



# Labour

## Information on **OCCUPATIONAL HEALTH AND SAFETY**

### **8 VIOLENCE PREVENTION IN THE WORK PLACE**

#### **INTRODUCTION**

The protection of employees from violence in the work place is of critical importance across Canada. Although we do not normally go to work expecting it to occur, violence can happen in any work place and it can have a serious impact on those affected and their families. For this reason, Part XX of the *Canada Occupational Health and Safety Regulations – Violence Prevention in the Work Place* prescribes steps that federally-regulated employers must implement in their work place to protect employees against violence.

#### **1. What is the purpose of Part XX of the *Canada Occupational Health and Safety Regulations* dealing with Violence Prevention in the Work Place?**

The purpose of Part XX dealing with violence prevention in the work place is to ensure that employers take measures to prevent the occurrence of violence in the work place and to ensure that employees are protected against work place violence and have recourse should they be subjected to it.

#### **2. When did Part XX – *Violence Prevention in the Work Place*, come into effect?**

Part XX of the *Canada Occupational Health and Safety Regulations*, entitled *Violence Prevention in the Work Place*, was published in the Gazette Part II on May 28, 2008, at which time it came into effect.

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### **3. What do we mean by “work place violence”?**

By “work place violence” we mean any action, conduct, threat or gesture of a person towards an employee in their work place that can reasonably be expected to cause harm, injury or illness to that employee.

The word “person” includes both individuals who work in the work place as well as others who may enter the work place, such as clients.

### **4. Does work place violence include psychological violence?**

Yes, the employer’s violence prevention policy must address factors including bullying, teasing and other aggressive behaviour, which are components of psychological violence.

### **5. What are the employer’s obligations regarding violence prevention in the work place?**

The employer must:

- develop a work place violence prevention policy;
- identify all factors that contribute to work place violence;
- assess the potential for work place violence in his or her work place;
- develop and implement systematic controls to eliminate or minimize work place violence or a risk of work place violence;
- review the effectiveness of the work place violence prevention measures in the work place;
- develop and implement written emergency notification procedures in response to situations of work place violence and measures to assist employees who have experienced work place violence;
- attempt to resolve cases of work place violence, and failing this, appoint a competent person to investigate the matter;
- provide information, instruction and training on the factors that contribute to work place violence to each employee exposed to work place violence or at risk of work place violence; and
- maintain signed records on the information, instruction and training provided to each employee.

### **6. What procedures does an employer have to put in place to respond to work place violence if it occurs?**

Part XX of the *Occupational Health and Safety Regulations* dealing with work place violence prevention, essentially provides for two streams to deal with work place violence: one for emergency situations and the other for non-emergency situations.

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Employers must develop written emergency notification procedures and implement them to summon assistance where immediate assistance is required in response to work place violence.

The purpose of the emergency notification procedures is to minimize the impact of incidents and ensure the health and safety of employees is protected.

Emergency notification procedures must be made known to employees.

Employers are required to post the text of the procedures at a location readily accessible to employees.

Depending on the nature of the violent incident, police may be notified of its occurrence.

In response to “non-emergency” occurrences of work place violence or alleged work place violence of which the employer becomes aware, the employer must try to resolve the matter with the employee as soon as possible.

Except in certain situations, as outlined in paragraph 20.9(6) of the Regulations, if the matter is unresolved, the employer must appoint a competent person to investigate the work place violence. The competent person will investigate and provide the employer with a written report with conclusions and recommendations. The employer is required to provide the work place health and safety committee or health and safety representative with a copy of the report of the “competent person”, providing that disclosure of the information contained in the report is not prohibited by law or would not reveal the identity of the persons involved without their consent.

## **7. What sort of time frames must the employer comply with in implementing controls to eliminate or minimize work place violence or a risk of work place violence?**

The employer must identify all factors which contribute to work place violence and then assess the potential for work place violence in accordance with Part XX of the Regulations.

Once an assessment of the potential for work place violence has been carried out under section 20.5, the employer must develop and implement systematic controls to eliminate or minimize work place violence or a risk of work place violence. These controls must be developed and implemented as soon as practicable, but not later than 90 days after the day on which the risk of work place violence has been assessed.

## **8. If an employee considers that he or she has been the victim of work place violence, what steps should he or she take?**

Paragraph 126.(1)(g) of Part II of the *Canada Labour Code* requires employees to report to the employer any thing or circumstance in a work place that is likely to be hazardous to the health or safety of the

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employee, or that of the other employees or other persons granted access to the work place by the employer.

Consequently, in keeping with the requirements of Part II of the Code, work place violence or threat of violence should be reported to the employer.

Once an employer becomes aware of work place violence or alleged work place violence, it must try to resolve the matter as soon as possible.

## **9. What is meant by a “competent person” to investigate in cases of work place violence?**

A “competent person” is someone who is:

- impartial and is seen by the parties to be impartial;
- has knowledge, training and experience in issues relating to work place violence; and
- has knowledge of relevant legislation.

The relevant legislation about which the “competent person” must have knowledge, includes Part II of the *Canada Labour Code* and the *Canada Occupational Health and Safety Regulations*, the purpose of which is to protect the health and safety of workers. The term “relevant legislation” is not intended to go beyond the scheme of the Code.

## **10. What should an employer include in a work place violence prevention policy?**

Work place violence prevention policies may vary from employer to employer. However, as a general rule a policy should normally include such elements as:

- a statement to the effect that the employer commits to providing a violence free work place;
- a statement to the effect that work place violence, including, but not limited to, bullying, teasing, and abuse and other aggressive behaviour will not be tolerated in the work place;
- a commitment to share with the employees, any information which the employer possesses concerning the factors which contribute to work place violence;
- a commitment to assist employees who have been exposed to work place violence;
- procedures to be followed should an employee be subject to work place violence;
- a telephone number where employees can get assistance.

A sample of an employer’s work place violence prevention policy is included in a document created by the Labour Program entitled *Guide to Violence Prevention in the Work Place*.

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## 11. How can employers and employees access a copy of Part XX – Violence Prevention in the Work Place?

Part XX – *Violence Prevention in the Work Place* is available at:

[http://laws.justice.gc.ca/eng/SOR-86-304/page-10.html#anchorbo-ga:l\\_XX](http://laws.justice.gc.ca/eng/SOR-86-304/page-10.html#anchorbo-ga:l_XX)

## 12. What is the compliance approach to this new requirement?

As with all new legislative or regulatory requirements, it is reasonable to give employers some time to become aware of the new requirements and to take steps to implement them in their work places. Note, however, that Part XX of the Regulations requires the employer to develop and implement systematic controls to eliminate or minimize work place violence as soon as practicable, but no later than 90 days after the day on which the risk of work place violence has been assessed by the employer.

The Labour Program will continue its efforts to educate employers and employees on these new requirements as they present themselves.

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