

Workplace Violence: predictable and preventable

A Toronto father, working in a fast food outlet, lost an eye after being savagely beaten at work in a dispute involving money in a tip jar. This December 2009 incident, although shocking, is not an isolated one. In a first-ever study measuring criminal victimization on the job, Statistics Canada reported nearly one-fifth of all incidents of violence in 2004 occurred in the victim's workplace in 2004. This included more than 356,000 violent workplace incidents over the course of the year, 71 per cent of which were physical assaults.

According to an International Labour Organization study, Canada has one of the highest rates of assault and sexual harassment on the job. In fact, in 2008, Ontario's Workplace Safety and Insurance Board (WSIB) allowed 2,100 lost time claims for assault, violent acts and harassment. Previous statistics released by the WSIB showed lost time claims for assault, violent acts and harassment increased by 40 per cent over 10 years between 1996 and 2005.

What is workplace violence?

While Ontario's new workplace violence legal requirements include a more limited definition of workplace violence, here we have chosen a broader definition which encompasses the reality of workers' experiences.

Violence is the act or attempt to cause injury or abuse. Violence can be physical or psychological. It can be committed by anyone — employers, clients, co-workers or members of the public.

Workplace violence includes the following:

- Physical attacks or assaults;
- Threatening behavior;
- Verbal or written threats, abuse or assault;
- Harassment;
- Sexual abuse or statements;
- Poisoned work environment; and
- Bullying behavior.

Work-related violence is not restricted to the traditional workplace. Violence can occur at business-related functions or social events, and can even follow workers home. The electronic age brings with it greater opportunity for intrusion — telephones, faxes, and emails can all be used as weapons to harass or threaten. Certainly, these weapons are often used in situations where the reverse is true, namely domestic violence following a worker into the workplace. Fortunately, Ontario's new workplace violence law does recognize the potential for domestic violence to be a source of workplace violence. (To learn more see the WHSC Resource Lines, entitled, *Domestic Violence in the Workplace: Breaking the Silence.*)

What is psychological violence or bullying?

Psychological violence, including bullying, has a negative impact on workers' mental, physical, emotional and social health. Studies show the co-relation between bullied workers and lost time at work. Bullying is the use of position, stature or controlling behavior to threaten physical well-being or loss of employment. Examples of psychological violence/ bullying at work include:

- rumour spreading;
- mobbing;
- excluding individuals from work related activities;
- reviewing work unfairly or trivial fault finding;
- belittling behavior or comments;
- removing freedoms while adding responsibilities;
- dividing tasks unfairly, hindering work, expecting disproportionate results, or playing favorites;
- setting unreasonable job requirements or duties;
- unreasonably blocking applications for training, promotion or leave;
- doling out unfair blame, recrimination or discipline — especially in front of others.

Who is at risk and why?

All workers are at risk from workplace violence, but workers who work with the public are at greater risk of physical assault. Women face increased risk of violence while on the job, primarily because the workforce in high-risk occupations such as retail, social service and health care is predominantly female. Workers, of either sex, in any occupation are equally at risk of being victimized by psychological violence.

There is also a clear link between stress and workplace violence. Increasing job demands, downsizing of staff, and other stressors can lead to explosive or oppressive workplace environments. Social hardship and personal stress can cause members of the public to abuse workers providing services. Clients frustrated with the policies of a workplace will often lash out at front line workers. It is easy to forget people taking away children from abusive situations, denying loans, shutting off power or conducting evictions are workers just doing their jobs.

Known factors increasing the risk of violence at work include: working with the public; handling money, valuables, cigarettes, or prescription drugs; carrying out inspections or enforcement duties; providing service, care, advice or education; working where alcohol is served; working alone, in small numbers, isolation or in low traffic areas; working in community-based settings such as clinics or private homes; or working in mobile workplaces.

The design and layout of a workplace can influence the risk of violence. Poor lighting and obstacles isolate workers making them more vulnerable to attacks. Open access to workplaces or inadequate security exposes workers to potentially dangerous situations. Poor administrative procedures including scheduling work alone with the public or shifts causing workers to travel alone at night also raise the risk of violent incidences.

What are the health effects?

Victims of workplace violence can suffer both physical and psychological trauma. In extreme cases of physical violence, workers have been murdered while others may suffer bruises, cuts and broken bones. These same physical attacks may lead to psychological effects including depression, anxiety, sleep disorders, mental illness, post traumatic stress disorder and overall stress. (Stress is well documented as causing weakened immune systems, heart attacks, nervous system damage and strokes.) Some suggest stress even plays a role in the development of cancer. Workers and others who witness physical assaults may suffer similar psychological effects.

Victims of psychological violence including harassment and bullying risk suffering similar stress-related effects. Keep in mind even workers who deal with violent incidents and their outcomes as part of their job can suffer psychological health effects, including post traumatic stress disorder. Further still, many point out harassment and bullying are often precursors to physical violence.

Regardless, workers exposed to any type of violence can have difficulty returning to work. To make matters worse, workers can be penalized for being victims of domestic or workplace violence. Disruptions at work, absenteeism, diminished job performance or increased illness can lead to discipline or loss of livelihood. Workers may quit their jobs or agree to a demotion as a result of stress. Commonly, victims isolate themselves from family and friends. Stress can cause marital crisis or other family problems. Shame, guilt, fear and embarrassment resulting from violence can lead to mental illness and other stress-related health outcomes, including suicide.

What is the law in Ontario?

Effective June 15, 2010, Ontario workplaces must comply with Bill 168 *An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace.*

In general, the *Occupational Health and Safety Act (the Act)* requires employers to "take every precaution reasonable in the circumstances for the protection of the worker." Bill 168 outlines more specific employer duties relating to workplace violence and harassment including:



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- preparing workplace violence and harassment policies and reviewing them as often as is necessary, but at least annually;
- writing and posting policies in the workplace where six or more workers are regularly employed (MOL inspectors can order smaller workplaces to write and post the policies);
- assessing the workplace for risk of violence and inform the joint health and safety committee, health and safety rep or workers of the outcome; and
- taking every reasonable precaution to protect a worker from any risk of physical injury in the workplace relating to domestic violence (when the employer is aware or ought reasonably to be aware of this situation).

Employers are also required to develop and maintain programs to implement the workplace violence and harassment policies. The MOL recommends the workplace violence program be reviewed annually. The workplace violence program must include measures and procedures:

- to control the risks identified in the assessment;
- for summoning immediate assistance when workplace violence occurs or is likely to occur;
- for workers to report incidents; and
- to establish how the employer will investigate and deal with incidents or complaints of workplace violence.

The workplace harassment program must include measures and procedures:

- for workers to report incidents of workplace harassment; and
- to establish how the employer will investigate and deal with incidents and complaints of workplace harassment.

Section 70(2) of the *Act* was also changed with Bill 168 and now outlines the potential for the enactment of regulations related to violence and harassment. One such item specifically mentioned is the requirement of an employer to designate a person in a workplace to act as a workplace violence and harassment coordinator [section 70(2)(50)].

Employers must also provide workers with “information” and “instruction” on the contents of workplace violence and harassment policies and programs. This includes providing workers with information about a person with a history of violent behavior, but only if the workers could be expected to encounter this person in the course of their work and they are likely to be exposed to physical injury.

Bill 168 also amends Section 43 of the *Act* to include the right to refuse work if workplace violence is likely to endanger the worker.

Joint health and safety committees (JHSC) and health and safety representatives have the same powers and duties related to workplace violence and harassment as they do for other occupational hazards. For instance, they must be involved in a work refusal related to violence just as they would for any other workplace hazard. They also have a duty to identify potential sources of violence and recommend to the employer control measures.

According to the MOL, employers may wish to consult with the JHSC or worker representative when developing the workplace violence and harassment policies and programs. For those workplaces in the health care sector, employers must consult with the JHSC or worker representative. Regardless of the sector, many employers understand the importance of a participatory approach to occupational health and safety. This includes tapping into the wealth of knowledge, experience and potential solutions JHSC members or health and safety representatives can offer with respect to violence and harassment.

Bill 168 defines workplace violence as, “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; and a statement or behavior 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.”

Bill 168 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.”

What is the law in other jurisdictions?

In May 2008, the *Canadian Occupational Health and Safety (COHS) Regulations* were amended to include Part XX, *Violence Prevention in the Work Place*. Federally-regulated employers are now responsible for: developing and posting a workplace violence prevention policy; identifying and assessing factors that contribute to workplace violence; enacting preventative measures; and providing information, instruction and training to all employees exposed to or at risk of workplace violence. Policies must also be reviewed as work situations change or at least every three years.

Other Canadian provinces either have specific regulations respecting violence and key risk factors or have added provisions about violence into their health and safety legislation.

Of note, workers in Quebec, Saskatchewan and Manitoba have won legal protection from psychological harassment. While workers in British Columbia and Manitoba have won legal protection against working alone, albeit Manitoba’s is more limited only prohibiting workers under 18 from working between 11 pm and 6 pm.

How do you control workplace violence?

To be effective violence prevention programs must be specific to the workplace and the actual jobs performed by workers. The following are just some of the measures employers and JHSCs will want to consider as they develop their policy and program:

- a policy of zero tolerance encompassing all forms of workplace violence including harassment and bullying;
- a ban on working alone — at minimum establish controls that ensure safety while working alone, such as a prearranged call in schedule and no public access to the workplace;

- policies minimizing risk to workers by locking away cash, cigarettes and valuables;
- policies to protect the mobile workforce including the provision of trip plans and activation of GPS devices on vehicles and/or cell phones;
- monitored security systems and prominently displayed information about these systems, so as to act as a deterrent as well;
- emergency response measures including panic buttons, prearranged communication systems for informing or advising workers of potentially violent situations and designated safe locations;
- workplace guest procedures including requirements to identify the credentials of guest unknown to the worker, guest sign in and out and accompaniment by the worker receiving the guest;
- design or physical layout and environmental controls such as doors with clear windows, adequate lighting, open concept and structure of counters, barriers, etc.;
- workplace violence training that includes information on indicators of disruptive, threatening, or violent behavior and ways to deal with it;
- support networks for victims of workplace and domestic violence, including crisis response, medical attention and counseling.

NOTE: The WHSC offers comprehensive training supporting the development of workplace violence prevention programs. To learn more contact a WHSC Training Services representative near you.



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