

Are You Doing Enough to Prevent Workplace Violence? – Compliance Audit Game Plan



What's At Stake

- **Phase 1 (1999c.):** Canada begins to recognize that workplace violence is a social danger;
- **Phase 2 (2000-2017c.):** Provinces changed their OHS laws to add specific workplace violence requirements

August 2017 proved to be the unofficial date of Phase 3 in Canada's decades-long fight against violence in the workplace: actual enforcement of workplace violence legislation. Ontario broke the seal by imposing what appears to be the first official fine under erstwhile Bill 168, now Section 32.0.3(4) of the Ontario *OHS Act*. The \$75K fine against a hospital for failing to prevent a violent patient from stabbing a nurse with a pen has been criticized as too small. But the fine amount may belie its significance in ushering in a new era of enforcement.

Bottom Line

Of course, it's not just Ontario. Addressing workplace violence has become a universal mandate in all parts of the country. As end-of-year audit season approaches, this is perfect time to ask yourself a question: Are we doing enough to prevent violence at our own workplace'

12 Things to Check

There are 12 things you need to check before you can answer that question.

1. Have You Published a Workplace Violence Policy Statement' [] YES NO []

Check YES if management has issued a written workplace violence policy statement that:

[] Expresses the company's recognition of the harmful effects of violence;

[] Recognizes workers' rights to work in a physically and emotionally healthy

work environment;

- ☐ Expresses the company's commitment to prevent violence at work;
- ☐ Defines workplace violence;
- ☐ Outlines the measures your company takes to prevent workplace violence;
- ☐ Explains the responsibilities of management, supervisors, security personnel and workers with regard to violence;
- ☐ Reassures workers of their right to report violence without reprisal; and
- ☐ Clearly states that acts or threats of violence will not be tolerated.

2. Have You Done a Proper Workplace Violence Hazard Assessment' ☐ YES ☐ NO ☐

You must designate a suitable and competent person from either inside or outside your company to do a workplace violence hazard assessment in consultation with the workplace JHSC or health and safety representative. At a minimum, that assessment must consider:

- ☐ Hazards posed by the physical environment, including:
 - ☐ Layout, including décor, furniture placements, barriers, etc.
 - ☐ Internal and external lighting
 - ☐ Ease of entry and exit
 - ☐ Neighborhood
- ☐ Hazards posed by the nature of the work, including special risk factors like:
 - ☐ Handling cash
 - ☐ Protecting valuables
 - ☐ Interacting with the public
 - ☐ Interactions or proximity to dangerous people like the mentally unstable, prisoners, etc.
- ☐ The history of violent incidents and threats reported at your workplace over at least the past 3 years;
- ☐ Whether other employers within your industry experience violence problems'health care, late night retail and taxis/limousines are among the industries deemed at high risk of violence;
- ☐ The characteristics of workers affecting their vulnerability to violence, e.g., size, age, gender, appearance, etc.;
- ☐ Surveying workers and supervisors to determine if they feel threatened by violence.

A Pivotal Point in the Analysis

If after doing your assessment you're 100% sure that there are no violence hazards in your workplace, you need just document your findings and be sure to repeat your assessment periodically and as circumstances dictate. But if your hazard assessment does identify violence risks, your obligations are just beginning and you need to keep following the analysis.

3. Have You Taken the Proper Steps to Prevent Violence' [] YES NO []

Rule: You must take actions to eliminate or, if elimination isn't reasonably practicable, minimize any workplace violence risks your hazard assessment identifies. Required actions under OHS laws depend on your jurisdiction. In some places, policies and procedures are enough; others, including Ontario, Nova Scotia, Manitoba and federal law, require implementation of a dedicated and systematic workplace violence prevention program

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4. **Have You Implemented Appropriate Physical and Engineering Controls'** [] YES NO []

As with other hazards, the preferred way to deal with workplace violence is to use engineering controls to eliminate or at least significantly reduce its risk of occurrence. Such solutions might include:

- Bullet-proof glass partitions, fences and other physical barriers;
- Locks or buzzer systems on doors;
- Remote communication devices that eliminate the need for an employee to be physically present;
- Security cameras;
- Alarm systems, panic buttons and other signaling devices; and/or
- Curved mirrors in hallways or concealed areas.

5. **Have You Implemented Appropriate Work/Administrative Controls'** [] YES NO []

The next line of defence is measures affecting the way risky work operations are carried out. Suitable work/administrative controls for violence include:

- Safe work procedures for carrying out operations involving risk of violence;
- ID cards and systems;
- Buddy systems;
- Emergency procedures for responding to threats and acts of violence;
- Use of drop safes to limit cashier's access to cash;
- Regular check-in procedures for workers who work alone;
- Banning large bill transactions; and
- Regular security checks and sweeps.

6. **Have You Ensured Use of Appropriate PPE'** [] YES NO []

PPE and safety equipment for workers exposed to violence hazards may include bullet proof vests, emergency communications equipment and even the issuance of firearms. (Click here for more on the controversial question of whether firearms are appropriate PPE for workplace violence.)

7. Do You Have Procedures for Workers to Report Violence, Call for Help & Summon Emergency Response' [] YES NO []

There must be procedures workers can use to summon immediate help when workplace violence occurs or is likely to occur. All workers should be aware of the procedures and prepared to follow them. There should also be a way for workers to report if they're the victim or a witness to acts or threats of violence. In addition, you need a non-retaliation policy or statement that reassures workers that they won't be fired or punished for reporting incidents of violence.

8. Do You Have Procedures for Investigating Incidents of Violence' [] YES NO []

You must have adequate procedures for investigating reports of workplace violence and resolving situations of violence. You must also provide appropriate support to workers who are the victims of workplace violence, including recommending that they consult a health professional for referral or treatment for any injuries or harmful symptoms they suffer.

9. Do You Discipline Workers for Acts and Threats of Violence' [] YES NO []

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 collective agreements affecting covered workers.

10. Do You Provide Appropriate Workplace Violence Training' [] YES NO []

You must provide workplace violence training and instruction to workers *before* they're exposed to violence risks, including:

- [] To all new workers at risk as part of their general safety orientation;
- [] At least once a year'or more often if the job and nature of the hazard warrants;
- [] In response to significant changes in risk dynamics;
- [] When you make significant changes to your violence prevention program or measures;
- [] After job changes affecting their risk exposure, e.g., assigning a daytime worker to the night shift;
- [] After incidents or indications that previous training was inadequate or not fully understood.

Workplace violence safety training must provide all the information and instruction workers need to work safely, including:

☐ The workplace violence hazards posed to the worker;

☐ The measures you take to protect against workplace violence, e.g., how to deal with violent people they may confront;

☐ How to report incidents or threats of violence to company officials;

☐ How you investigate and respond to incidents, threats and complaints of violence.

11. Do You Keep Written Records of Workplace Violence Training' ☐ YES NO ☐

It's not enough to deliver training. You must also keep records documenting that such training was provided and 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.

12. Do You Monitor the Effectiveness of Your Workplace Violence Prevention Measures' ☐ YES NO ☐

Designate one or more competent persons to review the effectiveness of your workplace violence measures or prevention program by reviewing the following records:

- Workplace inspection reports;
- Worker reports;
- Records of investigations into workplace violence incidents or threats;
- Workplace health and safety evaluations;
- Data on violence in the workplace;
- Data on violence in similar workplaces;
- Police crime data on violence in the area or neighborhood your workplace is located; and
- Observations of workers and/or the JHSC.

You should conduct this review at least once a year. You may also need to unscheduled reviews in response to indications of problems with your current program. Thus, for example, failure to reassess violence hazards after repeated patient attacks was the reason the Ontario employer was fined for the Bill 168 violation in the case mentioned in the Intro. Other potential reassessment triggers:

- Incidents of violence;
- JHSC or worker complaints;
- Significant changes to workspace configuration, operations and other work conditions on which your previous hazard assessment was based.