



# Court Security Survey

Findings and Recommendations

November, 2014



# Court Security Survey

Prepared for: MAG OPSEU members

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## INTRODUCTION

On Friday, March 28, 2014, at approximately 11:00 am, gunshots broke out at the A. Grenville and William Davis Courthouse in Brampton. A man entering the court building shot and critically injured a police officer and then was himself shot dead by police.

The event shocked all Ontarians, but especially those employees who work at courthouses in Ontario. They will tell you that while shootings might be rare, violence in courthouses is not. Courthouse workers in Ontario face many types of threats – often aimed at workers personally – such as verbal abuse, threats, and assault. At times courthouse buildings themselves are the target of violence, such as bomb threats, suspicious packages, and other emergencies that threaten the health and safety of everyone inside the courthouse.

The Ontario Public Service Employees Union (OPSEU) represents 5,300 members who work in the province's 167 courthouses. Tens of thousands of criminal charges, civil actions and family law matters are handled by our courts each year. Thousands of Ontarians have reason to use our justice system. Most of the time court proceedings and the filing of court documents unfold as they should.

But our justice system is clearly under pressure. The explosive growth of civil cases, including family law matters, with little in the way of corresponding resources and the unaffordability of legal representation for many Ontarians, periodically leads to

volatile incidents in our courthouses. And, while the vast majority of people with mental health conditions rarely come into contact with the criminal justice system, mental health emergencies do arise which can lead to a criminal charge being laid and subsequent interaction with our justice system.

When the Ministry of the Attorney General (MAG) notified the union of the March 28 shooting, OPSEU President, Warren (Smokey) Thomas, the elected Ministry Employment Relations Committee (MERC) members, and the president of Local 228 immediately rallied support behind members at the Brampton courthouse. The president of Local 228 – Dan Rosenberger – accompanied MERC members to a meeting with the employer on April 1, 2014 to discuss the violence at the courthouse. A summary of the members' experiences and feelings about the event was shared with MAG senior managers in an effort to obtain the maximum support and commitment moving forward.

OPSEU President Smokey Thomas attended Local 228's general membership meeting on April 1, 2014 accompanied by MERC chair Jim Jurens and vice chair Tim Elphick. Smokey committed the union's full assistance and resources to review and make recommendations with an eye to improving security in Ontario's courthouses. Since then he has pledged that OPSEU will continue to pressure the MAG to both learn from this incident and to make courthouse safety a key priority.

## PURPOSE OF THE SURVEY

OPSEU elected to conduct a survey of its members who work in courthouses because security in these facilities is a cause for concern for those who are employed inside. Until the time of the deadly incident in Brampton, neither management nor the union had ever attempted to quantify the level of concern expressed by employees. Building on the widespread requests for action that followed the March 28 events, OPSEU undertook this survey of all its members in Ontario's 167 courthouses with the goal of improving courthouse safety and to reduce our members' concerns.

One aim of the survey was to collect information about which sorts of security measures are currently in place in Ontario's courthouses to protect employees. Ad-

ditionally, the survey attempted to collect information about workers' health and safety experiences on the job.

The outcome of the survey was to deliver a report with recommendations that seeks to improve health and safety standards in Ontario's courts for the benefit of workers and the public. All individuals entering a courthouse should be assured that every precaution is being exercised to ensure their safety.

The employee side of the MERC intend to offer recommendations to improve health and safety in the courts at the Ministry level, while local joint health and safety committees and health and safety representatives will put forward recommendations at the local level.

## METHODOLOGY

An online survey was developed by OPSEU's health and safety unit in consultation with the MERC members and by using other previous surveys prepared for courthouse security. The survey was tested by seven people prior to release.

The survey began by email on April 11, 2014, and was sent to more than 2,000 secure email addresses that the union has on file for OPSEU members working in the courts. The link was also sent to 94 Ontario Public Service local presidents who represent MAG court-based members. To ensure that the survey reached as many members as possible, the local presidents were asked

to forward the email link to the OPSEU members at the courthouses to fill out the survey. Members could also email the survey link to other OPSEU members at the courthouses. Members received "reminder" emails on April 16 and April 25. The survey closed April 27, 2014. The survey was programmed to limit one response per computer.

John Oudyk, an occupational hygienist with Occupational Health Clinics for Ontario Workers (OHCOW) assisted in analyzing the data obtained from the survey. OPSEU health and safety officer Terri Aversa authored this report.

## EXECUTIVE SUMMARY

- Almost half of 632 respondents said they have experienced frightfulness on one-to-three occasions in the previous five years because of verbal or written threats, or by experiencing or by witnessing assaults and / or property damage.
- Almost 75 per cent of those that responded from 77 courts believe that their safety is at least partially compromised while on the job.
- Security in courthouses needs to be improved. For example, entrance ways vary from court to court; parking lot safety needs review; the lack of front-door security needs to be addressed; “people movement” in and around courthouses needs to be improved upon, as does the issue of inconsistent alarm buttons (also called duress alarms).
- Emergency plans in courthouses need to be evaluated. For example, very few have “dangerous person” plans; many plans have gaps such as lack of training and information, few courthouses clearly identify who is in charge for security; communications and reactions to security crises are slow, and notification practices are spotty.
- Employees indicated they were unclear about what qualifies as an incident and how to report it. Most members had little or no experience in completing an incident report. Some people reported sending emails to supervisors or doing incident reports based on injuries to the public, threats, sick jurors, indoor air quality or the behavior of clients.

## DETAILED FINDINGS

While the total number of OPSEU members who received the email link is unknown, 632 people replied representing 77 courts.

Some results will be reported using percentages “of those who replied.”

Some results will be reported using percentages “of courthouses.”

The following represents a summary by category:

- Worker experiences
- Entrance and parking
- Security personnel and movement
- Duress alarms
- Emergency plans
- Joint health and safety committees / health and safety representatives
- The future: what employees recommended

### A. WORKER EXPERIENCES AND REPORTING

Almost half of 632 respondents said they have experienced frightfulness on one-to-three occasions in the previous five years because of verbal or written threats, or by experiencing or by witnessing assaults and property damage. Almost 75 per cent of those that responded from 77 courts believe that their safety is at least partially compromised while on the job.

When asked why they have felt fright, 30 per cent (or 128 people of 378 who responded) said that they were a victim of verbal or written threats; 12 per cent said that they experienced assault themselves, while almost 20 per cent (73 of 378 respondents) said that they witnessed an assault against another person.

Respondents reported they often observe visitors to court get angry in court. One-

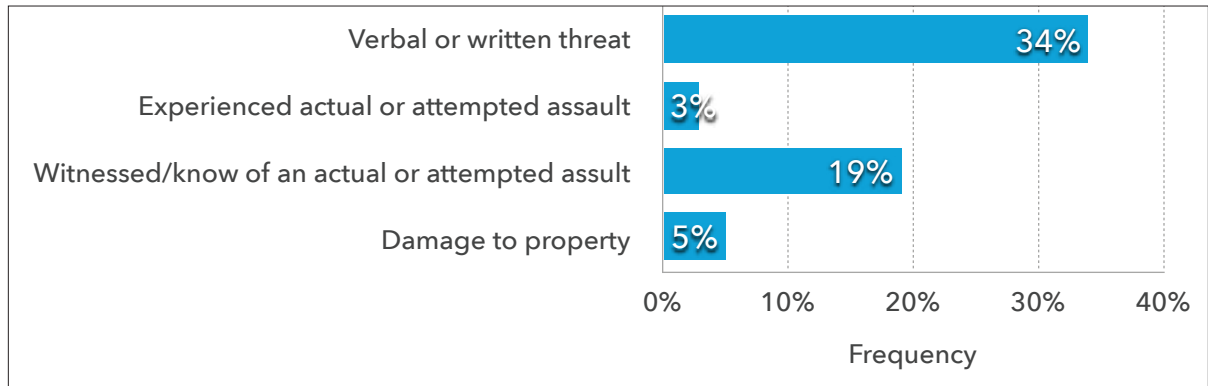
third of respondents say that they have seen or heard people recount incidents of weapons such as knives or guns inside a courthouse. Respondents also expressed fear by bomb threats, powdery substances, and extreme weather.

In their everyday work, employees reported the following traumas: attempted assaults, public threats or abuse, harassment, disturbing information, and medical emergencies.

One person described a typical day this way: “People yelling in the hall, people walking in with bags, knapsacks at family court and high profile trials, preliminary hearings and witnessing those in the public gallery staring at the accused in the prisoner’s dock.”



Graph #1: Events causing fear for personal health and safety



When they feel scared, 76 per cent said they report it to management all or some of the time, but almost a quarter - 22 per cent -- said they do not report it. Employees said that the incident reporting process is confusing and that they are not certain what kinds of incidents qualify as reportable. A staggering 85 per cent of employees said they have never completed an incident report.

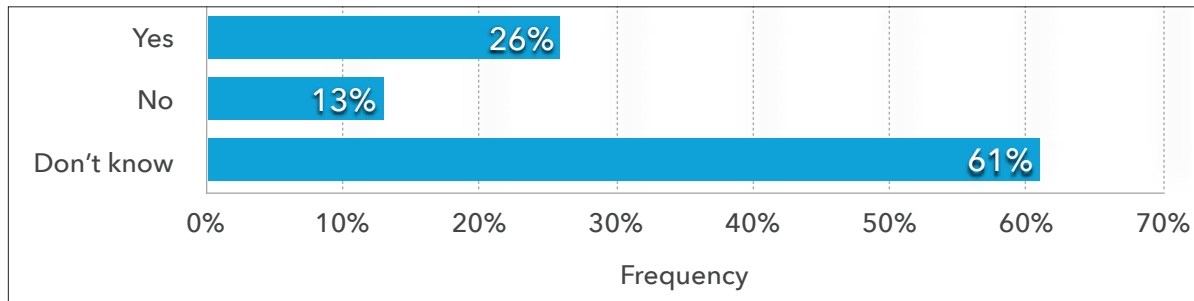
Many workers said they do not know if they should report near misses, or occasions when incidents occur that do not lead to injury or illness. One person observed: "I did not fill out an actual report. I was asked to write the events of the occurrence." Another person wrote, "I did not have to fill out a form, but I wrote a detailed email to management about a threat."

Based on the survey results there appears to be a need for more manager and supervisor support and follow-up for staff when incidents do occur.

No matter how well-handled they are by courthouse staff, incidents are unsettling. One respondent said: "I did not take time off but I was quite ineffective at work." Others expressed the view that they did not feel supported by supervisors or managers, even when they reported the issue.

One person had this to say on the subject of support: "Management says they are approachable and have an open door policy. This is true as you can go and tell them what your issue is, but the end result is nothing is done about it. There is no follow-up." Another person said: "Management does not think there are any issues. I disagree."

Graph #2: Does the employer have a form for workers to report occurrences such as threats that do not result in injuries?



When they have filled out forms, people say it was for injuries to the public, threats, sick jurors, indoor air quality problems, or because of client behavior. Many people say they just report occurrences by email to their manager. It seems evident that employees want to be able to report incidents.

One person said: "We as staff are to be

aware of all such incidents and the actions that will be taken to put us on the same wave level of understanding."

Starting a new incident reporting process won't be easy. It is not done now regularly in the Ministry. As one person noted: "Employees will need information sessions and access to forms."

Figure #1: Text analysis\* of what respondents experience at work

Broke **Court** Frustrated Handle Harassment  
 Management Members of the Public  
 Mental Past **Police Security Threatening** Trauma  
**Verbal Abuse Workplace**

\* a text analysis selects common words and adjusts the font to represent the frequency (words are placed alphabetically)

Respondents said that very few investigations take place after incidents are reported, and most of those (20 per cent) are by the

police. Only 11 per cent of respondents said that management investigated the incident, and only five per cent said the JHSC

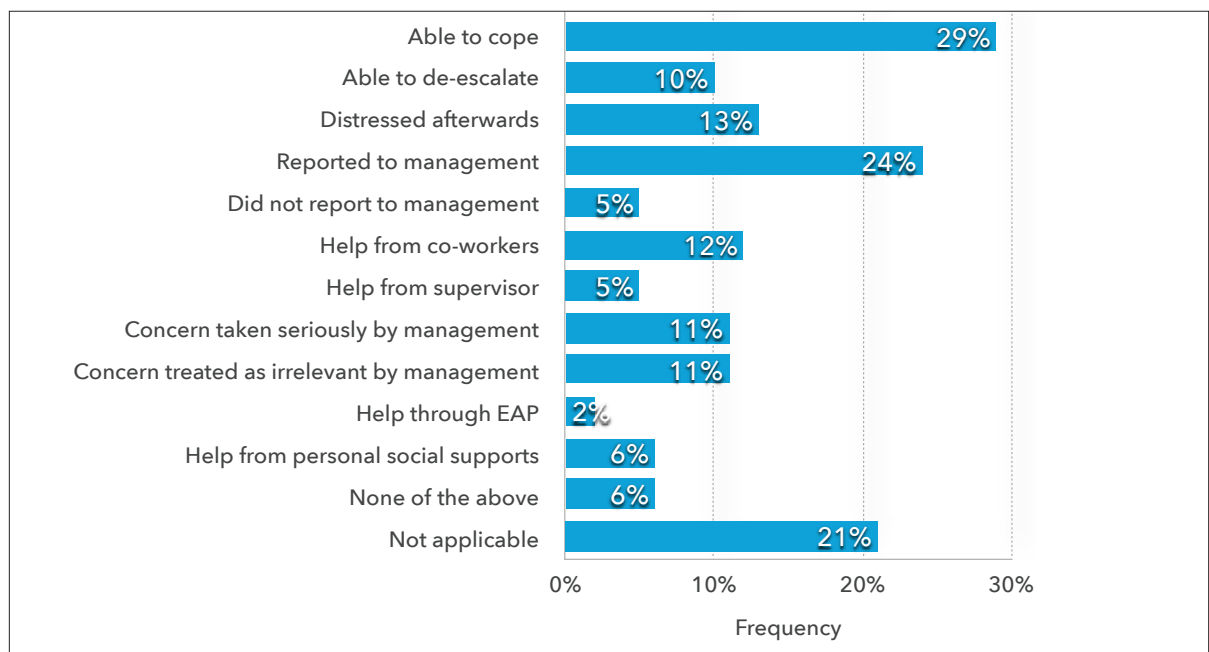
had any role. Almost a third of respondents (30 per cent) said they were not aware of any investigation. A small handful (two per cent) said they visited their doctor after an incident, and three per cent said they lost time from work as a consequence of the incident.

Respondents said they rely on themselves to get through or received help and support from their co-workers or supervisor. But almost one in five, 17 per cent, reported that they were psychologically affected.

### Recommendations

- The MAG should establish and make workers aware (through training) which incidents should be reported; how they should be reported, and which form to
- use. It is recommended that any incident that could cause harm to persons or property should be reported in addition to the normal reporting of injuries and incidences of occupational disease.
- The employer should comply with those sections of the Occupational Health and Safety Act (OHSA) (Sections 51 and 52) where notices of injuries must be provided to the JHSC (in cases where lost time occurs or in cases where the person sought medical attention or where a person has reported to the employer an occupational disease).
- The employer should also provide results of any reports in the workplace about occupational health and safety automatically to the JHSC and to workers upon request. (Section 25. 2. L & M).

### Graph #3: Responses to events (verbal or written threats, attempted, actual, or witnessed violence, or witness to damage to property)

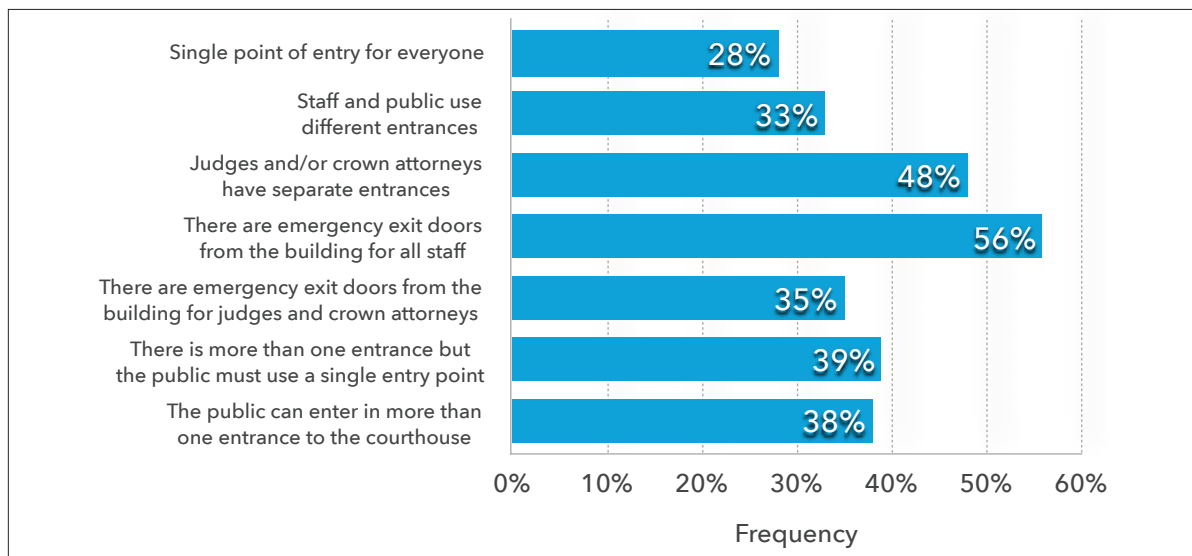


## B. ENTRANCE AND PARKING

Parking and court entry arrangements vary widely in courthouses across Ontario. Almost 400 employees (395) reported that there were separate parking areas for judges and crown attorneys, while almost as many reported that there was no separation in parking areas between public and staff. Many reported that the public and the staff pay for parking, which may impact the ability to create parking areas that separate staff and the public.

It was also noted in comments that people prefer to park in well-lit and non-deserted areas. This reasonable observation needs to be taken into consideration when designating staff parking areas. Some respondents said that while in many instances a separate entrance is provided, most prefer to use the front door as it is better lit and closer to where they park.

Graph #4: Types of court entry (frequency by courts)



More than half of respondents said that vehicles can pull up and park (and remain unattended) near or next to the courthouse.

### Recommendations:

- At each courthouse JHSC should review the parking arrangements along with the entry plan to ensure that where and if alternate entries to court for staff are provided, that they consider factors such as walking distance from cars, parking lot lighting, visibility, monitoring, etc.
- Separate entrances for staff also need to address the possibility that members of the public may attempt to enter along with staff (as was the case of the Brampton shooting).
- The employer should develop a strategy that prevents vehicles from idling or parking near or next to the courthouse.

## C. SECURITY PERSONNEL AND MOVEMENT

Half of the employees who responded said that their building does not have security personnel at the public entrances at courthouses to screen visitors and their belongings. Others said that their courthouses had unarmed municipal or private security, special constables. A few said their court has armed police.

Many people reported that security personnel are present but do not screen people. Sometimes screening occurs for family court attendees but not for other courts such as small claims court.

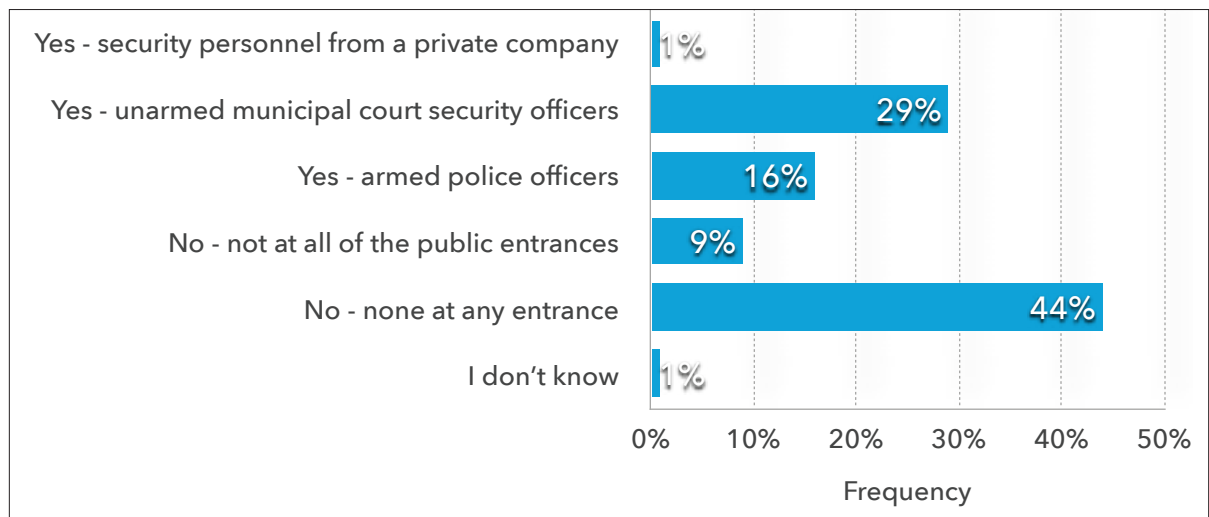
A further problem is that screening is often periodic and normally operates only while court is in session. This reinforces the per-

ception that screening occurs only to protect the judges and lawyers.

Sometimes the courthouse uses electronic security to monitor entranceways but this is of scant help if security officers are not stationed at their desk. Metal detectors exist in some locations but the survey revealed they are not always turned on.

The survey results also reveal that while security personnel and metal detectors may be present at a public entrance, there is little in place to prevent a member of the public from gaining access from another entrance, such as the staff entrance where the security is not present.

**Graph #5: Types of security at court entrance (frequency by courts)**



The fact that police and the ministry share jurisdiction over courthouses creates another barrier to security improvements, namely,

who pays for improvements? For example, some respondents said that their courthouse has been supplied with a new and

unused metal detector but that it remains in storage because jurisdictional disputes have not resolved who will pay to operate it.

While some courthouses have some restricted hallways for judges, private hallways do not increase the safety for the rest of the staff. Most courthouses are designed so that staff and the public seamlessly interact with each another. As a result it is difficult to evaluate whether restricting some hallways improves safety, even for judges.

Even so, the infrastructure of some courthouses may not lend themselves to separate corridors. As one respondent said: “Everyone roams around together waiting for a disaster to happen.” It may be more effective and useful to focus on front security, emergency alarms and procedures in cases of serious incidents rather than to rely on separate hallways that are not separate for all people or that don’t cover all areas of court.

### Recommendations:

- The Ministry should equip all courthouses in Ontario with police because all courthouses are equally vulnerable to the same types of workplace violence.
- Monitoring the entrance at courthouses: Each JHSC should review procedures for entry to court to avoid gaps. If the court already has security then the JHSC should ensure that the security appropriately screens visitors and their belongings and that security be present at all times while the courthouse is open to the public.
- Static security such as metal detectors and cameras: All equipment should be inspected and maintained to make sure that it is effective. Also, static security should be monitored constantly while people are in the courthouse, and it should be incorporated into a response plan that can be activated if an emergency arises.
- Jurisdictional overlap between the police and the Ministry: The JHSC should either participate in, or receive reports from, the local police committee that makes decisions about security in its municipal courthouse.

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*“Everyone roams around together waiting for a disaster to happen.”*

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- In cases of a jurisdictional dispute between the municipality and the province, the province shall provide resources for safety pursuant to the Occupational Health and Safety Act (OHSA) Section 25 (2) h until the dispute is resolved.
- Emergency procedures: The employer should develop clear emergency alarm, response, and exit procedures for threats that occur from every area of the courthouse. The procedures should be re-evaluated by the JHSC on a regular basis.

## D. DURESS ALARMS

It is clear that across the province duress alarms are an important aspect of courthouse security. More than 80 per cent of survey respondents reported that their courthouse uses duress alarms in cases of emergency. Duress alarms can be found in clerk stations, chambers, the bench, front counters, judges' secretary desk, and many other places.

More than 60 per cent of respondents said that alarms are appropriately located while 20 per cent reported the alarms are not appropriately positioned. In some cases alarms can be found near unoccupied desks; others are found adjacent to doors or other buttons. Some are hard to push or broken or installed where they are not needed. In other cases some staff cannot even identify where the alarms are located inside the courthouse.

Training that focuses on locating alarms and how to use them is lacking. Almost three quarters of respondents (72 per cent) said they had never been trained to use alarms.

One-third of respondents do not know where the alarms ring or who responds to the warning sound. Some alarms ring on-site at security stations (even after-hours when security personnel are absent) and some alarms ring off-site at a nearby police station. One person reported an alarm ringing at an empty security desk overnight. The alarm was not turned off until the next morning when security arrived.

Said another: "An alarm was used although no security arrived. Apparently the problem was fixed—I was told that it wasn't actually hooked up."

Figure #2: Text analysis of duress alarm use comments



### Recommendation:

The duress alarm process should be thoroughly evaluated and set down in a written procedure that addresses the following:

- evaluates and identifies appropriate alarm locations;
- alarm response procedures (before and after court hours);

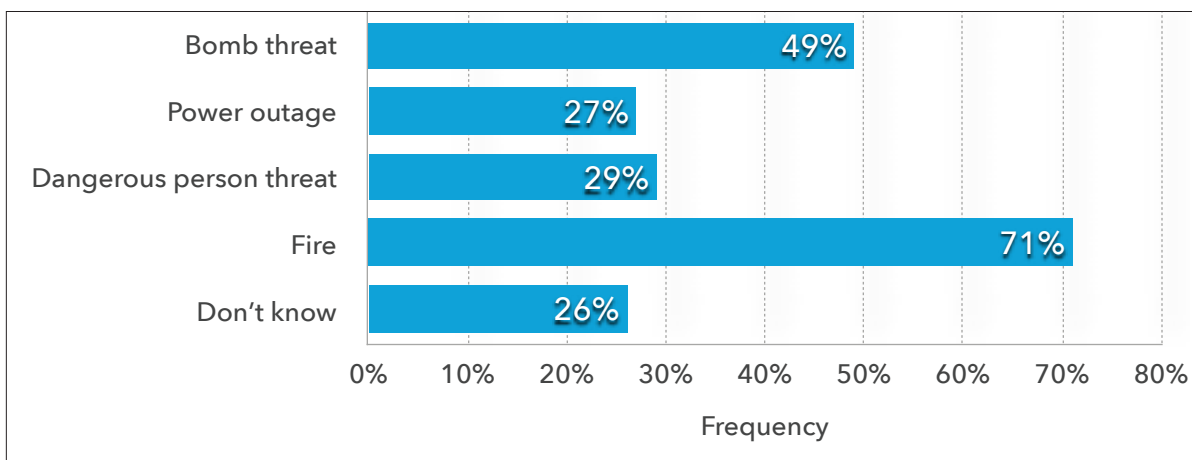
- secondary back-up plans if no response;
- regular maintenance and inspection practices;
- periodic review at JHSC;
- training and information provided to all staff;
- ongoing test drills.

## E. EMERGENCY PROCEDURES

More than 80 per cent of respondents said their courthouse has bomb and fire emergency plans. Fewer respondents reported their courthouse has strategies to deal with power outages, chemical or gas leaks, bad

weather, or dangerous person incidents plans (sometimes known as “lock-down protocols”). One respondent wrote: “We need training beyond fire and bomb threats. It should include other emergencies.”

Graph #6: Types of emergency plans reported



Almost half of respondents said they have been made aware of specific emergency plans while some say they know about them but that they have not been made aware of them. Respondents pointed out the plans may not be current, and sometimes changes are made without sharing new procedures with staff.

Common concerns include:

- the lack of participation by all employees in practice drills;
- the plan is occasionally reconfigured after-the-fact when it falls short during activation;
- communicating emergency incidents falls short because many times people discover information about emergencies the following day after-the-fact.



How people are notified varies widely. One third of respondents said they would be notified while others are notified on a person-to-person basis. Other methods include a public address system; by telephone, or by email. Many people reported they are not notified at all.

Said one respondent: "Rarely do we get notified if there is an emergency. Normally we hear about it a few days after the fact from other staff members."

Some respondents report that their courthouse does emergency planning very well including regular drills on hostage situations, irate visitors, fire and elevator malfunctions.

Staff inside courthouses would like to see a trained person on each site to take charge during an emergency. This, they said, would result in: faster reaction times, better communications (ie a chain), identification of the location of the threat, and a designated spot to gather and to receive the "all-clear" signal.

Many respondents called for regular reviews of the plan and for emergency planning to be discussed during staff meetings rather than requesting that they read instructions from a binder. About training, one person said: "Instead of just a paper copy (not read/remembered by all staff), touch on it during a staff meeting."

Figure #3: Text analysis of suggestions for improving emergency plans



#### Recommendations:

- Courthouses should develop emergency plans for the following potential incidents: fire, bomb threat, hostage-taking, extreme weather, gas or chemical leaks, violent persons or irate clients (using lock-down protocol), elevator malfunctions, suspicious packages, loss of electrical power.
- Emergency plans should be regularly reviewed at the JHSC and following every occasion in which the plan is deployed.

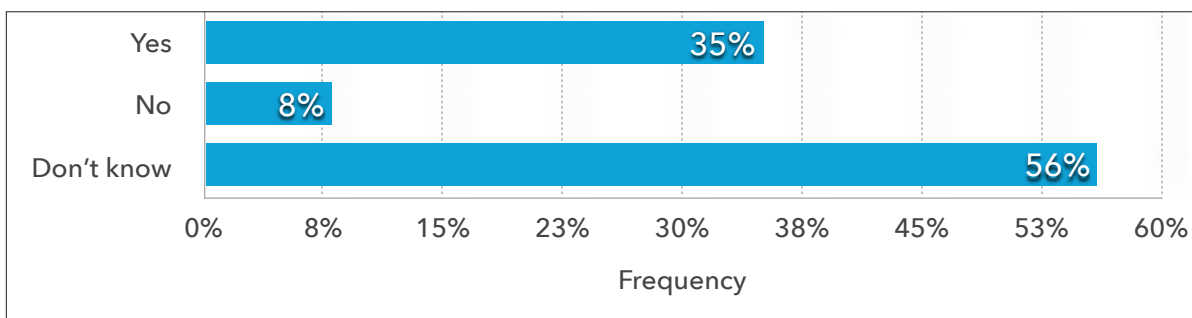
- The employer should ensure that all staff receive information and instructions on the emergency plans and any amendments to the plan.
- Emergency plans should be practiced and participation be made mandatory.

## F. JOINT HEALTH AND SAFETY COMMITTEES / HEALTH AND SAFETY REPRESENTATIVES

Not everyone who completed the survey participates on the joint health and safety committee (JHSC) or as a health and safety representative, so it is understandable that many respondents did not know some of the answers to the questions that were asked in the survey. However, it is valuable for the JHSC to have some idea of how much people know about JHSC activities.

Most courthouses have JHSCs. More than 80 per cent of respondents said they know that their courthouse has a JHSC but, more importantly, 18 per cent said that they didn't know if their courthouse had a JHSC. Most people don't know how the union members of the JHSC are selected; only one-third said the members were selected or elected by the union. A few (eight per cent) reported that management selects bargaining union representatives to the committee.

### Graph #7: Does your Joint Health and Safety Committee meet regularly?



More than half of the respondents indicated they don't know if their JHSC meets regularly or if their JHSC makes any recommendations to the employer. Three quarters said they don't know if their JHSC receives notices of injuries from the employer.

One third of those who completed the survey said their JHSC has made recommendations to the employer in respect to:

- Lighting, metal detectors, security personnel, glass partitions for clerks, mould and water leaks, bullet proof glass for

front counter, hallway patrols, perimeter security, obtaining swipe cards for private hallways, training for emergencies, cleaning practices, moving boxes and duress alarm issues.

However, three quarters of people did not know if follow-up action was taken after recommendations were made.

When asked if their JHSC received a copy of the risk assessment for workplace violence as required by new 2010 amendments to the Occupational Health and Safety Act, 83 per cent said they didn't know. Nor did they know whether the local JHSC had any input into the risk assessment.

Figure #4: Text analysis of recommendations made



### Recommendations:

That the union and each local regularly communicate with JHSCs and health and safety representatives to exchange information and assistance to ensure that everyone has sufficient information and support to assist the members and to improve workplace health and safety.

Some ideas include:

- After each local election, the local executive appoint, or re-appoint, worker members of the JHSC and select who shall act as the certified member in accordance with OPSEU policy, and inform the employer of those individuals;
- The local develop ongoing two-way reporting mechanisms and reporting relationships with worker members of the JHSC and health and safety representatives;
- The local ensure the worker members of the JHSC and health and safety representatives become aware of (and utilize) union resources such as training and materials that can assist them in their roles;
- The union work with the JHSC on an ongoing basis to ensure that the JHSC receives all information and rights set out in the Occupational Health and Safe-

ty Act. (such as the workplace violence risk assessment, injury notices, etc);

- That the Ministry Employment Relations Committee (MERC) discuss this report

and its recommendations with their employer counterparts at the provincial level and follow-up until each recommendation is dealt with satisfactorily by the Ministry.

## G. THE FUTURE: WHAT OPSEU MEMBERS RECOMMEND

Every courthouse is different. Many practices that may succeed in one courthouse may not work at another. Overall, survey respondents offered many suggestions for improvement in the following areas:

- One public entrance, complete with police who would screen individuals and property. Staff indicated they want controlled entrances to the court building.
- Increased security at all entrances including roving security personnel inside courthouses. Some respondents suggested that a court officer should be a fixture in each courtroom.
- Increased static security measures such as wands and metal detectors, and glass partitions at entry points.
- The presence of front-door security at all times when people are in the courthouse and not just while courtrooms are in session (ie some courts can end at 2:30 p.m. which leaves the remainder of the day security-free).
- Improved security measures in parking areas to account for lighting, walking distance, weather conditions, regular patrols, escorts or taxi chits at night.
- Methods to identify visitors in the courthouse, such as a requirement that all visitors must sign on arrival and departure.
- Precautions exercised in civil court and other courts and not limited only to family court.
- A prohibition on the presence of backpacks.
- Attention to the emergency precautions used in satellite courts.
- Emergency training.
- Improvements to the locking and unlocking of doors in a courthouse. Shortcomings were identified with Justice of the Peace offices, delivery doors and conference rooms. It was suggested that all doors should automatically lock.
- Safety planning for weekend courts. Many respondents said that precautions taken during the work week are often absent on weekends.

Figure #5: Text analysis of initiatives and programs suggested by respondents

Access Aid Armed Better Communication  
Counselling Counter **Court** Dealing with People **Drills**  
Emergency Employees Entry Gun  
Health and Safety Lockdown Procedure **Management**  
Mental Health Mock **Parking Practice Programs**  
**Security Staff** Supervisors **Think Training** Weapons

## CONCLUSION

The Occupational Health and Safety Act mandates that employers (and supervisors) take reasonable precautions to protect workers. The Ministry of the Attorney General also has a responsibility to protect the public inside courthouses. Together, workers and the public have a right to expect the employer to prioritize health and safety in all of Ontario's courthouses.

Everyone has a stake in achieving the highest standards of health and safety. The employer is the one with the means and resources to implement and monitor improvements. However, workers, the union, and JHSCs, and health and safety representatives also have a role in seeking improvements in health and safety.

Workers have the responsibility (and the right) to report hazards, the responsibility to use and wear equipment, and the responsibility to work safely. Workers also must report injuries and unusual occurrences at work and comply with the employer's health and safety policies.

Unions have the right to select worker joint health and safety committee members and health and safety representatives. JHSCs and health and safety representatives have an important role to identify hazards, make recommendations to the employer, and follow up those recommendations by engaging in dialogue with the employer to make the workplace safer.

Making recommendations for improvement is an important aspect of JHSC (and health and safety representatives) work. Worker members of the JHSC should use their OHSA mandated caucus time prior to meetings to review and finalize recommendations they intend to bring to the meeting. At the meeting, the committee members should discuss the recommendations with the employer members of the committee so that the recommendation can be a joint recommendation to the employer from both sides of the committee.

However, if the employer members of the committee do not agree with the recommendations, then either co-chair can submit the recommendations to the employer on their own. This represents a change in the law adopted in the last couple of years and is designed to streamline the work of the committees.

Unchanged is the fact that employers must respond, in writing, to written recommendations with a timetable for implementation or to explain, with reasons, why they do not agree with the recommendations. Receiving this response from the employer is a critical step in other strategies moving forward such as documenting a case, calling in an inspector, or for filing a grievance. This report of survey findings provides you with ideas for recommendations at the local and the MERC levels.

Thank you for participating in this important survey. Your valuable input was the foundation for this report. This survey and its results—while not representative of the total number of workers or courthouses in Ontario—will be useful to all locals and their members who work inside the province’s courthouses and to JHSCs as they move forward building healthier and safer workplaces.

### **Next steps**

The MAG Ministry Employment Relations Committee intends to share this report with the employer and to pursue recommendations at the central level. We encourage you to share this report and engage your JHSC in discussions about how the health and safety in your courthouse can be improved so that workers do not continue to feel afraid at work and that everyone in the courthouse can feel secure knowing that every reasonable precaution is being taken to protect all who enter.

# APPENDIX A – RECOMMENDATIONS AT-A-GLANCE

## A. ENTRY AND PARKING

- At each courthouse JHSC should review the parking arrangements along with the entry plan to ensure that where and if alternate entries to court for staff are provided, that they consider factors such as walking distance from cars, parking lot lighting, visibility, monitoring, etc.
- Separate entrances for staff also need to address the possibility that members of the public may attempt to enter along with staff (as in the case of the Brampton shooting).
- Idling vehicles: The employer should develop a strategy to prohibit vehicles from idling or parking near or next to a courthouse.
- The Ministry should equip all courthouses in Ontario with police because all courthouses are equally vulnerable to the same types of workplace violence.
- Monitoring the entrance at courthouses: Each JHSC should review procedures for entry to court to avoid gaps. If the court already has security then the JHSC should ensure that the security appropriately screens visitors and their belongings and that security be present at all times while the courthouse is open to the public.
- Static security such as metal detectors and cameras: All equipment should be inspected and maintained to make sure that it is used effectively. Also, static security measures should be monitored constantly while people are inside the courthouse. Additionally, it should be incorporated into a response plan that can be activated if an emergency arises.
- Jurisdictional overlap between local police and the Ministry: The JHSC should either participate in, or receive reports from, the local police committee that makes decisions about security in its municipal courthouse.
- In cases of a jurisdictional dispute between the municipality and the province, the province should provide resources for safety pursuant to the Occupational Health and Safety Act (OHSA) section 25 (2) h until the dispute is resolved.



## B. EMERGENCY PROCEDURES AND PLANS

- The employer should develop clear emergency alarm, response, and exit procedures for threats that occur from every area of the courthouse. The procedures should be re-evaluated by the JHSC on a regular basis.
- Emergency plans should cover the following incidents: fire, bomb threats, hostage-taking, extreme weather conditions, gas or chemical leaks, violent person or irate clients or visitors (lock-down protocol) stranded in elevator, suspicious packages, power failure.
- Response procedures should include a clearly defined protocol to ensure that responders (and staff working in the building) know the location of a threat.
- The procedures (and accompanying training) should clearly define the duties and responsibilities of court staff if someone is threatened in their courtroom.
- Emergency plans should be regularly reviewed at the JHSC and after every deployment.
- The employer should ensure that all staff receive information and instruction on the emergency plans and any amendments to the plans.
- Emergency plans should be practiced and participation be made mandatory.

## C. REPORTING

- The MAG should establish and make workers aware (through training) which incidents should be reported; how they should be reported, and which reporting form to use. It is recommended that any incident that could cause harm to persons or property should be reported in addition to the normal reporting of injuries and incidences of occupational disease.
- The employer should comply with those sections of the Occupational Health and Safety Act (OHSA) (Sections 51 and 52) where notices of injuries must be provided to the JHSC (in cases where lost time occurs or in cases where the person sought medical attention or where a person has reported to the employer an occupational disease).
- The employer should also provide results of any reports in the workplace about occupational health and safety to the JHSC and to workers upon request. (Section 25. 2. L).

## D. THE DURESS ALARM PROCESS

The duress alarm process should be thoroughly evaluated and set down in a written procedure that addresses the following:

- evaluates and identifies appropriate alarm locations;
- alarm response procedures (before and after court hours);
- secondary back-up plans if no response;
- regular maintenance and inspection practices;
- periodic review at JHSC;
- training and information provided to all staff;
- ongoing test drills.

## E. JHSC / HEALTH AND SAFETY REPRESENTATIVES

That the union and each local regularly communicate with JHSCs and health and safety representatives to exchange information and assistance to ensure that everyone has sufficient information and support to assist the members and to improve workplace health and safety.

Some ideas include:

- After each local election, the local executive appoint, or re-appoint, worker members of the JHSC and select who shall act as the certified member in accordance with OPSEU policy, and inform the employer of those individuals.
- The local develop ongoing two-way reporting mechanisms and reporting relationships with worker members of the JHSC and health and safety representatives.
- The local ensure the worker members of the JHSC and health and safety representatives become aware of (and utilize) union resources such as training and materials that can assist them in their roles.
- The union work with the JHSC on an ongoing basis to ensure that the JHSC receives all information and rights set out in the Occupational Health and Safety Act. (such as the workplace violence risk assessment, injury notices, etc).
- That the Ministry Employment Relations Committee (MERC) discuss this report and its recommendations with their employer counterparts at the provincial level and follow-up until each recommendation is dealt with satisfactorily by the Ministry.
- The union and each courthouse local should link with JHSCs and health and safety representatives to provide information and assistance to perform their roles.

# APPENDIX B – COURTHOUSE SECURITY MEASURES SURVEY

## Purpose of the Survey

This survey is being conducted by the union with the Ministry of the Attorney General Employment Relations Committee (MERC) to gather information to achieve health and safety improvements that protect you on the job.

This survey has a dual purpose: to collect information about the security provisions in courthouses across the province and to collect information about your health and safety experiences working in the courthouses. We also want to hear your advice on what is needed to improve health and safety and security in courthouses.

Your data will be kept confidential in OPSEU's Health and Safety Unit. No individuals will be identified and survey results will be grouped together so as not to identify individuals. The survey is voluntary.

If you have any questions about the survey please contact Terri Aversa, OPSEU Health and Safety Officer. [taversa@opseu.org](mailto:taversa@opseu.org).

## Entrance and parking

Answer these questions considering the main courthouse you report to (not to flyin courts or other temporary locations)

### 1. What courthouse do you work in most or all of the time?\*

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### 2. About the entrance to your courthouse: (Tick all that apply)

- There is a single point of entry for everyone into the court facility
- Staff and public use different entrances
- Judges and/or crown attorneys have separate entrances
- There are emergency exit doors from the building for all staff
- There are emergency exits from the building for judges and crown attorneys
- There is more than one entrance but the public must use a single entry point
- The public can enter in more than one entrance to the courthouse
- Other (please specify)

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### 3. Describe the parking arrangements at your courthouse: (Tick all that apply)

- Parking area separated for the public and the staff
- Reserved parking areas for judges and crown attorneys
- No separation in parking area for public and staff
- Staff pay for parking
- The public pays for parking
- Unattended vehicles can park near or next to the courthouse
- Other (please specify)

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**Security personnel and movement**

4. Does your courthouse have security personnel at all public entrances to screen individuals and their belongings?

- Yes—security personnel from a private company
  - Yes, unarmed municipal court security officers
  - Yes—armed police officers
  - No not at all of the public entrances
  - No, none at any entrance
  - I don't know
  - Other (please specify)
- 
- 

5. Once inside, how is movement restricted? (Tick all that apply)

- Unused doors are locked
  - People are escorted
  - People are directed to specific waiting areas
  - Movement is not restricted
  - There are hallways not used by the public that all staff can use
  - There are hallways not used by the public that judges and crown attorneys can use
  - Other (please specify)
- 
-

**Alarms**

6. Does your building have any duress alarms to use in emergencies?

- Yes
- No
- I don't know

7. If your building does have duress alarms, where are they?  
(Tick all that apply)

- Judge's secretary desk
  - Front counter
  - The bench
  - Clerk station
  - Chambers
  - Not applicable
  - Other locations of alarms
- 
- 

8. If your building does have duress alarms, are they appropriately placed?

- Yes
  - No
  - Not applicable
  - Other (please specify)
- 
-

9. If your building has duress alarms, where do the alarms ring to?  
(Tick all that apply)

- Local police (offsite)
  - Onsite police
  - It rings to an offsite location that sends nonpolice personnel over
  - The alarms ring inside the building to bring internal staff
  - It rings to the security at the front of the courthouse
  - I don't know where it rings
  - Not applicable
  - Other (please specify)
- 
- 

10. If your building has duress alarms, have they ever been used?

- Yes
  - No
  - Not applicable
  - Other (please specify)
- 
- 

11. If you do have duress alarms in the courthouse, have you ever received any information, instruction, or training about the duress alarms or what to do if a duress alarm is activated?

- Yes
- No

## Emergency plans

12. Does your courthouse have any plans for emergencies?

- Yes, and I have been made aware of where to find them
  - Yes, but it has not been effectively communicated to me
  - No
  - I don't know
  - Other (please specify)
- 

13. If your courthouse has plans for emergencies, which of the following do they cover?

- Bomb threat
  - Power outage
  - Dangerous person threat
  - Fire
  - I don't know
  - Not applicable
  - Other (please specify)
- 

14. Have any of the emergency procedures been used?

- Yes
  - No
  - I don't know
  - Not applicable
  - Other (please specify)
- 

15. If the emergency plans have been used, how could they work better?

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### Notification and reporting

These questions are about the processes that management has set up to notify people of emergencies and also what procedures they have in place about occurrence (incident) reporting. We ask you more about your experiences with these later on.

**16. How do you get notified if an emergency occurs at the courthouse?  
(Tick all that apply)**

- Phone
  - Email
  - Public address system announcement
  - My courthouse does not have a public address system
  - Person-to-person notification
  - I don't know
  - I was not notified of an emergency that my courthouse had
  - Other (please specify)
- 

**17. Does the employer have a form for workers to report in writing occurrences (incidents) such as threats that do not result in injuries?**

- Yes
- No
- I don't know

**18. Have you ever filled out an occurrence (or incident) report?**

- Yes
- No

**19. If you have filled out an occurrence (incident) report, what was it about?**

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### Joint Health and Safety Committee/ Health and Safety Representative

We want to ask you a few questions about your joint health and safety committee (JHSC)/ (or a health and safety representative in a smaller workplace) because the worker members on that committee can help you bring forward any issues that remain unresolved after you attempt to resolve them with your direct manager.

The Occupational Health and Safety Act and so do we place great importance on the JHSC (working in tandem with your local) as the main vehicle to have an ongoing dialogue with the employer about health and safety.

**20. Does your courthouse have a joint health and safety committee (JHSC)/ health and safety representative ?**

- Yes
- No
- I don't know
- Other (please specify)

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**21. How are the worker members of your joint health and safety committee (or health and safety representative) selected?**

- JHSC members/HS rep voted on by the membership
- JHSC members/HS rep volunteer and are approved/appointed by the union
- JHSC members/HS rep selected by management
- I don't know
- Other (please specify)

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**22. Does the JHSC meet regularly?**

- Yes
- No
- I don't know

23. Does your JHSC/health and safety representative get notices of injuries after they occur?

- Yes
- No
- I don't know
- Other (please specify)

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24. Have the worker members at the joint health and safety committee/health and safety representative tried to or made recommendations to the employer to improve building safety and security?

- Yes
- No
- I don't know
- Other (please specify)

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25. If the worker members of the JHSC/health and safety representative or the union local have recommended improvements regarding building safety and security, what were the recommendations?

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26. Were the recommendations implemented?

- Yes
- No
- Discussing them is still in progress
- I don't know

If not, why not?

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27. Has your joint health and safety committee/health and safety representative received a copy of the "Workplace Violence Risk Assessment Tool: Physical Environment and Work Processes"?

- Yes
- No
- I don't know
- Other (please specify)

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28. Did your local joint health and safety committee/health and safety representative have an opportunity to provide input to management on the risk assessment plan (Workplace Violence Risk Assessment Tool: Physical Environment and Work Processes) before it was finalized?

- Yes
- No
- I don't know

**My experiences**

29. In the past five (5) years, I have felt afraid for my personal health and safety at work:

- Never
- Once
- Twice
- Three times
- Four or more times

30. If you have felt afraid for your personal health and safety at work, think of only the most recent event. Which of the following describes it most closely:

- A verbal or written threat
  - An actual or attempted assault that I experienced
  - An actual or attempted assault that I heard of or witnessed that happened to someone else
  - It was damage to property
  - Not applicable
  - Other, or please explain (please specify)
- 
- 

31. If I have felt that my health and safety has been threatened in the workplace I:

- Always report it to management
- Sometimes report it to management
- I have never reported it to management

32. Are you aware of any situations where a member of the public/client was found to have brought weapons into your courthouse?

- Yes
- No

If yes, what type of weapon was it?

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33. Also thinking of the most recent event, which of the following statements describe how you were able to deal with the event? (Tick all that apply)

- I was able to cope effectively
- I was able to control (deescalate) the situation
- I was psychologically distressed after the incident
- I reported it to management
- I did not report it to management
- I was able to get suitable (informal) help from my coworkers
- I was able to get suitable help from my supervisor
- I felt that my concern was taken seriously by management
- I was made to feel that my concern was irrelevant by management
- I was able to get suitable help through my employee assistance program
- I was able to get suitable help from my family, friends, or personal health care provider
- None of the above
- Not applicable

**34. As a result of the most recent event: (Tick all that apply)**

- An investigation was carried out by the management
- An investigation was carried out by the JHSC and/or Health & Safety Representative
- There was police followup
- Nothing changed as a result of the event
- I don't know if anything happened after I reported the event because nobody followed up with me
- I required attention from a health care provider
- I was absent from work for more than a day as a result of the event
- I was not absent from work due to the event
- Not applicable
- Other (please specify)

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**35. Other than the event reported above, have you ever experienced assault/abuse or trauma during the course of your work that was worse than the latest event you reported above? If yes, please provide details.**

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36. About my direct supervisor. My supervisor... (Select all that apply):

	Strongly Disagree	Some-what Disagree	Neutral	Some-what Agree	Strongly Agree	Not Applicable
uses explanations (not just compliance with rules) to encourage safe practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
frequently discusses the potential hazards in our work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
upholds safety rules when work falls behind schedule or when under pressure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
is strict about observing worker/workplace safety rules even when we are tired or stressed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ensures all safety rules are followed (not just the important ones)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
says a 'good word' to workers who pay special attention to safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
cares about my health and safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
is approachable if I have a problem	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
in general, treats people fairly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (please specify)

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## Ideas for improvement

37. In light of the critical incident which occurred at the Brampton Courthouse on March 28, 2014, do you believe that your courthouse has appropriate measures in place to keep you safe in the workplace?

- Yes
- No
- I don't know

38. What physical building security measures do you think could improve health and safety of workers at your courthouse?

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39. What initiatives or programs (that are not building security items) do you think should be added to help deal with events that may arise at the courthouse?

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### Looking to the future

Your union, your Ministry Employment Relations Committee (MERC), your locals, and your joint health and safety committees are committed to doing everything that we can to improve your health and safety every day on the job. But we need your help because it takes ALL of us to get the employer to make the changes we need. You can help by bringing all issues forward and reporting all incidents to management in writing and the joint health and safety committee.

**40. In light of the incident at the Brampton Courthouse and as it has now been recognized that we can force the employer to upgrade court security only when we can back up our concerns with occurrence reports, I:**

- Recognize that it is important (and compulsory) to complete a written occurrence or incident report
- Recognize that it is important to tell the worker members of the joint health and safety committee
- Recognize that it is important to follow those reports up to see if anything is done
- All of the above
- Other (please specify)

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**Contact Information (Voluntary & Strictly Confidential)**

We are requesting the following contact information, which is completely voluntary. This information will be helpful in the event that the OPSEU Health and Safety Unit needs to contact you to clarify any of your responses.

Any identifying information will be kept strictly confidential and will not be disclosed to anyone outside the OPSEU Health and Safety Unit. All information obtained from this survey will be compiled in nonidentifiable form to assist in the preparation of the study report. If you wish to receive a summary of the final report, please provide your email address below and when the report is available, we will send you a weblink.

**41. Please indicate your:**

Name \_\_\_\_\_

Job title \_\_\_\_\_

OPSEU Local # \_\_\_\_\_

Daytime \_\_\_\_\_

Telephone number \_\_\_\_\_

Secure email \_\_\_\_\_

**42. Do you want to be added to the informal health and safety email list that the OPSEU Health and Safety Unit uses to share information about health and safety from time to time?** Yes No

If yes, type secure email address

\_\_\_\_\_

\_\_\_\_\_

