

Workplace Violence and Harassment: Shepell·fgi's Services to Support Legislative Compliance



Throughout Canada, violence and/or harassment provisions currently exist in Occupational Health and Safety acts or labour standards statutes. This includes the federal Canada Labour Code, Prince Edward Island, Nova Scotia, Newfoundland & Labrador, Quebec, Manitoba, Saskatchewan, Alberta and British Columbia. **On December 15, 2009, Bill 168, An Act to amend the Ontario Occupational Health and Safety Act (OHSA) with respect to violence and harassment in the workplace, received royal assent. Ontario employers now have until June 15, 2010 to ensure that their policies, programs and workplaces are compliant with the new law and the new obligations and requirements thereunder.**

Definitions

Under the new legislation, the terms *workplace violence* and *workplace harassment* are broadly defined. Bill 168 defines workplace violence as:

- (a) the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker,
- (b) an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker,
- (c) 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 harassment is 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."

Employers who are found to be in non-compliance with the new law once the amendments have come into force on June 15, 2010, may be deemed to be in violation of the Occupational Health and Safety Act. Under the Occupational Health and Safety Act, non-compliant corporations can face orders from the Ministry of Labour and penalties, including significant fines.

In accordance with these defined terms, the new legislation requires employers to take proactive steps to protect their workers. Shepell·fgi is pleased to offer easy to implement solutions to assist employers in preventing workplace violence and harassment as mandated by the Occupational Health and Safety Act. This includes: Policy review or development, risk assessment, violence prevention and harassment programs, and both in person and on-line training.



Overview of Employer Obligations:

The following is a general overview of the obligations imposed by the new legislation as well as more information about the wide array of programs that will give our clients access to a fully compliant solution.

1. Prepare Policies

Under Bill 168, employers are obligated to prepare and post written policies respecting workplace harassment and workplace violence. A governance process is required to ensure that policies are reviewed and updated as required and objective information is collected and considered to inform the review.

Shepell-fgi offers:

- **Policy Review and Development:** This is provided by Consultants with expertise in Occupational Health Legislation, and Workplace Violence and Harassment in particular.

2. Assess the Risk of Violence

All violence and harassment legislation in Canada mandates that employers assess the risks of workplace violence that may arise from the nature of the workplace, the type of work, or the conditions of work. Results of the risk assessment must be reported to a Joint Health and Safety Committee. If no Joint Health and Safety Committee exists, the results must be shared with the workers directly, following specific protocols. The risk assessment must consider general workplace risks, as well as risks that are specific or unique to their own workplace. As with policy, a governance process is required to ensure ongoing risk assessment and appropriate organizational responses to manage known risk patterns.

Shepell-fgi offers:

- **Customized Risk Assessments:** This is supported by proprietary tools that are designed to inform effective, focused and practical policy and practices. The scope is comprehensive, and addresses physical and psychological risks as well as challenges that are internal and issues related to interactions with clients and the public. The assessment is easily deployed and is customizable to fit organizations of all sizes and industries; from those a low level of risk and complexity to those with complex or unique issues.

3. Workplace Violence Prevention and Workplace Harassment Programs

Employers are required to develop and implement programs with interventions to manage risks. The workplace violence program, must include the following procedures and measures:

- measures to control the risks of violence that have been identified during the assessment;
- procedures ensure immediate assistance when an incident occurs or is likely to occur;
- procedures for reporting incidents or threats to the employer and a supervisor;
- processes for investigating incidents or threats.

Additionally, the workplace harassment program must include:

- measures and procedures for workers to report incidents of harassment to the employer or supervisor;
- investigation and resolution procedures for handling complaints brought forward.

Shepell-fgi offers:

- **Program Compliance Analysis:** An analysis and review of existing programs and how they do or can relate to violence and harassment, to identify current strengths and potential gaps.
- **Program Planning, Communication and Implementation:** Planning to address any gaps and to ensure logical communication of programming. This may include:
 - o Services and interventions to mitigate risks.
 - o Processes for responding to, reporting and investigating concerns and threats.
 - o Measures for summoning support following an incident.
 - o Communication of program details.



4. Employee and Manager Training

Under the new legislation, employers are required to provide workers with training and information with respect to the employer's workplace violence and harassment policies and programs. Training is also an essential component of complying with current federal legislation and the new legislation in Ontario. Training services to integrate programs, policies and the requirements of the legislation, into the organization. It also establishes the expectations and tone of the workplace and educates workers about the procedures the employer has in place, as well as the obligations of the workers to help ensure that the programs and policies are effective in minimizing the risk of violence and harassment in the workplace.

At a minimum employee training must cover the following:

- Awareness of the risks of violence associated with the type of work and the specific workplace.
- Control measures in place to reduce risks of workplace violence.
- An outline of the employers' policies.
- Procedures for reporting and investigating threats or incidents.
- Support programs available following a threat or incident.
- Accountability for creating and maintaining a violence-free workplace.

Shepell·fgi offers:

- **Training to support Violence and Harassment Prevention and Management:** Shepell·fgi offers on-line training and in person workshops to create awareness of workplace violence and harassment prevention programs and the roles and responsibilities of all organizational stakeholders, including:
 - o **Workplace Violence and Harassment Legislation and Prevention Workshop (On-Line):** This program is geared toward all employees, including people leaders, and is designed to help employers meet their legal obligations and protect their employees and business from the threat of workplace violence. The training provides quizzes that test the acquisition of knowledge. Completion of the training can also be tracked to ensure that all employees and supervisors have an appropriate level of awareness.

- o **Respect in the Workplace Workshop (Classroom Only):** This seminar provides employees and managers with the tools needed to be active participants in creating and maintaining a respectful organization. People leaders will learn to recognize the roles, responsibilities and legal requirements to behave respectfully and explore ways to challenge impertinent behaviour.
- o **Professionalism in the Workplace Workshop (Classroom Only):** This session charges the individual and the group of coworkers to take ownership, responsibility and accountability for the maintenance of professionalism at work. This session is designed as a key step in the promotion of a "respectful" workplace training initiative with a focus on promoting behavioural change at work.

5. Additional Requirements

In accordance with the new law, employers must also:

- review their harassment and violence policies at least annually, and reassess the risks of workplace violence as often as necessary, to ensure that workers are protected;
- take every precaution reasonable under the circumstances to protect workers from domestic violence, if the employer becomes aware or ought reasonably to be aware that domestic violence may occur within the workplace;
- provide workers with information, including personal information, about individuals with a history of violent behaviour, if there is a risk of workplace violence that may expose the workers to injury.

Shepell·fgi is pleased to provide you with more information on how we can support your compliance to this important legislation, and in doing so, improve the health and productivity of your workplace. Please contact your Account Manager or call
1 800 461 9722.

