



WORKPLACE VIOLENCE PREVENTION PROGRAM

Issued: June 14, 2010
First Revision: March 21, 2011

INTRODUCTION

In December 2009, Ontario passed Bill 168, *An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters*. This legislation amends the *Occupational Health and Safety Act (OHSA)* by creating new obligations for employers and conferring new rights on workers with respect to workplace violence and harassment prevention.

The provisions of this legislation that pertain to physical violence or the threat of physical violence are reflected in the Workplace Violence Policy. The policy addresses the prevention, control, reporting, and investigation of workplace violence and forms the basis of the new Workplace Violence Prevention (WVP) Program.

This Program provides direction and assistance to North Algona Wilberforce (NAW) managers/supervisors and workers in implementing the workplace WVP Program.

The employer, for the purposes of the *OHSA*, is deemed to be NORTH ALGONA WILBERFORCE TOWNSHIP.

Objectives

The purpose of the Workplace Violence Prevention Program is to:

1. Provide managers/supervisors and workers with an overview of the new workplace violence provisions of the *OHSA*.
2. Assist managers/supervisors and workers to fulfil their statutory obligations under the *OHSA*.
3. Provide information, guidance and tools to support managers/supervisors and workers in the implementation and maintenance of the WVP Policy in their workplace.

It should be noted that, while the amended *OHSA* also addresses workplace harassment, this Program pertains only to physical violence or the threat of physical violence in the workplace.

Legislation

The *Criminal Code of Canada* and the *OHSA* are two pieces of legislation that address violence in Ontario.

Criminal Code of Canada

Incidents involving violence or threats of violence that occur in the workplace, such as assault, sexual assault, criminal harassment, stalking, robbery and uttering threats may fall within the scope of the *Criminal Code of Canada*, which is enforced by police services.

Occupational Health and Safety Act

The *OHSA* is the overarching piece of legislation that governs health and safety in most Ontario workplaces. Under s. 25(2)(h) of the *OHSA*, all employers have a general duty to take every precaution reasonable in the circumstances to protect the health and safety of their workers. As a result of Bill 168 amendments, the *OHSA* now specifically outlines workplace violence as a health and safety hazard in the workplace.

OHSA DEFINITION OF WORKPLACE VIOLENCE

- 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; or,
- A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the workers, in a workplace that could cause physical injury to the worker.

Definitions

Employer: A person who employs one or more workers. This includes someone who contracts for a worker's services. For example, if you pay a temporary help agency for the services of workers supplied by the agency, you are the employer of those workers while they are under your direction. A contractor or subcontractor who performs work or supplies services for an owner, constructor, contractor or subcontractor is also an employer if he or she in turn employs workers.

Manager/Supervisor: A person who has charge of a workplace or authority over any worker.

Worker: Defined under *OHSA* as a person who performs work or supplies services for monetary compensation

Workplace: Defined under the *OHSA* as any land, premises, location or thing at, upon, in or near which a worker works. Workplaces are more than just office buildings. For example, if an employee attends a TWP-sponsored event (i.e. retirement party) or conference which occurs outside the normal work location and/or core business hours, the event or conference location may be considered a workplace. Consistent with this definition, a vehicle is considered to be a workplace if an employee drives the vehicle in the course of performing the job. Further, when an employee is providing service in a client's home or business, that location is also considered to be the employee's workplace.

Workplace violence, as defined above, includes, but is not limited to:

- **Physical Abuse:** Involves any act, gesture or attempt to apply force that results in reasonable cause for a worker to believe there is a risk of physical injury. Physical behaviours such as hitting, shoving, slapping, poking, kicking, pinching, grabbing, spitting, scratching or pushing; also includes inciting an animal to attack.
- **Threats:** Any communication of intent to harm that gives a worker reasonable cause to believe there is a risk of physical injury. Threats may be delivered in person or off-site through letters, phone calls, facsimile or electronic mail. Threats include swearing, insults or condescending language that communicates a direct or indirect threat of physical injury to the worker.

Sources of Workplace Violence

Violence can arise from sources internal or external to the workplace and can impact any worker. Potential sources of workplace violence include:

1. **External Perpetrator** (A person not affiliated with the organization)
2. **Worker/Former Worker to Worker** (Violence against workers by present or former worker).
3. **Personal Relationship to Worker** (e.g. Domestic Violence, Family or Personal Dispute).

Violence can occur in any workplace. Certain types of work or conditions of work can place workers at higher risk from workplace violence, generally from strangers, clients, or customers. The following is a list of types/conditions of work that may place employees at risk of workplace violence:

THE TOWNSHIP HAS UTILIZED THE FOLLOWING SIX STEPS TO ASSIST MANAGERS/SUPERVISORS IN FULFILLING THE REQUIREMENTS OF THE POLICY.

1. **WORKPLACE VIOLENCE PREVENTION POLICY REQUIREMENTS**
2. **WORKPLACE VIOLENCE RISK ASSESSMENT**
3. **PREVENTATIVE MEASURES/CONTROL OPTIONS**
4. **INFORMATION AND INSTRUCTION**
5. **RESPOND TO, REPORT AND INVESTIGATE WORKPLACE VIOLENCE**
6. **PROGRAM EVALUATION**

1. WORKPLACE VIOLENCE PREVENTION POLICY REQUIREMENTS

The WVP Policy applies to all employees, elected officials, appointed officials and other persons acting on behalf of, or representing NAW in any capacity.

NAW policy is to take every precaution reasonable in the circumstances for the protection of workers. To protect its workers NAW has developed and will maintain and implement a workplace violence program that includes the following components:

- Assessing, and reassessing as necessary, the risks of workplace violence,
- taking measures to control risks identified from the assessment,
- providing workers and other officials with information and instruction on the workplace violence policy and program, and
- responding effectively to incidents and complaints of workplace violence.

Procedures for Clerk-Treasurer

The Clerk-Treasurer will:

1. Ensure that the Program is implemented across the Organization.
2. Ensure that the WVP Policy is posted in a conspicuous place in township fixed workplaces.
3. Ensure that all workers receive and review the mandatory information and instruction

2. WORKPLACE VIOLENCE RISK ASSESSMENT

The Workplace Violence Risk Assessment (WVRA) is an important component of the workplace violence prevention Program. WVRAs are conducted to assess the risks of workplace violence that may arise from the nature of the workplace and the type or condition of work, allowing workplaces to develop the specific and appropriate controls to address the identified risks.

There are three phases in the risk assessment process:

Phase One:

Develop a plan for conducting the WVRA, including defining the workplace, assigning accountability and consulting with stakeholders. Initial Risk Assessments will be completed by May 2011.

Phase Two:

Use an appropriate WVRA tool to conduct the WVRA. The WVRA Tool designed by IAPA will be used for the NAW Risk Assessment.

Phase Three:

Conduct the WVRA re-assessments as required to protect all workers from workplace violence. The first re-assessment will be done within one year of the posting of the initial assessment.

Conducting the Risk Assessment

The WVRAs should cover the work being done by NAW workers, both onsite and offsite as all workers are responsible for workplace safety. As a best practice, a knowledgeable worker should be consulted during the WVRA process. This input is valuable to the WVRA process and to the success of the Workplace Violence Prevention Program.

Action on the Results of the WVRA

The completed WVRA will be presented to Council for acceptance. Once accepted, any risks identified in the WVRA must be evaluated, control options must be developed to mitigate the identified risks, and control options must be considered for implementation.

Procedures

The CEMC will lead the coordination and completion of the initial risk assessment process in each workplace. As a best practice, the CEMC will:

1. Determine local timeframes for completion of WVRA.
2. Conduct/complete the WVRA for each workplace.
3. Provide a copy of the completed WVRA to Council for acceptance.

The CEMC will consult with staff and/or administration as necessary to develop and prioritize control options and establish a plan, including timelines, for implementation.

3. PREVENTATIVE MEASURES/CONTROL OPTIONS

The WVRA will identify the most significant concerns for the workplace. The next step is to develop control options (specific measures) to eliminate or minimize any hazards. Preventative measures may include training, physical design of a facility and its environment, administrative practices and work procedures. The key to prevention is anticipating where workplace violence could occur and implementing controls to make its occurrence less likely or to mitigate the impacts.

Domestic Violence

The *OHSA (Bill 168)* brings focus to the issue of domestic violence in the workplace and introduces enhanced requirements to address it:

“If the employer becomes aware, or ought reasonably to be aware, that domestic violence would likely expose a worker to physical injury in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker” (*OHSA*, section 32.0.4).

Duty to Inform

The *OHSA (Bill 168)* also brings focus to the employer’s duty to inform. The employer’s duty to maintain a safe workplace includes the duty to provide workers with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour **if**:

- The worker can expect to encounter that person in the course of his or her work; and
- The risk of workplace violence is likely to expose the worker to physical injury.

The employer must not “disclose more personal information in the circumstances than is reasonably necessary to protect the worker from physical injury” (*OHSA*, section 32.0.5).

Employers will need to evaluate the circumstances of a person’s history of violent behaviour and then determine which workers are at risk in the workplace. Workers at risk would then need to be informed.

Some factors to consider include:

- Was the history of violence associated with the workplace or work?
- Was the history of violence directed at a particular worker or workers in general?
- How long ago did the incident(s) of violence occur?
- What protective/preventative measures and procedures are currently in place?
- Which workers, if any, would be likely to encounter the violent person in the course of their work?
- Is the risk of workplace violence likely to expose a worker to physical injury?
- How much information needs to be disclosed?, and
- Which workers need to receive this information?

4. INFORMATION AND INSTRUCTION

Information and instruction are essential to preventing workplace violence and protecting workers. The legislation requires the employer to provide a worker with “information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence” (*OHSA*, section 32.0.5)

All workers (current, new and those returning from an extended absence) are required to complete this training. It is the responsibility of each Department Head to manage this requirement for their workers.

In addition to the general information and instruction provided to workers, the Department Head is to ensure workplace-specific information is provided to every worker:

- Local measures and procedures that are in place to address workplace violence (i.e. local standing orders, posted information, office safety plans, etc.)
- Local procedures for summoning immediate assistance when workplace violence occurs or is imminent.
- Details for reporting local incidents of workplace violence to the manager/supervisor for his/her investigation.
- Local procedures for working after hours and for working alone.

Procedures

1. General Information and Instruction: As a best practice, Department Head will communicate via the following:
 - workplace email
 - staff meetings and pre/post shift briefings
 - posting the information in conspicuous common areas, such as the staff room
 - Basic, periodic or refresher educational sessions.

5. RESPOND TO, REPORT AND INVESTIGATE WORKPLACE VIOLENCE

Responding to Workplace Violence

All reported incidents, threats, or complaints of workplace violence must be responded to immediately to ensure the safety of workers and to resolve or mitigate the situation as soon as possible and with minimal disruption to the work environment.

If a worker feels they are in immediate danger of workplace violence they should call for assistance of coworkers, a supervisor and/or police assistance without delay.

Work Refusal

A worker may refuse to work if the worker has reason to believe that he/she is in danger of being a victim of workplace violence. The normal work refusal process under the *OHSA* would be triggered once the work refusal is reported to a manager/supervisor.

Reporting Workplace Violence

The written report of workplace violence should include:

- Information about the victim;
- Information about the alleged offender;
- A description of the interaction or work activity;
- Details about the incident;
- Names of any witnesses;
- Other relevant information (i.e. contributing factors, suggested preventative actions).

Victim and Employee Assistance

When a violent incident, including a threat, has occurred in the workplace, the priority is to assist the victim(s) and impacted workers immediately. Ensure victims of a violent act receive emergency first aid, medical treatment and counseling, if necessary. Workers should be encouraged to contact family, friends, or the Employee Assistance Program (EAP) for further support.

Victims and affected workers may need:

- Practical assistance from the employer;
- A personal or group meeting to “defuse” immediate reactions;
- A personal or group meeting to debrief participants about their reactions to the event;
- Access to personal counseling

Counseling and support can be obtained through the EAP provider. The Clerk-Treasurer can provide advice and assistance in obtaining these services.

Investigating Workplace Violence

All reported incidents, threats, or complaints of workplace violence must be taken seriously and must be investigated. Action must be taken to prevent occurrence or recurrence as soon as possible. In many cases, a violent act is preceded by a threat (explicit or veiled) or observed behaviours which suggest the potential for some type of violent act to occur. Dealing with threats and/or threatening behaviours along with investigating reports of violence are important in preventing workplace violence.

Each situation must be investigated on a case-by-case basis. The investigation will be documented and may involve interviewing the complainant(s), the alleged perpetrator(s), and witness(es). In most situations, the immediate manager/supervisor will be conducting the initial investigation. In some situations, a department head from another work unit and/or external professionals should conduct the investigation. Full and complete cooperation in the investigation of incidents of workplace violence is required from all workers.

An immediate review of the facts surrounding the workplace violence incident or threat should be completed and findings reported to the Department Head for referral to Township Council.

Based on the investigation of the incident or threat, appropriate action must be taken to prevent workplace violence from occurring or recurring. This may include a review of workplace procedures, training requirements, the WVRA tool, and/or workplace controls.

The investigation may result in the matter being addressed as a policy violation and/or under legislation such as the *Criminal Code of Canada*. Staff found to have violated the WVP Policy will be subject to discipline up to and including dismissal from employment. If, at any point, the investigation finds evidence of a physical assault or serious threats of harm, the police shall be informed and requested to investigate possible Criminal charges.

Confidentiality and Privacy

Every effort must be made to maintain the confidentiality of any personal information obtained during the investigation process. However, such information will be subject to the *Freedom of Information and Protection of Privacy Act* and any other legal requirements including the obligations to provide information under the *OHSA*.

Where maintaining confidentiality puts the victim or other workers at risk of physical harm, the manager/supervisor must disclose the minimum amount of information necessary to those individuals to protect their safety or to enforce a legal order. Information obtained when an incident is reported may be released in order to conduct an appropriate investigation. This may involve disclosing pertinent information to law enforcement or medical personnel as necessary, human resources and management/supervisory personnel. When in doubt about what should and should not be released, the Clerk-Treasurer should contact the Township Solicitor for advice.

Reports or complaints of workplace violence must not be referenced in a worker's human resource file unless disciplinary action was taken against the worker.

Procedures for Investigating Workplace Violence

1. Every alleged act of workplace violence must be reported to the manager/supervisor.
2. The manager/supervisor must report to the police for investigation and action, alleged acts of workplace violence committed by a member of the public, a worker or other person. The manager/supervisor will provide all relevant information to the investigating officer, including the names of the alleged victim(s), perpetrator(s) and witnesses if known.
3. Managers/supervisors dealing with alleged acts of workplace violence will ensure that:
 - any injured person is provided emergency first aid treatment in the event of physical injury;
 - any injured worker is provided with the required WSIB forms;
 - the police are contacted to attend the workplace to investigate the incident;
 - the alleged victim is offered referral to assistance through the EAP (only applicable to Township workers);
 - an immediate review is conducted, documenting the facts surrounding the incident, and reporting the findings (in writing to the Clerk-Treasurer);
 - the police are provided with the necessary information (In disclosing information to the police, including the names of the alleged victim(s) and witnesses.);
 - the workers (directly involved in the alleged incident) as defined under the *OHSA* are kept informed of all proceedings;
 - for disabling injuries, critical injuries, or fatalities, *OHSA* notification requirements are followed.
 - the Head of Council will be notified of all incidents of Workplace Violence;
 - If the police do not investigate the incident or lay criminal charges, the Head of Council will be advised;
 - the incident is reviewed jointly by the Head of Council, Department Head and Clerk-treasurer to determine whether further administrative action should be initiated (i.e legal advice, discipline etc).

The decision to lay a criminal charge is the responsibility of the police. The decision to proceed with that charge resides with the crown attorney. Other conflict resolution options could be pursued (e.g. mediation), depending on the severity and type of the incident.

6. PROGRAM EVALUATION

Program evaluation is a good practice to ensure that the workplace violence prevention program stays current and continues to be effective as workplace circumstances change. Program evaluation should occur on a regular basis, based on the needs of the workplace.

The program evaluation may include:

- Review of workplace violence incidents, threats or complaints and the control measures taken.
- Review of the existing WVRA to identify any new risks or controls that may need to be implemented.
- Ensuring all workplace parties have received information and instruction on the WVP Policy and associated programs.

Procedures

1. The Clerk-Treasurer will ensure that a WVRA reassessment remains current – with a reassessment done within twelve months from the date of the initial assessment.
2. Further reassessments will be done when a new risk is identified, after an investigation of a workplace violence incident/complaint, or upon request of a Township worker.
3. The Clerk-Treasurer will ensure any new control measures are implemented as required.