



## STAFF REPORT INFORMATION ONLY

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### Security Guard Services – Update

<b>Date:</b>	August 21, 2014
<b>To:</b>	Budget Committee
<b>From:</b>	Acting City Librarian

### **SUMMARY**

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The purpose of this report is to respond to a Budget Committee request for information about security guard services at Toronto Public Library (TPL), in particular, how the following would be implemented for 2015: (a) a security guard budget of \$400,000 per year; or (b) a security guard budget of \$600,000 per year; and whether there are legal requirements for public buildings that would inhibit any changes to security guard services.

The report sets out the how security guard resources could be deployed if the budget for security guard services is reduced from \$1.66 million to \$400,000 or \$600,000. The report also assesses the impact of the budget reduction on TPL's ability to meet its legal requirements to provide safe and secure premises to both the public and staff.

The current practice is to review annually the placement of security guards in libraries, including assessing how TPL is meeting its legal requirements as an employer and in operating public spaces. The 2014 annual review of security guard services is underway and will be carried out branch-by-branch, to consider the number of hours at each location and the role of the mobile guards. The results of the review and the potential cost savings will be incorporated into the Library's operating budget submission for 2015.

### **FINANCIAL IMPACT**

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There are no financial impacts resulting from this report beyond what has already been approved in the current year's budget. Cost savings identified by staff during the annual review will be incorporated into the 2015 operating budget submission.

The Director, Finance & Treasurer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

At the July 28, 2014 meeting of the Budget Committee, the Security Guard Services report was presented for information. The report was in response to a Budget Committee request for information about security guard services at Toronto Public Library. The Budget Committee adopted the following motions regarding the *Security Guard Services* report, that:

1. *requests staff report back to the next meeting of the Budget Committee on how the following would be implemented for 2015:*
  - a. *a security guard budget of \$400,000 per year;*
  - b. *a security guard budget of \$600,000 per year; and*
2. *requests staff to report back on whether there are legal requirements for public buildings that would inhibit any changes.*

## ISSUE BACKGROUND

The Security Guard Services report was in response to a Budget Committee request for information about security guard services at Toronto Public Library: the relationship between reported incidents and security guard deployment; the feasibility of migrating to a roving patrol model complemented with a fixed presence in select branches; and the feasibility of increasing the Streets to Homes Outreach Worker program to deal with patrons in distress.

The report concluded that maintaining a security guard service model with a scheduled guard presence in select branches, was the most effective model that provided a visible, proactive and preventative presence in the branch, maintaining a safe and welcoming environment.

The report also stated that the annual review of security guard services was underway to assess the need for security guards, branch-by-branch, to consider the number of hours at each branch and to re-assess the use of mobile guards. The results of the review and the cost savings would be incorporated into the Library's operating budget submission for 2015.

At the July 28<sup>th</sup> meeting, the Budget Committee requested additional information, as stated in the Decision History above.

## COMMENTS

The comments below are divided into two sections, and relate to the Committee's requests for additional information. The first section discusses the legal requirements and the liability and due diligence issues that arise from TPL's role as an operator of public spaces and as an employer. The second section discusses the impacts of reducing the security guard budget from \$1.66 million to \$400,000 or \$600,000.

## **Liability and Due Diligence**

An important area of consideration in regard to reductions to the budget for security services relates to liability and due diligence matters. TPL operates many large public spaces and receives visits from more than 18 million members of the public each year. It also is a ‘workplace’ with more than 2,350 employees. In its roles as both an employer and as an operator of public spaces, TPL must consider its liabilities and how it exercises due diligence in ensuring it conducts its business in a manner that takes the necessary precautions in regard to the security and safety of persons who enter its premises.

### **To the Public:**

The relevant legislation in regard to TPL’s liability in operating public space is Ontario’s *Occupiers’ Liability Act (OLA)*, R.S.O., 1990. Section 1 (1) of the *OLA* defines an “occupier” as (a) a person who is in physical possession of premises, or (b) a person who has responsibility for and control over persons allowed to enter the premises, despite the fact that there is more than one occupier of the same premises. The *OLA* does not limit the scope of the definition of “persons”, and therefore, Toronto Public Library Board (as a corporation) would meet the definition of an “occupier”. “Premises” means lands or structures, or either of them; and TPL branches would meet the definition.

Section 3 of the *OLA* outlines the statutory duty of care imposed on occupiers. Section 3 (1) states that an occupier of premises owes a duty to take such care as in all the circumstances of the case is reasonable to see that persons entering on the premises, and the property brought on the premises by those persons, are reasonably safe while on the premises. The “occupiers” duty of care may be elevated when the visitor is a child, elderly person or person with a disability.

The duty of care to the public is one of the factors staff considers in evaluating and making decisions about the placement of security guards in library branches.

### **To TPL Employees:**

The relevant legislation in regard to TPL’s obligations as an employer is the Ontario *Occupational Health and Safety Act (OHSA)*, R.S.O. 1990. TPL is an employer under the definition of *OHSA*. One of the general duties of employers is to take every precaution reasonable in the circumstances for the protection of a worker (Section 25 (2) (h)). Section 32 of *OHSA* deals specifically with Workplace Harassment and Violence and places a number of obligations on employers, including: to prepare a policy with respect to workplace violence and harassment (Section 32.0.1 (a) and (b)); and to develop and maintain a program to implement the policy with respect to workplace violence (Section 32.0.2 (1)). The employer’s program must include an assessment of risks of violence and include measures and precautions for summoning immediate assistance when workplace violence occurs or is likely to occur (Section 32.02 and 32.03).

TPL’s Workplace Violence Prevention and Response policy, adopted in 2007, requires the Library to take all reasonable and practical measures to prevent violence and protect employees and visitors from acts of violence. The policy objective and underlying principles are:

**Policy Objective:**

*To ensure that Toronto Public Library takes all practical and reasonable measures to prevent violence and protect employees and visitors to the Library from acts of violence in the workplace; to plan an effective response should violence occur; and to provide direction for recovery from such an event.*

**Underlying Principles:**

*Toronto Public Library protects employee and visitor safety by diligently applying health and safety legislation and Library policies and procedures, such as the Rules of Conduct Policy, at all its premises. The Library further protects employee and visitor safety by such means as security-conscious design of library locations and safe behaviour training. In some circumstances, additional protection is provided, for example by security guards on site, security patrols and video surveillance.*

TPL has a comprehensive health and safety program, including a program to address workplace violence prevention and response. The Union is a party to the workplace violence prevention and response program, and it is included in the Collective Agreement.

In accessing the need for security guards in branches, staff consider TPL's obligations under OHSA to exercise due diligence and put in place reasonable precautions to prevent and respond to workplace violence and harassment.

**Summary:**

TPL has statutory duties as both an employer and as an operator of public spaces to take 'reasonable' measures to see that staff and members of the public entering library premises are 'reasonably' safe while on the premises. The test of 'reasonableness' is not prescriptive, and it will be evaluated with consideration to all of the circumstances in each case. This is one of the challenges in establishing an appropriate level of security guard services for the branches. However, failure to take 'reasonable' precautions may increase TPL's liability in the event that an injury or some other adverse outcome to a member of the public or an employee takes place on library premises.

Staff consider these liability and due diligence issues when conducting the annual review of security guard placements and in making decisions about the placement of guards in select TPL branches.

**Reduced Security Guard Budget**

There are a number of issues to be considered in responding to the Committee's request for information about how a security guard service annual budget of \$400,000 (76% reduction from current) or \$600,000 (64% reduction from current) would be implemented.

The current schedule of in-branch guard service provides for guard service at 31 locations: Toronto Reference Library, North York Central Library, District libraries: Agincourt, Albert Campbell, Albion, Barbara Frum, Bloor/Gladstone, Cedarbrae, Fairview, Lillian H. Smith, Malvern, Maria A. Shchuka, Northern District, Richview, S. Walter Stewart, York Woods and Neighbourhood libraries: Centennial, Dawes Road, Downsview, Eatontown, Flemingdon

Park, Jane/Dundas, Jane/Sheppard, Oakwood Village, Parkdale, Parliament Street, Riverdale, Sanderson, St. James Town, Thorncliffe; and Computing Centre. The schedule for guard service varies, and most often is only for part of the branch open hours, according to branch specific requirements and to manage the effectiveness of security coverage within budget constraints.

Toronto Reference Library (TRL) and North York Central Library (NYCL) would need to continue with in-branch security guard service. At TRL it is due to the volume of traffic, as TRL had 1,226,659 visitors in 2013; the number of programs with high attendance and some extending beyond open hours; the size of building (426,535 sq. ft.) and number of floors to be monitored both by patrols and security video surveillance; after-hours activities such as catering and event crews using the loading areas late at night; security guards control restricted access outside open hours and any need for key access to secure areas by maintenance service providers. At NYCL it is due to the volume of traffic as NYCL had 1,690,775 visitors in 2013; the number of programs with high attendance and community bookings of meeting rooms; the size of the building and the number of floors to be monitored; security guards control access to secure areas by maintenance service providers. The volume of traffic is an important consideration, there are no other public spaces that have the volume of traffic of TRL or NYCL. Even the busier district libraries (e.g. Agincourt at 451,500 visits in 2013) exceed the traffic volume of most public spaces. Without security guards, the library staff at these locations would have to take on the duties of the security guard, which given the cost differential, would be an inefficient use of library resources.

Mobile guard service on its own does not address the need for a visible, proactive and preventative presence in selected branches. As a critical response to incidents reported by branch staff, there would have to be enough mobile guards to achieve adequate coverage with acceptable response time (10 - 15 minutes). As stated in the July 28<sup>th</sup> report to the Budget Committee, the Library would need to significantly increase the number of mobile guards to achieve that response time. Library staff have noted that two existing mobile guards do not provide service with 10 - 15 minute response time in a city the size of Toronto, with its traffic congestion.

As a comparison, it is noted that the Community Safety Unit at Toronto Community Housing makes use of contracted security guard firms to provide on-site security guards, with TCHC staff (Special Constables and Community Patrol Officers) providing mobile support services for security back-up purposes. A significant difference at the TCHC is that the buildings are not considered public spaces and guards are not to allow people to trespass or loiter.

### **Reduced budget of \$400,000**

Based on the considerations above, i.e, in-branch security guard service continuing at TRL and NYCL, a budget of \$400,000 would provide in-branch security guard service at TRL and NYCL, and only if the guard service was reduced at both locations. The budget would be achieved by reducing one guard during open hours at TRL and eliminating the overnight guard at NYCL. With no remaining budget, all other guards at 29 locations and the mobile guards would be eliminated. Branch staff would take on the duties of the security guards in those branches and security incidents would be escalated by calling 9-1-1. The option of

reducing the security guard budget to \$400,000 is not considered a viable option since it does not address safety concerns at branches that need security guard service.

### **Reduced budget of \$600,000**

Based on the considerations above, i.e, in-branch security guard service continuing at TRL and NYCL, a budget of \$600,000 would provide in-branch security guard service at TRL and NYCL, with reduced guard service at both locations, plus four district libraries with 45 hours of guard service Mon - Sat, (65.5 open hours) and 4 hours on Sunday. There would be no mobile guards and in-branch security guards would be eliminated at 25 locations. Since this does not address the security and safety concerns at those branches with a need for security guard presence, it is not considered a viable option.

Another approach within the \$600,000 budget would be to continue in-branch guard service at TRL and NYCL, with reduced guard service, and provide two mobile guards (one guard per car) and eliminating security guard services at all the remaining 29 locations. As noted above, two mobile guards could not provide service with 10 - 15 minute response time in a city the size of Toronto, with its traffic congestion. It is not a viable option.

## **CONCLUSION**

Contracted security guard services provides a visible, proactive and preventative presence in the branch, maintaining a safe and welcoming environment, and is an important component of the Board's response to its responsibilities as an employer and as an operator of public spaces. Staff consider these liability and due diligence issues when conducting the annual review of security guard placements and in making decisions about the placement of guards in TPL branches.

The report sets out the how security guard resources could be deployed if the Board chose to reduce the budget to \$400,000 or \$600,000 from the 2014 budget of \$1.66 million. The options under the reduced budgets are not considered viable by Library staff. Reducing the budget to either of these amounts would not provide a level of security guard service that ensures the branches will be secure and safe to members of the public and staff, and it may expose TPL to an increased liability in its role as an employer and an operator of public spaces.

The current practice is to review annually the placement of security guards in libraries, including assessing how TPL is meeting its legal requirements as an employer and in operating public spaces. The 2014 annual review of security guard services is underway and will be carried out branch-by- branch, to consider the number of hours at each location and the role of the mobile guards. The results of the review and the potential cost savings will be incorporated into the Library's operating budget submission for 2015.

## **CONTACT**

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## **SIGNATURE**

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