



PHSS Safety Update

Workplace Violence Defined

(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, this includes but is not limited to physical acts such as punching, hitting, kicking, pushing, damaging property or throwing objects.

(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. This may include behaviour such as bringing a weapon of any kind to a workplace or possessing a weapon of any kind while carrying out company business, or threatening to bring a weapon to a workplace.

Harassment Defined

“workplace harassment” means, 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, or (b) workplace sexual harassment;

“workplace sexual harassment” means,

(a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or

(b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Employers Will Need To Prepare Written Violence and Harassment Policies

Where more than five workers are regularly employed at a workplace, Ontario employers are required to prepare and post a workplace violence and harassment policy.

Risk Assessment and Control Measures for Workplace Violence Prevention

Employers are required assess the risks of workplace violence that may arise from the nature of the workplace, the type of work, or the conditions of work. There is no specific requirement to assess for the risks of workplace harassment. The risk assessment for workplace violence must include circumstances that would be common to similar workplaces and circumstances specific to the workplace. Based on the results of the assessment the employer must implement appropriate controls to prevent and manage the risk for violence. The assessment must be repeated as often as necessary to ensure that the policy and program continue to protect workers from workplace violence.

The results of the assessment must be communicate to the joint health and safety committee, health and safety representative, or workers directly (if there is no committee or representative) and provide a copy of the assessment if in writing.



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Training and Advising Workers

Employers must train workers in the contents of workplace violence and harassment policies and program. The duty of employers and supervisors to provide information and training under sections 25 and 27 of the OHS Act require employers and supervisors to provide information, including personal information, related to risks of workplace violence (not harassment) from a person with a history of violent behaviour (for example a patient, customer or another worker) if the worker can be expected to encounter that person during the course of their work, and there is a risk of violence likely to expose the worker to physical injury. Disclosure of personal information is limited to that information reasonably necessary to protect the worker from physical injury.

Dealing with Work Refusals Related To Workplace Violence

Workers have the right to refuse work for conditions in the workplace that constitute “workplace violence” if “workplace violence is likely to endanger himself or herself”. There is mention in the OHS Act to permit a worker to refuse work where they believe that workplace harassment is likely to endanger the worker. The worker is to remain in a safe place “that is as near as reasonably possible to his or her workstation and available to the employer or supervisor for the purposes of the investigation.” (this change will effect all work refusals)

Responding To Information Related To Domestic Violence

This provision relates to domestic violence. The employer is required to take every precaution reasonable in the circumstances for the protection of a worker if the employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace. Ontario is the only jurisdiction in Canada to have this provision. It will remain to be seen to what extent the reasonable precaution expectations will be applied.

Reporting Workplace Violence

The employers must prepare a notice under section 52 of the OHS Act in the event that a worker is disabled from their regular duties, or requires medical attention, as a result of workplace violence. The employer shall, within four days of the occurrence, give written notice of the occurrence containing the prescribed information and particulars to the Joint Health and Safety Committee, the health and safety representative and the trade union, if any and the Ministry of Labour inspector if requested by an inspector.

HEALTH AND SAFETY MANAGEMENT SYSTEM SOFTWARE

PHS Solutions has developed an interactive [Health and Safety Management System Software](#) application. This software has been designed using 20 years of experience in the health and safety field to assist organizations to easily design, implement and maintain a health and safety management system. Please click [here](#) to view more detailed information on the software.

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