

# Workplace Violence Prevention & Compliance Game Plan



**\$989 Million**

*That's how much workplace violence and harassment costs Canadian employers in lost work time injuries and illnesses each year. And that's just for one occupation—nurses!*

**Source:** Canadian Federation of Nurses Union

No matter how horrifying things get, the senseless shootings and blood lettings at workplaces continue across Canada. Meanwhile, [OHS workplace violence requirements](#) get stricter and more elaborate each year. Here's a 17-step Game Plan for preventing workplace violence and ensuring compliance with workplace violence requirements.

## **Step 1. Perform a Workplace Violence Risk Assessment**

The starting point is to perform a written [hazard assessment](#) of the risks of violence in the workplace considering the following risk factors:

- Any previous experiences of violence in the particular workplace;
- The history of violence in similar workplaces, e.g., violence is generally deemed a higher risk in healthcare, rideshare services, and late night retail settings;
- The physical location and circumstances in which the work is carried out, e.g., high-risk operations like handling cash; and
- The measures currently in place to prevent workplace violence.

Ensure the [risk assessment is carried out](#) by one or more competent persons. In 4 jurisdictions (FED, MB, NB, NS), the employer must perform the assessment in consultation with the JHSC, health and safety rep, or the workers themselves if there is no JHSC or safety rep at the workplace. In Ontario, Saskatchewan, and the 3 territories, the employer must provide the assessment report to the JHSC or safety rep and engage in consultations on what to do about any violence risks identified.

Assess the risk of violence by workplace location and types of jobs involving exposure. Document the assessment findings into a written report listing the assessment date listed and be sure to revise workplace violence risk assessment:

- At regular intervals (every 3 years in Federally regulated workplaces and every 5 years in Nova Scotia);
- After significant changes in the above listed risk factors; and
- In response to any indications that the latest risk assessment might be out of date or not reflective of current conditions.

## **Step 2: Determine Whether Workplace Violence 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 risk assessment does identify violence hazards or you're in a particular kind of industry for which workplace violence prevention measures are mandatory in your jurisdiction, e.g., healthcare, taxi driving, late night retail, or security services, you must take actions to eliminate or, if elimination isn't reasonably practicable, minimize them.

## **Step 3. Publish a Workplace Violence Policy Statement**

Regardless of whether the risk assessment identifies violence hazards, all companies should issue a written policy statement from management expressing the organization's recognition of workplace violence's harmful effects and commitment to prevent it and ensure all workers a work environment that's non-violent and physically and psychologically healthy. The statement should also express a zero-tolerance approach to violence.

## **Step 4. Implement a Workplace Violence Prevention Plan**

You must also have a written [prevention plan or program](#) setting out the measures you'll take to eliminate, or if elimination isn't practicable, minimize any and all of the workplace violence hazards you identify in your risk assessment. That includes the remaining steps outlined in this Compliance Game Plan.

## **Step 5. Account for the Risk of Domestic Violence in the Workplace**

The employer's duty to guard against workplace violence includes protecting workers from family or [domestic violence](#) that might occur in the workplace. There are 2 basic approaches:

- The definition of "violence" that employers must address is defined broadly as potentially including family or domestic violence: FED, BC, MB, NS, NT, NU, SK; or
- Employers must address [risks of domestic violence](#) of which they're actually aware or "should reasonably be aware": AB, NB, NL, ON, QC, YK.

## **Step 6. Use Engineering Controls to Prevent Workplace Violence Risks**

If practicable, use engineering controls to manage workplace violence risks. Examples: Bullet-proof glass partitions, fences and other physical barriers, locks, ID cards, security cameras, time-lock safes that workers can't open along with signs indicating to the public that such safes are in use, emergency transmitters, and communication systems for workers who work alone, etc.

## **Step 7. Use Safe Work Procedures & Other Work Controls for Workplace Violence**

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 responding to threats or incidents of violence and calling for emergency help. Other potential work controls include the use of buddy systems and regular check-in procedures for workers who work alone.

## **Step 8. Implement Procedures for Reporting Incidents or Threats of Workplace Violence**

It's essential to have clear and workable procedures that workers can use to report the workplace violence they experience or witness. Designate a person or office to receive such reports, along with an alternative recipient in case the designated recipient is actually involved in the threat or incident. Without such an alternative, workplace violence is apt to go unreported.

## **Step 9. Implement Procedures for Investigating Reports of Workplace Violence**

OHS laws require employers to ensure that reports of workplace violence are promptly, comprehensively, and fairly investigated by an impartial investigator with experience and training in workplace violence investigation and no conflicts of interest. Federal Bill C-65, which is emerging as the standard for the rest of Canada, lays out detailed protocols requiring employers and JHSCs/safety reps to establish a list of qualified investigators from whom the parties may choose in case incidents of violence occur. The federal law also outlines different processes for resolving complaints via negotiation or reconciliation. It's also important to keep the personal information you collect about the accuser, accused, witnesses, and others involved in the incident during the course of the investigation confidential and not disclose it unless disclosure is necessary to carry out the investigation or corrective measures you take in response to it or required by law, e.g., where law enforcement seeks the information as part of a police investigation.

## **Step 10. Implement Corrective Actions After Incidents of Workplace Violence**

At the end of the investigation, the investigator should issue a written report that not only details what did or didn't happen in the case but also describes any breakdowns in the prevention plan that led to the incident, along with recommended actions to prevent the problem from recurring. You should then make a determination either to implement the recommended corrective action or document your reasons for rejecting the recommendation. In most jurisdictions, you must consult the workplace JHSC or safety rep in making this determination.

## **Step 11. Provide Appropriate Support for Workplace Violence Victims**

OHS laws require employers to offer appropriate support to workers 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. In Alberta, Northwest Territories, Nunavut, and Saskatchewan, employers must treat the time workers spend receiving such treatment or counselling as work time and make no deductions to their pay or benefits.

## Step 12. Impose Appropriate Discipline for Workplace Violence

You must have and properly implement a [disciplinary policy](#) for workplace violence 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 respective collective agreements affecting covered workers.

## Step 13. Provide Exposed Workers Appropriate Workplace Violence Training

You must notify workers who are exposed to violence hazards of the risks they face and provide appropriate training and instruction to workers **before** they’re exposed to violence risks. At a minimum, such training should cover:

- How to recognize, minimize, prevent, and respond to workplace violence;
- The measures you’ve implemented to protect them from workplace violence;
- How to call for emergency help if violence occurs;
- How to report incidents or threats of workplace violence to the company;
- How you investigate and respond to incidents, threats, and complaints of violence; and
- The advice that they consult a physician or medical professional of their choice for treatment or post-incident counselling if they experience violence at work.

Federal and Alberta OHS regulations specify that training must be renewed at least once every 3 years.

Keep records documenting the training you provided and ensure that workers actually understood it. A signed acknowledgement generally doesn’t work. OHS inspectors will want proof that workers actually demonstrated competence in their training, e.g., by passing a post-training quiz or demonstrating what they’d do if confronted by a violent person.

## Step 14. Notify Workers About Coworkers Who Have a History of Violent Behaviour

Somewhat controversially, 9 provinces and territories (BC, MB, NL, NS, NT, NU, ON, PEI, SK) specify that the duty to provide workers information about the workplace violence risks to which they’re exposed includes notifying them of any co-workers who have a history of violent behaviour. But limitations apply. Thus, such disclosure is allowed only if:

- It’s permitted by law;
- The worker is likely to encounter the coworker with a violent history in the course of their work; and

- It's limited only to the amount necessary to accomplish the purpose—in other words, you may disclose only what the worker needs to know to be on guard and not get into the gory details of the coworker's past.

## Step 15. Monitor the Effectiveness of Your Workplace Violence Prevention Plan

Review the effectiveness of your workplace violence prevention plan or program at least as often as your jurisdiction requires.

### 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, QC, YK

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 or safety rep recommends or government officials order you to do a review; and
- Any other indications that your current measures may not be effective.

## Step 16. Make All Required Workplace Violence Incident Reports

Be sure to report any incidents of workplace violence that result in fatal or serious injury to the workers' comp board or OHS agency in your province in accordance with incident reporting rules. In addition, 2 jurisdictions—Federal and Manitoba—require employers to submit annual reports documenting the number and type of workplace violence incidents that occurred at each covered site during the calendar year.

## Step 17. Keep Records of Your Workplace Violence Prevention Plan

Keep records documenting the steps you take to implement your workplace violence prevention plan, including:

- The workplace violence risk assessment and all revisions to it;
- The documents on which the assessment is based;
- Your workplace violence prevention policy statement;
- Records of each workplace violence incident reported;
- Records of the investigation made in response to each incident, the investigator's report, and response to its recommendations;
- Workplace violence training records; and
- Records of workplace violence prevention program review, including corrective actions taken.