

Workplace Violence Prevention Policy

HR Policy and Planning Branch
HR Management and Corporate Policy Division,
HROntario, Ministry of Government Services

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Section 1 of the Public Service of Ontario Act, 2006, states that:

The following are the purposes of this Act:

1. *To ensure that the public service of Ontario is effective in serving the public, the government and the Legislature.*
2. *To ensure that the public service of Ontario is non-partisan, professional, ethical and competent.*
3. *To set out roles and responsibilities in the administration of the public service of Ontario.*
4. *To provide a framework in law for the leadership and management of the public service of Ontario.*
5. *To set out rights and duties of public servants concerning ethical conduct.*
6. *To set out rights and duties of public servants concerning political activity.*
7. *To establish procedures for the disclosure and investigation of wrongdoing in the public service of Ontario and to protect public servants who disclose wrongdoing from reprisals.*

This Policy has been established in support of these purposes.

POLICY STATEMENT

The policy of the Ontario Public Service (OPS) is to take every precaution reasonable in the circumstances for the protection of workers. The OPS will control the risks of workplace violence by developing and maintaining a program and procedures to:

- assess and reassess the risks of workplace violence
- take measures to control risks identified from the assessment
- provide employees and other workers with information and instruction on the workplace violence policy and program
- respond effectively to incidents and complaints of workplace violence.

PURPOSE

The purpose of this policy is to:

- establish an enterprise policy for the prevention, reporting, investigation and control of workplace violence
- provide direction to ministries and Commission public bodies regarding compliance with statutory occupational health and safety requirements regarding workplace violence prevention.

This policy is a requirement under section 32.0.1(1) of the *Occupational Health and Safety Act (OHSA)*.

APPLICATION AND SCOPE

This policy applies to all:

- ministries and Commission public bodies (CPBs)
- deputy ministers and chairs of CPBs.
- public servants appointed under Part III of the *Public Service of Ontario Act, 2006 (PSOA)*.

This policy covers workplace violence, threats and incidents occurring at OPS workplaces and work-related locations for conducting government business, which include, but are not limited to lunchrooms, a client's home or worksites, vehicles, conferences, training venues, business travel, and work-related social events. Workplace violence, threats and incidents include domestic violence that would likely expose a worker to physical injury in the workplace.

This policy does not apply to work performed in or about a worker's private residence (*OHSA* sec 3(1)).

For policy direction on preventing and effectively responding to workplace discrimination and harassment, consult the *Workplace Discrimination and Harassment Prevention (WDHP) Policy*.

This policy does not limit other statutory or collectively bargained rights. Where applicable, employees may file:

- a grievance under the *PSOA*, if they have grievance rights in relation to working conditions
- a grievance in accordance with an applicable collective agreement
- an assault or domestic abuse complaint with the police under the *Criminal Code*.

Definition of Workplace Violence

As defined by 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
- 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.

Policy Violations

Policy violations include, but are not limited to, engaging in the following behaviours and practices:

- exercise of or an attempt to exercise physical force against a worker in a workplace that causes or could cause physical injury, including:
 - touching in an intimidating or malicious manner, hitting, shoving, slapping, poking, kicking, pinching, grabbing, spitting, scratching or pushing
 - assault involving any act, gesture or attempt to apply force that gives reasonable cause to believe there is a risk of injury, whether or not an injury occurs
 - injuring a worker using an object or a weapon such as a knife, firearm (genuine or replica) or blunt instrument
 - inciting an animal to attack
 - physical intimidation including stalking, throwing objects, gesturing, fist shaking, threatening to, or damaging or destroying property
- statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force in a workplace that could cause physical injury to the worker
- failure of management to assess the risks of workplace violence that may arise from the nature of the workplace, type of work or conditions of work
- failure of management, in keeping with its authority, to respond appropriately to information about workplace violence incidents or complaints
- interference with a workplace violence investigation, including intimidating a complainant, respondent or witness, or influencing a person to give false or misleading information
- threatening, or retaliating against a worker for exercising a right under this policy, or against any other person who is performing a legitimate role under this policy
- frivolous or bad faith allegations, complaints or accusations.

Penalties

- Employees found to have violated this policy will be held accountable and may be subject to discipline up to and including dismissal.

PRINCIPLES

- The OPS is committed to the prevention and management of work-related violence, including domestic violence that would likely expose a worker to physical injury.
- All workplace parties must have the appropriate information and instruction to fulfill their obligations under statute and this policy.
- All workplace parties share responsibility for fostering and contributing to a violence-free workplace.
- Responses to workplace violence incidents will aim to correct identified issues, restore positive and productive work environments and prevent similar incidents.
- All reported incidents or threats of workplace violence are treated seriously and handled promptly with appropriate confidentiality and in compliance with legislative requirements.

MANDATORY REQUIREMENTS

Prevention

- The Ministry of Government Services (HROntario) shall develop and maintain a corporate workplace violence prevention program that includes measures and procedures to implement this policy.
- Every manager/supervisor must complete training in workplace violence risk assessment, prevention, and response. Newly appointed managers must complete this training as soon as possible after assignment to a management position.
- Workers must receive appropriate information and instruction about this policy and associated programs. Workers new to the workplace must receive this information as part of their orientation.

Risk Assessment

- Every ministry and CPB must assess the risk of workplace violence that may arise from the nature of their workplaces and types or conditions of work to determine the need to implement or enhance reasonable control measures.
- The workplace violence risk assessment shall include circumstances specific to the workplace and circumstances common to similar workplaces.
- Management must advise the joint health and safety committee (JHSC) or health and safety (H&S) representative, if any, of the results of the workplace violence risk assessment and provide a copy if the assessment is in writing. If there is no JHSC or

H&S representative, employees must be advised of the results of the assessment and, if the assessment is in writing, provided with copies on request or advised how to obtain copies.

- Regular workplace violence risk reassessments shall be completed as often as necessary to continue to protect workers from workplace violence.

Management Response

- Managers must respond immediately upon becoming aware of workplace violence incidents including those related to domestic violence, in accordance with the requirements of this policy and workplace violence prevention program.
- Information about potentially violent criminal behaviour must be reported immediately to management. Management must follow ministry or CPB protocol in notifying police and consulting legal services, as required.
- Managers/supervisors must provide workers with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if they can be expected to encounter that person in the course of his/her work and the risk of workplace violence is likely to expose the worker to physical injury. The manager/supervisor shall not disclose more personal information than is reasonably necessary to protect the worker from physical injury.

Confidentiality and Privacy

- There must be no reference to a complaint under this policy in an employee's human resource file unless disciplinary action was taken against the employee.

Policy Posting and Review Requirement

- This policy must be posted conspicuously in every workplace and reviewed annually by HROntario, Ministry of Government Services.

RESPONSIBILITIES

Employees are responsible for:

- complying with the *OHSA* and regulations and other relevant legislation (e.g. Workplace Safety and Insurance Act, First Aid Requirements) and complying with the requirements of this policy, workplace violence prevention program and procedures
- fostering and contributing to a violence-free work environment by not engaging in any violent or threatening behaviour within a government workplace and all workplaces visited while on government business
- reviewing information and receiving instruction about the workplace violence prevention policy, program and safe work procedures
- complying with established safe work procedures to control the risk of workplace violence
- complying with measures and procedures for summoning immediate assistance, including notifying police when appropriate, when workplace violence occurs or is likely to occur and for reporting incidents of, or threats of workplace violence
- cooperating with all workplace parties including the joint health and safety committee/health and safety representative in investigations to prevent workplace violence incidents and to promote a healthy and safe workplace

Managers/Supervisors are responsible for:

- fulfilling responsibilities of an employee to the extent that they are applicable
- understanding obligations as a competent supervisor, as defined by the *OHSA* and ensuring compliance with the *OHSA* and its regulations and other relevant legislation (e.g., Workplace Safety and Insurance Act, First Aid Requirements), this policy and workplace-specific violence prevention programs
- attending training and/or reviewing information for the purpose of preventing and mitigating workplace violence
- advising workers about this policy and potential workplace violence risks, and providing information on and instruction in safe workplace practices and incident, complaint and reporting procedures
- responding immediately to, and documenting reports of, workplace violence incidents and complaints. In the event of physical injury, ensuring that any injured person is provided with immediate emergency first aid and treatment and when appropriate, request that the police attend the workplace to investigate the incident.
- documenting and reporting all workplace violence incidents resulting in injury in accordance with *WSIA* and *OHSA* requirements, including joint health and safety committee/health and safety representative procedures

- conducting an immediate review of the facts surrounding the workplace violence incident and report the findings together with a written recommendation
- providing information to a worker, related to a 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 their work, and the risk of workplace violence is likely to expose the worker to physical injury. This information may include personal information that is considered reasonably necessary to protect workers from physical injury.
- taking every reasonable precaution in the circumstances for the protection of the worker if s/he becomes aware, or ought reasonably to be aware, that domestic violence would likely expose workers to physical injury in the workplace
- ensuring this policy is posted in a conspicuous place in the workplace.

Deputy Ministers and Chairs of Commission public bodies are responsible for:

- complying with the *OHSA* and regulations and other relevant legislation (e.g., Workplace Safety and Insurance Act, First Aid Requirements)
- ensuring this policy and related policies and programs are applied and monitored appropriately
- integrating workplace violence prevention strategies into ministry/CPB business plans by:
 - allocating funds and human resources to address local workplace violence issues
 - developing strategies and priorities for ministry/CPB workplace violence prevention programs if appropriate
 - evaluating and reporting on the effectiveness of the ministry/CPB workplace violence prevention programs to HROntario, where applicable
 - ensuring that where work is carried out by a third party, the ministry continues to ensure that its *OHSA* duties as an owner, employer or constructor are addressed accordingly
- ensuring that managers, employees and other workers receive information and instruction on this policy, the workplace violence prevention program and their duties and responsibilities
- ensuring that a workplace violence risk assessment is conducted to identify potential workplace violence hazards and develop violence prevention strategies where required
- involving MGS (HROntario) in ministry or CPB-based activities that may have enterprise-wide implications for managing workplace violence prevention issues
- delegating appropriate responsibilities and authorities under this policy.

Deputy Ministers' Delegates or CPB Designated Officials are responsible for:

- acting on delegated authority to discipline an employee and carry out other functions under this policy
- informing the deputy minister or chair of the policy breach and remedy applied.

Ministry of Government Services (MGS) (HROntario) is responsible for:

- conducting the annual review of this policy as required by the *OHS*A on behalf of Management Board of Cabinet
- ensuring ongoing monitoring of compliance with this policy and establishing reporting requirements
- developing and communicating corporate programs, guidelines and risk assessment tools to assist ministries and Commission public bodies in preventing and addressing workplace violence
- interpreting this policy and providing expertise and advice, guidance and instructional materials and information to ministries on workplace violence prevention, and the interpretation and application of relevant legislation, corporate policies and programs
- recommending policy improvements to Management Board of Cabinet
- coordinating the management of workplace violence prevention issues that have enterprise-wide significance
- liaising with bargaining agents as appropriate, on workplace violence issues with enterprise-wide significance
- **The Centre for Employee Health, Safety and Wellness (CEHSW)** is responsible for:
 - providing advice and assistance to managers and Regional Service Delivery Centres about conducting workplace violence threat risk assessments, handling workplace violence incidents and work refusals and where to find appropriate resources.
 - leading the development of programs including training materials and tools
- **Human Resource Advisors** are responsible for:
 - providing general information to employees and managers about this policy.
 - referring managers and employees to the CEHSW or designated ministry/CPB health and safety specialist

- **Security Services and Contingency Planning Branch** is responsible for:

- developing OPS physical security policies, related programs, guidelines, best practices and strategies
- enhancing enterprise-wide security by implementing a program that will assess, manage and mitigate workplace violence risks
- providing regular direction, training and timely communications on security to ministries
- recommending service providers with appropriate expertise to help assess workplace violence risks, investigate incidents or provide violence prevention training.

Ontario Realty Corporation and Ministry Facilities Management are responsible for:

- providing services for capital and accommodation projects such as reconfiguration and security enhancements that promote workplace violence prevention.

Management Board of Cabinet (MBC) is responsible for:

- ensuring that this policy is reviewed annually by the Ministry of Government Services and approving updates to this policy.

DEFINITIONS

For the purposes of this policy, and in accordance with the *Occupational Health and Safety Act (OHSA)* and other legislation, these terms have the following meaning:

Annual Review: review by the employer of its workplace violence prevention policy, in compliance with section 32.0.1 of the *OHSA*.

Employee: public servant appointed under Part III of the *PSOA*, 2006 (including Minister's staff), deputy minister or Chair of a Commission public body.

Employer: has the same meaning as defined in s.1 of *OHSA* and means "a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services."

First Aid Requirements R.R.O. 1990, Reg. 1101: under the *Workplace Safety and Insurance Act*, 1997 sets minimum requirements for employers to provide first aid stations, rooms, and equipment.

Health and Safety Representative: health and safety representative selected under *OHSA*.

Joint Health and Safety Committee: committee as constituted under *OHSA*.

Manager/Supervisor: has the same meaning as a "supervisor" as defined in s. 1 of *OHSA*, and means a "person who has charge of a workplace or authority over a worker." In the case of Commission public bodies, a manager/supervisor includes the person to whom any of the PSC's powers, duties and functions has been delegated under subsection 44(4) of *PSOA*, other than the deputy or a Chair.

Occupational Health and Safety Act (OHSA) R.S.O. 1990 c.0.1 and its regulations: outlines legislative obligations to protect workers, roles and responsibilities for all parties, and enforcement and penalties for unsafe working conditions and practices.

Owner: has the same meaning as defined in s. 1 of *OHSA* and "includes a trustee, receiver, mortgagee in possession, tenant, lessee, or occupier of any lands or premises used or to be used as a workplace, and a person who acts for or on behalf of an owner as an agent or delegate."

Risk: chance or possibility of danger, loss, injury, or other adverse consequences.

Risk Assessment for Workplace Violence: assessment of risks of violence that may arise from the nature of the workplace, the type of work, or the conditions of work.

Worker: has the same meaning as defined in s.1 of the *OHS*A and means “a person who performs work or supplies services for monetary compensation but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program.”

Workplace: has the same meaning as defined in s. 1 of the *OHS*A and means “any land, premises, location or thing at, upon, in or near which a worker works.”

Workplace Parties: include employees and other workers, managers/supervisors, contractors, bargaining agents, joint health and safety committees, health and safety representatives, deputy ministers.

Workplace Safety and Insurance Act: S.O. 1997, c.16, Schedule A sets out the statutory regime for providing compensation and benefits for work-related injuries and occupational diseases.

Workplace Violence: As defined by the *OHS*A, Subsection 1(1) 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
- 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.

Enquiries:

All questions or requests for further information regarding this policy should be referred to:

HR Policy & Planning Branch
HR Management & Corporate Policy Division, HROntario
Ministry of Government Services
Phone: (416) 325-1188.

Date	Revision and Annual Reviews	Page Reference
June 14, 2010	New WVP Policy issued to comply with amendments to the Occupational Health and Safety Act	