

Workplace Violence:

predictable and preventable

The experiences of workers and statistics gathered by the Association of Workers' Compensation Boards of Canada tell us workplace violence is a significant hazard — one that shows no signs of diminishing. All forms of workplace violence in Canada rose from 6,627 allowed, lost-time claims in 2010 to 7,289 claims in 2014. When it came to physical assaults, claims rose from 2,862 in 2010 to 3,205 in 2014. Almost one quarter of these assaults took place in Ontario workplaces. Clearly, Canadian workplaces are in sore need of effective workplace violence prevention policies and programs.

What is workplace violence?

Violence is the act or attempt to cause injury or abuse. This can include physical or psychological abuse.

Workplace violence includes a wide range of actions such as:

- physical attacks or assaults;
- threatening behavior;
- verbal or written threats or abuse;
- sexual abuse;
- stalking;
- harassment; and
- bullying.

Work-related violence is not restricted to the traditional workplace. Violence can occur at business-related functions or social events, conferences, out of office meetings or the home of a client or a worker. For instance, a threatening phone call or email at home from a client or co-worker can be looked upon as workplace violence. Social media also offers another opportunity for harassment and threatening intrusion.

In all forms, workplace violence is an occupational safety and health hazard. It is a significant problem faced by workers in all types of work settings.

This hazard bulletin however, will, by in large, be limited to physical workplace violence. (For information about harassment or psychological abuse see the WHSC Resource Line entitled, *Workplace Harassment: From Investigation to Prevention.*)

Who commits workplace violence?

Workplace violence can be committed by anyone — a supervisor/employer, co-worker, patient, client, inmate, customer, former employee or complete stranger.

Further still, current or former intimate partners of workers can also harm or threaten the safety of an individual or others at the workplace. Fortunately, Ontario's workplace violence law recognizes the potential for domestic violence to be a source of workplace violence. (To learn more see the WHSC Resource Line entitled, *Domestic Violence in the Workplace: Breaking the Silence.*)

Who is at risk and why?

All workers face some degree of risk for workplace violence in their work environments. Certain occupations however can place workers at excess risk. Examples include:

- health care workers;
- teachers;
- taxi and public transit operators;
- retail and hospitality employees;
- correctional officers, police and other security personnel; and
- various public works, community and social service workers.

Women face risk of violence while on the job, primarily because many work in high-risk occupations such as health care, teaching, retail and social service. Women are also at risk because of discrimination-based violence. Similar excess risk is faced by visible minorities, aboriginals, LGBTQI workers and workers with disabilities.

There is also a clear link between stress and workplace violence. Increasing job demands, decreasing workforces, and other stressors can lead to explosive or oppressive workplace environments. Social hardship and personal stress can also cause members of the public to abuse workers providing services. Clients or the general public frustrated with the policies and practices of a workplace or service will often lash out at front line workers.

Other factors increasing the risk of violence at work can include:

- handling money, valuables or prescription drugs;
- carrying out enforcement, inspection or security duties;
- providing care, personal support services or counseling (especially to those who are unstable/unpredictable);
- working with people who may be under influence of alcohol or drugs;
- working alone and/or in isolation;
- working at night or early morning;
- working in community-based settings such as private homes, clinics and schools;
- working during stressful times — for instance holiday season or end of the month; and
- working in a mobile work environment.

What are the health and other impacts?

Victims of workplace violence can suffer both physical and psychological trauma (also known as mental injuries). Bruises, cuts and broken bones are common outcomes. In extreme cases, workers have been murdered. Associated acute and chronic mental injuries can include anxiety, sleep disorders, depression, post-traumatic stress and general stress. Workers and others who witness physical assaults or threatening behaviour may suffer similar psychological effects.

Keep in mind even workers who deal with violent incidents and their outcomes as part of their job — workers such as first responders — can suffer mental injuries, including post-traumatic stress disorder.

Many workers who suffer from or witness violence have difficulty returning to work. To make matters worse, workers can be penalized for being victims of workplace violence. Absenteeism or diminished job performance, for instance, can lead to discipline. Workers may quit their jobs or agree to a demotion as a result of stress. Commonly, victims isolate themselves from family, friends and community. The resulting strain can cause marital crisis or other family problems.

What is the law in Ontario?

Employers have significant obligations relating to workplace violence. In general, the *Occupational Health and Safety Act (the Act)* requires them to “take every precaution reasonable in the circumstances for the protection of the worker.” Further still, *the Act* outlines specific employer duties relating to workplace violence and harassment including:

- 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 (Ministry of Labour (MOL) inspectors can order smaller workplaces to write and post policies.);
- assessing the workplace for risk of violence and informing the joint health and safety committee (JHSC), health and safety representative or workers of the outcome.

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:



Information Bulletins for health, safety and environmental representatives

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- 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 Act also requires employers to provide appropriate information and instruction to workers on the contents of the workplace violence and harassment policies and programs. According to the MOL, this information and instruction should prepare workers so they:

- know how to summon immediate assistance;
- know how to report incidents of workplace violence to the employer or supervisor;
- know how the employer will investigate and deal with incidents, threats or complaints;
- know, understand and be able to carry out the measures and procedures that are in place to protect them from workplace violence; and
- are able to carry out any other procedures that are part of the program.

The MOL also says supervisors may need additional information or instruction, especially if they are going to follow up on reported incidents or complaints of workplace violence.

Equally important in terms of prevention, a worker has the right to refuse work if they believe they are in danger from workplace violence (*s. 43, the Act*), although by law some workers, including nurses, teachers, police and firefighters have limitations on their right to refuse.

Finally, under *the Act* JHSCs 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 identify potential sources of violence and recommend control measures.

What is the law in federally regulated workplaces?

Federally-regulated employers must develop and post a workplace violence prevention policy (including harassment). More specifically, under Part XX of the Canada Occupational Health and Safety Regulations entitled *Violence Prevention in the Work Place*, employers are responsible for:

- developing a policy;
- identifying contributing factors;
- assessing those factors;
- choosing controls and prevention measures;
- responding to occurrences; and
- ensuring employee education and training.

Policies must also be reviewed as work situations change or at least every three years. The employer must consult and involve the policy committee or, if none exists, the work place committee or health and safety representative. They must also develop, post and ensure workers are aware of a workplace sexual harassment policy.

Is workplace violence considered a criminal act?

The Criminal Code of Canada deals with violent acts, threats and behaviours, such as stalking including that which occurs at work or in the course of employment. The police should be contacted in these

instances. Further still, when the offense is committed against a public transit operator in the performance of his or her duty, judges must consider this fact as an aggravating circumstance when sentencing. This includes drivers of public and school buses, trains, subways, trams, taxis and ferries.

What measures are needed to prevent workplace violence?

To be effective, violence prevention programs must be specific to the workplace and the actual jobs performed by workers. They must consider work and workplace design, administrative policies and actual work practices. The following are just a few examples of measures employers and JHSCs may consider as they develop and implement workplace policies and programs:

- zero tolerance encompassing all forms of workplace violence;
- ban working alone — at minimum establish controls that ensure safety while working alone, such as prearranged call-in schedule and controlling access to workplace/worker;
- policies for mobile workforces including the documented daily work plans and activation of GPS devices on vehicles and/or cell phones;
- preventative work design such as adequate lighting, clear lines of sight for workers and various barriers to limit contact with potential threats;
- workplace guest procedures including guest sign in and accompaniment by staff;
- monitored security systems and prominently displayed information about these systems;
- eliminating or limiting access to cash or other valuables;
- emergency response measures including panic buttons, prearranged communication systems for informing or advising workers of potentially violent situations and designated safe locations; and
- comprehensive workplace violence training preparing all workplace parties for prevention.

What to do if you are a victim or witness workplace violence?

Report all acts of violence including threats, harassment and bullying. As stated above, Ontario employers are required by law to develop measures for reporting as part of the workplace violence prevention program along with training to ensure workers understand them.

The specifics of the incident or threat should be fully documented, including who, where, what, when and witnesses. Reports should be directed to the immediate supervisor and shared with the JHSC or worker health and safety representative. Depending on the circumstances, they may also be shared with police and the MOL. For instance, when a worker is killed or critically injured *the Act* sets out very specific notification requirements. Again depending on the circumstances, it may also be appropriate to file a grievance under a collective agreement, a WSIB report/claim, or a complaint with the Human Rights Commission.

How can you support victims of workplace violence?

Essential elements in any workplace violence prevention program are formal and informal support measures. This can include access to medical care, employee and family assistance programs, legal and WSIB-related counseling. Although all workplaces must meet minimum first aid standards, some workplaces have taken steps to formally train worker and/or employer reps as “mental injury” first aiders.

Less formal support mechanisms in the workplace should also be embraced whether this be simple communication between an affected worker and a co-worker, worker representative, supervisor or HR personnel. Regardless, in all cases, confidentiality is an important part of any workplace violence support mechanism.

NOTE: The WHSC offers comprehensive violence and harassment training designed to support the development of workplace violence and harassment prevention programs. Additional violence resources, including workplace violence and harassment compliance checklists can be accessed at www.whsc.on.ca (under the resources banner). To learn more contact a WHSC Training Services representative near you.



RESOURCE LINES

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