monthly where employer records put it somewhere between 10-15. Whether the number is 40 or 15 is not significant. Any number greater than 0 should prompt continual efforts to improve.

The employer has done a number of things including the establishment of a team of experts to establish individual plans of care for residents identified as having a potential for violence.

Whether reprisal occurring a realistic fear or not, the worker perception that it could occur is something that the employer should examine very seriously. A healthy, effective internal responsibility system requires the participation of all of the workplace parties and cannot exist in an environment where workers do not feel safe from reprisal.

Workers are reminded that in order for the employer (or the Ministry) to effectively identify unsafe situations in the workplace workers must report unsafe working conditions including events or near events of workplace violence.

Recipient	Inspector Data	Worker Representative
Name _____	<b>MICHAEL BENEDICT</b> OCCUPATIONAL HEALTH & SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER 300 Water St 3rd Flr, Peterborough ON K9J 8M5 HSPeterboroughDistrict@ontario.ca Tel: (705) 755-4711 Fax: (705) 755-4724	Name _____
Title _____		Title _____
Signature _____	Signature 	Signature _____

You are required under the Occupational Health and Safety Act to post a copy of this report in a conspicuous place at the workplace and provide a copy to the health and safety representative or the joint health and safety committee if any. Failure to comply with an order, decision or requirement of an Inspector is an offence under Section 66 of the Occupational Health and Safety Act. You have the right to appeal any order or decision within 30 days of the date of the order issued and to request suspension of the order or decision by filing your appeal and request in writing on the appropriate forms with the Ontario Labour Relations Board, 505 University Ave., 2nd Floor, Toronto, Ontario M5G 2P1. You may also contact the Board by phone at (416) 326-7500 or 1-877-339-3335 (toll free), mail or by website at <http://www.olrb.gov.on.ca/english/homepage.htm> for more information.

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**MICHAEL BENEDICT**

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Order(s) /Requirement(s) Issued To:

To:

Org/Ind Role

**CORP OF THE CITY OF KAWARTHA LAKES, THE**

**Primary Employer**

Mailing Address:

**180 KENT ST WEST, LINDSAY, ON, CANADA K9V 2Y6**

Order(s) /Requirement(s) Description:

You are required to comply with the order(s) /requirement(s) by the dates listed below.

No	Type Code	ActReg	Year	Sec.	Sub Sec.	Clause	Text of Order/Requirement	Comply by Date
1	Time	OHS	1990				The employer shall review and revise the measures and procedures for the protection of workers specific to workplace violence. At the time of this inspection the employer policy with regard to workplace violence was last reviewed in 2013.	2017-FEB-17
02776LCQN161	67	1993	9	2				

Recipient

Inspector Data

Worker Representative

**MICHAEL BENEDICT**

OCCUPATIONAL HEALTH & SAFETY INSPECTOR  
PROVINCIAL OFFENCES OFFICER  
300 Water St 3rd Flr, Peterborough ON K9J 8M5  
HSPeterboroughDistrict@ontario.ca

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Name

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Return To:  
**MICHAEL BENEDICT**  
OCCUPATIONAL HEALTH & SAFETY INSPECTOR  
PROVINCIAL OFFENCES OFFICER  
300 Water St 3rd Flr, Peterborough ON K9J 8M5  
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## Notice of Compliance

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### Take Notice

Orders were issued under the authority of the Occupational Health and Safety Act or Regulations made there under. A notice of compliance shall be submitted to the Ministry of Labour within three days after the Constructor or Employer believes that compliance with the Order(s) / Requirement(s) have been achieved.

#### Order(s) / Requirement(s) Issued:

To:  
**CORP OF THE CITY OF KAWARTHA LAKES, THE**

Role  
**Primary Employer**

Mailing Address:  
**180 KENT ST WEST, LINDSAY, ON, CANADA K9V 2Y6**

#### Order(s) / Requirement(s) Description:

You are required to comply with the Order(s) / Requirement(s) by the Comply by Dates listed below.

No.	Type Code	ActReg	Year	Sec.	Sub Sec.	Clause	Compliance Details / Date	JHSC Worker Member / Comply by Worker Representative Date:
1	Time	OHSA	1990					<input checked="" type="checkbox"/> Agree 2017-FEB-17
02776LCQN161	67	1993	9	2			<u>Feb 16/17</u> <u>(attached</u> <u>letter)</u>	<input type="checkbox"/> Disagree <u>Miranda Attelcar</u> Feb 17 (Signature) <u>Jamey Coors</u> Feb 16/17

Form completed by: Jamey Coors Joint Health and Safety Committee Member representing workers  
Title: Human Resources Generalist or Worker Representative agrees or disagrees that compliance  
For / on behalf of: JCOMP has been achieved with all the Order(s) as indicated above.  
Signature: \_\_\_\_\_ Name: Miranda Attelcar  
Signature: (laboree)

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