

## Ontario Works Directives

### **8.6: Community Placements**

#### **Legislative Authority**

Sections 2, 4, 7(4), 39(1), (2), 73.1 of the Act

Sections 14(1), (2), 25 and 29 of Regulation 134/98

#### **Audit Requirements**

Documentation is on file to support decisions made.

Participant follow-ups are documented and have taken place.

#### **Application of Policy**

Community placements are unpaid community services that provide participants with the experience to move into the paid labour force with improved skills and self-confidence.

Participants are placed in community placements that provide opportunities to gain valuable experience, references and employment-related skills, build basic networks, and support the community while increasing their employability.

The Administrator has the discretion to deliver community placements directly or contract with a service delivery organization. Placements can also be self-initiated by the participant.

All participants in community placement activities are covered under the Workplace Safety and Insurance Board (WSIB) or private accident insurance coverage.

#### **Definition of Community Placement**

All placements are unpaid and cannot exceed six months in length (unless training is provided, in which case the placement can be extended up to 12 months).

Placements are under the direction of community officials and/or public or non-profit organizations where the participant is placed. A participant can develop his/her own community placement under the direction of a participating

organization. These placement opportunities are referred to as self-initiated placements.

All placements must comply with standards concerning public and religious holidays, pregnancy and parental leaves, and termination of placement.

Placements do not displace any paid employment in the participating organization, including any associated or related organization.

No participant is placed in a placement that violates his/her conditions of membership in a professional association or trade union.

No placement interferes with the participant's paid employment or paid employment opportunity such as a scheduled job interview or referral to a job placement agency.

### **Private Sector Organizations**

A community placement may be sponsored by a private sector organization. However, private sector organization involvement in a community placement is limited to offering financial or in-kind supports such as equipment, materials or expertise to the community placement. A private sector organization cannot directly or in-directly offer, administer or supervise a community placement.

### **Role of Delivery Agent**

Administrators have the discretion to provide community placements to participants directly and/or contract with a third party to provide community placements (i.e., through a voluntary placement agency).

Regardless of the delivery approach, the delivery agent is expected to take an active role in promoting community involvement and the development of community placements, and provide active support to applicants and participants in pursuing self-initiated placements.

The delivery agent is responsible for providing payments or covering expenses for participants who may incur out-of-pocket expenses as part of their community placement. Such payments can be made to or on behalf of participants as part of Employment and Participation benefits (see [Directive 7.4: Employment and Participation Benefits](#) for more information).

Administrators in First Nations and northern communities have the discretion to exercise flexibility when approving employment activities and/or expenses based on cultural and geographic considerations in order to support employment outcomes for clients.

## Self-Initiated Placements

Participants who currently volunteer or who are interested in volunteering with a particular community, public or non-profit organization should be given the opportunity to propose a self-initiated community placement in these organizations.

A self-initiated placement provides participants with an opportunity to gain experience from the planning and organization of a community place and it empowers them by giving them control over the selection of the placement.

Self-initiated placements can be approved where:

- the organization involved agrees to administer and supervise the placement and agrees to be a participating organization for the purposes of Ontario Works; or
- the delivery agent acts as the community placement sponsor for individuals participating in self-initiated community placements with other organizations.

When sponsoring a community placement activity, the delivery agent is accountable for requiring that all basic program principles, legislative standards and specific program standards are met. The delivery agent is encouraged to develop appropriate mechanisms for meeting accountability requirements.

Where a participant is contributing volunteer time in the same organization in which they are completing community placement hours, the organization is required to ensure separate tracking of community placement time and the individual's other volunteer time. Only community placement time is covered under the **Workplace Safety and Insurance Act** or the ministry's accident insurance plan.

### **Workplace Safety and Insurance Board**

When a delivery agent is responsible for sponsoring a community placement, Workplace Safety and Insurance Board (WSIB) coverage is extended through the delivery agent to the participant engaging in the placement activity. The ministry will cover any costs resulting from an injury or illness incurred during the placement. Accident costs do not affect the municipality's Workplace Safety and Insurance experience rating.

Where WSIB or accident insurance coverage has been extended to the participant during the placement, the ministry covers the cost of all accident claims during the placement period so that the employer's experience rating and premiums are not affected.

With respect to third party liability coverage, participants in community placements are extended the same civil liability protection as all other members of that organization. Coverage is extended under the host organization's third party liability insurance policy at no additional cost to the organization. The participant would fall within the definition of a volunteer as outlined in the organization's liability insurance policy (see [Directive 8.5: Employment Placements](#) for more information).

## **Criteria for Establishing a Placement Requirement**

Delivery agents are required to ensure that community placements, including self-initiated placements, offered by communities and public or non-profit organizations meet specific criteria.

Paid employees should not be displaced in the participating organization, and any associated or related organization. This includes:

- duties performed by an employee who has been laid off and has recall rights under a collective agreement; and
- duties of an employee who is on a leave of absence.

Participants may spend a maximum of six months at any one approved placement except where a specific plan for skill training is in place, or if continuing in the placement is in the best interest of the participant, in which case a participant may spend up to 12 months in the placement.

Participants may spend a total maximum of 70 hours in all approved placements in any month. There is no minimum number of hours a month that a participant is required to spend at a community placement. Community placement can only be required where the participant's paid employment or self-employment is less than 70 hours.

Students registered in approved full-time basic education or job-specific skills training or part-time literacy training may be required to accept an offer of community placement of up to 70 hours a month, during periods of summer vacation.

The delivery agent may not count the time a participant spends in placement-related activity until a community placement has been established as a requirement in the Participation Agreement.

When a community placement is a requirement in the Participation Agreement, placement-related time may include time spent in orientation and/or training activities (e.g., Workplace Hazardous Materials Information System (WHMIS), to

prepare an individual for community participation.

## **Participating Organizations**

Delivery agents need to ensure that participating organizations comply with applicable human rights and occupational health and safety legislation and standards.

### **Ontario Human Rights Code**

Participating organizations are covered under the provisions of the **Ontario Human Rights Code**. The Code guarantees every person the right to equal treatment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy), sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability.

In addition, the Code guarantees every person the right to be free from harassment in employment and from sexual solicitation by a person in a position to confer, grant or deny a benefit or employment advancement.

Persons protected by the Code should be accommodated unless such accommodation would create “undue hardship” for the organization. For example, a person who observes Sabbath on Saturdays has the right to alternative arrangements that could include not being required to attend a placement on Saturdays, unless doing so would cause the organization undue hardship.

If human rights issues are raised with respect to a participating organization, proof of compliance lies with the organization.

Ideally, participating organizations should have:

- a workplace harassment and discrimination policy or an effective, efficient process for identifying and resolving harassment and discrimination issues; and
- an accommodation policy in accordance with the Code for undue hardship and accommodation for people with disabilities.

Where such policies are not in place, the Administrator will need to determine whether or not to approve the placement.

### **Occupational Health and Safety Act**

Employers have the same responsibilities for occupational health and safety for participants as they do toward their own workers. Employers remain liable for

orders made by health and safety inspectors under the Ministry of Labour. If a participant considers a task to be unsafe, he/she has the right to refuse to perform the task and should follow the procedures for refusal under the **Occupational Health and Safety Act**.

If health and safety issues are raised with respect to a participating organization, proof of compliance lies with the organization.

Delivery agents should require that participating organizations take a preventative approach to health and safety by ensuring that Ontario Works participants:

- receive orientation and training on proper procedures;
- receive instruction regarding hazards associated with the placement including WHMIS training; and
- have access to protective equipment and instruction on how and when to use it.

### **Employment Standards Act**

The **Employment Standards Act** covers all employees. Participants in Ontario Works community placements are not employees of the sponsoring agency; hence they are not covered by this Act.

### **Public and Religious Holidays**

Participants are not required to attend community participation placements on public holidays, also known as statutory holidays, unless they agree to do so. If a participant does agree to attend on a public holiday, they should be offered a substitute day as a holiday.

With respect to religious holidays, participating organizations offering placements should accommodate a participant's request to observe a religious holiday according to the **Ontario Human Rights Code**.

### **Hours of Attendance**

Participants should not spend more than eight hours per day and 44 hours per week at any approved placement. Participants are entitled to have eating periods of at least one-half hour every five consecutive hours.

### **Pregnancy and Parental Leaves**

#### **Pregnancy Leave**

A participant who is pregnant may stop attending a community participation placement starting at 17 weeks before her due date. The participant is required to give the delivery agent two weeks written notice prior to the date she wishes to stop attending the placement, supported by a certificate from a legally-qualified medical practitioner that states the due date. The pregnancy leave is a total of 17 weeks from the date the participant stopped attending the placement.

A participant may stop attending a placement earlier because of complications caused by her pregnancy or because of a premature birth, still-birth or a miscarriage. The participant is required to give the delivery agent written notice within two weeks after she stopped attending the placement. If the participant stopped attending because of complications, a certificate is required from the participant's physician that states she is unable to perform the duties of her position because of the complication and the due date. If the participant stopped attending because of a premature birth, still-birth or miscarriage, a certificate is required from the participant's physician that states both the due date and the actual date of birth, still-birth or miscarriage.

### **Parental Leave**

A participant may stop attending a placement following the birth of a child or a child coming into their care. This leave is 52 weeks in total, but if the 17 weeks of pregnancy leave is taken, the parental leave is a total of up to 35 weeks. If pregnancy leave is not taken, parental leave is up to a total of 37 weeks starting from the date at which the participant chooses to begin the parental leave.

A participant may stop attending a placement earlier because a child comes into their care earlier than expected. If this occurs, a participant should give the delivery agent written notice within two weeks after they stopped attending the placement.

### **Termination of Placement**

Participants should receive a minimum of one week's notice that their placement is being terminated. The delivery agent is responsible for giving notice, which can be written or oral.