

## Workplace Violence: Complying with the Occupational Health & Safety Act

As of June 15, 2010, the Ontario Occupational Health and Safety Act includes employer responsibilities for addressing violence, harassment and domestic violence in the workplace. This edition of HSAGS Fast Facts provides organizations with guidance on complying with the changes.

### Definitions (from the Act)

#### Workplace Violence

- a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or
- c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

#### Workplace Harassment

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

### Types of workplace violence

Violence in the workplace is growing in the healthcare and community care sectors. The literature recognizes four types of workplace violence:

- Type I: External perpetrator (thefts, vandalism, assaults by a person with no relationship to the workplace)
- Type II: Client/Customer (physical or verbal assault of an employee by a client/family member or customer)
- Type III: Employee to employee (physical or verbal assault from an employee or former employee; includes harassment, stalking and bullying)
- Type IV: Domestic violence (personal relationship)

### Employer responsibilities

Amendments to the OHS Act clearly outline employers' responsibilities in preventing workplace violence. Listed below are key actions they must take.

- 1) Prepare a written\* workplace violence and harassment policy, review it annually and post it in the workplace (\*unless five or fewer workers are employed).
- 2) Develop and maintain a program to implement the policy as follows:
  - a) Assess the risk as it applies to your workplace and type of work, as well as in other places doing similar work.
  - b) Share the assessment results with the JHSC or H&S representative. If the results are in writing, provide the JHSC or representative with a copy.
  - c) Introduce measures and procedures to:
    - i) control identified risks of workplace violence,
    - ii) get help with incidents of workplace violence,
    - iii) report incidents of workplace violence *and* harassment,
    - iv) investigate and deal with incidents and complaints of workplace violence *and* harassment.
- 3) Reassess the risk of workplace violence as often as necessary to ensure the policy and program continues to protect employees.
- 4) Provide information and instruction to employees on the contents of the workplace violence and harassment policy and program. This information may include personal information (history of violence) about a person if a employee may encounter the person and may be exposed to physical injury (they may not disclose more information than is necessary to protect a worker from physical injury).

- 5) Take every reasonable precaution to protect an employee from physical injury in the workplace if the employer becomes aware or ought reasonably to be aware that domestic violence is a risk.
- 6) Notify the JHSC or H&S representative within four days if an employee is disabled from performing their own work or receives medical attention resulting from an incident of workplace violence.

### Right to refuse unsafe work

The right to refuse unsafe work now includes workplace violence. An employee may refuse unsafe work if he/she has reason to believe that workplace violence is likely to endanger them. Existing work refusal limitations for healthcare workers still apply (inherent in work/normal condition of employment, directly endanger the life, health or safety of another person).

Until the investigation into a work refusal is complete, the employee must remain in a safe place as close to her/his workstation as possible (unless assigned other work). She/he must also be available during normal working hours for any investigation.

### How to complete a risk assessment for workplace violence

The new legislation requires employers to complete a risk assessment. This should include all four types of violence. Below is a checklist for completing your assessment.

- 1) Review past incidents of workplace violence in the organization including:
  - a) employee incident reports
  - b) client/customer incidents/complaints,
  - c) security reports,
  - d) emergency response reports,
  - e) unusual occurrence reports, and
  - f) EAP usage.
- 2) Review workplace violence risks specific to your workplace, sector and physical location.
- 3) Determine employee perception of workplace violence and harassment.
- 4) Assess environmental factors such as:
  - a) staff travel/parking lots,
  - b) lighting,
  - c) signage,
  - d) building exterior/general appearance,
  - e) access to the facility, and
  - f) security measures (panic buttons/surveillance/communication devices).
- 5) Review risks related to work setting, clients and work practices, including:
  - a) working alone or at night;
  - b) working in the community;
  - c) working with high-risk clients or the public;
  - d) emergency response procedures;
  - e) point-of-care work practices (person-centered care, gentle persuasive approach, therapeutic alliance and collaborative recovery model); and
  - f) employee education.

The resources listed below contain additional details.

### Resources

#### Ontario Safety Association for Community & Healthcare

- *A Guide to the Development of a Workplace Violence Program:*
  - a) Implementing the program in your organization
  - b) Preventing client aggression through gentle persuasive approaches
- *Assessing Violence in the Community:* A handbook for the workplace
- *Bullying in the Workplace:* A handbook for the workplace
- *Domestic Violence in the Workplace:* A handbook for the workplace
- Fast Facts: Domestic Violence
- Fast Facts: Workplace Bullying

#### Occupational Health and Safety Council of Ontario

- A Workplace Resource: Developing Workplace Violence and Harassment Policies and Programs
- Domestic Violence Doesn't Stop when Your Worker Arrives at Work: What Employers Need to Know to Help
- Domestic Violence Doesn't Stop when You go to Work: How to get Help or Support a Colleague who may Need Help
- Workplace Violence Assessments