

## WORKPLACE SAFETY IS EVERYONE'S RESPONSIBILITY.

We are working with our health and safety partners at the Workplace Safety & Insurance Board and Ontario's health and safety associations. Together, we are developing tools and resources to support employer compliance in meeting their obligations to assess workplace violence risks and develop workplace violence and workplace harassment policies and programs.

Employers are responsible to ensure that they are in full compliance with the Occupational Health and Safety Act at all times. Please check the Ministry of Labour's website regularly to ensure you have the most current information available.

[www.labour.gov.on.ca/english/](http://www.labour.gov.on.ca/english/)



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# Protecting workers from WORKPLACE VIOLENCE and WORKPLACE HARASSMENT

## Safe At Work Ontario

Enforcement > Compliance > Partnership >



Ministry of Labour

## Everyone should be able to work without fear of violence or harassment, in a safe and healthy workplace.

Changes to Ontario's *Occupational Health and Safety Act* – effective June 15, 2010 – strengthen protections for workers from workplace violence and address workplace harassment. They apply to all workplaces to which the Act currently applies.

### Defining 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.
- 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.

### Some activities increase the risk of workplace violence

- handling cash
- protecting or securing valuables
- transporting people and goods
- public or community contact
- working alone, or with just a few people
- working late at night or very early morning

### Workplace harassment

- Workplace harassment means 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.
- Workplace harassment may include bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls.

### What employers need to know

Employers must proactively **assess the risks** of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.

Every workplace – regardless of the number of workers – must have **policies** and **programs** for workplace violence and workplace harassment. Employers must provide information and instruction to workers on the content of these policies and programs.

Both workplace violence and workplace harassment programs must include measures and procedures for workers to **report** incidents of workplace violence and harassment and set out how the employer will **investigate** and deal with incidents or complaints. Workplace violence programs must include measures and procedures to **control these risks**, and for summoning immediate assistance when workplace violence occurs or is likely to occur.

Employers and supervisors must **provide information** to workers about the risk of workplace violence from a person with a history of violent behaviour if the worker:

- can be expected to encounter that person in the course of work, and
- is likely at risk of physical injury.

Personal information may be disclosed, but only what is reasonably necessary to protect the worker from physical injury.

Employers who are aware, or ought reasonably to be aware, that **domestic violence** may occur in the workplace must take every precaution reasonable in the circumstances to protect a worker at risk of physical injury.

## Rights and responsibilities

Everyone in a workplace has a role to play in ensuring it is safe, healthy and free of violence and harassment.

Workers have the same rights and responsibilities under the *Occupational Health and Safety Act* for violence prevention as they do for other hazards in a workplace. They must report potential workplace hazards to employers.

Workers have the right to refuse work if they have reason to believe they are in danger of workplace violence. The Act sets out a specific procedure that must be followed in a work refusal.

**All workers have the right to refuse unsafe work, but for some workers**, this right is limited. Certain workers who have a responsibility to protect public safety (for example police officers, firefighters, workers employed in correctional institutions and health care workers) cannot refuse unsafe work if the danger in question is a normal part of the job or if the refusal would endanger the life, health or safety of another person. For these workers, the limited right to refuse unsafe work remains with respect to the hazard of workplace violence.

Reprisals by employers (such as penalizing, dismissing, disciplining, suspending or threatening to do any of these things to a worker exercising their rights, including the right to refuse unsafe work under the *Occupational Health and Safety Act*) remain prohibited.

## In an emergency or if there is immediate danger

### Contact police first in emergency situations.

If a situation has turned violent or if there is a threat of violence occurring, employers and workers should call police. Police officers deal with violent individuals and matters under the **Criminal Code**.

## Telling your employer

Workers should report threats or incidents of workplace violence to the employer.

## Calling the Ministry of Labour

The Ministry of Labour enforces Ontario's *Occupational Health and Safety Act*. Workplace health and safety complaints should first be brought to the attention of the supervisor or employer, to the Joint Health and Safety Committee, if there is one, or to the Health and Safety Representative. The ministry encourages internal resolution of complaints, but if concerns remain, workplace parties can contact the nearest Ministry of Labour office.

A list of ministry offices is available at: [www.labour.gov.on.ca/english/about/reg\\_offices.php](http://www.labour.gov.on.ca/english/about/reg_offices.php)

The employer duty to notify the Ministry of Labour includes critical injury or fatalities from workplace violence.

## Resources

### Ministry of Labour

For more information about the Bill 168 amendments to the *Occupational Health and Safety Act*, please visit the Ministry of Labour's website: [www.labour.gov.on.ca/english/hs/pubs/workplaceviolence.php](http://www.labour.gov.on.ca/english/hs/pubs/workplaceviolence.php)

*Workplace Violence and Harassment: Understanding the Law*

This compliance guideline helps workplace parties understand their rights and responsibilities regarding workplace violence and workplace harassment requirements in the *Occupational Health and Safety Act*. It is available on the Ministry of Labour website in html and pdf formats. [www.labour.gov.on.ca/english/hs/](http://www.labour.gov.on.ca/english/hs/)

Copies of the *Guide* may be purchased from ServiceOntario.

Call toll-free: 1-800-668-9938.

Order online: [www.publications.serviceontario.ca](http://www.publications.serviceontario.ca)

*Employment Standards*

For information about hours of work, leaves of absence, termination, and other questions related to minimum standards that employers and employees must follow, please contact the Ministry of Labour's Employment Standards Information Centre toll-free at 1-800-531-5551. [www.labour.gov.on.ca/english/es/](http://www.labour.gov.on.ca/english/es/)

### Health and Safety Associations

Ontario's four Health and Safety Associations provide resources and training about workplace violence and workplace harassment. For more information, please visit: [www.wsib.on.ca/wsib/wsibsite.nsf/Public/HealthSafetyCommunity](http://www.wsib.on.ca/wsib/wsibsite.nsf/Public/HealthSafetyCommunity)

### Canadian Centre for Occupational Health and Safety (CCOHS)

CCOHS provides information about the warning signs of workplace violence and prevention tips.

For more information, please visit [www.ccohs.ca/oshanswers/psychosocial/violence.html](http://www.ccohs.ca/oshanswers/psychosocial/violence.html)

### Human Rights Legal Support Centre

The Centre offers human rights legal services to individuals in Ontario who believe they have experienced discrimination in the workplace contrary to Ontario's *Human Rights Code*. Call toll-free: 1-866-625-5179. For more information, please visit [www.hrlsc.on.ca](http://www.hrlsc.on.ca)

### Ontario Human Rights Commission, Human Rights Tribunal

For some issues relating to workplace harassment, both the Ontario Human Rights Commission and the Human Rights Tribunal may be of assistance. For more information, please visit their websites: Ontario Human Rights Commission:

[www.ohrc.on.ca/en](http://www.ohrc.on.ca/en)

Human Rights Tribunal:

[www.hrto.ca/NEW/home.asp](http://www.hrto.ca/NEW/home.asp)

### Ontario Women's Directorate

The Directorate provides information to help women escape domestic violence that puts their safety and/or their children's safety at risk.

[www.citizenship.gov.on.ca/owd/english/index.shtml](http://www.citizenship.gov.on.ca/owd/english/index.shtml)

### Ministry of Community and Social Services

The Ministry has a variety of programs and services to help women and their children live free of domestic violence. [www.mcass.gov.on.ca/en/mcass/programs/community/helpingWomen/index.aspx](http://www.mcass.gov.on.ca/en/mcass/programs/community/helpingWomen/index.aspx)

### Assaulted Women's Helpline

This service offers crisis counselling and referrals to shelters, legal advice and other help. For more information, call toll-free: 1-866-863-0511

### STOP family violence: it's everybody's business

This website features toolkits and resources on family violence prevention. [www.itseverybodysbusiness.ca/](http://www.itseverybodysbusiness.ca/)