

- Provide information and instruction to workers on the contents of the policies and programs.
- Provide information, including personal information, about a risk of workplace violence from a person with a history of violent behaviour if the worker can be expected to encounter that person in the course of work, and if the risk of workplace violence is likely to expose the worker to physical injury.
- Take every reasonable precaution to protect workers at risk of physical injury from domestic violence transferred to the workplace. Precautions should address the risks of which you are, or should be, aware.

If you are concerned about a worker's immediate safety, call the police.

Other employer duties under OHSA also apply to workplace violence. These include taking every reasonable precaution under the circumstances to protect workers – and providing them with supervision, information and instruction to protect their health and safety.

The joint health and safety committee or health and safety representative must be advised of the results of the employer's assessment of the workplace violence risks. They must be notified if a worker is killed, critically injured, disabled from performing his or her usual work or needs medical attention due to workplace violence. The Ministry of Labour must also be notified of any related fatalities or critical injuries.

Work refusal

A worker who has reason to believe that workplace violence is a likely danger to him/her has the right to refuse unsafe work, as of June 15, 2010. For certain workers, a limited right to refuse will continue. Employer reprisals will continue to be prohibited.

Resources:

In addition to this brochure, the Occupational Health & Safety Council of Ontario Workplace Violence Prevention Series has the following information to support you in fulfilling your employer obligations under OHSA:

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

Additional prevention system resources:

- OSACH Bullying in the Workplace: A Handbook for the Workplace
- OSACH Assessing Violence in the Community: A Handbook for the Workplace
- OSACH Addressing Domestic Violence in the Workplace: A Handbook
- 4 Poster Series

Where to go for more help

- Workplace Safety North: www.workplacesafetynorth.ca
- Health and Safety Association for Government Services: www.hsags.ca
- Infrastructure Health and Safety Association: www.ihsa.ca
- Safe Workplace Promotion Services Ontario: www.ossa.com
- Occupational Health Clinics for Ontario Workers Inc.: www.ohcow.on.ca
- Workers Health and Safety Centre: www.whsc.on.ca
- The Workplace Safety and Insurance Board: www.wsib.on.ca
- Ontario Ministry of Labour: www.labour.gov.on.ca
- Ontario Women's Directorate: www.citizenship.gov.on.ca/owd

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Occupational Health & Safety
Council of Ontario (OHSCO)
WORKPLACE VIOLENCE
PREVENTION SERIES



Protecting Workers from Workplace Violence:

What Employers Need to Know



OHSCO
Occupational Health & Safety Council of Ontario

Disponible en français

Leading companies understand that protecting workers from violence and harassment in the workplace benefits workers, employers and a company's bottom line. They also know that these issues can affect worker job satisfaction and morale, and increase job turnover. Addressing workplace violence and harassment makes good business sense, while failure to do so has clear financial consequences. For example, workers' lost time may escalate, Workplace Safety and Insurance Board costs may rise and medical or healthcare expenses may increase. Employers may also face legal action. By taking a strong, proactive stance against workplace violence and harassment, employers can avoid such costs and work toward healthy and dynamic organizations.

Under the Occupational Health and Safety Act (OHSA), as of June 15, 2010 employers have specific responsibilities relating to workplace violence and harassment. This brochure provides an overview of those new responsibilities.

What is workplace violence?

Workplace violence is an occupational health and safety hazard. As of June 15, 2010, the OHSA defines workplace violence as:

- (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;
- (c) a statement or behaviour that 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.

This definition applies to the legal requirements under the OHSA. Types of workplace violence include hitting, pushing, physical assault, sexual assault, stalking, criminal harassment, robbery and threats.

What is workplace harassment?

As of June 15, 2010, OHSA defines workplace harassment as “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 harassment include: sexual harassment; teasing; intimidation or offensive jokes or innuendos; display or circulation of offensive pictures or materials; unwelcome, offensive or intimidating phone calls; or bullying. Leering, staring, unwelcome gifts or attention, offensive gestures, spreading rumours and stereotyping could also be considered harassment.

Workplace harassment, if left unchecked, can escalate and lead to physical violence or even death.

What is domestic violence?

Domestic violence becomes a form of workplace violence when it occurs in the workplace and is interpreted in a manner consistent with the definition of workplace violence.

Domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom he/she has or has had an intimate relationship. This pattern of behaviour may include physical violence; sexual, emotional and psychological intimidation; verbal abuse; stalking; and using electronic devices to harass and control.

Behaviours such as emotional and psychological intimidation and harassment can be disruptive and harmful to a victim – and can quickly turn into physical violence.

Anyone can be a victim of domestic violence, regardless of age, race, economic status, religion, sexual orientation or education. While men can be victims of domestic violence, women represent the overwhelming majority of victims of such violence.

Sources of workplace violence

Workplace violence can come from many sources. It is important to consider the risk from all potential sources so you can implement the appropriate prevention controls. Sources of workplace violence can be classified into four types:

- Type I (external – no relationship to employer): Committed by a perpetrator who has no relationship to the workplace (e.g. stranger).
- Type II (client or customer): The perpetrator is a client, customer or patient at the workplace.
- Type III (worker-to-worker): The perpetrator (boss, co-worker, subordinate) is an employee or past employee of the workplace.
- Type IV (domestic violence): The perpetrator (family member, former family or friends) usually has a relationship with an employee, e.g. domestic violence in the workplace (NIOSH Publication No. 2006-144: Workplace Violence Prevention Strategies and Research Needs, 2006. <http://www.cdc.gov/niosh/docs/2006-144/2006-144d.html#ref>)

What do employers need to do?

As of June 15, 2010 under the Occupational Health and Safety Act (OHSA), employers have the following duties with respect to workplace violence and workplace harassment:

- Prepare workplace violence and harassment policies, and develop and maintain programs to implement those policies.
- Include in your workplace violence and harassment programs measures and procedures that workers can use to report incidents. Set out how the employer will investigate and deal with incidents and complaints. The workplace violence program must also include measures and procedures for getting immediate assistance when workplace violence occurs or is likely to occur.
- Assess the risks of workplace violence that may arise from the nature of the workplace or the type and conditions of work. Include measures and procedures in the workplace violence program to control the risks.