

Jury Recommendations from the OC Transpo Inquest

Workplace violence and harassment

- 1) We recommend that the provincial and federal governments create legislation and regulations dealing with workplace violence which recognize:
 - what it is by definition;
 - that all employers develop and implement a policy dealing with violence;
 - that all employees be informed as to what workplace violence is and they receive the appropriate training to recognize it, report it and act on it.

Evidence indicates that workplace violence has become an increasing threat to worker safety. In addition, similar legislation has been enacted by some provinces, and we encourage consistency.

- 2) We recommend that employees provide input to the development and implementation of workplace violence and harassment policies.

Employee input will encourage employee commitment

- 3) We recommend that all employers establish zero tolerance policies about harassment and workplace violence. Zero tolerance does not mean automatic discharge but rather the imposition of the appropriate form of progressive discipline based upon a full and complete investigation into the facts giving rise to the incident of violence or harassment and the individual's work history and health.

To support positive behaviour in the workplace, there should be equitable and appropriate discipline.

- 4) We recommend that workplace violence be defined, not only as physical violence but also as psychological violence such as: bullying, mobbing, teasing, ridicule or any other act or words that could psychologically hurt or isolate a person in the workplace.

A broader recognition that non-physical violence can have as much impact as physical violence.

- 5) We recommend that the violence and the harassment policies should include a clause making the reporting mandatory and a process where the employee can see that action is being taken.

Reporting and follow-up of incidents is a prerequisite to the effective implementation of the violence and harassment policies.

- 6) We recommend that there should be evident consequences for committing or non-reporting harassment, and for not acting on complaints of harassment.

Evident consequence supports the implementation of the policies.

- 7) We recommend that there be a duty on the employer to report all instances of physical assault to the police.
Complete reporting is important for risk assessment.
- 8) We recommend that when violence occurs, the employee found to be the perpetrator be required to undergo a psychological assessment/risk assessment to determine the appropriate continuing terms of their employment, such as attendance to anger management or sensitivity programs. If an employee is directed to attend such a program as a condition of employment there must be an objective assessment of results.
Objective assessment is required to determine the progress of employees in meeting the terms of employment.
- 9) We recommend that an employee who is required to take a prescribed behaviour program be required to undergo a further psychological assessment/risk assessment on completion.
Objective behavioural assessment is required to determine the progress of employees in meeting the terms of employment.
- 10) We recommend that a team, comprised of key personnel such as medical, union, and management, investigate complaints of violence.
To comprehensively investigate complaints, a multi-disciplinary team is required.
- 11) We recommend that in order to effect a positive cultural change in the workplace it is necessary to have a comprehensive, continuous training program for all staff.
Training supports awareness.
- 12) We recommend that the employer guarantee protection to the complainants from reprisal for having made a complaint.
The fear of reprisal may impede openness in the workplace.
- 13) We recommend that to promote trust in complaint resolution, the employees should have access to an independent ombudsman.
Having an independent ombudsman would ensure that employees could report complaints without fear of isolation or reprisals.
- 14) We recommend that improved communications within and between all levels of staff are necessary to deter harassment and violence.
The “Let’s Talk” program is an example of improved communications which should be continued.
- 15) We recommend that employers and unions share their experiences relating to employee morale, workplace violence and harassment through their umbrella organizations to promote addressing these issues in their respective workplaces.
Sharing this information will support the implementation of the policies and the establishment of industry standards.
- 16) We recommend periodic review and audit of the workplace violence and harassment policies to evaluate the effectiveness of the implementation.

Review of policy and implementation is essential for program management and continuous improvement

Employer

- 17) We recommend that a risk assessment specialist be consulted to establish work place violence prevention strategies. These strategies should not be limited to policies but should establish multidisciplinary teams to identify, assess and manage potential risk situations. These teams should include personnel from management, human resources, security, union, health care, legal and a risk assessment specialist.

The evidence indicated that an expert assessment of OC Transpo would be beneficial in identifying areas of improvement.

- 18) We recommend that a code of conduct, developed to reflect the right of all employees to be treated with respect and dignity from co-workers and managers, be visibly posted.

A posted code of conduct displayed in appropriate places will serve as a continual reminder.

- 19) We recommend that an orientation package and employee handbook be developed and that the policies, procedures and standards be included in the package. The direct manager/supervisor should be responsible for conducting orientation sessions with new employees and ensuring that the new employees receive a copy of said information.

Evidence showed that the policics were not communicated.

- 20) We recommend that every employee receive a current copy of the employee handbook, which should be common to all employee groups.

Evidence indicated that all employees were not aware of key policies.

- 21) We recommend that the employer train all supervisors, managers and directors to be more sensitive to the concerns and complaints of employees.

Evidence indicated that complaints in the workplace were not taken seriously and no action was taken.

- 22) We recommend that the Harassment and Discrimination Policy and the Zero Tolerance of Workplace Violence be enforced. All supervisors, managers and directors are held accountable and evaluated through their own performance appraisals on the implementation of these policies.

Evidence showed that supervisors, managers and directors were not consistently aware of or applying corporate policy.

- 23) We recommend that a joint management / union sponsored training program be developed to communicate and support the implementation of the Harassment and Discrimination Policy and the Zero Tolerance of Workplace Violence Policy.

Evidence indicated a need for the recognition, commitment and support of all employees to improve the workplace environment

- 24) We recommend that all training provided to communicate and support the implementation of the Harassment and Discrimination Policy and the Zero Tolerance of Workplace Violence Policy be provided in the language of choice of the employee.

To ensure that all employees are comfortable with the training.

- 25) We recommend that all employees be provided with sufficient skills training to effectively perform their jobs.

Evidence indicated workplace stress increased when adequate training was not provided.

- 26) We recommend that all complaints be properly documented and procedures be established to resolve complaints within a reasonable timeframe.

Evidence indicated that written records of employee complaints were not consistently documented

- 27) We recommend that the criteria for promotion to any position be based on aptitude and qualifications rather than seniority.

Evidence showed that there was a perception that seniority was the principle criteria for promotion

- 28) We recommend that appropriate documentation be made available to ensure a full disclosure of past work history when staffing a position.

Evidence showed that complete documentation was not available on the staffing file.

- 29) We recommend that employers improve the recruitment and promotion screening process of supervisors and managers by incorporating medical and psychological components.

The successful candidate must meet the physical and psychological requirements of the position.

- 30) We recommend that the employer establish in advance set prerequisites or training programs which employees would be expected to complete in order to demonstrate their aptitude as supervisors as a normal qualification for any placement or promotion.

Evidence indicated that supervisors did not receive adequate training.

- 31) We recommend that current initiatives which involves, recognizes and rewards employee contributions be continued and expanded.

Evidence indicated that the "Let's Talk" program has improved morale and the level of communication.

- 32) We recommend that the employer consolidate the health services into a confidential health unit to focus on both the physical and psychological health needs of employees. The practice of providing off-site services should be continued.

The creation of a health unit will serve to establish lines of communication between various responsibility areas and establish better liaison between them.

- 33) We recommend that the health unit be separate from all other departments such as labour relations; claims or other departments where the employee may perceive a conflict of interest.

Evidence suggested that greater confidence and candor in the reporting of problems by having the medical services in a separate health unit

- 34) We recommend that the employer provide adequate resources to support the needs of the health unit.

The health unit requires adequate resources to effectively carry out their mandate.

- 35) We recommend that if continuing employment agreements are used to reintegrate suspended employees, there be established procedures which includes liaison between health unit and physicians, and other supervisors, human resources, union staff and EAP in constructing the terms of the agreement.

The evidence showed that the health unit was not represented in developing the terms of the agreement

- 36) We recommend that there must be centralized management to monitor continuing employment agreements to ensure proper compliance by the employee and follow-up by the appropriate personnel.

The evidence showed that there was confusion over whose duty it was to monitor the agreement.

- 37) We recommend that when an employee is identified as having frequent or extended absences, the employer institute a case conference involving the employee, the health unit, EM and any outside support (ie. counselors, physicians) with written permission of the employee. The purpose of the case conference is to develop a plan for the reintegration of the employee.

This would ensure that the employee is provided with the best care available and is reintegrated into the workplace at the appropriate time, in the right placement and with the needed support.

- 38) We recommend that there be continued medical observation of workers following a return to work from illness or frequent or extended absences to evaluate their level of health. This should be extended beyond the initial medical assessment.

The evidence showed that follow up is an important component of a comprehensive rehabilitation program.

- 39) We recommend that the employer acknowledge and accommodate employees with disabilities.

There is a need for a formal process to recognize and deal with disabilities.

- 40) We recommend that all employees should be required, as a condition of employment, to attend an exit interview conducted by personnel specifically trained in assessing the needs and motivation of the employee. Consideration should be given to providing job search assistance or continuing health services for an appropriate length of time.

It is in the best interest of both the employer and employee to deal with the conditions surrounding the departure.

- 41) We recommend that the attendance management program have the flexibility to allow for extenuating circumstances rather than rely exclusively on a set number of days of absence.

The evidence indicated that why a person may be away was not always considered prior to sanctions being applied.

Safety and Security in the Workplace

- 42) We recommend that there must be a comprehensive fire and emergency escape plan with input from employees, the internal security service and the occupational health and safety committee.

The evidence showed that problems with the fire and emergency plan were known but not acted upon.

- 43) We recommend that in addition to the existing 1811 system, there be emergency pick up phones located strategically in the workplace, similar to those provided for the public on the Transitway.

The evidence indicated that the emergency notification system should be enhanced and simplified.

- 44) We recommend that in the event that an employer has its own security number, employees should be trained to call 911 as the priority in any emergency that requires the intervention of outside emergency services: police, fire or ambulance; employees should then call their internal security service.

The evidence indicated that there was confusion about which number to call as well as a busy signal

- 45) We recommend that all secured areas and rooms, such as chemical storage, be kept locked at all times and accessed only by authorized personnel.

Evidence showed that unimpeded access to secure areas was an issue:

- 46) We recommend that OC Transpo retain a security consultant to review the physical environment for consideration of static security measures such as fencing, signage, security cameras, and controlled access to property and work areas.

Evidence indicated that unimpeded access to the site and within the buildings was a concern. Visible deterrents may prevent unrestricted access to protect employees and properly.

- 47) We recommend that OC Transpo install both audible and visual alarms throughout the workplace for fire and emergency purposes.

There were questions whether or not the alarm could be heard, the workplace is noisy and thus this is a safety issue.

- 48) We recommend that training and standard operating procedures be developed for the security officers who are assigned to the OC Transpo central control room.

The evidence indicated that there was a lack of standard operating procedures.

- 49) We recommend that the security officer in charge of the OC Transpo central control room be able to activate and de-activate an emergency alarm.
The evidence indicated that the security officer could not exercise control over the fire and emergency alarm.
- 50) We recommend that the Joint Occupational Health and Safety Committee, supported by an outside Occupational Health and Safety expert, conduct a “walk through” at OC Transpo to identify areas for improvement. A work plan should be established to ensure that the premises meet the standards of the Occupational Health and Safety Act.
The evidence indicated that there were a number of health and safety issues that need to be addressed.
- 51) We recommend that all rooms, offices and areas in the OC Transpo complex have unique identification and appropriate signage to assist in identifying the location of an emergency. -
The evidence indicated that there was confusion relating to the identification of spaces within the OC Transpo complex.
- 52) We recommend that OC Transpo bays, hoists and lanes be uniquely identified to avoid confusion.
Clarity in the identification of spaces within the OC Transpo complex would assist in identifying the location of an emergency.
- 53) We recommend that OC Transpo have current maps of all complexes and these maps be in the possession of key personnel (security personnel, security vehicles, and in central or prime locations).
Emergency response and security are enhanced by having up to date, accessible maps.

Federal Firearms Legislation

- 54) We recommend that the Federal Government renew discussion to establish the necessary criteria for a “duty to report” by medical professionals for inclusion in the firearms control legislation where a patient may present as a danger to himself or others.
- 55) We recommend that the Federal Government engage in discussions with provincial professional governing bodies and provincial governments to develop appropriate exemptions to professional confidentiality requirements in the event of disclosure as a result of a duty to report.
- 56) We recommend that when applying for a firearm license, the signature of a physician be a mandatory reference.
- 57) We recommend that until the Federal Firearms legislation is fully enacted, a valid Firearms Acquisition Certificate (MC) and photo identification must be produced to purchase firearms and ammunition.
The above Firearms recommendations are made in light of the current status of federal legislation.

Police and Emergency Services

- 58) We recommend that Emergency Services review its process of receiving, evaluating and disseminating intelligence obtained.
- The evidence showed that the outer perimeter was established based on incomplete information.**
- 59) We recommend that the Senior Police command establish processes to insure the timely transfer of vital information and up to date intelligence which would assist in ensuring a rapid and effective emergency response effort
- The evidence indicates that communicating the location of the suspect and other vital information to police command was delayed.**
- 60) We recommend that witnesses to an incident be systematically identified and interviewed, their information assessed, and the information transferred to the Police command.
- The communication and conveyance of information to the command post is essential for an effective and efficient response in any emergency.**
- 61) We recommend that the Senior Police command and the Communications Center establish a process to insure the timely transfer of a 911 operator assisted call to the appropriate emergency personnel where the 911 caller has vital information which would assist in focusing the emergency response effort.
- The communication and Conveyance of information to the command post is essential for an effective and efficient response in any emergency.**
- 62) We recommend that the Police Service should allocate appropriate funding to provide adequate number of vehicles for a full deployment of the tactical unit in the event of a code blue emergency.
- The evidence indicated that there was a shortage of police vehicles available to transport police to the scene.**
- 63) We recommend that the staffing levels of the Police Services be reviewed to ensure that trained staff be available to meet operational needs
- The evidence indicated that the Tactical Team was not fully staffed.**
- 64) We recommend that the Police Services divide the region into two zones each under the responsibility of a trained Duty Inspector.
- The evidence indicated that only one duty inspector covers the whole region. The rationale for this recommendation is to ensure that a duty commander can get to a potential incident site in a timely fashion.**
- 65) We recommend that the Police Services undertake a proactive program of liaison with the security services/departments of public and private businesses and institutions.
- The evidence showed that working together with security services and departments would serve to familiarize the police with the layout of public and private businesses and institutions.**

- 66) We recommend that those individuals in the Command Post wear identification that clearly indicates their assigned task under the Major Case Management Model.

There were a number of people in the Command Post and it was unclear who was responsible for security and who should have been in the Command Post. This would assist in identifying VCU, Media etc. This could be standard equipment in the Mobile Command Unit and standard to all Duty Commanders (armband, vest).

- 67) We recommend that the Region allocate appropriate funding for an up to date mobile command post for the purpose of emergency response.

The evidence indicated that there was a requirement for a mobile command post. This post may be used by the fire, police or ambulance service, therefore compatible technology is important.

- 68) We recommend that a tactical paramedic support unit be created which could provide medical assistance to all members of the public (persons) requiring timely medical intervention during tactical operations.

The evidence showed that a trained tactical paramedic support unit would assist in the care of the injured during a tactical response.

- 69) We recommend that paramedics from the regular paramedic program liaise and train with the tactical team to familiarize themselves with the equipment and operation of the tactical team.

Training with the Police Services would ensure that paramedics are familiar with police procedures in an emergency situation.

- 70) We recommend that a protocol for proper operations equipment for the paramedics be developed in the event they are involved in a tactical response that would not normally be associated with their regular work.

Allows paramedics to provide a more effective support for the tactical team.

- 71) We recommend that Emergency Services continue and expand their practice of joint training exercises in a variety of environments.

This allows for the development of common protocol and practices.

- 72) We recommend that the Police Services, the OPP and the RCMP undertake joint training exercises and familiarize each other with emergency response policies and procedures.

There is a need for inter-jurisdictional training exercises. Joint exercises between the RCMP and the OC Police should continue and be expanded.

- 73) We recommend that the Victim Liaison function, as defined under the Major Case Management Model, be activated as soon as possible during an incident to ensure the most timely and effective management of victim and family information.

The evidence indicated there were concerns relating to family notification and victim identification.

- 74) We recommend the Victim Crisis Unit and various agencies committed to emergency trauma response develop a protocol to coordinate action and case management.

It was not clear when and where support services would be provided to the families.

- 75) We recommend that the Police Services continue their initiative of reviewing their own performance, and their interaction with other emergency services, following major incidents.

Reviews of major incidents and input from the incident commanders can facilitate improvements in training.

- 76) We recommend that a database of maps, floor plans or diagrams from public and private institutions be available electronically to Emergency Response Services.

All police, 911, fire and ambulance personnel should have access to identical images.

Other

- 77) We recommend that the office of the Chief Coroner report publicly, within 18 months, the response of the parties affected by these recommendations and implementation status.