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# WORKPLACE VIOLENCE AND HARASSMENT PREVENTION



Association of Canadian Search,  
Employment and Staffing Services

Association Nationale des Entreprises en  
Recrutement et Placement de Personnel

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1ST SESSION, 39TH LEGISLATURE, ONTARIO  
58 ELIZABETH II, 2009

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58 ELIZABETH II, 2009

## Bill 168

*(Chapter 23  
Statutes of Ontario, 2009)*

**An Act to amend the  
Occupational Health and Safety Act  
with respect to violence and  
harassment in the workplace  
and other matters**

**The Hon. P. Fonseca**  
Minister of Labour

1st Reading	April 20, 2009
2nd Reading	October 20, 2009
3rd Reading	December 9, 2009
Royal Assent	December 15, 2009

## Projet de loi 168

*(Chapitre 23  
Lois de l'Ontario de 2009)*

**Loi modifiant la  
Loi sur la santé et la sécurité au travail  
en ce qui concerne la violence  
et le harcèlement au travail  
et d'autres questions**

**L'honorable P. Fonseca**  
Ministre du Travail

1 <sup>re</sup> lecture	20 avril 2009
2 <sup>e</sup> lecture	20 octobre 2009
3 <sup>e</sup> lecture	9 décembre 2009
Sanction royale	15 décembre 2009



## EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 168 and does not form part of the law. Bill 168 has been enacted as Chapter 23 of the Statutes of Ontario, 2009.*

The Bill adds Part III.0.1 (Violence and Harassment) to the *Occupational Health and Safety Act*. Subsection 1 (1) of the Act is amended to include definitions of workplace violence and workplace harassment.

Section 32.0.1 of the Act requires an employer to prepare policies with respect to workplace violence and workplace harassment, and to review the policies at least annually.

Section 32.0.2 of the Act requires an employer to develop a program to implement the workplace violence policy. The program must include measures to control risks of workplace violence identified in the risk assessment that is required under section 32.0.3, to summon immediate assistance when workplace violence occurs, and for workers to report incidents of workplace violence. The program must also set out how the employer will deal with incidents and complaints of workplace violence.

Section 32.0.3 of the Act requires an employer to assess the risks of workplace violence and to report the results of the assessment to the joint health and safety committee or to a health and safety representative. If there is no committee or representative, the results must be reported to the workers. The risks must be reassessed as often as is necessary to protect workers from workplace violence.

Under section 32.0.4 of the Act, if an employer is aware or ought to be aware that domestic violence that is likely to expose a worker to physical injury may occur in the workplace, the employer must take every reasonable precaution to protect the worker.

Section 32.0.5 of the Act clarifies that the employer duties in section 25, the supervisor duties in section 27 and the worker duties in section 28 apply, as appropriate, with respect to workplace violence. Section 32.0.5 also requires an employer to provide a worker with information and instruction on the contents of the workplace violence policy and program.

Section 32.0.6 of the Act requires an employer to develop a program to implement the workplace harassment policy. The program must include measures for workers to report incidents of workplace harassment and set out how the employer will deal with incidents and complaints of workplace harassment. Section 32.0.7 requires an employer to provide a worker with information and instruction on the contents of the workplace harassment policy and program.

The Bill amends section 43 of the Act, which deals with a worker's right to refuse work in various circumstances where health or safety is in danger, to include the right to refuse work if workplace violence is likely to endanger the worker.

The Bill adds sections 55.1 and 55.2 to the Act, authorizing inspectors to make orders requiring policies under section 32.0.1 and assessments and reassessments under section 32.0.3 to be in writing or to be posted in the workplace.

The Bill provides for authority to make regulations, including the following:

## NOTE EXPLICATIVE

*La note explicative, rédigée à titre de service aux lecteurs du projet de loi 168, ne fait pas partie de la loi. Le projet de loi 168 a été édicté et constitue maintenant le chapitre 23 des Lois de l'Ontario de 2009.*

Le projet de loi ajoute la partie III.0.1 (Violence et harcèlement) à la *Loi sur la santé et la sécurité au travail*. Le paragraphe 1 (1) de la Loi est modifié pour inclure les définitions de «violence au travail» et de «harcèlement au travail».

L'article 32.0.1 de la Loi exige que l'employeur formule des politiques concernant respectivement la violence au travail et le harcèlement au travail et examine celles-ci au moins une fois l'an.

L'article 32.0.2 de la Loi exige que l'employeur élabore un programme de mise en oeuvre de la politique concernant la violence au travail. Ce programme doit comprendre les mesures à prendre pour contrôler les risques de violence au travail indiqués dans l'évaluation du risque exigée à l'article 32.0.3 et pour obtenir une aide immédiate lorsqu'il se produit de la violence au travail, ainsi que celles que les travailleurs doivent prendre pour signaler les incidents de violence au travail. Il doit également indiquer la manière dont l'employeur compte faire face aux incidents et aux plaintes de violence au travail.

L'article 32.0.3 de la Loi exige que l'employeur évalue les risques de violence au travail et informe le comité ou un délégué à la santé et à la sécurité des résultats de l'évaluation. En l'absence de comité ou de délégué, il faut en informer les travailleurs eux-mêmes. Les risques doivent être réévalués aussi souvent que cela est nécessaire pour protéger les travailleurs contre la violence au travail.

Selon l'article 32.0.4 de la Loi, si un employeur a connaissance, ou devrait raisonnablement avoir connaissance, du fait qu'il peut se produire, dans le lieu de travail, de la violence familiale susceptible d'exposer un travailleur à un préjudice corporel, il doit prendre toutes les précautions raisonnables pour le protéger.

L'article 32.0.5 de la Loi précise que les devoirs de l'employeur prévus à l'article 25, ceux du superviseur prévus à l'article 27 et ceux du travailleur prévus à l'article 28 s'appliquent, s'il y a lieu, à l'égard de la violence au travail. Il exige également que les employeurs fournissent aux travailleurs des renseignements et des directives sur le contenu de la politique et du programme concernant la violence au travail.

L'article 32.0.6 de la Loi exige que l'employeur élabore un programme de mise en oeuvre de la politique concernant le harcèlement au travail. Ce programme doit comprendre les mesures que les travailleurs doivent prendre pour signaler les incidents de harcèlement au travail et énoncer la manière dont l'employeur compte faire face aux incidents et aux plaintes de harcèlement au travail. L'article 32.0.7 exige que l'employeur fournisse aux travailleurs des renseignements et des directives sur le contenu de la politique et du programme concernant le harcèlement au travail.

Le projet de loi modifie l'article 43 de la Loi, lequel porte sur le droit d'un travailleur de refuser de travailler dans des circonstances susceptibles de mettre sa santé ou sa sécurité en danger, pour inclure le droit de refuser de travailler si de la violence au travail est susceptible de le mettre en danger.

Le projet de loi ajoute à la Loi les articles 55.1 et 55.2, lesquels autorisent les inspecteurs à ordonner que les politiques prévues à l'article 32.0.1 et que les évaluations et réévaluations prévues à l'article 32.0.3 soient écrites ou affichées dans le lieu de travail.

Le projet de loi prévoit des pouvoirs réglementaires, notamment :

1. Requiring an employer to designate a workplace coordinator with respect to workplace violence and workplace harassment.
2. In the case of workers with a limited right to refuse work under section 43 of the Act, specifying situations in which a danger to health or safety is inherent in the workers' work or a normal condition of employment.
3. Varying or supplementing subsections 43 (4) to (13) of the Act with respect to workers with a limited right to refuse under section 43 and workers to whom section 43 applies by reason of a regulation made for the purposes of subsection 3 (3) of the Act.
4. Governing the application of the duties and rights set out in Part III.0.1 to the taxi industry.

1. Exiger qu'un employeur désigne un coordonnateur du lieu de travail à l'égard de la violence au travail et du harcèlement au travail.
2. Dans le cas des travailleurs qui ont, en vertu l'article 43 de la Loi, un droit limité de refuser de travailler, préciser les cas où un danger pour la santé ou la sécurité est inhérent au travail d'un travailleur ou constitue une condition normale de son emploi.
3. Modifier ou compléter les paragraphes 43 (4) à (13) de la Loi en fonction des travailleurs qui ont, en vertu de l'article 43, un droit limité de refuser de travailler et des travailleurs auxquels l'article 43 s'applique en raison d'un règlement pris pour l'application du paragraphe 3 (3) de la Loi.
4. Régir l'application, à l'industrie du taxi, des devoirs et des droits prévus à la partie III.0.1.

**An Act to amend the  
Occupational Health and Safety Act  
with respect to violence and  
harassment in the workplace  
and other matters**

Note: This Act amends the *Occupational Health and Safety Act*. For the legislative history of the Act, see the Table of Consolidated Public Statutes – Detailed Legislative History on [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Subsection 1 (1) of the *Occupational Health and Safety Act* is amended by adding the following definitions:**

“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; (“harcèlement au travail”)

“workplace violence” means,

- (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 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. (“violence au travail”)

**2. Section 25 of the Act is amended by adding the following subsection:**

Same

(3.1) Any explanatory material referred to under clause (2) (i) may be published as part of the poster required under section 2 of the *Employment Standards Act, 2000*.

**3. The Act is amended by adding the following Part:**

**PART III.0.1  
VIOLENCE AND HARASSMENT**

Policies, violence and harassment

**32.0.1** (1) An employer shall,

**Loi modifiant la  
Loi sur la santé et la sécurité au travail  
en ce qui concerne la violence  
et le harcèlement au travail  
et d’autres questions**

Remarque : La présente loi modifie la *Loi sur la santé et la sécurité au travail*, dont l’historique législatif figure à la page pertinente de l’Historique législatif détaillé des lois d’intérêt public codifiées sur le site [www.lois-en-ligne.gouv.on.ca](http://www.lois-en-ligne.gouv.on.ca).

Sa Majesté, sur l’avis et avec le consentement de l’Assemblée législative de la province de l’Ontario, édicte :

**1. Le paragraphe 1 (1) de la *Loi sur la santé et la sécurité au travail* est modifié par adjonction des définitions suivantes :**

«harcèlement au travail» Fait pour une personne d’adopter une ligne de conduite caractérisée par des remarques ou des gestes vexatoires contre un travailleur dans un lieu de travail lorsqu’elle sait ou devrait raisonnablement savoir que ces remarques ou ces gestes sont importuns. («workplace harassment»)

«violence au travail» Selon le cas :

- a) emploi par une personne contre un travailleur, dans un lieu de travail, d’une force physique qui lui cause ou pourrait lui causer un préjudice corporel;
- b) tentative d’employer contre un travailleur, dans un lieu de travail, une force physique qui pourrait lui causer un préjudice corporel;
- c) propos ou comportement qu’un travailleur peut raisonnablement interpréter comme une menace d’employer contre lui, dans un lieu de travail, une force physique qui pourrait lui causer un préjudice corporel. («workplace violence»)

**2. L’article 25 de la Loi est modifié par adjonction du paragraphe suivant :**

Idem

(3.1) Tout document explicatif visé à l’alinéa (2) i) peut faire partie de l’affiche publiée en application de l’article 2 de la *Loi de 2000 sur les normes d’emploi*.

**3. La Loi est modifiée par adjonction de la partie suivante :**

**PARTIE III.0.1  
VIOLENCE ET HARCÈLEMENT**

Politiques : violence et harcèlement

**32.0.1** (1) L’employeur :

- (a) prepare a policy with respect to workplace violence;
- (b) prepare a policy with respect to workplace harassment; and
- (c) review the policies as often as is necessary, but at least annually.

**Written form, posting**

(2) The policies shall be in written form and shall be posted at a conspicuous place in the workplace.

**Exception**

(3) Subsection (2) does not apply if the number of employees regularly employed at the workplace is five or fewer, unless an inspector orders otherwise.

**Program, violence**

**32.0.2** (1) An employer shall develop and maintain a program to implement the policy with respect to workplace violence required under clause 32.0.1 (1) (a).

**Contents**

- (2) Without limiting the generality of subsection (1), the program shall,
- (a) include measures and procedures to control the risks identified in the assessment required under subsection 32.0.3 (1) as likely to expose a worker to physical injury;
  - (b) include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
  - (c) include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor;
  - (d) set out how the employer will investigate and deal with incidents or complaints of workplace violence; and
  - (e) include any prescribed elements.

**Assessment of risks of violence**

**32.0.3** (1) An employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.

**Considerations**

- (2) The assessment shall take into account,
- (a) circumstances that would be common to similar workplaces;
  - (b) circumstances specific to the workplace; and
  - (c) any other prescribed elements.

**Results**

- (3) An employer shall,

- a) formule une politique concernant la violence au travail;
- b) formule une politique concernant le harcèlement au travail;
- c) examine les politiques aussi souvent que nécessaire, mais au moins une fois par année.

**Formulation par écrit, affichage**

(2) Les politiques sont formulées par écrit et sont affichées dans un endroit bien en vue du lieu de travail.

**Exception**

(3) Le paragraphe (2) ne s'applique pas si le nombre de personnes employées régulièrement dans le lieu de travail est égal ou inférieur à cinq, sauf ordre contraire d'un inspecteur.

**Programme : violence**

**32.0.2** (1) L'employeur élabore et maintient un programme de mise en oeuvre de la politique concernant la violence au travail exigée à l'alinéa 32.0.1 (1) a).

**Contenu**

- (2) Sans préjudice de la portée générale du paragraphe (1), le programme :
- a) inclut les mesures à prendre et les méthodes à suivre pour contrôler les risques indiqués dans l'évaluation exigée aux termes du paragraphe 32.0.3 (1) comme étant susceptibles d'exposer un travailleur à un préjudice corporel;
  - b) inclut les mesures à prendre et les méthodes à suivre pour obtenir une aide immédiate lorsqu'il se produit ou qu'il est susceptible de se produire de la violence au travail;
  - c) inclut les mesures que les travailleurs doivent prendre et les méthodes qu'ils doivent suivre pour signaler les incidents de violence au travail à l'employeur ou au superviseur;
  - d) énonce la manière dont l'employeur enquêtera sur les incidents ou les plaintes de violence au travail et dont il compte y faire face;
  - e) inclut les éléments prescrits.

**Évaluation des risques de violence**

**32.0.3** (1) L'employeur évalue les risques de violence au travail qui peuvent découler de la nature du lieu de travail, du genre de travail ou des conditions de travail.

**Facteurs à prendre en considération**

- (2) L'évaluation tient compte des facteurs suivants :
- a) les circonstances qu'auraient en commun des lieux de travail semblables;
  - b) les circonstances propres au lieu de travail;
  - c) les autres éléments prescrits.

**Résultats**

- (3) L'employeur :

- (a) advise the committee or a health and safety representative, if any, of the results of the assessment, and provide a copy if the assessment is in writing; and
- (b) if there is no committee or health and safety representative, advise the workers of the results of the assessment and, if the assessment is in writing, provide copies on request or advise the workers how to obtain copies.

**Reassessment**

(4) An employer shall reassess the risks of workplace violence as often as is necessary to ensure that the related policy under clause 32.0.1 (1) (a) and the related program under subsection 32.0.2 (1) continue to protect workers from workplace violence.

**Same**

(5) Subsection (3) also applies with respect to the results of the reassessment.

**Domestic violence**

**32.0.4** If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.

**Duties re violence**

**32.0.5** (1) For greater certainty, the employer duties set out in section 25, the supervisor duties set out in section 27, and the worker duties set out in section 28 apply, as appropriate, with respect to workplace violence.

**Information**

- (2) An employer shall provide a worker with,
  - (a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence; and
  - (b) any other prescribed information or instruction.

**Provision of information**

(3) An employer's duty to provide information to a worker under clause 25 (2) (a) and a supervisor's duty to advise a worker under clause 27 (2) (a) include the duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if,

- (a) the worker can be expected to encounter that person in the course of his or her work; and
- (b) the risk of workplace violence is likely to expose the worker to physical injury.

**Limit on disclosure**

- (4) No employer or supervisor shall disclose more per-

- a) informe le comité ou un délégué à la santé et à la sécurité, s'il y en a un, des résultats de l'évaluation et lui en remet une copie, dans le cas d'une évaluation écrite;
- b) informe les travailleurs des résultats de l'évaluation et, dans le cas d'une évaluation écrite, leur en fournit une copie sur demande ou leur indique comment en obtenir des copies, s'il n'y a ni comité ni délégué à la santé et à la sécurité.

**Réévaluation**

(4) L'employeur réévalue les risques de violence au travail aussi souvent que cela est nécessaire pour que la politique afférente visée à l'alinéa 32.0.1 (1) a) et le programme afférent visé au paragraphe 32.0.2 (1) continuent de protéger les travailleurs contre la violence au travail.

**Idem**

(5) Le paragraphe (3) s'applique également à l'égard des résultats de la réévaluation.

**Violence familiale**

**32.0.4** L'employeur qui prend connaissance, ou devrait raisonnablement avoir connaissance, du fait qu'il peut se produire, dans le lieu de travail, de la violence familiale susceptible d'exposer un travailleur à un préjudice corporel prend toutes les précautions raisonnables dans les circonstances pour le protéger.

**Devoirs concernant la violence**

**32.0.5** (1) Il est entendu que les devoirs de l'employeur énoncés à l'article 25, les devoirs du superviseur énoncés à l'article 27 et les devoirs du travailleur énoncés à l'article 28 s'appliquent, selon le cas, à l'égard de la violence au travail.

**Renseignements**

- (2) L'employeur fournit ce qui suit au travailleur :
  - a) des renseignements et des directives adaptés au travailleur sur le contenu de la politique et du programme concernant la violence au travail;
  - b) les autres renseignements ou directives prescrits.

**Fourniture de renseignements**

(3) Le devoir de l'employeur de fournir des renseignements au travailleur conformément à l'alinéa 25 (2) a) et le devoir du superviseur d'informer un travailleur conformément à l'alinéa 27 (2) a) s'entendent notamment du devoir de fournir des renseignements, y compris des renseignements personnels, relatifs au risque de violence au travail de la part d'une personne qui a des antécédents de comportement violent, si les conditions suivantes sont réunies :

- a) selon toute attente, le travailleur rencontrera cette personne dans le cadre de son travail;
- b) le risque de violence au travail est susceptible d'exposer le travailleur à un préjudice corporel.

**Restriction de la divulgation**

- (4) Ni l'employeur ni le superviseur ne doit divulguer,

sonal information in the circumstances described in subsection (3) than is reasonably necessary to protect the worker from physical injury.

**Program, harassment**

**32.0.6** (1) An employer shall develop and maintain a program to implement the policy with respect to workplace harassment required under clause 32.0.1 (1) (b).

**Contents**

- (2) Without limiting the generality of subsection (1), the program shall,
- (a) include measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor;
  - (b) set out how the employer will investigate and deal with incidents and complaints of workplace harassment; and
  - (c) include any prescribed elements.

**Information and instruction, harassment**

**32.0.7** An employer shall provide a worker with,

- (a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment; and
- (b) any other prescribed information.

**4. (1) Clause 43 (1) (a) of the Act is amended by striking out “clause (3) (a), (b) or (c)” and substituting “clause (3) (a), (b), (b.1) or (c)”.**

**(2) Subsection 43 (3) of the Act is amended by striking out “or” at the end of clause (b) and by adding the following clause:**

- (b.1) workplace violence is likely to endanger himself or herself; or

**(3) Subsection 43 (5) of the Act is repealed and the following substituted:**

**Worker to remain in safe place and available for investigation**

- (5) Until the investigation is completed, the worker shall remain,
- (a) in a safe place that is as near as reasonably possible to his or her work station; and
  - (b) available to the employer or supervisor for the purposes of the investigation.

**(4) Subsection 43 (6) of the Act is amended by striking out “or” at the end of clause (b) and by adding the following clause:**

- (b.1) workplace violence continues to be likely to endanger himself or herself; or

**(5) Subsection 43 (8) of the Act is repealed and the following substituted:**

**Decision of inspector**

- (8) The inspector shall, following the investigation

dans les circonstances visées au paragraphe (3), plus de renseignements personnels que raisonnablement nécessaire pour protéger le travailleur d’un préjudice corporel.

**Programme : harcèlement**

**32.0.6** (1) L’employeur élabore et maintient un programme de mise en oeuvre de la politique concernant le harcèlement au travail exigée à l’alinéa 32.0.1 (1) b).

**Contenu**

- (2) Sans préjudice de la portée générale du paragraphe (1), le programme :
- a) inclut les mesures que les travailleurs doivent prendre et les méthodes qu’ils doivent suivre pour signaler les incidents de harcèlement au travail à l’employeur ou au superviseur;
  - b) énonce la manière dont l’employeur enquêtera sur les incidents et les plaintes de harcèlement au travail et dont il compte y faire face;
  - c) inclut les éléments prescrits.

**Renseignements et directives : harcèlement**

**32.0.7** L’employeur fournit ce qui suit au travailleur :

- a) des renseignements et des directives adaptés au travailleur sur le contenu de la politique et du programme concernant le harcèlement au travail;
- b) les autres renseignements prescrits.

**4. (1) L’alinéa 43 (1) a) de la Loi est modifié par substitution de «l’alinéa (3) a), b), b.1) ou c)» à «l’alinéa (3) a), b) ou c)».**

**(2) Le paragraphe 43 (3) de la Loi est modifié par adjonction de l’alinéa suivant :**

- b.1) que de la violence au travail est susceptible de le mettre en danger;

**(3) Le paragraphe 43 (5) de la Loi est abrogé et remplacé par ce qui suit :**

**Obligations du travailleur de demeurer dans un lieu sûr et de rester disponible aux fins de l’enquête**

- (5) Tant que l’enquête n’est pas terminée, le travailleur :
- a) d’une part, demeure dans un lieu sûr aussi près que raisonnablement possible de son poste de travail;
  - b) d’autre part, reste à la disposition de l’employeur ou du superviseur aux fins de l’enquête.

**(4) Le paragraphe 43 (6) de la Loi est modifié par adjonction de l’alinéa suivant :**

- b.1) que de la violence au travail est toujours susceptible de le mettre en danger;

**(5) Le paragraphe 43 (8) de la Loi est abrogé et remplacé par ce qui suit :**

**Décision de l’inspecteur**

- (8) À la suite de l’enquête visée au paragraphe (7),



referred to in subsection (7), decide whether a circumstance described in clause (6) (a), (b), (b.1) or (c) is likely to endanger the worker or another person.

**(6) Subsection 43 (10) of the Act is repealed and the following substituted:**

**Worker to remain in safe place and available for investigation**

(10) Pending the investigation and decision of the inspector, the worker shall remain, during the worker's normal working hours, in a safe place that is as near as reasonably possible to his or her work station and available to the inspector for the purposes of the investigation.

**Exception**

(10.1) Subsection (10) does not apply if the employer, subject to the provisions of a collective agreement, if any,

- (a) assigns the worker reasonable alternative work during the worker's normal working hours; or
- (b) subject to section 50, where an assignment of reasonable alternative work is not practicable, gives other directions to the worker.

**5. Subsection 52 (1) of the Act is amended by striking out "or fire" in the portion before paragraph 1 and substituting "fire or incident of workplace violence".**

**6. The Act is amended by adding the following sections:**

**Order for written policies**

**55.1** In the case of a workplace at which the number of employees regularly employed is five or fewer, an inspector may in writing order that the policies with respect to workplace violence and workplace harassment required under section 32.0.1 be in written form and posted at a conspicuous place in the workplace.

**Order for written assessment, etc.**

**55.2** An inspector may in writing order that the following be in written form:

- 1. The assessment of the risks of workplace violence required under subsection 32.0.3 (1).
- 2. A reassessment required under subsection 32.0.3 (4).

**7. Subsection 70 (2) of the Act is amended by adding the following paragraphs:**

- 15. prescribing elements that any policy required under this Act must contain;
- ...
- 33. prescribing restrictions, prohibitions or conditions with respect to workers or workplaces relating to the risks of workplace violence;
- ...

l'inspecteur décide si une circonstance visée à l'alinéa (6) a), b), b.1) ou c) est susceptible de mettre le travailleur ou une autre personne en danger.

**(6) Le paragraphe 43 (10) de la Loi est abrogé et remplacé par ce qui suit :**

**Obligation du travailleur de demeurer dans un lieu sûr et de rester à la disposition de l'enquêteur**

(10) Tant que l'enquête n'a pas eu lieu et tant que l'inspecteur n'a pas rendu sa décision, le travailleur demeure, pendant ses heures normales de travail, dans un lieu sûr aussi près que raisonnablement possible de son poste de travail et reste à la disposition de l'inspecteur aux fins de l'enquête.

**Exception**

(10.1) Le paragraphe (10) ne s'applique pas si l'employeur, sous réserve des dispositions de la convention collective, le cas échéant :

- a) donne au travailleur un autre travail raisonnable pendant ses heures normales de travail;
- b) sous réserve de l'article 50, donne au travailleur d'autres directives s'il est impossible de lui donner un autre travail raisonnable.

**5. Le paragraphe 52 (1) de la Loi est modifié par substitution de «, d'un incendie ou d'un incident de violence au travail» à «ou d'un incendie» dans le passage qui précède la disposition 1.**

**6. La Loi est modifiée par adjonction des articles suivants :**

**Ordre : politiques écrites**

**55.1** Dans le cas d'un lieu de travail où le nombre de personnes régulièrement employées est égal ou inférieur à cinq, un inspecteur peut ordonner par écrit que les politiques concernant la violence au travail et le harcèlement au travail exigées aux termes de l'article 32.0.1 soient formulées par écrit et affichées dans un endroit bien en vue du lieu de travail.

**Ordre : évaluation écrite**

**55.2** Un inspecteur peut ordonner par écrit que les évaluations suivantes soient écrites :

- 1. L'évaluation des risques de violence au travail exigée au paragraphe 32.0.3 (1).
- 2. La réévaluation exigée au paragraphe 32.0.3 (4).

**7. Le paragraphe 70 (2) de la Loi est modifié par adjonction des dispositions suivantes :**

- 15. prescrire les éléments que doivent comprendre les politiques exigées par la présente loi;
- ...
- 33. prescrire des restrictions, des interdictions ou des conditions à l'égard des travailleurs ou des lieux de travail relativement aux risques de violence au travail;
- ...

50. requiring an employer to designate a person in a workplace to act as a workplace co-ordinator with respect to workplace violence and workplace harassment, and prescribing the functions and duties of the co-ordinator;
51. in the case of a worker described in subsection 43 (2), specifying situations in which a circumstance described in clause 43 (3) (a), (b), (b.1) or (c) shall be considered, for the purposes of clause 43 (1) (a), to be inherent in the worker's work or a normal condition of employment;
52. varying or supplementing subsections 43 (4) to (13) with respect to the following workers, in circumstances when section 43 applies to them:
  - i. workers to whom section 43 applies by reason of a regulation made for the purposes of subsection 3 (3), and
  - ii. workers described in subsection 43 (2).

**8. The Act is amended by adding the following section:**

**Regulations, taxi industry**

**71.** (1) The Lieutenant Governor in Council may make regulations governing the application of the duties and rights set out in Part III.0.1 to the taxi industry.

**Same**

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

- (a) specifying that all or any of the duties set out in Part III.0.1 apply for the purposes of the regulations, with such modifications as may be necessary in the circumstances;
- (b) specifying who shall be considered an employer for the purposes of the regulations and requiring that person to carry out the specified duties;
- (c) specifying who shall be considered a worker for the purposes of the regulations;
- (d) specifying what shall be considered a workplace for the purposes of the regulations.

**Commencement**

**9. This Act comes into force six months after the day it receives Royal Assent.**

**Short title**

**10. The short title of this Act is the *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009*.**

50. exiger qu'un employeur désigne une personne dans un lieu de travail pour agir à titre de coordonnateur du lieu de travail à l'égard de la violence au travail et du harcèlement au travail et prescrire les fonctions et les obligations du coordonnateur;
51. dans le cas d'un travailleur décrit au paragraphe 43 (2), préciser les cas où une circonstance visée à l'alinéa 43 (3) a), b), b.1) ou c) doit être considérée, pour l'application de l'alinéa 43 (1) a), comme étant inhérente au travail d'un travailleur ou comme une condition normale de son emploi;
52. modifier ou compléter les paragraphes 43 (4) à (13) en fonction des travailleurs suivants, dans les circonstances où l'article 43 s'applique à ces derniers :
  - i. les travailleurs auxquels l'article 43 s'applique en raison d'un règlement pris pour l'application du paragraphe 3 (3),
  - ii. les travailleurs visés au paragraphe 43 (2).

**8. La Loi est modifiée par adjonction de l'article suivant :**

**Règlements : industrie du taxi**

**71.** (1) Le lieutenant-gouverneur en conseil peut, par règlement, régir l'application, à l'industrie du taxi, des devoirs et des droits énoncés à la partie III.0.1.

**Idem**

(2) Sans préjudice de la portée générale du paragraphe (1), le lieutenant-gouverneur en conseil peut, par règlement :

- a) préciser que la totalité ou une partie des devoirs énoncés à la partie III.0.1 s'applique dans le cadre des règlements, avec les adaptations nécessaires dans les circonstances;
- b) préciser les personnes qui sont considérées comme étant des employeurs pour l'application des règlements et exiger que ces personnes s'acquittent des devoirs précisés;
- c) préciser les personnes qui sont considérées comme étant des travailleurs pour l'application des règlements;
- d) préciser ce qui est considéré comme étant un lieu de travail pour l'application des règlements.


**Entrée en vigueur**

**9. La présente loi entre en vigueur six mois après le jour où elle reçoit la sanction royale.**

**Titre abrégé**

**10. Le titre abrégé de la présente loi est *Loi de 2009 modifiant la Loi sur la santé et la sécurité au travail (violence et harcèlement au travail)*.**



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## 1.0 STANDARD


### 1.1. Purpose and Scope

ABC Temp Agency recognizes the rights, dignity and worth of every employee. Wherever people interact at work there is a potential for violence and harassment, regardless of the job. Workplace violence and harassment is a serious issue that affects all business sectors and occupations. It affects the safety and security of every employee and employer. This standard applies to all employees where company business occurs even if not on company property and includes temporary employees on client placements.

This standard is designed to provide specific guidance related to the requirements for the prevention and response to workplace violence and harassment. ABC Temp Agency is committed to providing a safe and healthy workplace free from actual, attempted or threatening violence and will take reasonable precautions to prevent workplace violence and harassment in order to protect employees.


### 1.2. Definitions

	Description
<b>Workplace Violence</b>	(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, this includes but is not limited to physical acts such as punching, hitting, kicking, pushing, damaging property or throwing objects. (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 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. This may include behaviour such as bringing a weapon of any kind to a workplace or possessing a weapon of any kind while carrying out company business, or threatening to bring a weapon to a workplace.
<b>Workplace Harassment</b>	engaging in the course of a vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. It includes any unwanted conduct that is known or ought reasonably to be known to be unwelcome. Harassment comprises any objectionable act, communication or display that is perceived to be insulting, frightening, embarrassing, offensive, humiliating, demeaning, or otherwise unwelcome, and that may have the effect of creating an intimidating, hostile or offensive work environment, interfering with an individual's performance, negatively affecting an individual's employment relationship, affecting the inherent personal dignity of the individual or their psychological or physical integrity.
<b>Vexatious</b>	causing annoyance or worry, disturbing, provoking, irritating, troublesome, bothersome

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### 1.3. Responsibilities and Performance Accountabilities

Position	Responsibilities
<b>Senior Management</b>	<ul style="list-style-type: none"> <li>• Provide the support and resources necessary to ensure this standard will be complied with.</li> <li>• Ensure that all worksites complete a “Risk Assessment for Workplace Violence Prevention Form” in accordance with this standard.</li> <li>• Ensure that any required workplace violence prevention actions are taken by Managers/Supervisors as required.</li> <li>• Ensure that any reports of workplace violence or harassment are addressed.</li> <li>• Ensure that employees are trained on this standard.</li> <li>• Comply with the requirements of this standard.</li> </ul>
<b>Managers/Supervisors</b>  <b>Recruitment Consultants</b>	<ul style="list-style-type: none"> <li>• Provide the support and resources necessary to ensure this standard will be complied with.</li> <li>• Know the Standard for the Prevention of Violence and Harassment in the Workplace</li> <li>• Actively promote and maintain a violent-free, harassment-free workplace.</li> <li>• Act proactively to address any situations that may potentially deteriorate into violence or harassment even in the absence of a specific complaint or in the absence of any specific persons who are visibly affected by the objectionable conduct.</li> <li>• Take immediate action where violence and/or harassment is believed to exist.</li> <li>• Ensure employees are aware of this standard and complaint procedure.</li> <li>• Assist an employee if approached with a complaint</li> <li>• Ensure no reprisal is initiated if a complaint is brought forward.</li> <li>• Ensure discretion and confidentiality of a complaint, investigation and remedy is maintained.</li> <li>• Participate in the investigation, as required, and provide relevant information related to the investigation.</li> <li>• Support the implementation, as required, of remedies identified to resolve the complaint</li> <li>• Ensure that employees you are responsible of have been trained on this standard.</li> <li>• Ensure that the “Risk Assessment for Workplace Violence Prevention Form” has been completed in accordance with this standard.</li> <li>• Ensure that any required workplace violence prevention actions are taken for the workplace.</li> <li>• Encourage employees to report complaints or incidents of workplace violence or harassment.</li> <li>• Comply with the requirements of this standard.</li> </ul>
<b>Employees</b>	<ul style="list-style-type: none"> <li>• Know the Standard for the Prevention of Violence and Harassment in the Workplace</li> <li>• Immediately report any incident of workplace violence or harassment issues or concerns to their Manager/Supervisor or designate.</li> </ul>

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Position	Responsibilities
	<ul style="list-style-type: none"> <li>• In the case of an extreme or immanent threat of physical harm to themselves or any person from workplace violence, contact the police.</li> <li>• Participate in the Risk Assessment for Workplace Violence Prevention as required.</li> <li>• Participate in training related to this standard.</li> <li>• Fully cooperate in any investigation of complaints or incidents of workplace violence, harassment or breaches of this standard.</li> <li>• Comply with the requirements of this standard at all times to protect themselves and others in the workplace from workplace violence.</li> </ul>
<b>Human Resources Manager</b>  <b>Health and Safety Manager</b>	<ul style="list-style-type: none"> <li>• Review the "Risk Assessment for Workplace Violence Prevention Forms" completed by all locations and confirm that required corrective actions have been completed.</li> <li>• Collaborate with Managers/Supervisors in conducting workplace violence or harassment investigations.</li> <li>• Advise the Joint Health and Safety Committee of the results of the risk assessment for workplace violence prevention and provide a copy of the assessment to the committee as part of one of its regular meetings on an annual basis.</li> <li>• Consult with the Police as required.</li> <li>• Report in writing any incident of workplace violence to the Joint Health and Safety Committee within four days of the incident.</li> <li>• Monitor compliance with the requirements of this standard.</li> </ul>


#### 1.4. References

- Criminal Code of Canada
- Human Rights Legislation (Canada Human Rights Act & Ontario Human Rights Code)
- OHSA Sections 32.0.1(1)(2)(3) & 32.0.2(1)(2) & 32.0.3(1)(2)(3) & 32.0.4 & 32.0.5(1)(2)(3)(4) & 32.0.6(1)(2) & 32.0.7(a)(b) & 43(1)(a) & 43(3)(b) & 43(6)(b) & 52(1) & 55.1 & 55.2

## 2.0 PROCEDURE

### 2.1 Zero Tolerance

- 2.1.1** Everyone should be able to work without fear of violence and harassment, in a safe and healthy workplace. ABC Temp Agency will not tolerate any form of violence, harassment or abuse in any workplace against or by any employees, directors, managers, supervisors, contractors, suppliers, clients, visitors or others.
- 2.1.2** Every employee at a ABC Temp Agency workplace is responsible for acting in compliance with this standard.
- 2.1.3** With respect to acts of workplace violence, as defined in this standard, ABC Temp Agency may, where appropriate:
- 2.1.3.1 Remove the perpetrator from a workplace by security or the police;
  - 2.1.3.2 Discipline any employee, up to and including dismissal, and/or report the conduct to the police;
  - 2.1.3.3 Report the conduct of any other person to their employer, supervisor and/or the police.
- 2.1.4** Physical assaults or threats of physical violence involving an employee will be reported to the police as appropriate.

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## 2.2 General Requirements

- 2.2.1 ABC Temp Agency will establish a written policy with respect to workplace violence and harassment. The policy will be posted in a conspicuous place at each workplace.
- 2.2.2 The policy will be reviewed by the Health and Safety Manager as is necessary, but at least annually. The review will be documented in the document version history on page 1 on this standard.
- 2.2.3 Any circumstance of violence in the workplace that presents an immediate danger of physical injury to an employee will be reported to the police by the Manager/Supervisor or Branch Contact of the employee.
- 2.2.4 Managers/Supervisors will provide employees with information, including personal information related to the risk of workplace violence from a person with a history of violent behaviour if,
  - a) the employee can be expected to encounter that person as part of his or her work
  - b) the risk of workplace violence is likely to expose the employee to physical injury.
- 2.2.5 No Manager/Supervisor will disclose more personal information noted in 2.2.4 than is reasonably necessary to protect employees from physical injury, and will consult with the Human Resources Manager if there is any uncertainty as to what information should be disclosed.
- 2.2.6 Any employee experiencing violence outside the workplace (i.e. domestic violence) that may create a risk of danger to themselves or others in the workplace is encouraged to report such violence so that ABC Temp Agency can take reasonable preventative steps.
- 2.2.7 In the event that any Manager/Supervisor becomes aware of a situation where **domestic violence** would likely expose an employee to physical injury or create a risk of danger in a workplace, the Manager/Supervisor will immediately notify the Human Resources Manager so that appropriate action can be taken for the protection of the employee and the workplace.
- 2.2.8 The Human Resources Manager or designate will carry out any required action based on the results of investigation which may include contacting the Police as required.

## 2.3 Risk Assessment and Control Measures for Workplace Violence Prevention

### Head Office and Branch Locations

- 2.3.1 Each ABC Temp Agency workplace (branch) will conduct an evaluation for the risk of workplace violence using the "Risk Assessment for Workplace Violence Prevention Form".
- 2.3.2 The Risk Assessments shall be reviewed annually or anytime there is a reported incident, workplace relocation or major changes to the work environment to ensure continued protection of employees from workplace violence.
- 2.3.3 The risk assessment will take into consideration circumstances that are both common and specific to each workplace.
- 2.3.4 The Human Resources Manager or designate will be responsible for ensuring that the risk assessment is completed for their area in consultation with employees, and that any identified control measures for the prevention of workplace violence are implemented, monitored and maintained.
- 2.3.5 The original copy of the completed assessment forms will be kept by the Human Resources Manager or designate.
- 2.3.6 The risk assessment for workplace violence prevention must include the evaluation of actual or potential risk to employees working in the field and at customer sites.
- 2.3.7 The Human Resources Manager will ensure that the Joint Health and Safety Committee is advised of the results of the risk assessment (or reassessment) for workplace violence prevention and provide a copy of the assessment to the committee(s) as part of one of its regular meetings on an annual basis.

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#### Client Worksites

- 2.3.8** For client worksites the risk assessment for workplace violent exposure will be included as part of the “Health and Safety Client Site Assessment”
- 2.3.9** Workplace violence risks identified at a client site that may expose employees placed their will be addressed with the client prior to the start of the placement by the client contact.
- 2.3.10** All agreed to controls for exposures to violence between ABC Temp Agency and the Client will be documented by the client contact.
- 2.3.11** Placement employees will be advised of the workplace violence risks and the control measures as part of their health and safety orientation.

## **2.4 Immediate Assistance in the Event of Actual or Potential Workplace Violence Incidents**


#### Immediate Danger

- 2.4.1** Employees must report any incident of violence in the workplace that presents an immediate danger of physical injury to their Manager/Supervisor immediately (for temp placements this includes the client site supervisor and ABC Temp Agency branch contact). In the event that a Manager/Supervisor is not readily available the Police may be contacted directly by employees.
- 2.4.2** Any circumstance of violence in the workplace that presents an immediate danger of physical injury to an employee will be reported immediately to the Police and the Human Resources Manager by the Manager/Supervisor of the employee. (for temp placements the ABC Temp Agency branch contact will ensure the temp employee is safe and contact the client as required)
- 2.4.3** The Manager/Supervisor will also report any incident related to 2.4.1 to the Human Resources Manager immediately after notifying the Police.
- 2.4.4** Managers/Supervisors will assist and support the employee until the police responds or other assistance is provided.
- 2.4.5** In the event an incident of violence has the potential to pose a danger to the occupants within a workplace the Human Resources Manager must be notified immediately and will consult with the police and Senior Management in order to determine if a facility “lock-down” (take refuge in a secure location) or an emergency evacuation should be carried out.


#### Incident Response

- 2.4.6** Steps to facilitate a quick and effective response by a Manager/Supervisor to a workplace violence incident:
  1. Immediately assess what has happened.
  2. Don't ever downplay an incident. Pre-existing incidents you may not have been aware of may have triggered this one.
  3. Facilitate communications where necessary (ie. Police and emergency personnel, client, security, other employees, etc.)
  4. Remove employees from the situation right away, depending on its visibility.
  5. Provide employees with medical attention if required and outreach to the victim or group by offering emotional support.
  6. Provide employees with information on normal responses to trauma.
  7. Be aware that you may have your own personal reactions to the event. Lead by example, and in terms of self-care, don't be reluctant to ask for support in managing your own responses.
  8. Assist victims in making connections with family and loved ones.
  9. Document the incident thoroughly.
  10. Follow-through in terms of consequences for the employee who committed the violent act as per this standard.



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- 2.5 Reporting Actual or Potential Workplace Violence Incidents & Actual Incidents of Harassment**
- 2.5.1 Employees must report any concerns/complaints related to threats of workplace violence or harassment in to their Manager/Supervisor. (for temp placements this includes the client site supervisor and ABC Temp Agency branch contact)
  - 2.5.2 Employees subjected to workplace violence should where appropriate, go to a safe location at the workplace and report the incident as noted in 2.5.1.
  - 2.5.3 Managers/Supervisors will immediately notify the Human Resources Manager or designate, who will respond as soon as possible and attempt to resolve the concern/complaint.
  - 2.5.4 If the concern/complaint is against the Manager/Supervisor then the concern/complaint should be reported to the Human Resources Manager.
  - 2.5.5 The Human Resources Manager will be responsible for reporting in writing any incident of workplace violence to the Joint Health and Safety Committee within four days of the incident.
  - 2.5.6 All workplace violence and harassment concerns/complaints will be dealt with following the *"Accident/Incident Investigation and Reporting"* standard.
- 2.6 Investigation and Action of Actual or Potential Workplace Violence Incidents & Actual Incident and Complaints of Harassment**
- 2.6.1 All reports of actual or potential workplace violence incidents and actual incidents and complaints of harassment by employees will be investigated as quickly and confidentially as possible by a qualified investigator in accordance with the *"Accident/Incident Investigation and Reporting"* standard.
  - 2.6.2 All interviews with the complainant/or victim, alleged perpetrator(s) and witnesses will be documented.
  - 2.6.3 The Human Resources Manager in consultation with any required parties will determine the need for any disciplinary action. The severity of any disciplinary action, may include dismissal from employment, and will be consistent with the seriousness of the incident.
  - 2.6.4 The Human Resources Manager will determine the need for external professional services such as legal council based on the complexity and nature of the incident.
  - 2.6.5 All immediate and basic causes identified as a result of the investigation must be promptly addressed by all persons assigned responsibility and in accordance with the *"Accident/Incident Investigation and Reporting"* standard.
- 2.7 No Reprisal**
- 2.7.1 This standard prohibits reprisal against any employees who have made good faith complaints or provided information regarding a complaint or incident of workplace violence.
  - 2.7.2 Employees who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.
  - 2.7.3 Reprisal includes:
    - 2.7.3.1 Any act of retaliation that occurs because a person has complained or provided information about an incident of workplace violence;
    - 2.7.3.2 Intentionally pressuring a person to ignore or not report an incident of workplace violence; and
    - 2.7.3.3 Intentionally pressuring a person to lie or provide less than full cooperation with and investigation of a complaint or incident of workplace violence.
  - 2.7.4 Intentionally filing a formal or informal complaint that one knows to be false, or recklessly accusing someone of harassment or discrimination is a serious matter. Any person engaging in such complaints will be subject to disciplinary action. Such discipline is not a reprisal or breach of this standard.

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### 3.0 COMMUNICATION AND TRAINING

- 3.1. All Employees will be provided information and instruction related to this standard as part of their generic health and safety orientation. (see Appendix A)
- 3.2. Managers/Supervisors will be provided with information and instruction related to their role in this standard as part of the Manager/Supervisor training requirements.

### 4.0 MEASUREMENT, MONITORING AND EVALUATION


- 4.1 The Human Resources Manager will monitor investigation reports in order to identify any incidents related to workplace violence and harassment that may require specific prevention initiatives beyond the current prevention practices.
- 4.2 Compliance requirements as per this standard will be part of the Health and Safety Management System Audit.

### 5.0 REVIEW

- 5.1. This standard will be reviewed for continual improvement annually.
- 5.2. This standard will be reviewed in response to business needs.
- 5.3. This standard will be reviewed in response to any legislative changes.

### 6.0 APPENDICES & FORMS

- Appendix A – General Information Related to Workplace Violence Prevention
- Workplace Violence and Harassment Prevention Policy
- Risk Assessment for Workplace Violence Prevention Form

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## Appendix A - General Information Related to Workplace Violence Prevention

### Impacts of Workplace Violence

Harm to Organizational Culture	Harm to the Bottom Line
<p>Workplace violence affects workplaces by:</p> <ul style="list-style-type: none"> <li>• Harming their image.</li> <li>• Making it hard to recruit, keep and train staff.</li> <li>• Reducing morale and productivity.</li> <li>• Straining management-employee relationships.</li> </ul>	<ul style="list-style-type: none"> <li>• Absenteeism and sick leave</li> <li>• Employee turnover</li> <li>• Long Term Disability</li> <li>• Drug Plan costs</li> <li>• Workplace accidents</li> </ul>

The risk of workplace violence is greater in jobs that involve:

- Handling cash
- Protecting or securing valuables
- Transporting people and goods
- A mobile workplace (such as a vehicle)
- Public or community contact
- Working with unstable or volatile people
- Working alone, or with just a few people
- Working late nights or very early mornings
- Working in a high-risk geographic location
- Working in a 'toxic' workplace

The risk of violence is greater in workplaces that involve:

- Health care
- Social services
- Retail
- Hospitality
- Financial institutions
- Education
- Transportation Police, security and corrections


### Internal Sources of Workplace Violence

Workplace violence can happen during interactions between employees, supervisors or managers especially in a 'toxic' workplace.

- A toxic workplace has very low levels of employee satisfaction and very high levels of stress. Additional signs of a toxic workplace include: culture of fear, non-communication or miscommunication, atmosphere of high conflict, bullying, gossip, malicious rumors, disrespectful behaviour and an increase in health problems and accidents.

Examples of non-physical and physical violence hazards:

- Threatening behaviour (e.g., shaking fists)
- Verbal or written threats – (e.g., direct, conditional, veiled)
- Scaring the victim (e.g., playing pranks)
- Verbal abuse (e.g., harassment, **bullying**)
- Physical attacks (e.g., **assault**)

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## External Sources of Workplace Violence

Workplace violence can happen during interactions between regular staff and external sources such as clients, intruders, or external contacts such as family members or contractors.

## Workplace Bullying

The deliberate, repeated and health-endangering mistreatment of one person (the Target) by a perpetrator (the Bully) whose destructive actions are fueled by the Bully's need to control the Target. Broadly defined, bullying is any behaviour that intimidates, humiliates or demeans a person. It usually occurs as a pattern of aggressive behaviour or repeated incidents deliberately intended to humiliate or intimidate. It can include both verbal and physical aggression.

- One U.S. study found that workplace bullying is more common than racial or sexual harassment. One in five employees have been the victims.
- The vast majority (81%) of bullies are in supervisory roles while 14% are at the same level as their targets.

## Assault

The Criminal Code of Canada says that a person commits an assault when:


- he or she applies force intentionally to that other person, directly or indirectly,
- he or she threatens by an act or gesture, (The victim must believe that the aggressor has the ability to cause them harm)
- while openly wearing or carrying a weapon (e.g., screwdriver, wrench), he or she accosts or impedes another person.

## Warning Signs of Violence

Reducing the potential for workplace violence can also be accomplished through intervention before an incident occurs. Supervisors can be given training on how to recognize signs and symptoms of a potentially violent employee. Managers and supervisors can also learn how to be aware of possible signs of abuse among employees, such as frequent absences or depression.

While there isn't a specific profile of an individual capable of committing a violent act in the workplace, there are certainly indicators of potentially violent behavior:

- direct or indirect threats of harm to another employee
- intimidating, threatening, or directing abusive language toward another person
- putting your closed fist close to another's face in an intimidating/threatening manner
- a substantial, communicated or suggested intent to harm another, endanger the safety of employees or visitors, or destroy property
- behavior that is intimidating, harassing, bullying, aggressive or inappropriate
- an employee who regularly conflicts with coworkers or managers
- an individual who has brought a weapon of any kind into the workplace, or has made inappropriate reference to weapons
- an employee who makes statements that indicate a fascination with violence or violent behavior
- open disregard for the personal rights of others
- obsessively directed behaviour such as stalking
- slapping, punching, or otherwise physically attacking a person
- behaviour or actions that carry a potential for violence such as throwing objects, waving fists, destroying property
- statements indicating desperation over personal problems
- suicidal comments or contemplation
- substance use or abuse
- extreme changes in behavior...sudden isolation, aggressive behavior, etc.

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## ABC Temp Agency

### Violence and Harassment Prevention Policy

ABC Temp Agency is committed to conducting business in a manner that maintains a safe and healthy work environment for all employees, contractors, visitors and customers. We will not tolerate behaviour from anyone that intimidates, threatens, harasses, abuses, injures or otherwise victimizes our employees and will take whatever steps are appropriate and reasonable to protect our employees from the potential risks associated with workplace violence and harassment.

#### **Employer Commitment**

The Executive Team is committed to promoting a safe and healthy work environment, and protecting employees from workplace violence and harassment and in supporting managers in doing the same.

The Executive Team will ensure that appropriate procedures are in place to minimize the risk to our employees from violence and harassment, and that employees are trained in recognizing and responding to situations involving workplace violence or harassment.

#### **Management Commitment**

The management staff will take all reasonable precautions to protect employees from workplace violence and harassment, and ensure team members are aware of their rights and responsibilities as they relate to the prevention of workplace violence and harassment.


The management team will ensure incidents of workplace violence and harassment are investigated and that regular risk assessments are conducted to identify and control any identified risks related to workplace violence.

#### **Employee Commitment**

It is the responsibility of each employee to be aware of and follow procedures that are in place to protect them from workplace violence and harassment.

Employees are required to immediately report all incidents of workplace violence and harassment to management.

Employees will not be penalized, reprimanded or in any way criticized when acting in good faith bringing forward a complaint or providing information regarding a complaint or incident of workplace violence or harassment.

	DOCUMENT TITLE: <b>Risk Assessment for Workplace Violence Prevention</b> <b>PLEASE NOTE THAT THIS IS A TEMPLATE ONLY. YOU ARE REQUIRED TO DESIGN AND CARRYOUT AN ASSESSMENT THAT MEETS YOUR SPECIFIC NEEDS</b>	DOCUMENT NO.:
	REVISION NO.: 0	REVISION DATE:

*This form is designed to help Managers/Supervisors conduct a risk assessment of the potential for violence associated with the activities carried by employees and the work environment, and to implement control measures for any identified risks.*

**Completed By:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**HISTORY**

1. Have there been incidents when employees at the worksite have experienced or been threatened with physical violence?  NO,  YES, please describe incidents.

**describe**

2. Have there been incidents when employees in the worksite have experienced verbal abuse i.e. shouted at, obscene language, threats, or obscene phone calls?  NO,  YES, please describe incidents.

**describe**

**ACTIVITIES WHICH MIGHT EXPOSE EMPLOYEES TO RISK OF VIOLENCE**

3. Do employees in your worksite work with money or other valuables?  NO,  YES

4. Do employees in your worksite deliver or collect items of value?  NO,  YES, please describe

**describe**

5. Do employees in your worksite deal with people who may be under the influence of drugs or alcohol?  NO,  YES

6. Do employees in your worksite deal with people who are deeply troubled or distressed?  NO,  YES

7. Do employees in your worksite monitor or regulate the activity of others or carry out procedures or make decisions which adversely affect others?  NO,  YES, please describe

**describe**

8. Are employees in your worksite involved with activities that may elicit a negative or confrontational response?  NO,  YES, please describe

**describe**

9. Are there other aspects of the work in your worksite that might spark a violent response?  NO,  YES, please describe



**describe**

### FACTORS THAT INCREASE THE RISK OF VIOLENCE

Definition: A person works alone when he/she works in a situation where he/she is out of sight and out of hearing of other employees for an extended period of time.

10. Do any of your employees work alone during normal working hours?  NO,  YES, please describe

**describe**

11. Do any of your employees work alone after normal working hours?  NO,  YES, please describe

**describe**

12. Please describe any precautions already taken to safeguard employees of your worksite who work alone.

**describe**

13. Please describe other factors which you feel might increase the risk of violence.

**describe**

### REDUCING THE RISK OF VIOLENCE

14. Please describe policies or procedures already in place to reduce the risk of violence in your worksite.

**describe**

15. In light of your responses to the questions in this assessment:

a) Do you consider that all reasonable steps have been taken to prevent or reduce the risk of violence?  
 NO,  YES

b) What further steps would you recommend?

**type here**

c) What assistance do you need to accomplish any of the above steps? Specify:

**type here**



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**WORK ENVIRONMENT ASSESSMENT**

ITEM	YES	NO
<b>Parking Lot</b>		
<b>Are the entrances and exits well marked?</b>		
Does the lot have signs with security reminders (e.g., "Lock your car", "security patrolled")		
Is there enough lighting?		
Do pass cards control access to the lot?		
Are alarms clearly marked?		
Are company vehicles parked on-site after hours?		
If yes, is there a secured parking lot for company vehicles after hours?		
Have vehicles been stolen from the parking lot?		
Have vehicles been broken into?		
<b>Around the Outside of the Building</b>		
Is your workplace near any buildings or businesses that are at risk from violent crime (e.g., bars, banks)?		
Do violent, criminal, drunk, or drugged persons ever come into your building?		
Is your building located in a high-crime area?		
Are there signs of vandalism		
Are you located in a dense manufacturing area?		
Are you isolated from other buildings?		
Is there graffiti on the building walls?		
Is the building entrance well lit?		
Are outside lights checked before dark?		
Are garbage areas, external buildings, or equipment that employees use:		
• in an area with good visibility?		
• close to the main building with no possible hiding places?		
Is your building shared with other businesses?		
If yes, is entry to your area(s) controlled?		
Is there a system to alert employees if intruders enter?		
Are offices designed so that public and private spaces are clearly identified?		
Do you use coded cards or keys to control access to the building or to certain areas within the building?		
Is there a system in place to limit the number of keys/entry cards given out?		
Do you change locks/codes immediately if keys/cards are lost or misplaced?		
<b>Security System</b>		
Do you have a security system at your location?		
If yes, is the system tested on a regular basis (e.g., at least monthly)?		
Is the security system adequate?		
Are there security guards/safety walking services available at your location?		
Are signs posted indicating that there is a security system in use?		
Are there security cameras and mirrors placed in locations that would deter potential intruders?		
<b>Reception</b>		
Is your reception area easily seen and easy to get to?		
Can the receptionist/ sales clerk clearly see incoming visitors/customers?		
Is the reception area/sales counter visible to fellow employees or members of the public?		
Is your reception area staffed at all times?		
Can outsiders enter the building when there is no receptionist present?		
Is the reception area the first stop for visitors?		
Do you have a policy for receiving, escorting, and identifying visitors?		
Does the reception area function as a security screening area for unwanted visitors?		
Does your receptionist work alone at times?		
Is there an emergency call button at the reception area?		





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ITEM	YES	NO
If yes, have response procedures been developed?		
Are there objects/tools/equipment in this area that someone could use as a missile or weapon?		
<b>Signs</b>		
When you enter the building, are there signs to identify where you are?		
Are there signs inside the building showing you where to get emergency assistance if needed? If no, what signs are needed and where?		
Are visitor areas and private areas clearly marked?		
Are rules for visitors clearly posted?		
Are there exit signs?		
Are there areas where exit signs are not present but are needed? If yes, where?		
Can the posted signs be easily seen by everyone? If no, where are these signs located?		
Are the hours of operation clearly posted?		
Impression of overall signage: <input type="checkbox"/> very poor <input type="checkbox"/> poor <input type="checkbox"/> satisfactory <input type="checkbox"/> good <input type="checkbox"/> very good		
What other signs should be added?		
<b>Work Practices</b>		
Do you or any of your co-workers:		
• work with the public?		
• handle money, valuables, or prescription drugs?		
• carry out inspection or enforcement duties?		
• provide service, care, advice, or education?		
• work with unstable or violent persons?		
• work in workplaces where alcohol is served?		
• work alone or in small numbers?		
• work in community-based settings?		
• drive a vehicle as part of the job?		
• work during the late hours of the evening or early hours of the morning?		
• use public transit during the workday?		
• travel to other cities/countries?		
• stay in hotels?		
<b>Lighting</b>		
List areas where lighting was a concern (too dark or too bright) during the inspection.		
Is the lighting evenly spaced?		
Are any of the lights out? If yes, where are they located?		
Can you access main light control switches? If yes, where?		

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ITEM	YES	NO
<b>Stairways and Exits</b>		
Do exit doors identify the exit location?		
Could someone easily hide at the bottom of stairwells? If yes, where?		
Is the lighting bright enough?		
Can lights be turned off in the stairwell?		
Is there more than one exit route?		
Are there any exit routes, which prevent you from getting away? If yes, where?		
Do stairwell doors lock behind you:		
• during regular hours of operation?		
• after regular hours of operation?		
<b>Possible Areas for an Attack</b>		
Are there empty rooms that should be locked? If yes, where?		
<b>Places to Hide</b>		
Are there small areas where someone could hide, such as: <input type="checkbox"/> recessed doorways <input type="checkbox"/> unlocked storage areas <input type="checkbox"/> stairwells <input type="checkbox"/> elevators <input type="checkbox"/> _____ If so, where?		
What would make it easier to see if someone is hiding: <input type="checkbox"/> transparent materials like glass <input type="checkbox"/> mirrors <input type="checkbox"/> windows in doors <input type="checkbox"/> angled corners <input type="checkbox"/> less shrubbery <input type="checkbox"/> other _____		
Do members of the public approach from the front of the building only?		
<b>Working Alone</b>		
At the time of the inspection, did any areas feel isolated? If yes, what areas?		
In these areas, is there a telephone or a sign directing you to assistance?		
In these areas, how far away is the nearest person who could hear calls for help?		
Are alarms or panic buttons installed?		
Are the alarms or panic buttons easily accessible?		
Do you periodically check that the alarms or panic buttons are functioning?		
How many people were around you at the time of this inspection?		
Is it easy to predict when people will be around?		
<b>Patterns of Movement</b>		
Do you arrive and leave at the same time every day using the same route?		
How easily could someone get to know your patterns of movement? <input type="checkbox"/> very easily <input type="checkbox"/> somewhat easily <input type="checkbox"/> no way of knowing		
Is there another well-lit route used by a lot of people that you can take?		
Can you easily tell what is at the other end of each walkway or corridor? If no, where?		
In walkways and corridors, are there corners or alcoves where someone could hide? If yes, where?		

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ITEM	YES	NO
<b>Elevators</b>		
Are you able to see if the elevator is occupied before entering?		
Is there an emergency phone or emergency call button in each elevator?		
Is there a response procedure for elevator emergencies?		
<b>Washrooms</b>		
Can the public use the same washrooms as staff?		
Can the lights in the washrooms be turned off?		
Are washrooms checked before building is vacated?		
<b>Interview and Meeting Rooms</b>		
Do you have a separate interview/meeting room?		
If yes, can employees see inside?		
Is there an alarm system in this room?		
Is the furniture arranged to allow for emergency exits?		
<b>Individual Offices</b>		
Are certain employees at higher risk from workplace violence because of the office layout or location?		
Has their furniture been arranged to:		
• allow for a quick exit from the office?		
• maintain a minimum distance (approx. 6 feet or 2 metres) between employees and clients?		
Have the number of objects that can be used as weapons be reduced?		
Do these offices have good visibility through the use of shatterproof glass in walls/doors?		
<b>Emergency Assistance</b>		
Has an emergency contact number been established for use:		
• during regular hours of operation?		
• after regular hours of operation?		
Are emergency numbers posted on phones?		
Are emergency phones accessible in all areas?		
If no, where is access needed?		
Is there a designated "safe" room where employees can go during an emergency?		
Does this room have a telephone and a door that can be locked from the inside?		

**Areas of Improvement:** What improvements would you like to see? (If you need more space, use a blank page)

Action	Responsible	Status	Expected Completion Date
		<input type="checkbox"/> Completed <input type="checkbox"/> Planned	
		<input type="checkbox"/> Completed <input type="checkbox"/> Planned	
		<input type="checkbox"/> Completed <input type="checkbox"/> Planned	
		<input type="checkbox"/> Completed <input type="checkbox"/> Planned	
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		<input type="checkbox"/> Completed <input type="checkbox"/> Planned	
		<input type="checkbox"/> Completed <input type="checkbox"/> Planned	



## Workplace Violence & Harassment Prevention Program – Next Steps



1. Draft your Workplace Violence and Harassment Prevention Policy and get stakeholder input (i.e. JHSC) and obtain final approval.
2. Post final approved Workplace Violence and Harassment Prevention Policy.
3. Draft your Program and get stakeholder input (i.e. JHSC) and obtain final approval.
4. Train the senior management team and all managers/supervisors on the standard and their responsibilities, the training should be documented.

## Workplace Violence & Harassment Prevention Program – Next Steps



5. Train all current Employees on the standard and their responsibilities, the training document.
6. The Management and Employee training will need to be added to the each of the Health and Safety Orientations (unless you plan to leave it as standalone training).
7. Carry out the Risk Assessment for Workplace Violence Prevention for all your workplaces as per the requirements of the standard. (For Client Sites – add item to “Client Site Health & Safety Assessment”)

## Workplace Violence & Harassment Prevention Program – Next Steps



8. Any violence risk items that are found will need to be corrected and documented. (This may in the need to develop specific standards, equipment installation, process changes etc.)
9. The completed assessment is required to be share with the JHSC and kept on file.
10. Continually review your program for improvements

## Workplace Violence & Harassment Prevention Program



### Resources

- Proactive Health and Safety Solutions
  - ✓ [www.phsolutions.ca](http://www.phsolutions.ca) (Bill 168, Article, MOL Guide – WV&H Understanding the Law, Stats Canada Report – Criminal Victimization in the Workplace)
- Canadian Initiative on Workplace Violence (CIWV)
  - ✓ <http://www.emirrorolutions.ca/workplaceviolence/home.html>
- CCOHS
  - ✓ <http://www.ccohs.ca/oshanswers/psychosocial/violence.html>
- Workplace Safety and Insurance Board
  - ✓ <http://www.wsib.on.ca/wsib/wsibsite.nsf/public/WorkplaceViolence>

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- The contents of this presentation is provided for general information purposes only.
- You are advised to seek legal advice in relation to any decisions or course of action for specific circumstances.