

Preventing workplace violence and workplace harassment

Safe At Work Ontario
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Changes to Ontario's Occupational Health and Safety Act (OHSA) – effective June 15, 2010 – strengthen protections for workers from workplace violence and address workplace harassment. They define workplace violence and harassment and describe employer duties, and will apply to all workplaces covered by the OHSA.

Bill 168 amendments to the Occupational Health and Safety Act

Definitions

Workplace violence means:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- 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 means:

- 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.

Workplace harassment may include bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls.

Policies and programs

Employers must:

- Prepare policies with respect to workplace violence and workplace harassment,
- Develop and maintain programs to implement their policies, and
- Provide information and instruction to workers on the contents of these policies and programs.

Workplace violence programs must include measures and procedures for:

- Summoning immediate assistance when workplace violence occurs or is likely to occur, and
- Controlling risks identified in the assessment of risks.

Both workplace violence and workplace harassment programs must include measures and procedures for workers to report incidents of workplace violence/harassment and set out how the employer will investigate and deal with incidents or complaints.

Assessment

Employers must proactively assess the risks of workplace violence that may arise from the nature of the

workplace, the type of work or the conditions of work. Measures and procedures to control these risks must be included in the workplace violence program.

Domestic violence

Employers who are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace must take every precaution reasonable in the circumstances to protect a worker at risk of physical injury.

Communication

Employers and supervisors must provide information to a worker about a risk of workplace violence from a person with a history of violent behaviour if the worker can expect to encounter that person in the course of work, and if the worker may be at risk of physical injury. Personal information may be disclosed, but only what is reasonably necessary to protect the worker from physical injury.

Work refusal

Workers have the right to refuse work if they have a reason to believe they are in danger from workplace violence. Reprisals by the employer continue to be prohibited. Certain workers continue to have only a limited right to refuse.

Enforcement

Ministry of Labour health and safety inspectors will enforce the new OHS provisions for workplace violence and workplace harassment and determine if employers are complying with their new duties. Employers and workers should always contact police first in emergency situations, if threats or actual violence occurs at a workplace.

Resources and tools for employers and workplace parties

Resource material is being developed by the occupational health and safety system partners – Health and Safety Associations (HSAs), the Ministry of Labour and the Workplace Safety & Insurance Board (WSIB) – to help employers assess workplace violence risks and develop workplace violence and workplace harassment policies and programs.

Ministry of Labour

A new compliance guideline – *Workplace Violence and Harassment: Understanding the Law* – will help workplace parties comply with the changes to the OHS. <http://www.labour.gov.on.ca/english/hs/pubs/wpvh/index.php>

New resources developed by the Occupational Health and Safety Council of Ontario (OHSCO): *Developing Workplace Violence and Harassment Policies and Programs: What Employers Need to Know* and *A Toolbox*. <http://www.labour.gov.on.ca/english/hs/pubs/index.php#workplaceviolence>

A revised *Guide to the Occupational Health and Safety Act* will include a section on workplace violence and workplace harassment. (Available summer, 2010)

Ministry of Labour website: <http://www.labour.gov.on.ca/english/>

Workplace Violence Legislation (Bill 168), full text
http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=2181&BillStagePrintId=4499&btnSubmit=go

Health and Safety Associations

Ontario's HSAs are posting resources and training opportunities about workplace violence and workplace harassment on their website: <http://healthandsafetyontario.ca/HSO/Home.aspx>

Safe workplaces mean productive workplaces.