

Workplace Violence and Workplace Harassment

Everyone has the right to work without fear of violence or harassment. Everyone in a workplace also has a role to play in ensuring the workplace is safe, healthy and free of violence and harassment.

Currently under Ontario's Occupational Health and Safety Act, all employers must take every reasonable precaution to protect the health and safety of their workers in the workplace. This includes protecting them against the risk of workplace violence. Amendments to Ontario's Occupational Health and Safety Act (OHSA), effective June 15, 2010, strengthen the protection for workers from workplace violence and address harassment at work.

What is workplace violence?

Workplace violence is:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker

What is workplace harassment?

Workplace harassment is:

- 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

Some types of behaviours that may be workplace harassment include:

- bullying
- teasing
- intimidating or offensive jokes or innuendos
- displaying or circulating offensive pictures or materials
- offensive or intimidating phone calls

The Ministry of Labour health and safety inspectors will make decisions about what constitutes workplace harassment on a case-by-case basis.

Where is the risk of violence the highest?

- public or community contact
- working alone, or with just a few people
- working late nights or very early mornings
- handling cash
- protecting or securing valuables
- transporting people and goods
- a mobile workplace (such as a vehicle)

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What does the law require?

(note: This is a summary. See the actual amendments for the exact legal wording.)

An employer is required to:

1. Prepare policies on both workplace violence and workplace harassment; and
2. review the policies as often as is necessary, but at least once a year.
If the employer has more than five regular employees at a workplace the policy must be in writing and posted in a conspicuous place in the workplace.
3. Assess the risks of workplace violence based on the type of workplace, the work being performed and the conditions of work, considering:
 - (a) conditions or activities common to similar workplaces;
 - (b) conditions or activities specific to the actual workplace; and
 - (c) any other legally required elements from other laws or regulations.
4. Advise the committee or a health and safety representative of the results of the assessment, and provide a copy if the assessment is in writing. 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.
5. Develop and maintain a program to implement the policy on workplace violence.
The Program must include:
 - (a) a plan and procedures to control the risks identified in the assessment required that are likely to expose a worker to physical injury;
 - (b) include processes and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
 - (c) include methods and procedures for workers to report incidents of workplace violence or workplace harassment to the employer or supervisor;
 - (d) set out how the employer will investigate and deal with incidents or complaints of workplace violence or workplace harassment; and
 - (e) include any other legally required elements from other laws or regulations.
6. An employer must reassess the risks of workplace violence as often as is necessary to ensure that the policy and the program continue to protect workers from workplace violence.
7. 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 must take every precaution reasonable in the circumstances for the protection of the worker.
8. An employer must provide workers 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 workplace harassment; and
 - (b) any other legally required information or instruction.
9. An employer must provide information to a worker, and a supervisor must advise a worker of any 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

No employer or supervisor shall disclose more personal information than is reasonably necessary to protect the worker from physical injury.

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How is the worker's right to refuse, or to stop work where health or safety may be in danger affected?

1. The right to refuse or stop work is limited in some occupations including; teachers, health care providers and emergency personal. These limits still apply in cases of violence or harassment.
2. The right to refuse or stop work has been expanded to give a worker the right refuse to work or do particular work when the worker has reason to believe that workplace violence is likely to endanger himself or herself.

When must the formal notifications be provided by the employer?

The section of the Act (52.1) requiring notifications has been amended to require notification in writing within four days when a person is disabled due to violence from performing his or her usual work, or requires medical attention. The notification must be sent to:

1. The Joint Health and Safety Committee, the health and safety representative and the trade union, if any, and;
2. The Ministry of Labour, if requested by the Ministry.

What additional powers do inspectors have?

Ministry of Labour inspectors can order:

1. employers who have 5 or less employees to have policies and procedures in writing, and
2. any employer to have their assessments in writing.

4 steps

Recognize and eliminating risks

- Step 1 Recognize the Hazard
- Step 2 Assess the Risk Factors
- Step 3 Control the Risk Factors
- Step 4 Evaluation and Review

7 Steps to

Developing the Program

- Step 1: Written Policy Development
- Step 2: Risk Assessments
- Step 3: Prevention
- Step 4: Education and Training
- Step 5: Incident Reporting and Investigation
- Step 6: Incident Follow-Up
- Step 7: Program Review

OSHCO Risk Assessment Charts

Will be available on
Safety Association websites.

