

The 10 Things OHS Laws Require You to Do to Prevent Workplace Violence

written by Rory Lodge | March 1, 2019



The recent shootings in Milwaukee are the most recent reminder of just how common senseless acts of workplace violence (WPV) have become. And with 4 jurisdictions—Federal, New Brunswick, Newfoundland and PEI—implementing major changes to their WPV laws, now is an excellent time to determine whether your organization is doing everything the law requires to protect its own employees from acts and threats of violence.

Starting Point: Do a Violence Hazard Assessment

Specific prevention measures are required only if the assessment determines that violence is a hazard at the workplace. Accordingly, the starting point is to designate a suitable and competent person to do such a WPV hazard assessment that addresses, at a minimum:

- Hazards posed by the physical environment;
- Hazards posed by the nature of the work, including special risk factors like handling cash;
- The history of violent incidents and threats reported at your workplace over at least the past 3 years;
- Whether WPV is a common problem for other employers in your industry; and
- The characteristics of employees affecting their vulnerability to violence, e.g., size, age, gender, appearance, etc.

Assess Whether Prevention Measures Are Necessary

If after doing your assessment you're 100% sure that there are no violence hazards in your workplace, document your findings and be sure to repeat your assessment periodically and as circumstances dictate. But if your hazard assessment does identify violence risks, you must take actions to eliminate or, if elimination isn't reasonably practicable, minimize them.

10 Steps to Take

There are 10 measures you must implement to ensure compliance with OHS law WPV requirements of your jurisdiction (Note: In Québec, equivalent measures to prevent “psychological harassment” are required under Labour Standards rather than OHS laws.)

1. Publish a WPV Policy Statement

Ensure that management has issued a written policy statement expressing the organization’s recognition of WPV’s harmful effects and its commitment to prevent it and ensure all employees a work environment that’s non-violent and physically and psychologically healthy. The statement should also express a zero tolerance approach to violence.

Compliance Pointer: All organizations should have a WPV policy statement, even if their hazard assessment comes back clean.

2. Implement Engineering Controls

The preferred way to deal with WPV is to use engineering controls to eliminate or at least significantly reduce its risk, e.g., bullet-proof glass partitions, fences and other physical barriers, security cameras, etc.

3. Implement Work/Administrative Controls

In addition to controls affecting the physical environment, you need measures affecting the way work is done and ensuring it’s carried out safely, such as safe work procedures for hazardous operations, ID cards, buddy systems and regular check-in procedures for employees who work alone.

4. Ensure Use of Appropriate Personal Protective Equipment (PPE)

PPE and safety equipment for employees exposed to violence hazards may include bullet proof vests, emergency communications equipment and even issuance of firearms.

5. Implement Procedures for Reporting Violence & Calling for Help

You need procedures employees can use to summon immediate help and report acts or threats of violence without fear of reprisal. You also need to ensure that employees are aware of and prepared to use these procedures.

6. Implement Procedures for Investigating Violent Incidents

You must have adequate procedures for documenting and investigating reports of WPV as well as resolving problems and taking corrective actions based on investigation results.

7. Provide Appropriate Support for Victims

OHS laws require employers to offer appropriate support to employees who are the victims of WPV, including recommending that they consult a doctor or health professional of their choice for referral or treatment for any injuries or harmful symptoms they suffer.

8. Discipline Employees Who Commit or Threaten Violence

You must have and properly implement a disciplinary policy for WPV that:

- Clearly defines violence and how and where it can occur;
- Clearly states that acts and threats of violence are grounds for discipline up to and including termination—while “zero tolerance” strikes the right tone, the actual policy should give you the flexibility you need in enforcing it;
- Is consistently enforced; and
- Is consistent with the disciplinary terms contained in the collective agreements affecting covered employees.

9. Provide Appropriate Training & Instruction

You must notify employees who are exposed to violence hazards of the risks they face. In many jurisdictions, such notification includes letting employees know about any co-workers with a history of violence that they’re likely to encounter in the course of work. Caveat: In the interest of privacy, you need to disclose the minimum amount of personal information about the violent co-worker necessary to put the employee on notice. You also must provide WPV training and instruction to employees *before* they’re exposed to violence risks covering:

- The measures in place to protect against WPV;
- How to report incidents or threats of violence to organization officials; and
- How you investigate and respond to incidents, threats and complaints of violence.

Compliance Pointer: It’s not enough to deliver training. You must also keep records documenting that such training was provided and that employees actually understood it. A signed acknowledgement generally doesn’t work. OHS inspectors will want proof that employees actually demonstrated competence in their training, e.g., by passing a post-training quiz.

10. Monitor the Effectiveness of Your Prevention Measures

Review the effectiveness of your WPV measures at least as often as your jurisdiction specifies (see Table 1 below).

Table 1. How Often Must Employers Review their WPV Measures?

At least once a year	At least every 3 years	At least every 5 years	Doesn’t specify
MB*, NB, ON	FED, AB, SK, NT, NU	NS	BC, NL, PEI, YK

* Manitoba requires employers to issue an annual report covering WPV incidents during the year

You should also do an immediate review in response to any of the following triggers:

- Incidents of violence at your workplace;
- Changes in work conditions, including renovations and other physical changes to the workplace that your current measures don’t address;
- The JHSC, health and safety representative or government officials tell you to do a review; and
- Any other indications that your current measures may not be effective.