

Workplace Violence and Harassment Disclosure of Personal Information

<i>What the law says</i>	<i>What should the employer do?</i>
<ul style="list-style-type: none"> Employers and 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 <p>IF</p> <p>Other workers can be expected to encounter the violent person in the workplace in the course of their work</p> <p>AND</p> <p>The risk of workplace violence is likely to expose the worker(s) to physical injury.</p> <ul style="list-style-type: none"> Only information necessary for the protection of other workers from physical injury must be disclosed. <p>[OHS s. 32.0.5(3)]</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Before disclosing personal information consider these factors: <ul style="list-style-type: none"> Was there a history of violence? Was it associated with the workplace? Was it directed at a single worker or workers in general? How long ago did it occur? Are there appropriate procedures in place within the workplace violence program to protect the workers? <input checked="" type="checkbox"/> The OHS s. 32.0.5(3) does not require employers or supervisors to do criminal background checks on employees.

Examples

Employees should be told if there is a person with a history of physical violence, such as getting into fights, in the workplace and what the triggers are (if known) for the violent behaviour. The workers would not need to know other personal information about the person with the violent history.

For example, an employer is required to inform his employee (a bus operator) who is involved in transporting a person with dementia who has a history of and has recently exhibited violent behaviour, if the employer is aware of the history and situation.

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