Workplace Domestic Violence Prevention Game Plan



“Domestic violence” is a misnomer when it happens at work. The line between domestic and workplace violence was crossed dramatically on November 12, 2005, when a 36-year-old nurse named Lori Dupont was murdered by her former lover, anaesthesiologist Dr. Marc Daniel at the Hôtel-Dieu Grace Hospital in Windsor, Ontario, where they both worked. The hospital was sued for not doing enough to prevent the attack even though it was allegedly aware of Dr. Daniel’s mental problems and threats he had made against Nurse Dupont.

Public outrage over the Dupont murder spurred Ontario to adopt legislation—the “Lori Dupont Bill”—expanding employers’ duties to protect workers from workplace violence and harassment to domestic violence in the workplace. Most other provinces followed suit. **Bottom Line:** Employers in all parts of Canada must incorporate protections against domestic, aka, family, sexual or intimate partner violence, into their overall workplace violence and harassment prevention plan and program. Here’s an 11-step Game Plan for compliance.

Defining Our Terms

For simplicity’s sake, we’ll use the terms “violence” or “workplace violence” to refer collectively to violence and workplace harassment, except where the context requires otherwise.

Employer Liability for Domestic Violence in the Workplace Under OHS Laws

OHS laws require employers to take measures to prevent violence and threats of violence **in the workplace, including domestic violence.** While domestic violence prevention is a nationwide mandate, how it's spelled out varies by province:

- **Definitional:** Three provinces—Alberta, New Brunswick, and Québec—define "violence" as including domestic violence against a worker.
- **Awareness:** Three jurisdictions—Ontario, Newfoundland, and Yukon—require employers to prevent domestic violence that they're aware of or should reasonably be aware of.
- **Hazard Assessment:** Federally regulated employers must consider domestic violence a risk factor in carrying out a workplace violence and hazard assessment.
- **Implicational:** The other jurisdictions don't specifically address domestic violence but define "violence" against which employers must protect in a broad way that could be interpreted as including domestic violence.

To meet their OHS duty to keep violence and harassment out of the workplace, employers must implement a prevention plan or policy. There are 11 steps to take.

Step 1. Include Domestic Violence in Your Workplace Violence Policy Statement

Management must issue a written workplace violence policy statement that recognizes workers' rights to a physically and emotionally healthy work environment and expresses the company's commitment to prevent workplace violence and harassment. The policy statement should also list a definition of violence and harassment that includes acts or threats of domestic violence that occur in the workplace.

Step 2. Incorporate Domestic Violence into Your Workplace Violence Hazard Assessment

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. The assessment should consider the workplace's physical environment, layout, lighting, entry, and exit as well as risk factors external to the workplace that may increase the likelihood of violence in the workplace. One of those external risk factors is the potential for domestic violence to spill into the workplace like it did in the Lori Dupont murder.

Step 3. Implement Engineering Controls to Prevent Workplace Violence

You must take actions to eliminate or, if elimination isn't reasonably practicable, minimize any workplace violence risks your hazard assessment identifies, including domestic violence. Use the hierarchy of controls approach that begins with consideration and, if reasonably practicable, deployment of engineering controls such as bullet-proof glass partitions, fences, and other physical barriers, locks, or buzzer systems on doors, security cameras, alarm systems, panic buttons, and other signaling devices.

Step 4. Implement Work/Administrative Controls to Prevent Workplace Violence

The next line of defense is to implement measures that reduce risks by controlling the way work operations are carried out. Examples: safe work procedures for carrying out operations that expose workers to risks of violence, emergency procedures for responding to violence and calling for help, ID cards to

keep out strangers and unauthorized visitors and regular check-in procedures for workers who work alone.

Step 5. Offer Individualized Workplace Domestic Violence Protection Plans

Encourage workers who've been threatened with or victimized by domestic violence to seek your help and protection. Designate support personnel who know how to talk with domestic violence victims to work with the worker to create an individualized domestic violence workplace safety plan that may provide for:

- Alerting security staff of the threat.
- Giving security the name and a picture or description of the individual who poses the threat to the worker.
- Coordinating with law enforcement, especially if the potential assailant has a criminal record or is the subject of a protective order.
- Procedures for alerting security and/or the police.

Step 6. Make Accommodations to Ensure Domestic Violence Victim's Safety

Upon becoming aware that a worker faces the threat of domestic violence at work, employers should be prepared to offer and make reasonable accommodations, whether temporary or permanent, to ensure their safety. Examples:

- Relocating the worker to a more secure area or another building.
- Adjusting work schedules so that the worker is in the facility only during hours when security guards are on duty.
- Parking space reassignment.
- Designating security personnel to escort the worker when entering and leaving the building.

Step 7. Keep Domestic Violence Victim's Identity & Personal Information Confidential

Although it's required for all victims of workplace violence and harassment, maintaining confidentiality is especially important when it involves domestic and family violence. Accordingly, ensure workers that all you will keep all confidential information related to their being a victim of domestic violence private and not disclose it to third parties without consent, unless disclosure is required to ensure safety or comply with the company's other legal obligations. Also promise to notify workers of all such disclosures you make without their consent.

Step 8. Implement Workplace Violence Investigation Procedures

You must have adequate procedures for investigating domestic violence threats, incidents, and reports. The investigation should be carried out promptly by an objective person who's not the alleged perpetrator and who has experience investigating domestic violence cases. The investigator should also be prepared to communicate and coordinate with the police or other law enforcement agencies involved in the matter.

Step 9. Offer Support to Workplace Violence Victims

You must also provide appropriate support to workers who are the victims of violence, including recommending that they consult a health professional for referral or treatment for any injuries or harmful symptoms they suffer. Employers should also provide workplace domestic violence victims information about available sources of assistance such as Employee Assistance Programs and the names and contact information of

local domestic violence service providers who are trained and available to serve as confidential sources of information, support, and referral.

Step 10. Hold Workers Accountable for Domestic Violence Against Coworkers

Sometimes, as in the Lori Dupont case, the domestic violence victim and victimizer work for the same organization. So, companies must have and consistently enforce a disciplinary policy for workplace violence that includes domestic violence that takes place at work between coworkers.

Step 11. Integrate Domestic Violence into Your Workplace Violence Training

Employers should make a conscientious effort to increase worker awareness of domestic violence. The starting point is to incorporate domestic violence into the general workplace violence and harassment training that OHS laws require you to provide as part of your prevention plan. Such training should cover:

- What domestic violence is.
- How widespread the problem is.
- Why domestic violence is a potential workplace hazard.
- The potential warning signs.
- The importance of confidentiality.
- What to do if you witness or suspect domestic violence.
- Domestic violence prevention, support, and assistance resources available in the community.