



# **Developing Workplace Violence and Harassment Policies and Programs:**

## **WHAT EMPLOYERS NEED TO KNOW**

## **Disclaimer**

The material contained in this document is for information and reference purposes only and is not intended as legal or professional advice. The adoption of the practices described in this document may not meet all the needs, requirements, or obligations of individual workplaces.

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## Acknowledgements

This document, Developing Workplace Violence and Harassment Policies and Programs is part of the Occupational Health and Safety Council of Ontario's Workplace Violence Prevention Series. It was developed in partnership with the members of the Occupational Health and Safety Council of Ontario (OHSCO). Supporting members include:

- Public Services Health and Safety Association (PSHSA)
- Safe Workplace Promotion Services Ontario (SWPSO)
- Infrastructure Health and Safety Association (IHSA)
- Workplace Safety North
- Institute for Work & Health
- Occupational Health Clinics for Ontario Workers, Inc.
- Ontario Ministry of Labour
- Workers Health and Safety Centre
- Workplace Safety and Insurance Board (Ontario)

The Ontario Women's Directorate, part of the Ontario Ministry of Citizenship and Immigration, was also involved in the development of this document.

## Purpose

The *Occupational Health and Safety Act* requires employers in Ontario to assess the risks of workplace violence, and to put in place policies and programs regarding workplace violence and workplace harassment. This document and the accompanying *Toolbox* have been developed to help Ontario employers meet the Act's requirements. The documents also outline recommended approaches to assessing the risks of workplace violence, and contain important information on recognizing the signs of domestic violence and protecting workers should it occur in the workplace.

***Workplaces are not required to use the processes, tools, or techniques presented in this document or in the Toolbox.*** Employers may use other processes, tools, or techniques to help them comply with the requirements of the *Occupational Health and Safety Act*.

This document and the *Toolbox* have been designed for employers to use in consultation with workers, supervisors, joint health and safety committees, health and safety representatives, and/or unions. The two documents are for general use and not targeted to any specific type of workplace, industry, or sector. If you would like information specific to your type of workplace, Ontario's health and safety associations have information, programs, and services related to workplace violence, harassment, and other topics. See the Resources section on page 31 for contact information.

The focus of these documents is on Ontario's *Occupational Health and Safety Act*, Ontario's *Human Rights Code*, and Canada's *Criminal Code*. Other legislation relevant to violence and harassment is mentioned, but there may be further legislation that applies to your workplace. For specific legal requirements, please refer to applicable legislation and regulations.

The Ministry of Labour publishes *Workplace Violence and Harassment: Understanding the Law* <http://www.labour.gov.on.ca/english/hs/pubs/wpvh/index.php>, which outlines legislative requirements and includes important information about compliance.

Workplaces that are subject to federal labour legislation should consult federal publications for support in meeting their obligations.

The use, reproduction, or customization of these documents to meet sector- or workplace-specific needs is recommended and encouraged. These documents are available online [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_guide/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_guide/index.php) and [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php).

## Overview and Context for Action

### WHY YOU NEED TO CARE ABOUT VIOLENCE AND HARASSMENT IN THE WORKPLACE

Violence or harassment in the workplace can affect all business sectors and occupations. Customers, clients, patients, students, workers, intimate partners, or family members may hurt, threaten, or harass workers while they are on the job.

A number of inappropriate or unacceptable behaviours can take place in the workplace, including harassment, degrading comments, bullying, threats, intimidation, or even violence. Any of these behaviours can have negative effects on the personal well-being of workers and their interpersonal relationships, both within and outside the workplace.

If these behaviours are allowed to continue, the work environment may become hostile or abusive. As workers become more anxious or angry, they may become less productive and less committed to their work, regardless of whether they are the target of the abuse.

Failure to address these inappropriate or unacceptable behaviours also has financial consequences. There may be an increase in workers' lost time from work, an increase in Workplace Safety and Insurance Board costs, or an increase in medical or health care expenses. Employers may also face lawsuits or other legal action. Violence and harassment in the workplace are part of a continuum of behaviours and can be interconnected. Employers need to protect workers against violent acts and threats of violence, and to create an atmosphere in which workers feel free to come forward with concerns or complaints. Employers also need to treat complaints of harassment seriously, and stop it.

Addressing incidents of harassment not only helps the targeted worker but their co-workers as well. Taking action can also prevent harassment from escalating in the workplace and possibly resulting in physical violence by either the harasser or the targeted worker.

Under the *Occupational Health and Safety Act*, employers have specific responsibilities regarding workplace violence and workplace harassment. For more information, see pages 6 and 26.

### How prevalent is workplace violence?

**Almost 1 in 5 violent incidents in Canada occurs at work.**

Source: *Criminal Victimization in the Workplace*, Statistics Canada, February 2007, referring to physical assault, robbery, and sexual assault.

<http://www.statcan.gc.ca/pub/85f0033m/85f0033m2007013-eng.pdf>

## WHAT IS A WORKPLACE UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT

Workplaces are defined under the *Occupational Health and Safety Act* as any land, premises, location or thing, at, upon, in, or near which a worker works. Therefore, workplaces are more than just offices, construction sites, stores, and factories.

For example, when workers use vehicles and public transportation systems during work hours to reach work assignments, the vehicle or transportation system they use is a workplace. When a worker is providing a service at a client's home (for example, appliance repair or nursing), the client's home is a workplace while the worker is present to do the work. When a worker is at an off-site meeting, the meeting place is a workplace. In addition, the workplace parking lot used by workers may be a workplace under the *Occupational Health and Safety Act*, depending on the lot's location and other factors.

**Note:** Other Ontario legislation does not use the *Occupational Health and Safety Act* definition of workplace.

### Women and workplace violence

**Women are at especially high risk of experiencing violence at work because they are concentrated in high-risk occupations, such as teaching, social work, nursing, banking, and retail.**

Source: International Labour Organization

[http://www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Press\\_releases/lang--en/WCMS\\_007970/index.htm](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_007970/index.htm)

## Violence in the Workplace

### WHAT IS WORKPLACE VIOLENCE?

Workplace violence is an occupational health and safety hazard. For Ontario workplaces that are subject to the *Occupational Health and Safety Act*, workplace violence is defined as:

- 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 worker, in a workplace, that could cause physical injury to the worker.

Some of the types of violence that workers could experience in the workplace include hitting, pushing, physical assault, sexual assault, stalking, criminal harassment, robbery, or threats of violence.

*The Occupational Health and Safety Act* also defines workplace harassment. For more information, see page 26.

### Other Definitions

Other laws cover workplaces under federal jurisdiction, in other provinces, or in other countries. These laws may define workplace violence differently from the *Occupational Health and Safety Act*.

Some workplaces may wish to explore non-legislative descriptions of workplace violence that go beyond the definition set out in the *Occupational Health and Safety Act*. These descriptions may link harassment, abusive behaviour, and violence within a continuum and not see clear distinctions between the behaviours. This view may be helpful when considering the scope and nature of violence in the workplace.

### How common is sexual assault in the workplace?

**In 2004, 24% of workplace violence incidents were sexual assaults<sup>1</sup>. 93% of victims of sexual offences in Canada were female<sup>2</sup>.**

1. *Criminal Victimization in the Workplace*. Statistics Canada, 2004, referring to physical assault, robbery, and sexual assault.

<http://www.statcan.gc.ca/pub/85f0033m/85f0033m2007013-eng.pdf>

2. *Sexual Assault in Canada*. Statistics Canada, 2004 and 2007.

<http://www.statcan.gc.ca/pub/85f0033m/85f0033m2008019-eng.pdf>



## SOURCES OF WORKPLACE VIOLENCE

**Employers have obligations under the *Occupational Health and Safety Act* to protect workers from all these sources of violence.**

Clients, customers, patients, students, workers, supervisors, managers, strangers, intimate partners, or family members can introduce violence into the workplace. The following is a list of potential sources of workplace violence, based on classifications used by the National Institute for Occupational Safety and Health (NIOSH). See the References section on page 33 for more information.

Strangers or people with no ties to the workplace may commit a violent act at the workplace, such as assault, robbery, sexual assault, or hostage taking.

Clients, customers, patients, students, or others who have a legitimate reason to be in the workplace may become violent towards workers or with each other. A customer may threaten an employee while complaining about a product/service, a patient may hit a nurse, or two non-workers who are fighting may hurt a worker who is nearby.

Other workers, whether a manager, a co-worker, or a subordinate, may act violently towards a worker or may threaten physical violence.

Intimate partners, family members, or friends may use violence or threats of violence against a worker. This may also be known as domestic violence or intimate partner violence and would be considered workplace violence if it were to occur in the workplace. A current or former spouse or partner or another family member may assault, criminally harass, or stalk a worker at the workplace, or close to the workplace.

## TYPES OF WORKPLACES

Workplace violence can occur in any type of workplace: a restaurant, school, hotel, office, taxi, factory, logging site, store, hospital, bar, or social service agency. It can occur in any line of work: construction, emergency medical services, inspection or enforcement, or government services.

However, there are certain types of workplaces in which the risk of workplace violence is higher (see box).

### The risk of violence is higher in these types of workplaces:

**Health care and community care**  
**Social services**  
**Retail**  
**Hospitality**

**Financial institutions**  
**Education**  
**Transportation**  
**Police, security, and corrections**

Source: Ontario Ministry of Labour website <http://www.labour.gov.on.ca/english/hs/pubs/workplaceviolence.php>

## RISK FACTORS FOR WORKPLACE VIOLENCE

Certain types of work or conditions of work can put workers at higher risk of workplace violence, usually from strangers, clients, customers, patients, or students. The list below is based on the risk factors outlined by National Institute for Occupational Safety and Health (NIOSH).

Several of these activities or conditions may apply in your workplace. Occasionally, none will.

In addition, there may be other risks in your workplace. For example, the risk of violence may be higher at very busy times of the year or at certain times of the day or night, or may be associated with serving alcohol.

Contact your health and safety association for help identifying risk factors for your type of business. See the Resources section on page 31 for contact information.

### **Having direct contact with clients**

*Workers who provide a product or service and deal directly with clients in a fixed location — such as workers in retail stores, gas stations, factories, manufacturing facilities, industrial settings, office environments, and health care facilities or clinics — may be at higher risk.*

### **Handling cash**

*Workers who handle cash in a fixed location — such as cashiers in retail stores, gas stations, etc., and anyone maintaining petty cash and making cash deposits — may be at higher risk.*

### **Working alone or in small numbers**

*Workers at a fixed location who work alone or with a very few others — such as workers at retail stores, gas stations, factories, manufacturing facilities, industrial settings, office environments, and health care facilities or clinics — may be at higher risk.*

### **Working with unstable or volatile people**

*Workers who provide services or products to persons with physiological, psychological, and psychiatric conditions or substance abuse issues — such as caregivers, parole officers, police officers, corrections officers, youth officers, or social workers — may be at higher risk.*

### **Working in a community-based setting**

*Workers who work in the community and provide services in private homes and dwellings — such as home support staff, caregivers, home service/repair personnel, real estate agents, insurance agents, or sales people — may be at higher risk.*

## LEGISLATIVE FRAMEWORK: WORKPLACE VIOLENCE

**Legal requirements under OSHA provide the basis for the Internal Responsibility System (IRS).**

**The IRS is a system in an organization that ensures that everyone in the workplace, from the chief executive officer to the supervisors to the workers, has a responsibility for workplace health and safety that is appropriate to their role and authority within the organization.**

**The IRS is supported by a partnership between everyone in the workplace.**

### **Mobile workplaces**

*Workers who travel in a vehicle most of their workday to provide a service and who may have limited communication with their employer — such as salespeople, consultants, auditors, or contract accountants — may be at higher risk.*

### **Working in high-crime areas**

*Workers who perform services in a fixed location in a high-crime area may be at higher risk. Note that a “high-crime area” is identified by police and insurance and real estate broker statistics.*

### **Securing or protecting valuable goods**

*Workers whose main job responsibility includes protecting or securing valuable goods (in transport and/or at a fixed location which, if left unprotected or unsecured, might become a target for theft or loss) — such as security guards — may be at higher risk.*

### **Transporting people and/or goods**

Workers who transport people in taxis, buses, streetcars, or the subway, or who transport goods by vehicle, may be at higher risk.

There are two major pieces of legislation that may apply to violence in the workplace: the *Occupational Health and Safety Act* and the *Criminal Code*.

### **Occupational Health and Safety Act (OHSA)**

The primary purpose of the OHSA is to protect workers from hazards in the workplace, including the hazard of workplace violence. All employers have a general duty under the OHSA to take every precaution reasonable in the circumstances to protect their workers. They must also provide information, instruction, and supervision to workers in order to protect their health and safety. Supervisors also have specific duties under the OHSA. For more information on OHSA requirements, see the Ministry of Labour publication *A Guide to the Occupational Health and Safety Act* <http://www.labour.gov.on.ca/english/hs/pubs/ohsa/index.php>.

The following requirements regarding workplace violence are included in the OHSA. For more information on any of these requirements, see the Ministry of Labour’s publication *Workplace Violence and Harassment: Understanding the Law* <http://www.labour.gov.on.ca/english/hs/pubs/wpvh/index.php>.

Under the OHSA, workplace violence means:

- 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 worker, in a workplace, that could cause physical injury to the worker.

The OHSA requires employers to assess the risks of workplace violence that may arise due to the nature of the workplace, the type of work, or the conditions of work.

Employers must prepare a policy with respect to workplace violence, and develop and maintain a program to implement that policy. The program must:

- include measures and procedures to control the risks that are identified in the employer's assessment;
- include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
- include measures and procedures for workers to report incidents of workplace violence; and
- set out how the employer will investigate and deal with incidents and complaints of workplace violence.

Employers must provide information and instruction to workers about the contents of the workplace violence policy and program.

Employers who are aware, or who should reasonably be aware, that domestic violence that is likely to expose a worker to physical injury may occur in the workplace, must take every precaution reasonable in the circumstances to protect workers.

An employer must provide information, instruction, and supervision to workers to protect their health and safety. In some circumstances, this may include providing workers with available information about a person in the workplace who has a history of violent behaviour (such as a patient).

Workers must work in accordance with the OHSA and must report hazards of which they are aware. A worker has the right to refuse work where they have reason to believe that workplace violence is likely to endanger him/her, subject to the limitations set out in the OHSA. OHSA protection against reprisals continues with respect to workplace violence provisions.

For the full text of the *Occupational Health and Safety Act*, see [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm).

### ***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*.

The *Criminal Code* also establishes a duty for all persons “directing the work of others” to take reasonable steps to ensure the safety of workers and the public. For more information, see <http://www.ccohs.ca/oshanswers/legisl/billc45.html>.

You should call the police when an act of violence has occurred or when someone is threatened with violence in the workplace. While the police investigate offences under the *Criminal Code*, the Ministry of Labour may determine whether additional follow-up action under the *Occupational Health and Safety Act* is necessary in these situations.

For the full text of the *Criminal Code*, see <http://laws.justice.gc.ca/en/C-46/>.

## **RELATED LEGISLATION**

Other legislation may relate to workplace violence and the requirements in the *Occupational Health and Safety Act*. Ontario legislation can be found at <http://www.e-laws.gov.on.ca>; federal legislation can be found at <http://laws.justice.gc.ca/eng/MainPage/>.

Workers who are injured due to violence associated with work may be eligible for benefits under the *Workplace Safety and Insurance Act*.

Workers who are victims of violence may be eligible for compensation under the *Compensation for Victims of Crime Act*.

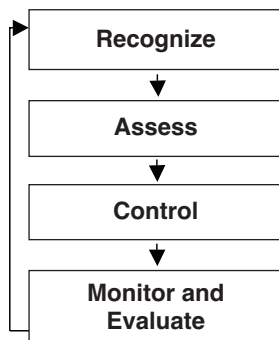
*The Victims' Bill of Rights, 1995*, deals with the treatment of victims of violence, civil proceedings, and the victim assistance fund.

There are several laws that govern the release of personal or medical information, including the *Youth Criminal Justice Act (Canada)*, the *Personal Information Protection and Electronic Documents Act*, the *Personal Health Information Protection Act*, and the *Education Act*. There may be circumstances in which the employer will have to take into account a person's right to privacy under those laws, in addition to a worker's right to be informed of the risks of workplace violence arising from an individual under the *Occupational Health and Safety Act*. In such cases, employers may wish to obtain legal advice.

There may be other pieces of legislation that apply to your workplace. Contact your health and safety association for more information.

## Developing a Workplace Violence Policy and Program

### STEPS



**For more information, help, or sector-specific material, contact your health and safety association (see Resources section on page 31 for contact information).**

**P**reventing and controlling workplace violence does not have to be difficult or complex. All you really need is the knowledge and ability to recognize, assess, and control the hazard of violence in your workplace, in the same way you would any other health and safety hazard.

The *Occupational Health and Safety Act* requires workplaces to have a policy and program related to workplace violence. The simple, four-step process below will help your workplace to develop them.

This is a recommended approach to assessing the risks of workplace violence and developing a workplace violence policy and program.

**Workplaces are not required to use the process, tools, or techniques presented in this document or in the *Toolbox*.** Employers may use other processes, tools, or techniques to help them to comply with the requirements of the *Occupational Health and Safety Act*.

#### Step 1: Recognize the Hazard of Workplace Violence

#### Step 2: Assess the Risks of Workplace Violence

#### Step 3: Control the Risks of Workplace Violence

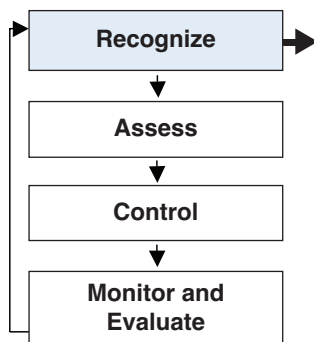
#### Step 4: Monitor and Evaluate

As you go through these steps, you will find tools to help you in the *Toolbox* that accompanies this document:

- Workplace Violence Survey
- Policy, Program, and Training Review Tool
- Workplace Violence Assessments
- Action Plan
- Example Workplace Violence Policy
- Example Workplace Harassment Policy
- Recognizing Domestic Violence in the Workplace
- Creating a Safety Plan
- What if the Abuser and Victim Belong to the Same Workplace?

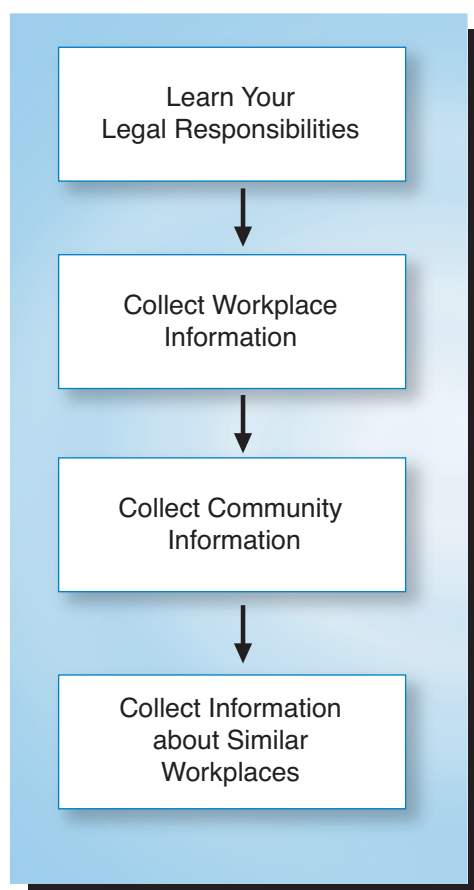
You are encouraged to involve workers, supervisors, joint health and safety committees, health and safety representatives, and/or unions in this process. Your workplace violence policy and program will be the better for it.

## Step 1: Recognize the Hazard of Workplace Violence



The first step in the process is to find out more about the hazard of workplace violence in your workplace, your community, and in similar workplaces.

It is recommended that workers, supervisors, joint health and safety committees, health and safety representatives, and/or unions be involved in this stage.



## LEARN YOUR LEGAL RESPONSIBILITIES

Be sure you know your responsibilities as they relate to protecting workers from workplace violence under the *Occupational Health and Safety Act* and other legislation. See page 6 for more information.

The collective agreement(s) in your workplace may also have provisions about workplace violence.

## COLLECT WORKPLACE INFORMATION

You can find out more about the risks of workplace violence by looking at your workplace information. Here are some specific steps that may help you decide how violence might affect your workplace as a whole, in specific locations, or in specific jobs:

### Input from Workers and Management

You can use information gathered through a survey, a focus group, or the joint health and safety committee to help you:

- identify the risks that workers perceive and their sense of personal safety in the workplace;
- consider workers' experiences of violence and whether the situations involved strangers, clients, workers, or others;
- identify jobs or locations in which workplace violence is a concern; and,
- gather opinions about the effectiveness of the measures, procedures, and training currently in place.

See the *Toolbox* for a sample survey

[http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php).

### Internal Workplace Information

Review internal documents for reports of incidents involving workplace violence. Look for trends and identify jobs and locations that are most at risk.

You may also wish to review incidents of harassment at this time. Consider looking at the makeup of your workforce to identify whether there are workers who would be more vulnerable to violence (for example, women, youth, persons with disabilities, or someone who may be the target of discrimination or hate crime).

Sources of information include:

- employee feedback from company "suggestion boxes";
- security logs;
- reports about emergencies, incidents and accidents;
- the minutes from joint health and safety committee meetings;
- workplace inspection reports;



- reports generated through collective agreements;
- high-level Employee Assistance Program usage reports (which do not identify individuals);
- grievances; or,
- Workplace Safety and Insurance Board claims.

### **Existing Policies, Procedures, and Work Practices**

Gather your existing collective agreements and occupational health and safety and human resources policies, procedures, and work practices to find out whether workplace violence is addressed, and how. Remember to look for specific procedures that may relate to particular jobs.

## **COLLECT COMMUNITY INFORMATION**

### **Community Workplace Violence Issues**

You can find some information about crime levels in the community that surrounds your workplace:

- Contact the local (municipal) police department or local Ontario Provincial Police (OPP) detachment to ask if they have information about the risks and incidents of violence in your neighbourhood. Ask about available statistical information, such as the number of calls for assistance, the levels of crime, the charges laid, etc.
- Contact Statistics Canada. Obtain a copy of its *Crime Statistics in Canada* reports, which are based on information from each police service in the country.
- Keep up with local news stories relating to violence in your community or your business sector.
- Contact insurance companies and real estate brokers to obtain information about the prevalence of theft and/or property damage in the area.

## **COLLECT INFORMATION ABOUT SIMILAR WORKPLACES**

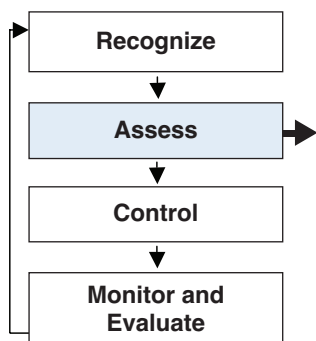
### **Workplace Violence Issues in Similar Workplaces**

You may be able to find out more about workplace violence risks in your workplace by looking at similar workplaces, which may face similar risks.

Communicate with similar companies, agencies, and organizations about their experiences with workplace violence.

The health and safety association for your type of workplace will have information that will help you. See the Resources section on page 30 for contact information.

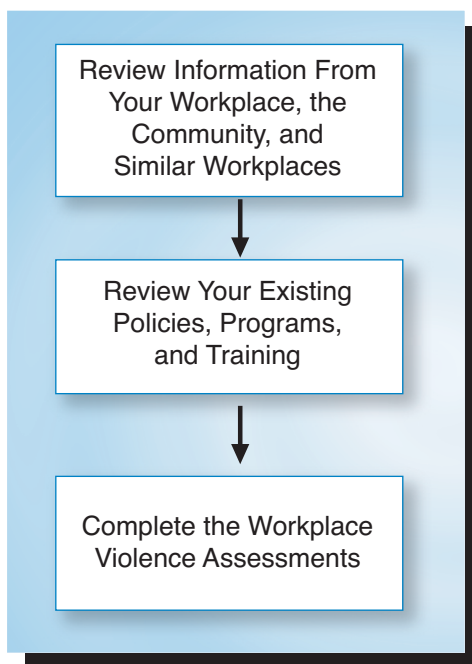
## Step 2: Assess the Risks of Workplace Violence



The second step in the process is to assess the risks of violence in your workplace. If your workplace has multiple worksites or locations, you should consider following the process outlined in this document for specific work locations (for example, a retail store in a mall) and jobs (for example, cashier).

Different workplaces may have different risks of workplace violence. However, there are some general approaches that can be used in most workplaces to assess risks, and these are outlined in this document and in the *Toolbox*. Your workplace may have additional risks of violence that are not addressed here, and you will need to consider these on an individual basis.

It is recommended that workers, supervisors, joint health and safety committees, health and safety representatives, and/or unions be involved in the assessment of the risks of workplace violence. The *Occupational Health and Safety Act* requires that employers advise the joint health and safety committee, health and safety representative, or workers of the results of the assessment.



## REVIEW INFORMATION FROM YOUR WORKPLACE, THE COMMUNITY AND SIMILAR WORKPLACES

The information you gathered in Step 1 will help you identify whether there are jobs or locations in which violent incidents have already occurred, how your workers feel about their safety at work, and whether there are higher risks of workplace violence in your workplace.

This information will also help you to decide if different jobs might require different assessments. For example, a company could have salespeople who are on the road for most of the week, as well as office staff.

## REVIEW YOUR EXISTING POLICIES, PROGRAMS, AND TRAINING

Use the **Policy, Program, and Training Review Tool** in the *Toolbox* [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php) to help you review the policies, programs, measures, and procedures you have in place for workplace violence.

Check off the Yes and No columns to identify whether your workplace has the policies, programs, or training that are highlighted.

You may also use the **Policy, Program, and Training Review Tool** during Step 3, Controlling the Risks of Workplace Violence, when you are setting up your workplace violence policy and program.

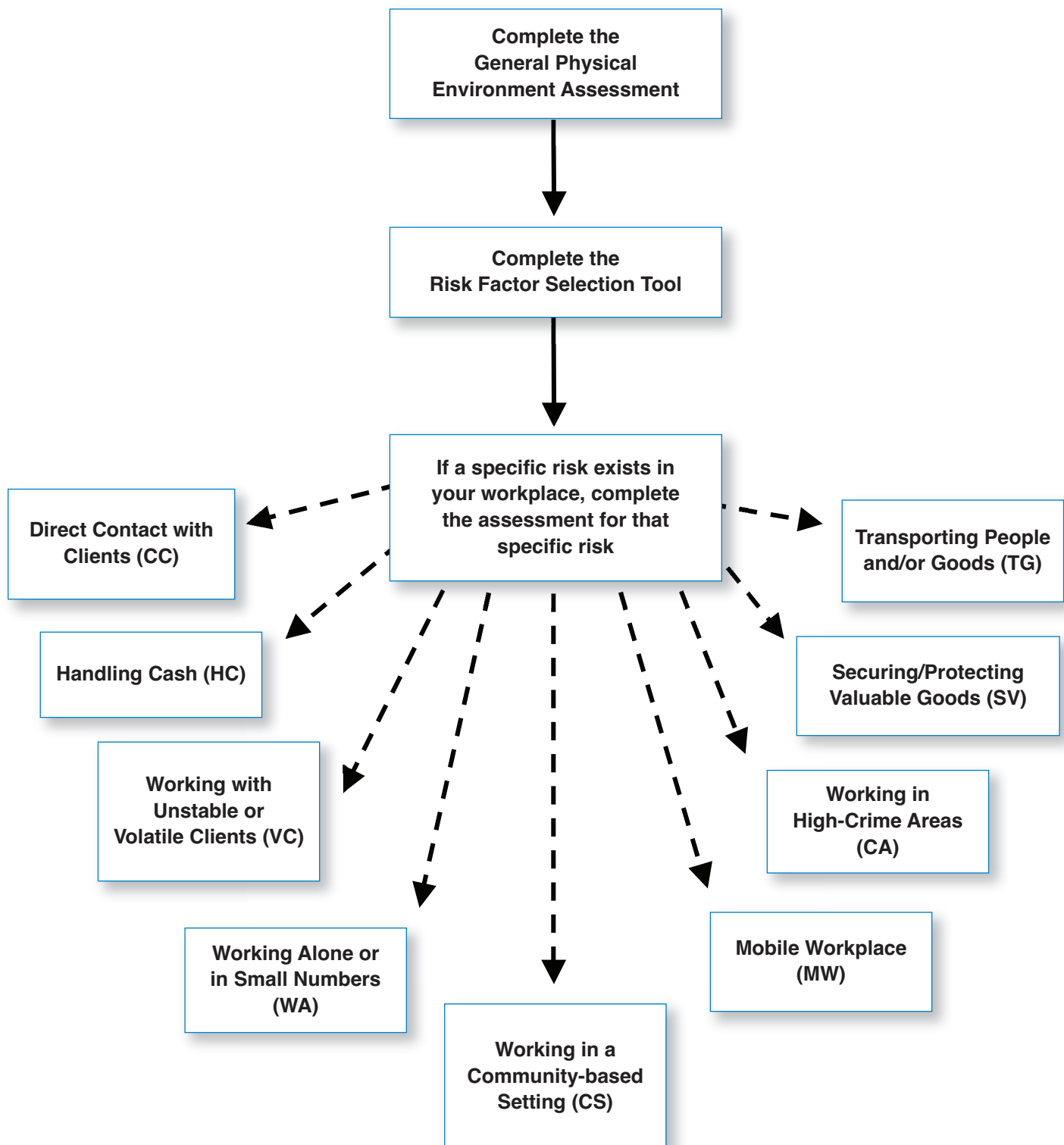
## COMPLETE THE WORKPLACE VIOLENCE ASSESSMENTS

You may need to fill out separate assessments for different jobs or locations in order to identify the risks of workplace violence specific to these situations.

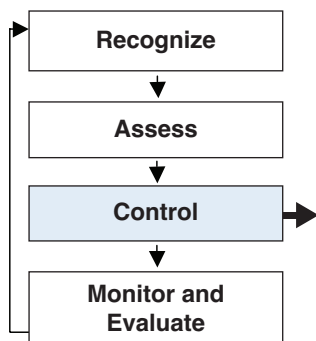
The **Workplace Violence Assessments** document in the *Toolbox* [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php) has three parts:

- a **general physical environmental assessment** that should be completed by all workplaces;
- the **Risk Factor Selection Tool** to help you to identify the risks associated with specific work activities or work conditions (it will also help you prioritize the risks, if you identify more than one); and,
- nine assessments, specific to nine risk factors (you only need to fill out the assessments that are relevant to your workplace or to specific jobs or locations — consult the diagram below to see the specific risk factors).

## Workplace Violence Assessments



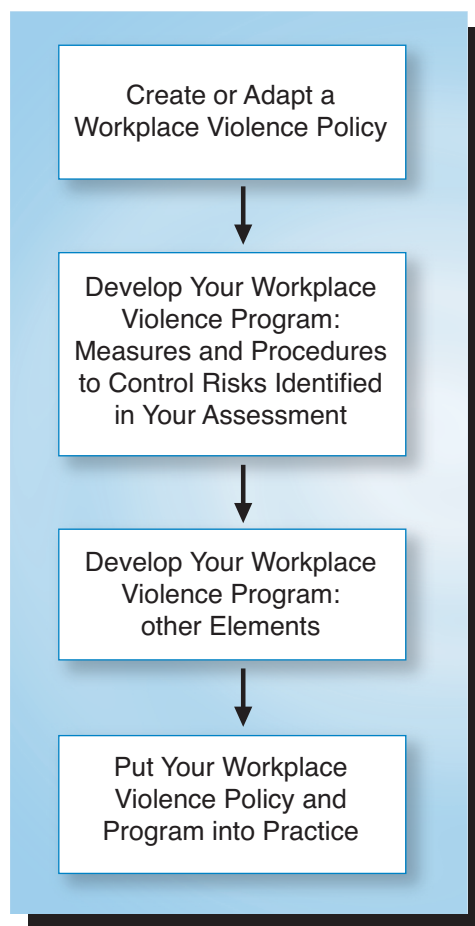
## Step 3: Control the Risks of Workplace Violence



The third step in the process is to create your workplace violence policy and program. The possible controls that you identified in Step 2 will help you develop your program. You may want to build on policies or programs that already exist in your workplace. For example, you could combine the workplace violence policy, the occupational health and safety policy, or the workplace harassment policy, if the subject matter of the different policies is clearly identifiable.

It is recommended that workers, supervisors, joint health and safety committees, health and safety representatives and/or the union be involved in the development of the workplace violence policy and program and putting it into effect. In workplaces that are covered by the Health Care and Residential Facilities Regulation (O. Reg. 67/93), there are specific requirements regarding the involvement of joint health and safety committees or health and safety representatives in the development of measures, procedures, training, and education programs associated with worker health and safety.

[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_930067\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_930067_e.htm)



## CREATE OR ADAPT A WORKPLACE VIOLENCE POLICY

**Remember to post your  
policy in a conspicuous place.**

## DEVELOP YOUR WORKPLACE VIOLENCE PROGRAM: MEASURES AND PROCEDURES TO CONTROL RISKS IDENTIFIED IN YOUR ASSESSMENT

**Remember that some workers  
may be more vulnerable to  
violence than others (for  
example, women, youth,  
persons with disabilities, or  
someone who may be a target  
of hate crime).**

**Employers must take every  
reasonable precaution to  
protect each of their  
workers, so the measures  
and procedures in your  
workplace violence program  
should protect all workers.**

*The Occupational Health and Safety Act* requires that you have a **policy** regarding workplace violence.

It should be a high-level statement of the commitment of senior management to protect workers from workplace violence, and to investigate and deal with any incidents. The policy should address all sources of violence in the workplace, from strangers, clients, customers, patients, students, workers, intimate partners, or family members.

See the **Policy, Program, and Training Review Tool** in the *Toolbox* [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php) for suggestions of what a workplace violence policy should address. The *Toolbox* also has an **Example Workplace Violence Policy** [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php).

*The Occupational Health and Safety Act* requires that your workplace have a **program** regarding workplace violence. It must include measures and procedures to control the risks identified in the assessment if those risks are likely to expose a worker to physical injury.

In Step 2, you identified risks, and started to identify possible controls. The measures and procedures should control risks associated with:

- the physical aspects of the workplace (such as doors that should remain locked or the use of security cameras);
- specific jobs (such as store clerk);
- specific situations (such as working alone or dealing with the public); and
- specific activities (such as closing procedures or cash deposit procedures).

There may be additional measures and procedures that should be included in your program.

Look at the assessments that you completed and the recommended controls that you identified. You may already have some of the measures and procedures in place, while others may be built on existing controls. You may also have to do further research on other measures and controls.

Consider creating an **Action Plan** to keep track of controls that should be put in place or actions to be taken as you build your workplace violence program. The plan will also help you keep track of responsibilities and deadlines. See the *Toolbox* for a blank **Action Plan** [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php).

## DEVELOP YOUR WORKPLACE VIOLENCE PROGRAM:

### OTHER ELEMENTS

The *Occupational Health and Safety Act* requires additional elements for the program regarding workplace violence. They include:

- measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur, or when workplace violence is threatened;
- measures and procedures that allow workers to report violent incidents, which include threats of violence; and,
- how the employer will investigate and deal with incidents and complaints of workplace violence.

For examples of measures and procedures for summoning assistance, reporting, and investigating, see the **Policy, Program, and Training Review Tool** in the *Toolbox* [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php). This tool also includes information on other related measures, procedures, and training.

You may wish to supplement your workplace violence program with additional measures and procedures. For example, you may:

- develop work refusal procedures;
- develop procedures for informing workers about a person who has a history of workplace violence;
- develop procedures to comply with notification requirements in sections 51 and 52 of the *Occupational Health and Safety Act*;
- develop systems for keeping track of incidents of workplace violence;
- develop workplace violence prevention training;
- develop procedures for assessing and re-assessing the risks of workplace violence; or,
- create emergency response plans.

It is not enough to just develop your workplace violence policy and program — you need to put the measures and procedures into practice, and train workers and supervisors.

## PUT YOUR WORKPLACE VIOLENCE POLICY AND PROGRAM INTO PRACTICE

### Measures and Procedures

Your workplace violence policy and program may be completely new, or your workplace may already have some of the measures and procedures in place. You may be able to put all measures and procedures in place immediately, or you may need to do so in stages. To help, you may use the **Action Plan** [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php) in the *Toolbox* to track controls, actions, responsibilities and deadlines.

At this stage, it is a good idea to think about how you will evaluate the

measures and procedures and identify a date for monitoring. Careful evaluation will allow you to review the effect of the measures and procedures and will allow you to assess and refine the measures and procedures, as necessary. For more information on monitoring and evaluation, see page 20.

### **Information, Instruction, Education, and Training**

Information, instruction, education, and training are essential to preventing workplace violence, and to protecting workers.

The *Occupational Health and Safety Act* requires that all workers, including managers and supervisors, receive information and instruction on the contents of the policy and program regarding workplace violence, including all the measures and procedures that apply to their work, and the complaint and investigation processes.

The *Occupational Health and Safety Act* requires employers to provide information, instruction, and supervision to protect the health and safety of workers, so other training may be necessary to protect workers from workplace violence. For example, there may be specific training on how to recognize dangerous situations, or on techniques to de-escalate a potentially violent situation.

This training could be:

- integrated into your orientation training;
- integrated into your overall health and safety training;
- integrated with other sensitivity, anti-harassment, anti-discrimination, or respectful workplace training; or
- be specific to workplace violence.

Keep records of who has been trained, and in what.

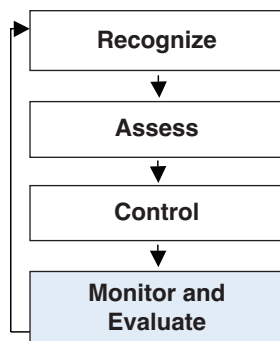
**In some circumstances, providing information may include providing available information about a person in the workplace who has a history of violent behaviour, if the worker can be expected to encounter that person in the course of his or her work and the risk of workplace violence is likely to expose the worker to physical injury. No more personal information shall be disclosed than is reasonably necessary to protect the worker from physical injury.**

**For more information, see the Ministry of Labour's *Workplace Violence and Harassment: Understanding the Law***

<http://www.labour.gov.on.ca/english/hs/pubs/wpvh/index.php>.



## Step 4: Monitor and Evaluate



The fourth and last step of the process is to monitor and evaluate your workplace violence policy and program to help ensure its effectiveness. You should regularly monitor and evaluate your policy and program, as well as the specific measures and procedures that you have put in place to prevent and respond to workplace violence. You will be able to determine what is working, and what may need to be changed.

It is recommended that workers, supervisors, joint health and safety committees, health and safety representatives and/or unions be involved at this stage.

Preventing and controlling workplace violence is an ongoing process that may require occasional improvements. Carefully evaluating your measures and procedures allows you to review the effects of each, and allows you to assess and refine them, if necessary.

Create a process for regularly monitoring and evaluating your workplace violence policy and program, and think about how you will evaluate the measures and procedures.

There are many ways to achieve this, but consider monitoring workplace incidents and other data, gathering input from workers and supervisors, using focus groups or surveys, and reviewing the effectiveness of training. You may find the questions on workplace culture in the **Policy, Program, and Training Review Tool** in the *Toolbox* [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php) useful during this process.

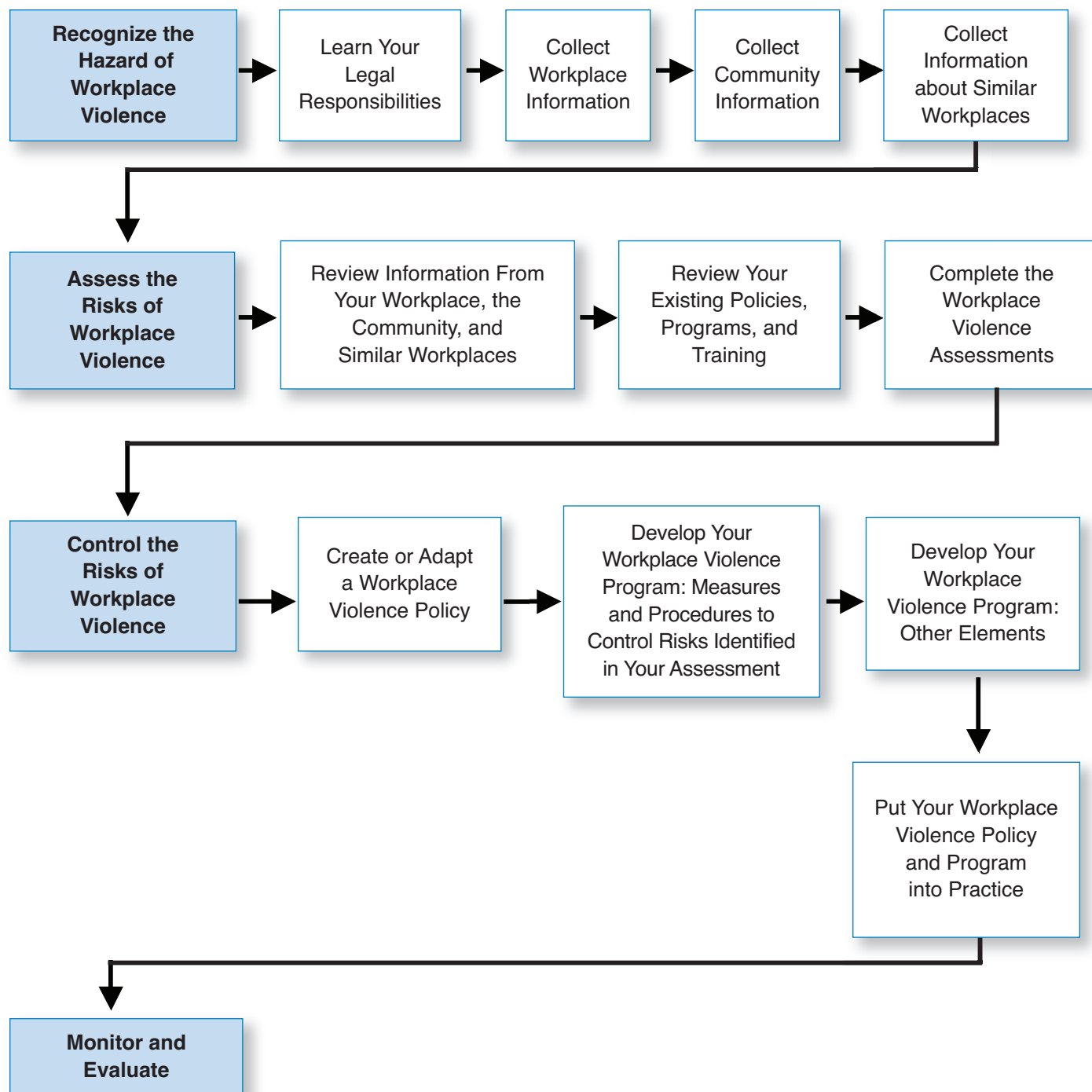
The *Occupational Health and Safety Act* requires that you review the policy regarding workplace violence as often as necessary, and at least annually. It also requires that you reassess the risks of workplace violence as often as necessary in order to ensure that the policy and program continue to protect workers from workplace violence. It is recommended that you review your workplace violence assessments and program at least annually, and more frequently if necessary.

If a violent incident has occurred at the workplace during which workers have been harmed or could have been harmed, or if a worker is threatened, you should look at your assessments and/or the measures and procedures that are part of your program and consider whether there are any additional measures or procedures that could be put into place to:

- prevent similar incidents from occurring in the future;
- protect workers from such incidents if they occur; or,
- improve the workplace response to similar incidents.

You may need to reassess the risks of workplace violence if there is a change in the nature of the workplace, the type of work, or the conditions of work (for example, if a night shift is added, if the business relocates, or if the number of staff is reduced).

## Summary of Steps to Develop a Workplace Violence Policy and Program



## Domestic Violence

### WHAT IS DOMESTIC VIOLENCE?

Domestic violence is widely understood to be a pattern of behaviour used by one person to gain power and control over another person with whom he/she has or has had an intimate relationship. This pattern of behaviour may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking, and using electronic devices to harass and control.

Anyone can be a victim of domestic violence, whatever their age, race, economic status, religion, sexual orientation, or education.

While men can be victims of domestic violence, women represent the overwhelming majority of victims of such violence.

**The social costs of violence against women, including health care for victims, criminal justice, social services, and lost productivity, are estimated in the billions of dollars. The psychological impacts for victims and their family and friends cannot be measured in dollars.**

Source: *Measuring Violence Against Women — Statistical Trends*. Statistics Canada, 2006.

<http://www.statcan.ca/english/research/85-570-XIE/85-570-XIE2006001.pdf>

### SERIOUSNESS OF DOMESTIC VIOLENCE

Domestic violence can have serious and even lethal consequences. Behaviours such as emotional and psychological intimidation and harassment can be disruptive and harmful to the victim and can quickly turn into physical violence.

Treat warning signs seriously and take immediate action when violence threatens to affect the workplace.

Stalking has been identified as one of the primary risk factors for attempted and actual murder of female partners in intimate relationships. Recent separation is also an important flag, as many deaths related to domestic violence in Ontario occurred when the relationship was ending or following separation.

**Obsessive behaviour, which includes stalking behaviours such as following the victim, spying on the victim, making repeated phone calls to the victim, or excessive gift giving, has been identified as a key risk factor leading to domestic violence deaths, and was present in 62% of cases.**

Source: *Annual report of the Ontario Coroner's Domestic Violence Death Review Committee*, 2008

## EMPLOYER DUTY UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT

Under the *Occupational Health and Safety Act*, employers who are aware or who ought reasonably to be aware that domestic violence that would likely expose a worker to physical injury may occur in the workplace must take every precaution reasonable in the circumstances to protect a worker.

The *Occupational Health and Safety Act* defines workplace violence (see page 6). Domestic violence is interpreted in a manner consistent with the workplace violence definition when it may occur in the workplace.

## RECOGNIZING DOMESTIC VIOLENCE IN THE WORKPLACE

It is in your best interests to be able to recognize the signs of domestic violence in order to keep your workers safe. While there are numerous signs of domestic violence, the most common one in the workplace is harassment, over the phone or in person. The document **Recognizing Domestic Violence in the Workplace**, located in the *Toolbox* [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php), provides a more complete list of these signs.

## REASONABLE PRECAUTIONS

It is important to deal with each situation on a case-by-case basis, taking into account the needs of the individuals involved.

Developing a safety plan with the victim's input might be a reasonable precaution to keep your employee(s) safe from domestic violence that may occur in the workplace. This plan will look at increased safety measures that you can implement in the workplace. See **Creating a Safety Plan** in the *Toolbox* [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php) for more information on how to develop a workplace safety plan.

### What is a safety plan?

**A safety plan involves identifying actions that will increase worker safety, and preparing for the possibility of further violence. Safety plans should always be created with input from the victim, customized to meet the needs of the individual victim, and include available resources and support. Safety plans are a crucial step in ensuring worker safety.**

## RESPECTING PRIVACY WHILE PROTECTING WORKERS

Sometimes the employer's duty to take every precaution reasonable in the circumstances to protect workers may outweigh an individual's expectation of privacy. In other words, the victim's privacy may need to be balanced against ensuring the safety of others.

Communicating on a "need to know" basis will ensure that information about a domestic violence situation is kept confidential or restricted to a

## WHAT YOU CAN DO TO HELP WHEN A WORKER IS A VICTIM OF DOMESTIC VIOLENCE

**Research suggests that 70% of domestic violence victims are also abused at work at some point.**

Source: Swanberg, J., Logan, TK, and Macke, C. "Intimate Partner Violence, Employment, and the Workplace". *Trauma, Violence & Abuse*, Vol. 6, No. 4 2005.

**The most common tactics are repeated harassing phone calls and in-person harassment.**

Source: Swanberg, J., Macke, C. and Logan, TK 2006, "Intimate Partner Violence, Women, and Work: Coping on the Job". *Violence & Victims*, vol. 21, no. 5, pp 561-578.

minimum number of employees (for example, those who are directly responsible for ensuring the safety of those workers who may be at risk).

Involving the victim in communication decisions may lessen the impact. Discuss who needs to be informed, what information will be communicated, expectations for confidentiality, and what the consequences will be for others if confidentiality is breached.

Caution should be exercised to ensure that the victim's safety is not compromised.

If warning signs of domestic violence are noticed, or if a worker discloses abuse, here are some things you can do:

- Talk to the victim privately about what you or others have seen. Express concern for the worker's safety.
- Provide information on help that is available (for example, Employee Assistance Plan, community counselling) and offer referrals to appropriate agencies (for example, shelters, Assaulted Women's Helpline).
- Provide a copy of the booklet *Domestic Violence Doesn't Stop When You go to Work: How to get Help or Support a Colleague who may Need Help* [http://www.osach.ca/products/free\\_resource.shtml](http://www.osach.ca/products/free_resource.shtml) and any other resources you may have.
- Offer to assist with calling the police. ***When violence has occurred in the workplace, or if you are concerned for the immediate safety of a worker, call the police.***
- Help the victim develop a safety plan that takes into consideration safety at the workplace. See **Creating a Safety Plan** in the *Toolbox* [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php) for more information.
- Implement security measures and explore alternative work arrangements to increase safety.
- Consider permitting temporary leave that would allow the worker to deal with legal issues, find housing and childcare, or cope with any other issues.

**Note:** *If you are aware that domestic violence is occurring at a worker's home and a child has been assaulted, or if you are afraid for the child's safety due to violence in the home, you have a legal obligation to report your concerns under the Child and Family Services Act. This is true whether or not domestic violence occurs in the workplace. This legal obligation to report applies to all persons in Ontario, including professionals who work with children. Call your local children's aid society for more information.*

- Implement accountability measures if the abuser also works for you. See the tool **What if the Abuser and Victim Belong to the Same Workplace?** in the *Toolbox*  
[http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php).

### WHAT IF THE VICTIM DENIES THE SIGNS OF DOMESTIC VIOLENCE?

Sometimes, it may be difficult for a victim to acknowledge an experience with domestic violence due to embarrassment, fear, or concern for their family's immigration status.

**Note:** *Under the Immigration and Refugee Protection Act, workers who are not Canadian citizens (including permanent residents) may lose their ability to work and stay in Canada if they are convicted of an offence.*

It may take time for the victim to open up. In the meantime, here are some other suggestions of what you can say or do:

- Assure the victim you are available to talk anytime and that support is available.
- Recognize that the victim knows the most about the violence.

Let the victim know that you, as the employer, are responsible for workplace safety and ask the victim to tell you if safety in the workplace becomes a concern. Also, let the victim know that you will need to call the police if violence occurs at the workplace.

### DOMESTIC VIOLENCE PROGRAMS

Accessible workplace programs and a supportive work environment can help workers who are experiencing domestic violence.

For more details on what a good domestic violence program should include, see the **Policy, Program, and Training Review Tool** in the *Toolbox*  
[http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php).

## Workplace Harassment

### WHAT IS WORKPLACE HARASSMENT?

The *Occupational Health and Safety Act* defines workplace harassment 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.”

This definition of workplace harassment is broad enough to include harassment prohibited under the Ontario *Human Rights Code*, as well as “psychological harassment” or “personal harassment.”

Some of the types of harassment that workers could experience in the workplace include sexual harassment, teasing, intimidating or offensive jokes or innuendos, display or circulation of offensive pictures or materials, unwelcome, offensive, or intimidating phone calls, or bullying. Leering, unwelcome gifts or attention, offensive gestures, or spreading rumours could also be considered harassment.

Workplace harassment, if left unchecked, can escalate. In some cases, it can lead to physical violence or even death.

### SOURCES

Workplace harassment, like workplace violence, can arise from a variety of sources, such as other workers, supervisors, customers, clients, patients, students, intimate partners, or family members.

Harassment from different sources will result in different dynamics that may require different reporting and investigation procedures.

### LEGISLATIVE FRAMEWORK: WORKPLACE HARASSMENT

There are two major pieces of legislation that apply to harassment in the workplace: the *Occupational Health and Safety Act* and the *Ontario Human Rights Code*. Descriptions are included below.

#### ***Occupational Health and Safety Act***

The *Occupational Health and Safety Act* defines “workplace harassment” 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”.

Employers are required to prepare a policy regarding workplace harassment, and develop and maintain a program to implement that policy. The program must include measures and procedures that allow workers to report incidents of workplace harassment, and must explain how the employer will investigate and deal with incidents and complaints of workplace harassment.



Employers must provide information and instruction to workers about the contents of the policy and program. *The Occupational Health and Safety Act* can be found at [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm).

For more information, see the Ministry of Labour's publications, *A Guide to the Occupational Health and Safety Act* <http://www.labour.gov.on.ca/english/hs/pubs/ohsa/index.php> and *Workplace Violence and Harassment: Understanding the Law* <http://www.labour.gov.on.ca/english/hs/pubs/wpvh/index.php>.

### **Ontario Human Rights Code**

The Ontario *Human Rights Code* (the Code) is a provincial law that gives everyone equal rights and opportunities, without discrimination or harassment, in specific areas such as employment, housing, and services. The Code's goal is to prevent discrimination and harassment based on the following 15 grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy and gender identity), sexual orientation, disability, age (18 and over, 16 and over in occupancy of accommodation), marital status (including same-sex partners), family status, receipt of public assistance (in accommodation only), and record of offences (in employment only).

The Code defines harassment as "engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome." Harassment may include inappropriate comments, jokes, or suggestions. Sexual harassment includes, but is not limited to, unwanted touching of a sexual nature. This can also constitute sexual assault, which is a criminal offence.

Under the Code, employers must prevent or stop harassment in the workplace. The Human Rights Tribunal of Ontario handles human rights complaints under the Code. Targeted workers or others have the right to file an application with the Ontario Human Rights Tribunal. Employers cannot penalize or threaten to penalize a worker who has filed a complaint.

The Code can be found at [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90h19\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.htm).

For more information on the Code and filing an application, see the Resources section on page 31.

The Ministry of Labour may decide to take follow-up action, looking at compliance with *Occupational Health and Safety Act* requirements regarding workplace harassment.



## Developing a Workplace Harassment Policy and Program

### KNOW YOUR LEGAL RESPONSIBILITIES

Be sure you know your responsibilities as they relate to addressing workplace harassment under the *Occupational Health and Safety Act* and the *Ontario Human Rights Code*. See page 26 for more information.

The collective agreement(s) in your workplace may also have provisions about workplace harassment.

### COLLECT WORKPLACE INFORMATION

Gathering information about your workplace will help to inform your workplace harassment policy and program. You may:

- ask workers and supervisors about their concerns regarding workplace harassment;
- gather information on workplace harassment incidents; or,
- gather current policies and programs, such as anti-harassment or anti-harassment policies or respectful workplace programs.

### CREATE OR ADAPT A WORKPLACE HARASSMENT POLICY

The *Occupational Health and Safety Act* requires that you have a policy regarding workplace harassment. Your workplace may already have an anti-harassment policy based on the *Ontario Human Rights Code* that could be broadened to deal with all behaviours that meet the definition of workplace harassment under the *Occupational Health and Safety Act*. If you decide to have two separate policies, they should be cross-referenced.

The policy should be a high-level statement of the commitment of senior management to protect workers from workplace harassment, and to investigate and deal with any incidents. The policy should address all sources of harassment in the workplace, from strangers, clients, customers, patients, students, workers, supervisors, intimate partners, or family members.

See the **Policy, Program, and Training Review Tool** in the *Toolbox* [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php) for suggestions of what a workplace harassment policy should address. See the *Toolbox* for an **Example Workplace Harassment Policy** [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php)

### DEVELOP A WORKPLACE HARASSMENT PROGRAM

#### Measures and Procedures for Reporting and Investigation

The *Occupational Health and Safety Act* requires that you have a program regarding workplace harassment that must include:

- measures and procedures for workers to report incidents of workplace harassment to their employer or supervisor; and,
- how the employer will investigate and deal with incidents and complaints of workplace harassment.

It is important for employers to have systems in place that allow workers to

bring forward their concerns about workplace harassment. If the procedure dictates that workers should report harassment complaints to their manager, there should also be alternative procedures for workers to report harassment originating from their manager.

For examples of measures and procedures for reporting and investigating, see the **Policy, Program, and Training Review Tool** in the *Toolbox* [http://www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/index.php](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/index.php). This tool also includes information on other related measures and procedures and training.

You may wish to supplement your workplace harassment program, for example by developing a code of conduct for the workplace or creating a respectful workplace program. Unions may also have resources to help workers who have been harassed.

## PUT YOUR WORKPLACE HARASSMENT POLICY AND PROGRAM INTO PRACTICE

### Measures and Procedures

It is not enough to just develop your workplace harassment policy and program — you need to put the measures and procedures into practice, and train workers and supervisors.

### Information, Instruction, Education, and Training

Information, instruction, education, and/or training are important to preventing workplace harassment.

The *Occupational Health and Safety Act* requires that all workers, including managers and supervisors, receive information and instruction on the contents of the policy and program regarding workplace harassment, including the complaint and investigation processes.

This training could be:

- integrated into your orientation training;
- integrated with workplace violence prevention training;
- integrated with other sensitivity, anti-harassment, anti-discrimination, or respectful workplace training; or,
- be specific to workplace harassment.

You may wish to provide additional training in your workplace, such as workplace harassment awareness and prevention or human rights in Ontario.

## Resources

### ■ Ontario Health and Safety Associations

<http://www.preventiondynamics.com>

#### Public Services Health and Safety Association

Tel: 416-250-2131

Toll-free: 1-877-250-7444

[www.healthandsafetyontario.ca](http://www.healthandsafetyontario.ca)

- education
- municipalities
- community and healthcare

#### Infrastructure Health and Safety Association

Tel : 905 212-7933

[www.ihsa.ca](http://www.ihsa.ca)

- aggregates
- construction
- electrical and utilities
- natural gas
- transportation
- ready-mix concrete

#### Safe Workplace Promotion Services Ontario

1-888-478-6772

[www.ossa.ca](http://www.ossa.ca)

- farm sector
- industrial sector
- service sector

#### Workplace Safety North

Tel: 705-474-7233

Toll-free: 1-888-730-7821

[www.workplacesafetynorth.ca](http://www.workplacesafetynorth.ca)

- mining
- forestry
- pulp and paper

#### Occupational Health Clinics for Ontario Workers, Inc.

Phone: (416) 449-0009

1-888-596-3800

<http://www.ohcow.on.ca>

#### Workers Health and Safety Centre (WHSC)

Phone: (416) 441-1939

1-888-869-7950

<http://www.whsc.on.ca>

### ■ Other Occupational Health and Safety Contacts

#### Institute for Work and Health

<http://www.iwh.on.ca>

#### Ministry of Labour

<http://www.labour.gov.on.ca/>

#### Workplace Safety and Insurance Board

<http://www.wsib.on.ca>

#### Canadian Centre for Occupational Health and Safety

<http://www.ccohs.ca/oshanswers>

### ■ For Human Rights

#### Ontario Human Rights Commission

<http://www.ohrc.on.ca>

(416) 314-4500

#### Ontario Human Rights Legal Support Centre

<http://www.hrlsc.on.ca>

Tel: (416) 314-6266

Toll Free: 1-866-625-5179

### ■ For Domestic Violence

#### Ontario Women's Directorate

<http://www.citizenship.gov.on.ca/owd/>

## ■ Ministry of Labour Publications

*A Guide to the Occupational Health and Safety Act*

<http://www.labour.gov.on.ca/english/hs/pubs/ohsa/index.php>

*Workplace Violence and Harassment: Understanding the Law*

<http://www.labour.gov.on.ca/english/hs/pubs/wpvh/index.php>

*MOL Factsheet: Protecting Workers From Workplace Violence and Harassment*

[http://www.labour.gov.on.ca/english/hs/sawo/pubs/fs\\_workplaceviolence.php](http://www.labour.gov.on.ca/english/hs/sawo/pubs/fs_workplaceviolence.php)

*Violence and Harassment Website*

<http://www.labour.gov.on.ca/english/hs/pubs/workplaceviolence.php>

## ■ Ontario Human Rights Publications

*Guide to Your Rights and Responsibilities Under the Human Rights Code*

<http://www.ohrc.on.ca/en/resources/Guides/GuideHRcode2>

*Guidelines on Developing Human Rights Policies and Procedures*

<http://www.ohrc.on.ca/en/resources/Policies/gdpp>

## ■ OHSCO Publications

*Domestic Violence Doesn't Stop When Your Worker Arrives at Work: What Employers Need to Know to Help*

[http://www.osach.ca/products/free\\_resource.shtml](http://www.osach.ca/products/free_resource.shtml)

*Domestic Violence Doesn't Stop When You go to Work: How to get Help or Support a Colleague who may Need Help*

[http://www.osach.ca/products/free\\_resource.shtml](http://www.osach.ca/products/free_resource.shtml)

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

*Bill C-45 – Overview*

<http://www.ccohs.ca/oshanswers/legisl/billc45.html>

*Violence in the Workplace Prevention Guide*

<http://www.ccohs.ca/products/publications/violence.html>

## ■ Domestic Violence/Safety Plan Resources

### **The Assaulted Women's Helpline**

Phone: 1-866-863-0511

TTY 1-866-863-7868

<http://www.awhl.org>

### **Shelternet**

Phone: 416-642-5463

<http://www.shelternet.ca>

### **Community Legal Education Ontario**

[www.cleonet.ca/resources/973](http://www.cleonet.ca/resources/973)

### **Springtide Resources**

[www.springtideresources.net/resources/show.cfm?id=136](http://www.springtideresources.net/resources/show.cfm?id=136)

### **Neighbours Friends and Families**

<http://www.neighboursfriendsandfamilies.ca/>

<http://www.kanawayhitowin.ca/index.php>

## References

Members of the Ontario Health and Safety Council of Ontario (OHSCO) and the Ontario Women's Directorate (OWD) consulted, reviewed, and referenced various materials and resources in developing this document and the supporting workplace violence assessments. OHSCO acknowledges and appreciates the expertise and assistance provided by these materials and resources, including those outlined in the following list of references:

Alberta Ministry of Employment and Immigration. (2006). *Working Alone Safely*, viewed on 8 January 2010, <[http://employment.alberta.ca/documents/WHS/WHS-PUB\\_workingalone.pdf](http://employment.alberta.ca/documents/WHS/WHS-PUB_workingalone.pdf)>

Brennan, S., Taylor-Butts, A. (2008). "Sexual Assault in Canada 2004 and 2007", *Statistics Canada*, viewed on 8 January 2010, <<http://www.statcan.gc.ca/pub/85f0033m/85f0033m2008019-eng.pdf>>

Canadian Centre for Occupational Health and Safety (CCOHS). *Violence in the Workplace Prevention Guide*.

Canadian Centre for Occupational Health and Safety (CCOHS). (2006). *OHS Answers – Workplace Risk Assessment*, viewed on 8 January 2010, <[http://www.ccohs.ca/oshanswers/hsprograms/risk\\_assessment.html](http://www.ccohs.ca/oshanswers/hsprograms/risk_assessment.html)>

Canadian Centre for Occupational Health and Safety (CCOHS). (2008). *Violence in the Workplace – Q&A*, viewed on 8 January 2010, <<http://www.ccohs.ca/oshanswers/psychosocial/violence.html>>

Canadian Urban Transit Association (CUTA). (2005). *Final Report – Addressing Violence and Crime in the Transit Sector*.

Carr, J, Huntley, A, MacQuarrie, B, and Welsh, S. (2004) *Violence and Harassment in the Workplace*. Centre for Research on Violence Against Women and Children, viewed February 2010  
<http://www.crvawc.ca/documents/WorkplaceHarassmentandViolencereport.pdf>

Centres for Disease Control and Prevention (CDC). (2009). *Violence in the Workplace*, viewed on 8 January 2010, <<http://www.cdc.gov/niosh/topics/violence>>

Centre for Research and Education on Violence against Women and Children. *Neighbours, Friends and Families*, viewed on 8 January 2010, <<http://www.neighboursfriendsandfamilies.ca/>>

De Léséleuc, S. (2007). 'Criminal Victimization in the Workplace', *Statistics Canada*, viewed on 8 January 2010, <<http://www.statcan.gc.ca/pub/85f0033m/85f0033m2007013-eng.pdf>>

Family Violence Prevention Fund. (2010). *Workplace Solutions*, viewed on 8 January 2010, <<http://endabuse.org/section/programs/workplace>>

Federal Bureau of Investigation (FBI). (2004). *Workplace Violence: Issues in Response*, viewed on 8 January 2010, <[www.fbi.gov/publications/violence.pdf](http://www.fbi.gov/publications/violence.pdf)>

Government of South Australia / Workcover Corporation. (2002). *Guideline for Reducing the Risk of Violence at Work*, viewed on 8 January 2010, <[http://www.safework.sa.gov.au/uploaded\\_files/resViolenceGuidelines.pdf](http://www.safework.sa.gov.au/uploaded_files/resViolenceGuidelines.pdf)>

Grover, S.M. (2005). 'Shaping Effective Communication Skills and Therapeutic Relationships at Work', *American Association of Occupational Health Nurses Journal*, 53(4), pp. 177-182.

Health and Safety Executive (HSE). (2006). *Effects of Workplace Design on Work Related Violence – Lone Worker Case Studies*, viewed on 8 January 2010. <<http://www.hse.gov.uk/violence/conclusions.htm>>

Hesketh, K., S, Duncan., C, Estabrooks., M, Reimer., P, Giovannetti., K, Hyndman., S, Acorn. (2003). 'Workplace violence in Alberta and British Columbia hospitals', *Health Policy*, Vol. 63. no. 3. pp. 311-321.

International Labour Organization (ILO). (2003). *Violence and Stress in the Transport Sector*, viewed on 8 January 2010, <[www.ilo.org/public/english/dialogue/sector/papers/transport/wp205.pdf](http://www.ilo.org/public/english/dialogue/sector/papers/transport/wp205.pdf)>

International Labour Organization (ILO). (1998). *Violence on the Job – A Global Problem*, viewed on 8 January 2010, <[http://www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Press\\_releases/lang--en/WCMS\\_007970/index.htm](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_007970/index.htm)>

Lim, J., Childs, J., Gonsalves, K. (2000). 'Critical Incident Stress Management', *Association of American Occupational Health Nurses*, 48(10), pp 487-498.

Liz Claiborne Inc. Liz Claiborne Inc, *Domestic Violence Policy*, viewed on 8 January 2010, <[http://www.loveisnotabuse.com/c/document\\_library/get\\_file?p\\_l\\_id=45693&folderId=72612&name=DLFE-2.pdf](http://www.loveisnotabuse.com/c/document_library/get_file?p_l_id=45693&folderId=72612&name=DLFE-2.pdf)>

Liz Claiborne Inc. Liz Claiborne Inc, *Workplace Violence Policy*, viewed on 8 January 2010, <[http://www.loveisnotabuse.com/c/document\\_library/get\\_file?p\\_l\\_id=45693&folderId=72612&name=DLFE-2.pdf](http://www.loveisnotabuse.com/c/document_library/get_file?p_l_id=45693&folderId=72612&name=DLFE-2.pdf)>

Municipal Health and Safety Association (MHSA). (2010). *Risk Assessment and Job Hazard Analysis*, viewed on 8 January 2010, <<http://conference.mhsao.com/PPTs/RiskAssessmentandJHA.pdf>>

National Institute for Occupational Health and Safety (NIOSH). (2006). *Workplace Violence: Prevention Strategies and Research Needs*, NIOSH publication number 2006-144, viewed on 8 January 2010, <<http://www.cdc.gov/niosh/docs/2006-144/2006-144b.html>>

National Institute for Occupational Health and Safety (NIOSH). (1996). *Violence in the Workplace: Risk Factors and Prevention Strategies*, Current Intelligence Bulletin 57, NIOSH Publication No. 96-100, viewed on 8 January 2010, <<http://www.cdc.gov/niosh/violcont.html>>

Nova Scotia Occupational Health and Safety Division; Nova Scotia Workers' Compensation Board; Retail Council of Canada. (2008). *A Guide to Preventing Violence, Robbery and Theft*, viewed on 8 January 2010, <<http://gov.ns.ca/lwd/healthandsafety/docs/OHSGuidePreventingViolenceRobberyTheft.pdf>>

Occupational Safety and Health Administration (OSHA). (2004). *Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers*, viewed on 8 January 2010, <<http://www.osha.gov/Publications/OSHA3148.pdf>>

Occupational Safety and Health Administration (OSHA). (2008). *Healthcare Wide Hazards: Workplace Violence*, viewed on 8 January 2010, <<http://www.osha.gov/SLTC/etools/hospital/hazards/workplaceviolence/viol.html#ViolencePreventionPlan>>

Occupational Safety and Health Administration (OSHA). (2007). *Safety and Health Topics: Workplace Violence*, viewed on 8 January 2010, <<http://www.osha.gov/SLTC/workplaceviolence/index.html>>

Office of the Chief Coroner of the Province of Ontario. (2008). *2007 Annual Report of the Ontario Coroner's Domestic Violence Death Review Committee*, viewed on 8 January 2010, <<http://www.mcscs.jus.gov.on.ca/stellent/groups/public/@mcscs/@www/@com/documents/webasset/ec080176.pdf>>

Ontario Human Rights Commission (OHRC). (2008). *Guidelines on Developing Human Rights Policies and Procedures*, viewed on 8 January 2010, <<http://www.ohrc.on.ca/en/resources/Policies/gdpp/pdf>>

Ontario Ministry of Labour. (2009). *Workplace Violence Resource Page*, viewed on 8 January 2010, <<http://www.labour.gov.on.ca/english/hs/pubs/workplaceviolence.php>>

Ontario Safety Association for Community & Healthcare (OSACH). *Fast Facts – Working Alone: Workplace Bullying and Domestic Violence*, viewed on 8 January 2010, <<http://osach.ca/products/catalog/Violence.html#top>>

Ontario Safety Association for Community & Healthcare (OSACH). (2006). *Implementing a Workplace Violence Prevention Program – Book One*, viewed on 8 January 2010, <<http://osach.ca/products/resrcdoc/rvioe351toc.pdf>>

Ontario Service Safety Alliance (OSSA). (2008). 'OSSA Violence Risk Assessment Framework', *The Safety Mosaic*, vol.11, viewed on 8 January 2010, <<http://www.ossa.com/documents/newsletter/Vol11No1.pdf>>

Queens University. (2000). *Workplace Violence: What you can do about it*, viewed on 8 January 2010, <<http://www.queensu.ca/security/news/violence.html>>

Rosen, J., W, Charney (Ed). (1999). 'A joint labour/management experience in implementing OSHA's violence prevention guidelines in the NYS Office of Mental Health', *Handbook of Modern Hospital Safety*, CRC Press.

Statistics Canada. (2006). *Measuring Violence against Women - Statistical Trends*, viewed on 8 January 2010, <<http://www.statcan.ca/english/research/85-570-XIE/85-570-XIE2006001.pdf>>

Swanberg, J., Logan, TK., Macke,C. (2005). 'Intimate Partner Violence, Employment, and the Workplace', *Trauma, Violence & Abuse*, vol. 6, no. 4, pp. 286-312.

Swanberg, J, Macke, C & Logan, TK (2006), 'Intimate Partner Violence, Women, and Work: Coping on the Job', *Violence & Victims*, vol. 21, no. 5, pp. 561-578.

United States Defense Personnel Security Research and Education Center. (1994). *Combating Workplace Violence; Guidelines for Employers and Law Enforcement*.

Worksafe BC & BC Retailers. *Preventing Violence, Robbery and Theft: A Guide for Owners, Managers, and Workers*, viewed on 8 January 2010, <[http://www.worksafebc.com/publications/health\\_and\\_safety/by\\_topic/assets/pdf/preventing\\_violence.pdf](http://www.worksafebc.com/publications/health_and_safety/by_topic/assets/pdf/preventing_violence.pdf)>

Working Women's Centre of South Australia Inc. (2003). *Workplace Bullying: Making a Difference*, viewed on 8 January 2010, <<http://www.safework.sa.gov.au/contentPages/docs/aeWorkplaceBullying2003.pdf>>

WorkSafe Victoria (Australia). (2003). *Prevention of Bullying and Violence at Work*, viewed on 8 January 2010, <<http://www.asushop.asn.au/files/preventbullying.pdf>>

