

Over the past decade, violent incidents have occurred in workplaces as diverse as hospitals, offices, factories, and nursing homes. In addition to the tragedy of the incidents themselves, they often attract wide media attention, leading to further difficulties for the victims, the accused, their respective families and places of work. Harassment is considered to be a causal factor in many cases of workplace violence, so the Ontario government has passed legislation that focuses on both violence and harassment in an attempt to prevent these incidents from occurring in the workplace.

Bill 168 has amended the Occupational Health and Safety Act (OHSA) with new requirements for employers to control the risks caused by violence and harassment in Ontario workplaces. The following new definitions have been added to the OHSA:

Workplace Violence:

- a) the exercise of a 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.*

Workplace Harassment:

engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known as unwelcome.

Program Requirements:

Bill 168 requires provincially regulated employers with more than five workers to prepare written policies for workplace violence and harassment. Presumably these policies may be grouped together provided that their contents meet the specified requirements listed in the amendment. The policies must be posted in a conspicuous location in the workplace and reviewed as often as necessary, but at least annually.

Beyond the policy, the legislation brings some significant changes to traditional workplace health and safety program dynamics with specific program requirements:

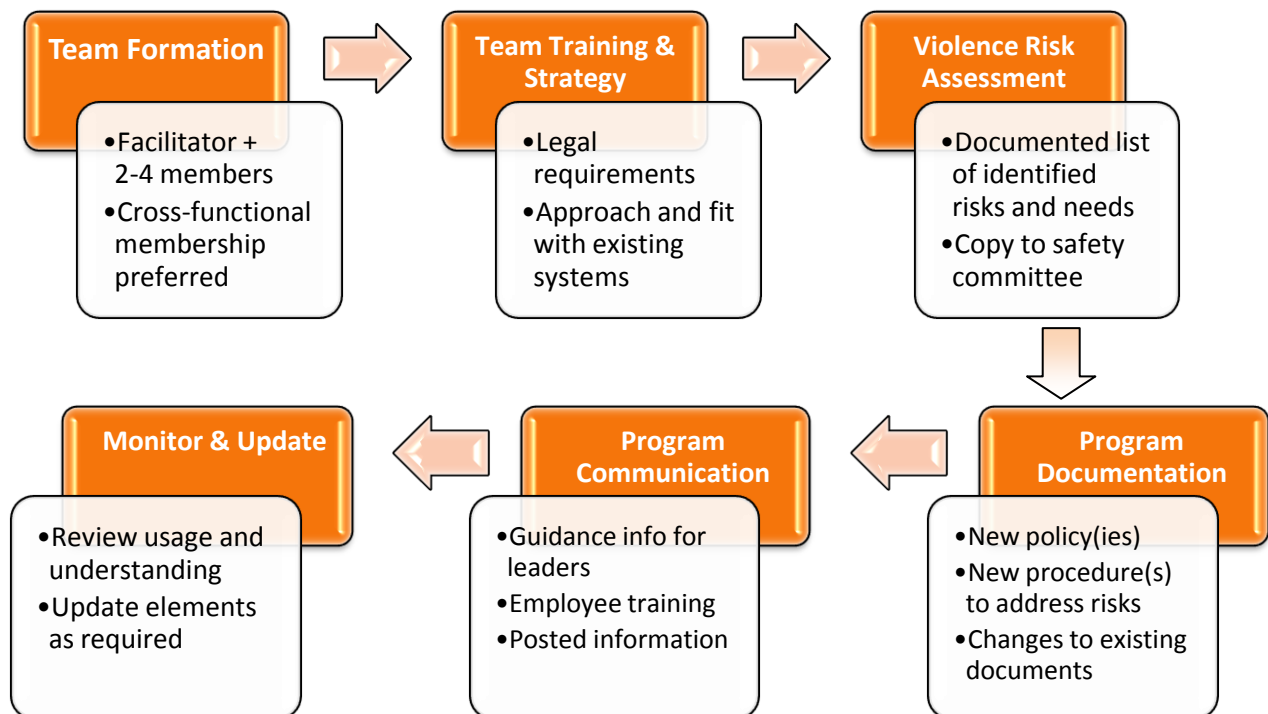
- Employers are required to assess the risks of workplace violence based on the nature of the workplace and type or conditions of work, then develop measures and procedures to control them
- Results of the workplace violence assessments must be shared with the health and safety committee, representative, or workers
- A workers' right to refuse work is extended to situations involving risk of physical injury due to the possibility of workplace violence
- Workers have a duty to report incidents of workplace harassment to their employers or supervisors

- The ministry of labour must be notified in cases of violent workplace incidents
- Employers must alert certain workers of the risk of workplace violence from persons with a history of violent behaviour. This may include personal information that is necessary to protect the worker from physical injury
- Employers must take every reasonable precaution to protect a worker if domestic violence is likely to expose a worker to physical injury in the workplace
- Employers need to define measures and procedures to deal with incidents and complaints of workplace violence and harassment, and their investigations.
- Information and instruction on the policies and programs for workplace violence and harassment is required for workers

Implementation

The new legislation was passed in December 2009 and comes into force in June 2010 to allow sufficient time for program development and training.

Prevention and Regulatory Solutions Ltd. recommends the following approach to ensure that the violence and harassment program effectively meets the requirements of the legislation while fitting the culture and existing systems of the organization.



Prevention and Regulatory Solutions has helped numerous clients design and implement practical compliance programs using the risk assessment methodology specified in this legislation. Call for an estimate of how they can assist with a violence and harassment program for your organization.

Return to pandrs.com main site