

## 6.0 Workplace Violence and Harassment Policy Program

Workplace violence is an occupational health and safety hazard. Since 2010, the OHSA has included requirements that address violence and harassment in the workplace. Employers are required to prepare (and post if the workplace has 6 or more regularly employed workers) workplace violence and harassment policies and review them annually. In 2016, the violence and harassment section of the OHSA was expanded to include sexual harassment (see Glossary for definition), among other amendments.

The law requires all employers to:

Prepare policies with respect to workplace violence and workplace harassment, including workplace sexual harassment. **In a workplace where there are six (6) or more regularly employed workers, the policies must be in writing and posted in the workplace where workers are likely to see them. Additionally, they must be developed and maintained in consultation with the Joint Health and Safety Committee or Health and Safety Representative.** A sample Workplace Violence and Harassment Policy and Program is provided in Appendix H.

Develop and maintain a program to implement the policy:

- Assess the risk of workplace violence
- Develop measures and procedures to prevent workplace violence and harassment
- Provide information and instruction on the contents of the policy and program
- Develop a complaint mechanism that is accessible to all workers
- Develop a process for conducting an investigation and reporting findings to appropriate parties
- Develop safeguards to protect sensitive or confidential information which may be received or uncovered during the complaint and investigation processes
- Ensure workers that are responsible for addressing/responding to a harassment incident or complaint are appropriately trained
- Support dental team members affected by workplace violence

It is important to note that a MOL inspector now has the power to order an employer to conduct an investigation by an impartial third party, and obtain a written report by that party, at the expense of the employer. Additionally, the OHSA gives MOL inspectors the authority to write an order for a workplace with five (5) or fewer workers, requiring the employer to prepare written policies for workplace violence and/or workplace harassment, or to assess the risk of violence for the workplace in a written form. [OHSA s.55.1 and s.55.2](#)

## Assess the Risk of Workplace Violence

As a leading practice, the risk assessment for workplace violence should include all four types of violence (see text box). The steps to complete an assessment follow:

- Review past incidents of workplace violence in the organization including:
  - employee incident reports and complaints/grievances
  - client/customer incidents/complaints
  - security reports
  - emergency response reports
  - unusual occurrence reports
- Review workplace violence risks specific to your workplace by using: the Sample Workplace Violence Risk Assessment (Appendix I); and assessing risks due to physical location (contact your local police department).
- Determine employee perception of workplace violence and harassment. This can be completed through a formal or informal employee survey. Results of the survey can assist when determining required measures and procedures for the dental practice.
- Assess environmental factors such as:
  - staff travel/parking lots
  - lighting
  - signage
  - building exterior/general appearance
  - access to the facility
  - security measures (panic buttons/surveillance/communication devices)
- Review risks related to work setting, patient base and work practices, including:
  - working alone or at night
  - working in the community
  - working with high-risk patients or the public
  - emergency response procedures
  - point-of-care work practices (effective communication strategies, identifying escalating behaviours)
  - employee training in appropriate work practices for the work setting or patient

Reassess the risk of workplace violence as often as necessary (e.g. expansion of services, changes in job tasks, move to another location) to ensure the policy and program continues to protect employees OHS s.32.0.2(1) and 32.0.3(1).

Share the assessment results with the HSR/JHSC. It is recommended that this assessment be completed in writing, and if so, provide the HSR/JHSC with a copy.

### Types of workplace violence

The literature recognizes four types of workplace violence (UIIPRC, 2001):

- Type I:** External perpetrator (thefts, vandalism, assaults by a person with no relationship to the work place)
- Type II:** Client/Customer (physical or verbal assault of an employee by a client/family member or customer)
- Type III:** Employment Related (physical or verbal assault from an employee or former employee; includes harassment, stalking and bullying)
- Type IV:** Domestic violence (personal relationship)

### *Develop Measures and Procedures to Prevent Workplace Violence and Harassment*

- Introduce measures and procedures to control risks of workplace violence that were identified in the assessment. Suggested controls are provided in the Sample Workplace Violence Risk Assessment tool (Appendix I).
- Provide information and instruction to employees on the contents of the Workplace Violence and Harassment Policy and Program. This information may include personal information (history of violence) about a person if an employee may encounter the person and may be exposed to physical injury (the employer may not disclose more information than is necessary to protect a worker from physical injury). Many of the resources listed at the end of this section can be used when training employees.
- Ensure that workplace violence and harassment are included in your employee orientation program. In addition, all employees should receive an annual review of the program's general and site-specific components. Any training developed, established and provided will be done in consultation with, and in consideration of, the recommendations of the HSR/JHSC.
- Instruct dental team members to report all violence-related incidents or hazards to the employer. This report can be made confidentially at the employee's request. However, sharing information to ensure the safety of others and prevent recurrence may be necessary (e.g., contents of a police report). Dental team members can also report incidents to the Ministry of Labour if they feel unable to report to the employer.
- Respond to all reports of workplace violence and harassment. Investigate all reports of workplace violence or harassment and take appropriate measures to safeguard employees and prevent violence or harassment.
- Outline emergency response procedures for dental team members to take if they are confronted by a violent person. These procedures might include:
  - a method at reception for calling for back-up using a code word or alarm button
  - if the operatory already has a button/buzzer to call the dentist or front desk, develop a signal for a violent incident (such as two quick alarms)
  - train someone at the dental practice in de-escalation techniques
  - train administrative staff on how to deal with phone threats and in-person threats or aggression
- Notify the HSR/JHSC within four days if an employee is disabled from performing his/her own work or receives medical attention resulting from an incident of workplace violence.
- Take every reasonable precaution to protect an employee from physical injury in the workplace, if the employer becomes aware or ought reasonably to be aware that domestic violence is a risk.

#### **Domestic Violence in the Workplace**

“If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.”

#### **OHSA s32.0.4**

It is in the best interest of the employer to be able to recognize the signs of domestic violence, assess the potential risk to the victim, co-workers and other bystanders, and have measures and procedures in place to control the risk. Providing information on community resources can contribute to a healthier, more productive workforce.

### Support for dental team members affected by workplace violence

If a violent incident occurs at the workplace, take the steps listed below:

- obtain medical attention if required
- complete incident reports, and any required reports to the MOL (critical injury or fatality) or WSIB reports, if applicable
- report to police if the incident is a contravention of the Criminal Code

Depending on the severity of the incident or the severity of the employee's response, consider the following actions as well:

- debriefing by skilled professional for the individual or the team as required, and
- referral to community agencies and/or the treating practitioner

**Critical injury** means an injury of a serious nature that,

- (a) Places a life in jeopardy,
- (b) Produces unconsciousness,
- (c) Results in substantial loss of blood,
- (d) Involves the fracture of a leg or arm but not a finger or toe,
- (e) Involves the amputation of a leg, arm, hand or foot but not a finger or toe,
- (f) Consists of burns to a major portion of the body, or
- (g) Causes the loss of sight in any eye. **O. Reg. 834**

#### ACTIONS:

- 6.1** Develop (in consultation with the HSR/JHSC if required), a Workplace Violence and Harassment Policy and Program for the dental practice.
- 6.2** If a written Workplace Violence and Harassment Policy and Program is required, post it in a conspicuous location in the workplace where workers can see it.
- 6.3** Train employees on the content of the Workplace Violence and Harassment Policy and Program, including the right to refuse work if workplace violence is likely to endanger himself or herself.
- 6.4** Complete a risk assessment for workplace violence at the dental practice.
- 6.5** Share the results of any risk assessment with the HSR/JHSC.



- Public Services Health and Safety Association (PSHSA) – HWE Portal, available at [www.healthyworkenvironments.ca](http://www.healthyworkenvironments.ca).
- PSHSA's Workplace Violence Prevention free web tutorial – great quick overview education session of legislation, prevalence, and violence types. <http://www.pshsa.ca/elearning/workplace-violence/>

#### PSHSA Fast Facts:

- Workplace Violence: Complying with the OH&S Act, 2010. Available at <http://www.pshsa.ca/products/workplace-violence-complying-with-the-ohs-act/>
- Domestic Violence, 2010. Available at <http://www.pshsa.ca/products/domestic-violence/>

- Workplace Bullying, 2010. Available at <http://www.pshsa.ca/products/workplace-bullying/>
- Protecting Workers Who Work Alone, 2012. Available at <http://www.pshsa.ca/products/protecting-workers-who-work-alone/>

#### PSHSA Booklets:

- Bullying in the Workplace: A Handbook for the Workplace, 2010. Available at <http://www.pshsa.ca/products/bullying-in-the-workplace/>
- Addressing Domestic Violence in the Workplace: A Handbook, 2010. Available at <http://www.pshsa.ca/products/addressing-domestic-violence-in-the-workplace/>
- Assessing Violence in the Community: A Handbook for the Workplace, 2009. Available at <http://www.pshsa.ca/products/assessing-violence-in-the-community-a-handbook-for-the-workplace/>

#### PSHSA Posters:

- Workplace Bullying. Available at <http://pshsa.ca/2013/02/04/bullying-poster/>
- Domestic Violence. Available at <http://pshsa.ca/2013/02/04/domestic-violence-poster-8-5-x-11/>
- Reporting incidents of workplace violence. Available at <http://pshsa.ca/2013/01/29/violence-in-the-workplace-poster-8-5-x-11/>
- Safe and respectful workplace (English and French). Available at <http://pshsa.ca/2013/02/05/respectful-workplace-poster/>

#### **Other**

##### Occupational Health & Safety Council of Ontario (OHSCO) Workplace Violence Prevention Series

- Protecting Workers from Workplace Violence: What Employers Need to Know. Available at <http://pshsa.ca/2013/02/07/protecting-workers-from-workplace-violence-what-employers-need-to-know/>
- Domestic Violence Doesn't Stop When Your Worker Arrives at Work: What Employers Need to Know to Help, 2010. Available at <http://pshsa.ca/2013/01/28/domestic-violence-doesnt-stop-when-your-worker-arrives-at-work-what-employers-need-to-know/>
- Domestic Violence Doesn't Stop When You go to Work: How to get Help or Support a Colleague who may need Help, 2010. Available at <http://pshsa.ca/2013/01/28/domestic-violence-doesnt-stop-when-your-worker-arrives-at-work-how-to-get-help-or-support-a-colleague-who-may-need-help/>

#### **MOL Resources:**

- Workplace Violence and Harassment
  - <http://www.labour.gov.on.ca/english/hs/topics/workplaceviolence.php>
  - Violence and Harassment in Healthcare Workers
  - Workplace Violence and Harassment: Understanding the Law
  - Guide to the OHSA