

# Workplace Violence

## Ontario Takes Stronger Stance on Violence in the Workplace: Amendments to OHSA, Bill 168

On December 9TH, 2009, the Ontario government's proposal to amend the Ontario Occupational Health and Safety Act (OHSA) to include the protection of workers from violence and harassment, and establish new specific worker rights relating to violence in the workplace was finalized under Bill 168. Ontario workplaces will now have a six month window to establish a program (i.e. policy and procedure) to ensure they are in compliance with this new legislation.

### Definitions

**Violence in the workplace** has been defined as (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 a worker; (c) a statement or behaviour that 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** has been defined 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.

Seven key areas were outlined in the finalized proposal. The following provides a list of the new employer obligations and worker rights as outlined in Bill 168:

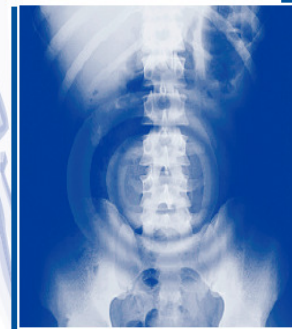
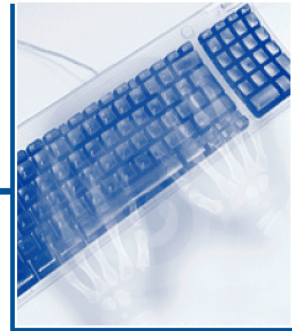
### 1. Provide written violence and harassment policies

Where a workplace employs more than five workers, Ontario employers will be required to prepare and post workplace violence AND workplace harassment policies.

### 2. Workplace violence and workplace harassment programs

Workplace violence & harassment programs require the following:

- ✓ Procedures to control risks identified in a violence risk assessment;
- ✓ Steps for requesting assistance when workplace violence occurs or is likely to occur;



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- ✓ Procedure for workers to report incidents of workplace violence to the employer or supervisor;
- ✓ An investigative protocol for supervisors and employers to deal with incidents or complaints of workplace violence.

### 3. Risk assessments for potential workplace violence

Employers must assess the risks of workplace violence. The risk assessment is required to take into account the circumstances that would be common to similar workplaces, and specific to the workplace.

The Joint Health and Safety Committee (or workers if no committee) must be made aware of the results of the assessment and provided a copy of the assessment in writing.

### 4. Training for workers regarding workplace violence and harassment

Bill 168 requires that employers train employees in the contents of workplace violence and workplace harassment policies.

### 5. New worker rights to refuse work for workplace violence

The right to refuse work for conditions in the workplace has been amended in the new Bill to include a worker's right to refuse work if "workplace violence is likely to endanger himself or herself". In addition, Bill 168 changes the obligation of a worker to remain near his or her workstation until the investigation is complete. The amendment allows the provision that the refusing worker remain in a safe place "that is as near as reasonably possible to his or her workstation and available to the employer or supervisor for the purposes of the investigation."

### 6. Employer obligations to respond to domestic violence

The OHSA will now require an employer to take every precaution reasonable in the circumstances for the protection of a worker if the 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.

### 7. Report workplace violence to Ontario Ministry of Labour

Employers are now required to prepare a notice, under section 52 of the OHSA, in the event that a worker is disabled from their regular duties, or requires medical attention, as a result of workplace violence.

