

# Workplace violence

## law takes effect

The province has created new legislation aimed at workplace harassment and violence. The legislation, in the form of amendments to the *Occupational Health and Safety Act*, protects workers by setting specific duties and requirements for provincially regulated employers.

All such employers must now have a workplace violence and harassment policy—and programs—in place.

### Workplace violence

Workplace violence is defined as

- 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.

Workplace violence includes threatened, attempted, or actual behaviour of a person that causes or is likely to cause physical injury to an employee in the workplace.

### Workplace harassment

The new legislation also covers workplace harassment, defined as “engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.”

Workplace harassment or bullying is, under the new legislation, persistent or excessive negative behaviour towards a worker in the workplace and includes:

- Engaging in verbal abuse e.g. yelling, name calling, making threats
- Belittling a worker’s opinions
- Spreading malicious rumours
- Undermining or sabotaging a worker’s work
- Deliberately ignoring or excluding a worker (silent treatment).

The new amendments also extend workers’ right to refuse work if they believe that they are at risk of physical injury due to possible workplace violence.

Along with workers’ rights come employers’ responsibilities. Every provincially regulated employer is required to have an effective violence policy and program with adequate procedures, equipment, training, and communications strategies to deal with a violent or potentially violent situation.

Specifically, all such employers will have to:

- prepare policies on workplace violence and harassment and develop and maintain programs to implement them;
- assess the risks of workplace violence based on the nature of the workplace and type of work, and develop measures and procedures to control them;
- if aware of potential for domestic violence, take reasonable precautions to protect workers who are at risk of physical injury;
- alert certain workers to the risk of workplace violence from persons with a history of violent behaviour.

### Violence and Harassment in the Workplace Toolkit

A new *Violence and Harassment in the Workplace Toolkit* will help employers understand the requirements of this legislation and assist them with the development of their workplace violence and harassment prevention policy and programs.

Visit the *Violence and Harassment in the Workplace Toolkit* web page. Go to [www.ihsa.ca](http://www.ihsa.ca) and click on Topics on the left. From there you will find the Workplace Violence and Harassment resource section. ●