

# Understanding Workplace Violence

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## Bill 168 overview

Bill 168 poses unique challenges that most employers will need help with in terms of understanding the requirements; realizing the far-reaching implications; and devising strategies for compliance.

The legislation will require employers to develop:

- Violence\* and harassment policies and programs
- Employee reporting and incident investigation procedures
- Emergency response procedure (violence only)
- Process to deal with incidents, complaints and threats of violence

\*Employers are required to complete a risk assessment of violence hazards that may arise from the nature of the workplace, the type of work or the conditions of work before developing a program.

Bill 168 adopts an approach similar to other federal and provincial violence and harassment laws by:

- Providing clarity around employer accountability
- Taking a process-driven, “how-to” approach to compliance
- Sending a “take action” message to supervisors and middle-managers

*Violence and harassment have no place in the workplace.*

## Bill 168 definitions of workplace violence and harassment

Under Bill 168, **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 a worker”
- “An attempt to exercise physical force against a worker in a workplace that could cause physical injury to a worker”

- “A statement or behaviour that 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.”

Under Bill 168, **workplace harassment** is defined as:

- “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”

### **Bill 168 requirements for domestic violence that comes into the workplace**

The employer must respond when aware of domestic violence that may expose a worker to physical injury in the workplace.

### **Just how widespread is workplace violence?**

- From April 1, 2008 to March 31, 2009, Ontario Ministry of Labour Inspectors made 417 field visits and issued 351 orders related to violence in the workplace. (MOL, 2009).
- In 2007, there were 2,150 allowed lost-time claims from assaults, violent acts, harassment and acts of war or terrorism in Ontario (WSIB, 2007).
- Bullied employees waste 10-52% of their time at work. Research shows they spend time defending themselves and networking for support, thinking about the situation, being demotivated and stressed, not to mention taking sick leave due to stress-related illnesses. (CSC)
- According to the 2004 General Social Survey, 17% of all self-reported incidents of violent victimization, including sexual assault, robbery and physical assault, happened at the workplace. This represents over 356,000 violent workplace incidents in Canada (StatCan, 2007).
- There is evidence that violence has increased in Canadian workplaces over the past 5 years: 66% of organizations report an increase in aggressive acts within their workplaces. And, 82% report an increase in both formal incident reports and grievances (CIWV, 2000).

## Who's at risk?

The risk of workplace violence is greater in work activities that involve:

- working in a community-based setting
- working with unstable or volatile clients
- handling cash
- mobile workplaces
- contact with clients
- working in high crime areas
- securing/protecting valuables
- transporting people and/or goods
- working alone or in small numbers

## What's the impact of workplace violence?

Workplace violence affects the health, safety and security of employees, supervisors and employers.

### Harm to victims

The emotional and physical trauma to victims, their families and co-workers has immeasurable personal costs.

Research also shows that bullied employees, for example, are unproductive between 10 and 52 per cent of their time at work. These employees spend time:

- Defending themselves and networking for support
- Thinking about the situation
- Being demotivated and stressed
- Taking sick leave due to stress-related illnesses (CSC)

### Harm to organizations

Violence and harassment also exact a heavy toll on organizations.

| Harm to Organizational Culture   | Harm to the Bottom Line  |
|--|--|
| <ul style="list-style-type: none"> <li>• Harm to image, reputation</li> <li>• Difficulty in employee recruitment, training and retention</li> <li>• Reduced morale and productivity</li> <li>• Strained management-employee relations</li> </ul> | <ul style="list-style-type: none"> <li>• Absenteeism and sick leave</li> <li>• Employee turnover</li> <li>• Employee Assistance Program costs</li> <li>• Short term/long term disability and drug plan costs</li> <li>• Workplace accidents</li> </ul> |

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|  | <ul style="list-style-type: none"><li>• Stress-related lawsuits</li></ul> |
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## What are the types of workplace violence and harassment?

### Type I: Criminal Intent

- Involves a person with no relationship to the workplace who commits a violent act, such as:
- theft – money, cars, drugs, personal belongings
- hostage taking/kidnapping
- physical assault

### Type II: Client

- The violent act is ‘willful intent’ to cause harm
- Majority of workplace violent events are client-related

### Type III: Employee-Related

- “Repeated and persistent negative acts towards one or more individual(s), which involve a perceived power imbalance and create a toxic or unhealthy work environment” (Salin, 2003)

### Type IV: Personal Relationships

- Relationship violence that occurs at the workplace, i.e., a loved one/family member that commits a violent act against a worker (domestic violence) (NIOSH, 2006)

## How Can I Get a Copy of Bill 168?

To obtain a copy of Bill 168, visit:

- [Bill 168, Occupational Health and Safety Amendment Act \(Violence and Harassment in the Workplace\) 2009.](#)