Topic: Workplace Violence

Nova Scotia

Occupational Health and Safety Act

Violence in the Workplace Regulations

For plain language guides to the regulation please visit:
http://www.gov.ns.ca/lwd/pubs/#employment [Effective April 1, 2008, except Sections 1 to 6, which are effective October 1, 2007] N.S. Reg. 209/2007

CITATION

1 These regulations may be cited as the *Violence in the Workplace Regulations*.

DEFINITIONS

2 In these regulations:

(a) "Act" means the *Occupational Health and Safety Act*;
(b) "adequate" means sufficient to protect a person from injury or damage to health;
(c) "committee" means a committee as defined in the Act;
(d) healthcare workplace" means any of the following;
  (i) a district health authority under the *Health Authorities Act*,
  (ii) a nursing home, a home for the aged, a residential care facility under the *Homes for Special Care Act* or any other long-term-care facility, and
  (iii) a place where emergency health services or home care services are provided.
(e) "representative" means a representative as defined in the Act;
(f) "violence" means any of the following;
  (i) threats, including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical injury,
  (ii) conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee.

VIOLENCE AS AN OCCUPATIONAL HEALTH AND SAFETY HAZARD

3 These regulations do not diminish the responsibility of all workplace parties to recognize violence as a occupational health and safety hazard in carrying out their precautions and duties under the Act.

APPLICATION OF THESE REGULATIONS

4 These regulations apply at any workplace where the primary business is any of the following:

(a) health services, including services provided at a healthcare workplace;
(b) ambulance, emergency ambulance and emergency health services provided under the *Emergency Health Services Act*;
(c) medical services;
(d) dental services;
(e) veterinary services;
(f) blood collection services;
(g) testing and diagnostic services;
(h) pharmaceutical-dispensing services, including facilities operating under the *Pharmacy Act*;
(i) education services provided by institutions, including any of the following;
  (i) the Nova Scotia Community College,
  (ii) a degree granting institution designated under the *Degree Granting Act*,
  (iii) a private career college registered under the *Private Career Colleges Regulation Act*,
  (iv) a school governed by the *Education Act*.
(j) policing services, detective services and other law enforcement services, including services provided under the *Police Act*, the *Police Services Act* and the *Constables Act*;
(k) correctional services, including services provided at any of the following;
  (i) a correctional facility as defined in the *Corrections Act*,
  (ii) a facility under the *Correctional Services Act*,
  (iii) a facility under the *Court Houses and Lockup Houses Act*,
  (iv) a place or facility designated as a youth custody facility under subsection 85(2) of the *Youth Criminal Justice Act* (Canada),
  (v) a place or facility designated as a place of temporary detention under subsection 30(1) of the *Youth Criminal Justice Act* (Canada).
(l) probation services provided by a probation officer or assistant probation officer appointed under the *Correctional Services Act*;
(m) security and related services, including licensees under the *Private Investigators and Private Guards Act*;
(n) crisis counseling and intervention services, including any services provided by an agency as defined in the *Children and Family Services Act*;
(o) retail sales;
(p) delivery services, including parcel delivery services;
(q) financial services, including services provided by any of the following;
  (i) facilities operating under the *Trust and Loan Companies Act*,
  (ii) facilities operating under the *Credit Union Act*,
  (iii) an insurer licensed to carry on business under the *Insurance Act*,
  (iv) a money lender under the *Money-lenders Act*.
(r) sales of liquor or providing premises for consuming liquor, including premises

licensed under the *Liquor Control Act*;
(s) taxi services;
(t) passenger transit services;
(u) gaming activities conducted and managed under the *Gaming Control Act*;
(v) services provided by or on behalf of the departments, offices and special operating agencies established under the *Public Service Act* that involve regular interaction with the public;
(w) homemakers' services as defined in the *Homemakers' Services Act*.

VIOLENCE RISK ASSESSMENT

5 (1) An employer must conduct a violence risk assessment for each of their workplaces in accordance with this Section to determine if there is a risk of violence in the workplace and prepare a written report concerning the violence risk assessment detailing the extent and nature of any risk identified by the assessment.

(2) In conducting a violence risk assessment, an employer must take all of the following into consideration:

(a) violence that has occurred in the workplace in the past;
(b) violence that is known to occur in similar workplaces;
(c) the circumstances in which work takes place;
(d) the interactions that occur in the course of performing work;
(e) the physical location and layout of the workplace.

(3) An employer must consult with any committee established at the workplace when conducting a violence risk assessment and must provide the committee with a copy of the written report of the assessment.

(4) An employer must consult with any representative selected at the workplace when conducting a violence risk assessment and must provide the representative with a copy of the written report of the assessment.

WHEN NEW VIOLENCE RISK ASSESSMENT REQUIRED

6 (1) An employer must conduct a new violence risk assessment for a workplace in any of the following circumstances:

(a) the employer becomes aware of a type of violence occurring in similar workplaces that was not taken into consideration when the previous violence risk assessment was conducted;
(b) there is a significant change in any of the following:
    (i) the circumstances in which work takes place,
    (ii) the interactions that occur in the course of performing work,
    (iii) the physical location or layout of the workplace.
(c) the employer plans to construct a new facility or renovate an existing facility;

(d) the employer is ordered to do so by an officer.

(2) An employer must conduct a new violence risk assessment for each of their workplaces at least every 5 years.

WORKPLACE VIOLENCE PREVENTION PLAN

7 (1) An employer must establish and implement a workplace violence prevention plan for each workplace for which a significant risk of violence is identified through a violence risk assessment or that an officer orders a plan for.

(2) As part of a workplace violence prevention plan, an employer must do all of the following:

(a) prepare a written workplace violence prevention statement;
(b) either;
  (i) take and document reasonable measures to minimize and, to the extent possible, eliminate the risk of violence in the workplace, or
  (ii) adopt a code of practice on violence in the workplace published by the Director governing the primary business conducted at the employer's workplace.
(c) establish and document procedures for providing employees with the information and training required by Sections 10 and 11;
(d) establish and document procedures for reporting, documenting and investigating incidents of violence as required by Sections 12 and 13.

(3) An employer must consult with any committee established at the workplace when establishing, reviewing or revising a workplace violence prevention plan.

(4) An employer must consult with any representative selected at the workplace when establishing, reviewing or revising a workplace violence prevention plan.

(5) An employer must make a copy of the workplace violence prevention plan available for examination at the workplace by any employer, contractor, constructor, supplier, employee, owner or self-employed person in that workplace.

REVIEW AND REVISION OF WORKPLACE VIOLENCE PREVENTION PLAN

8 (1) If a new violence risk assessment indicates a significant change to the extent and nature of the risk of violence, an employer who is required to establish and implement a workplace violence prevention plan must ensure that the plan is reviewed and, if necessary, revised.

(2) At least every 5 years, an employer who is required to establish and implement a workplace violence prevention plan must ensure that the plan is reviewed and, if necessary, revised.

WORKPLACE VIOLENCE PREVENTION STATEMENT

9 (1) An employer must prepare a workplace violence prevention statement that includes all of the following:

(a) a statement of the employer's recognition that violence is an occupational health and safety hazard at the workplace;
(b) a statement of the employer's recognition of the physical and emotional harm resulting from violence;
(c) a statement of the employer's recognition that any form of violence in the workplace is unacceptable;
(d) a statement of the employer's commitment to minimize and, to the extent possible, eliminate the risk of violence in the workplace.

(2) An employer must post a copy of their workplace violence prevention statement in a prominent place or places in each of their workplaces so it can be easily accessed by employees, and must ensure that it remains posted.

INFORMATION THAT MUST BE PROVIDED TO EMPLOYEES

10 (1) An employer must provide an employee who is exposed to a significant risk of violence in a workplace with information on the nature and extent of the risk and on any factors that may increase or decrease the extent of the risk.

(2) Except as prohibited by law, the duty to provide information to an employee under subsection (1) includes a duty to provide information related to a risk of violence from a person who has a history of violent behaviour if that person is likely to be encountered by the employee.

TRAINING AND SUPERVISION FOR EMPLOYEES

11 (1) In accordance with the procedure in an employer's workplace violence prevention plan, an employer must provide adequate training on all of the following for any employee who is exposed to a significant risk of violence:

(a) the rights and responsibilities of employees under the Act;
(b) the workplace violence prevention statement;
(c) the measures taken by the employer to minimize or eliminate the risk of violence;
(d) how to recognize a situation in which there is a potential for violence and how to respond appropriately;
(e) how to respond to an incident of violence, including how to obtain assistance;
(f) how to report, document and investigate incidents of violence.

(2) An employer must provide any employee who is required by the employer to perform a function under the workplace violence prevention plan with training on the plan generally and on the particular function to be performed by the employee.

DUTY TO REPORT INCIDENTS OF VIOLENCE

12 An employer, contractor, constructor, supplier, employee, owner or self-employed person in the workplace has a duty to report all incidents of violence in a workplace to the employer.

DOCUMENTATION, INVESTIGATION AND ACTIONS TO PREVENT REOCCURRENCE

13 (1) An employer must ensure that incidents of violence in a workplace are documented and promptly investigated to determine their causes and the actions needed to prevent reoccurrence in accordance with the procedures established under clause 7(2)(d).

(2) An employer must ensure that notice of the actions taken to prevent reoccurrence of an incident of violence are given to all of the following:

(a) any employee affected by the incident of violence;
(b) any committee established at the workplace;
(c) any representative selected at the workplace.

DEALING WITH EMPLOYEES EXPOSED TO OR AFFECTED BY VIOLENCE

14 An employer must provide an employee who has been exposed to or affected by violence at the workplace with an appropriate debriefing and must advise the employee to consult a health professional of the employee's choice for treatment or counseling.

EMPLOYERS WITH MULTIPLE TEMPORARY WORKPLACES

15 Despite anything in these regulations, an employer who has employees performing work at multiple temporary workplaces is not required to conduct a violence risk assessment or prepare a workplace violence prevention plan for each individual workplace if the employer conducts a violence risk assessment and prepares a workplace violence prevention plan that covers similar workplaces collectively and takes into account the circumstances and interactions that an employee is likely to encounter in the performance of their work.

ABILITY TO MEET DUTIES COLLECTIVELY

16 (1) Despite anything in these regulations, 2 or more employers may enter into a written agreement to collectively provide and maintain the statements, plans and services required under these regulations.

(2) A copy of any agreement made under subsection (1) must be kept by each of the employers and must be provided to any of the following, engaged at the workplace of 1 of the employers, who request a copy:

(i) an employee;
(ii) a contractor;

(iii) a constructor;
(iv) a supplier;
(v) an owner or self-employed person;
(vi) an officer.

Newfoundland

Occupational Health and Safety Act, R.S.N.L. 1990, c. O-3

Occupational Health and Safety Regulations, 2009, N.L.R. 70/09

VIOLENCE PREVENTION

22 (1) In this section and sections 23 and 24, "violence" means the attempted or actual exercise by a person, other than a worker, of physical force to cause injury to a worker, and includes threatening statements or behaviour which gives a worker reason to believe that he or she is at a risk of injury.

(2) An employer risk assessment shall be performed in a workplace in which a risk of injury to workers from violence arising out of their employment may be present.

(3) The risk assessment shall include the consideration of:

(a) previous experience in the workplace;
(b) occupational experience in similar workplaces; and
(c) the location and circumstances in which work may take place.

PROCEDURES AND POLICIES

23 Where a risk of injury to workers from violence is identified by an assessment performed under section 22 the employer shall:

(a) establish procedures, policies and work environment arrangements to eliminate the risk to workers from violence; and
(b) where elimination of the risk to workers is not possible, establish procedures, policies and work environment arrangements to minimize the risk to workers.

INSTRUCTION TO WORKERS

24 (1) An employer shall inform workers who may be exposed to the risk of violence of the nature of the risk and the precautions that may be taken.

(2) The duty to inform workers in subsection (1) includes a duty to provide information related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work.

New Brunswick
No regulations found

Prince Edward Island
Occupational Health and Safety Act, **Occupational Health and Safety Act General Regulations, EC180/87** **"VIOLENCE", DEFINED** 52.1 In this Part, "violence" means the threatened, attempted or actual exercise of any physical force by a person other than a worker that can cause, or that causes, injury to a worker, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that he or she is at risk of injury. [EC2006-43, s. 5] **RISK ASSESSMENT OF WORKPLACE** 52.2 (1) An employer shall conduct a risk assessment of the workplace to determine whether or not a risk of injury to workers from violence arising out of their employment may be present. (2) A risk assessment under subsection (1) shall include a consideration of: (a) previous experience of violence in that workplace; (b) occupational experience of violence in similar workplaces; and (c) the location and circumstances in which the work will take place. **RISK IDENTIFIED** 52.3 If a risk of injury to a worker from violence in a workplace is identified by an assessment under section 52.2, the employer shall establish procedures, policies and work environment arrangements: (a) to either; (i) eliminate the risk of violence to workers in that workplace, or (ii) if elimination of the risk is not possible, minimize the risk of violence to workers in that workplace, and (b) to provide for reporting, investigating and documenting incidents of violence in that workplace. **INFORM WORKERS OF RISK** 52.4 (1) An employer shall inform workers who may be exposed to the risk of violence in

the workplace of the nature and extent of the risk.

(2) Unless otherwise prohibited by law, the duty to inform workers under subsection (1) includes a duty to provide information related to the risk of violence from persons who have a history of violent behaviour and who may be encountered by a worker in the course of his or her work.

(3) An employer shall instruct workers who may be exposed to the risk of violence in:

(a) the means of recognition of the potential for violence;
(b) the procedures, policies and work environment arrangements developed under section 52.3; and
(c) the appropriate response to incidents of violence in the workplace, including how to obtain assistance.

CONSULT PHYSICIAN
52.5 An employer shall ensure that a worker who reports an injury or adverse symptom resulting from workplace violence is advised to consult a physician of the worker's choice for treatment or a referral.

Quebec

Act respecting labour standards, R.S.Q., c. N-1.1

PSYCHOLOGICAL HARASSMENT
81.18 For the purposes of this Act, “psychological harassment” means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee.

A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment.

81.19 Every employee has a right to a work environment free from psychological harassment.

Employers must take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it.

81.20 The provisions of sections 81.18, 81.19, 123.7, 123.15 and 123.16, with the necessary modifications, are deemed to be an integral part of every collective agreement. An employee covered by such an agreement must exercise the recourses provided for in the agreement, insofar as any such recourse is available to employees

under the agreement.

At any time before the case is taken under advisement, a joint application may be made by the parties to such an agreement to the Minister for the appointment of a person to act as a mediator.

The provisions referred to in the first paragraph are deemed to form part of the conditions of employment of every employee appointed under the Public Service Act (chapter F-3.1.1) who is not governed by a collective agreement. Such an employee must exercise the applicable recourse before the Commission de la fonction publique according to the rules of procedure established pursuant to that Act. The *Commission de la fonction publique* exercises for that purpose the powers provided for in sections 123.15 and 123.16 of this Act.

The third paragraph also applies to the members and officers of bodies.

RECOURSE AGAINST PSYCHOLOGICAL HARASSMENT

123.6 An employee who believes he has been the victim of psychological harassment may file a complaint in writing with the Commission. Such a complaint may also be filed by a non-profit organization dedicated to the defence of employees' rights on behalf of one or more employees who consent thereto in writing.

123.7 Any complaint concerning psychological harassment must be filed within 90 days of the last incidence of the offending behaviour.

123.8 On receipt of a complaint, the Commission shall make an inquiry with due dispatch.

Sections 103 to 110 shall apply to the inquiry, with the necessary modifications.

123.9 If the Commission refuses to take action following a complaint, the employee or, if applicable, the organization with the employee's written consent, may within 30 days of the Commission's decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Commission des relations du travail.

123.10 The Commission may, at any time, during the inquiry and with the agreement of the parties, request the Minister to appoint a person to act as a mediator. The Commission may, at the request of the employee, assist and advise the employee during mediation.

123.11 If the employee is still bound to the employer by a contract of employment, the employee is deemed to be at work during mediation sessions.

2002, c. 80, s. 68.

123.12 At the end of the inquiry, if no settlement is reached between the parties and the

Commission agrees to pursue the complaint, it shall refer the complaint without delay to the Commission des relations du travail.

123.13 The *Commission des normes du travail* may represent an employee in a proceeding under this division before the Commission des relations du travail.

2002, c. 80, s. 68.

123.14 The provisions of the Labour Code (chapter C-27) relating to the Commission des relations du travail, its commissioners, their decisions and the exercise of their jurisdiction, except sections 15 to 19, as well as section 100.12 of that Code apply, with the necessary modifications.

123.15. If the Commission des relations du travail considers that the employee has been the victim of psychological harassment and that the employer has failed to fulfil the obligations imposed on employers under section 81.19, it may render any decision it believes fair and reasonable, taking into account all the circumstances of the matter, including:

1. ordering the employer to reinstate the employee;
2. ordering the employer to pay the employee an indemnity up to a maximum equivalent to wages lost;
3. ordering the employer to take reasonable action to put a stop to the harassment;
4. ordering the employer to pay punitive and moral damages to the employee;
5. ordering the employer to pay the employee an indemnity for loss of employment;
6. ordering the employer to pay for the psychological support needed by the employee for a reasonable period of time determined by the Commission;
7. ordering the modification of the disciplinary record of the employee.

123.16 Paragraphs 2, 4 and 6 of section 123.15 do not apply to a period during which the employee is suffering from an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) that results from psychological harassment.

Where the Commission des relations du travail considers it probable that, pursuant to section 123.15, the psychological harassment entailed an employment injury for the employee; it shall reserve its decision with regard to paragraphs 2, 4 and 6.

2002, c. 80, s. 68.

Ontario

Occupational Health and Safety Act, R.S.O. 1990, c. O.1

POLICIES, VIOLENCE AND HARASSMENT

32.0.1 (1) An employer shall:

(a) prepare a policy with respect to workplace violence;
(b) prepare a policy with respect to workplace harassment; and
(c) review the policies as often as is necessary, but at least annually.

(2) The policies shall be in written form and shall be posted at a conspicuous place in the workplace.

(3) Subsection (2) does not apply if the number of workers regularly employed at the workplace is five or fewer, unless an inspector orders otherwise.

[S.O. 2009, c. 23, s. 3; 2011, c. 1, Sch. 7, s. 2]

PROGRAM, VIOLENCE

32.0.2 (1) An employer shall develop and maintain a program to implement the policy with respect to workplace violence required under clause 32.0.1 (1)(a).

(2) Without limiting the generality of subsection (1),the program shall:

(a) include measures and procedures to control the risks identified in the assessment required under subsection 32.0.3 (1) as likely to expose a worker to physical injury;
(b) include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
(c) include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor;
(d) set out how the employer will investigate and deal with incidents or complaints of workplace violence; and
(e) include any prescribed elements.

[S.O. 2009, c. 23, s. 3]

ASSESSMENT OF RISKS OF VIOLENCE

32.0.3 (1) An employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.

(2) The assessment shall take into account:

(a) circumstances that would be common to similar workplaces;
(b) circumstances specific to the workplace; and
(c) any other prescribed elements.

(3) An employer shall:

(a) advise the committee or a health and safety representative, if any, of the results of the assessment, and provide a copy if the assessment is in writing; and
(b) if there is no committee or health and safety representative, advise the workers of the results of the assessment and, if the assessment is in writing, provide copies on request or advise the workers how to obtain copies.

(4) An employer shall reassess the risks of workplace violence as often as is necessary to ensure that the related policy under clause 32.0.1 (1)(a) and the related program under subsection 32.0.2 (1) continue to protect workers from workplace violence.

(5) Subsection (3) also applies with respect to the results of the reassessment.

[S.O. 2009, c. 23, s. 3]

DOMESTIC VIOLENCE

32.0.4 If an 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, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.

[S.O. 2009, c. 23, s. 3]

DUTIES RE VIOLENCE

32.0.5 (1) For greater certainty, the employer duties set out in section 25, the supervisor duties set out in section 27, and the worker duties set out in section 28 apply, as appropriate, with respect to workplace violence.

(2) An employer shall provide a worker with:

(a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence; and
(b) any other prescribed information or instruction.

(3) An employer's duty to provide information to a worker under clause 25 (2)(a) and a supervisor's duty to advise a worker under clause 27 (2)(a) include the duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if:

(a) the worker can be expected to encounter that person in the course of his or her work; and
(b) the risk of workplace violence is likely to expose the worker to physical injury.

(4) No employer or supervisor shall disclose more personal information in the circumstances described in subsection (3) than is reasonably necessary to protect the worker from physical injury.

[S.O. 2009, c. 23, s. 3]

PROGRAM, HARASSMENT
32.0.6 (1) An employer shall develop and maintain a program to implement the policy with respect to workplace harassment required under clause 32.0.1 (1)(b).

(2) Without limiting the generality of subsection (1),the program shall:

(a) include measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor;
(b) set out how the employer will investigate and deal with incidents and complaints of workplace harassment; and
(c) include any prescribed elements.

[S.O. 2009, c. 23, s. 3]

INFORMATION AND INSTRUCTION, HARASSMENT
32.0.7 An employer shall provide a worker with:

(a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment; and
(b) any other prescribed information.

[S.O. 2009, c. 23, s. 3]

Manitoba

Workplace Safety and Health Act

Workplace Safety and Health Regulation, Man. Reg. 217/2006

APPLICATION
11.1 A workplace is subject to this Part if:

(a) the workplace is used to provide healthcare services, which for certainty includes the workplaces described in section 11.8;
(b) the workplace is used to provide the following services;
  (i) pharmaceutical-dispensing services,
  (ii) education services,
  (iii) financial services,
  (iv) police, corrections or other law enforcement services,
  (v) security services, (vi) crisis counselling and intervention services,
  (vi) public transportation, if the workplace is a taxi cab or a transit bus.
(c) the workplace is open to the public for the purpose of retail sales between the hours of 11:00 p.m. and 6:00 a.m.;
(d) the workplace is a licensed premises within the meaning of *The Liquor Control Act*; or

(e) the workplace is made subject to this Part as the result of an assessment done under section 11.2.

[Man. Reg. 107/2011, s. 2]

EMPLOYER MUST ASSESS RISK OF VIOLENCE

11.2 An employer at a workplace that is not described in clauses 11.1(a) to (d) must assess the risk of violence to a worker at the workplace. The assessment must be carried out in consultation with:

(a) the committee at the workplace;
(b) the representative at the workplace; or
(c) when there is no committee or representative, the workers at the workplace.

A workplace is subject to this Part if a risk of violence to a worker is identified as a result of the assessment.

[Man. Reg. 107/2011, s. 2]

VIOLENCE PREVENTION POLICY

11.3 (1) For a workplace that is subject to this Part, the employer must:

(a) develop and implement a violence prevention policy at the workplace;
(b) train workers in the violence prevention policy; and
(c) ensure that workers comply with the violence prevention policy.

(2) The violence prevention policy must be developed in consultation with:

(a) the committee at the workplace;
(b) the representative at the workplace; or
(c) when there is no committee or representative, the workers at the workplace.

[Man. Reg. 107/2011, s. 2]

CONTENT OF VIOLENCE PREVENTION POLICY

11.4 A violence prevention policy must set out the actions and measures the employer will take to eliminate the risk of violence to a worker or to control that risk if it is not reasonably practicable to eliminate it. Without limitation, the violence prevention policy must include:

(a) a description of;
  (i) any particular worksite at the workplace where an incident of violence has occurred or may reasonably be expected to occur, and
  (ii) any particular job functions at the workplace where the worker performing the function has been, or may reasonably be expected to be, exposed to incidents of violence.
(b) the measures that the employer must implement to eliminate the risk of violence to a worker at the workplace, or to control that risk if it is not reasonably practicable to eliminate it;

(c) the measures and procedures that the employer has in place for summoning immediate assistance when an incident of violence occurs or is likely to occur;
(d) the procedure a worker is to follow in reporting an incident of violence to the employer, including how and when an incident is to be reported;
(e) the procedure the employer will follow to document and investigate any incident of violence to a worker that the employer becomes aware of;
(f) the procedure the employer will follow to implement any control measures identified as a result of the investigation that will eliminate or control the risk of violence to a worker;
(g) a recommendation that a worker who has been harmed as a result of an incident of violence at the workplace is advised to consult the worker's health care provider for treatment or referral for post-incident counselling, if appropriate;
(h) in respect of an incidence of violence, a statement that the employer must not disclose the name of a complainant or the circumstances related to the complaint to any person, other than where the disclosure is;
  (i) necessary in order to investigate the complaint,
  (ii) required in order to take corrective action in response to the complaint, or
  (iii) required by law.
(i) a statement that the personal information that is disclosed under clause (h) in respect of an incidence of violence must be the minimum amount necessary for the purpose; and
(j) a statement that the violence prevention policy is not intended to discourage or prevent a complainant from exercising any other rights, actions or remedies that may be available to him or her under any other law.

[Man. Reg. 107/2011, s. 2]

POLICY AND INFORMATION TO BE GIVEN TO WORKERS

11.5 (1) If a workplace is subject to this Part, the employer must:

(a) post a copy of the violence prevention policy in a conspicuous place at the workplace or, if posting is not practicable, provide a copy of the violence prevention policy to each worker; and
(b) inform each of worker about the nature and extent of the risk of violence to a worker in the workplace.

(2) Unless otherwise prohibited by law, the duty to inform a worker about the risk of violence under clause (1)(b) includes a duty to provide any information in the employer's possession, including personal information, related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work.

(3) The personal information provided under clause (1)(b) must be the minimum amount necessary to accomplish the purpose.

[Man. Reg. 107/2011, s. 2]

EMPLOYER'S OBLIGATION TO INVESTIGATE AND IMPLEMENT CONTROL MEASURES

11.6 As soon as reasonably practicable after an incident of violence to a worker, the employer must:

(a) investigate the incident; and
(b) implement any control measure that is identified as a result of the investigation that will eliminate or control the risk of violence to a worker.

[Man. Reg. 107/2011, s. 2]

ANNUAL REPORT ON VIOLENT INCIDENTS

11.7 (1) Annually, the employer must prepare a report that compiles:

(a) the records of the incidents of violence to a worker in the workplace, if any;
(b) the results of any investigation into an incident of violence, including a copy of;
  (i) any recommendations for control measures or changes to the violence prevention policy, and
  (ii) any report prepared under section 2.9 in respect of such an incident, and
(c) the control measures, if any, implemented as a result of an investigation into an incident.

(2) The annual report respecting violence in the workplace must be provided to:

(a) the committee at the workplace;
(b) the representative at the workplace; and
(c) when there is no committee or representative, the workers at the workplace.

[Man. Reg. 107/2011, s. 2]

WORKPLACES USED TO PROVIDE HEALTHCARE SERVICES

11.8 Without limiting clause 11.1 (a), healthcare services are provided from the following workplaces:

(a) an institution or other facility designated as a hospital by regulation under *The Health Services Insurance Act*;
(b) a personal care home as defined in *The Health Services Insurance Act*;
(c) a psychiatric facility designated as a facility by regulation under *The Mental Health Act*;
(d) a medical clinic;
(e) a community health centre;

(f) a physician's office;
(g) an ambulance as defined in *The Emergency Medical Response and Stretcher Transportation Act*;
(h) a residential care facility for children, youth or adults;

(i) a place where home care services are provided;
(j) any other workplace where physical or mental health treatment or care is provided to a person, other than a place where first aid services are provided to employees in accordance with Part 5 (First Aid).

[Man. Reg. 107/2011, s. 2]

Saskatchewan

Occupational Health and Safety Act, 1993, R.S.S. 1993, c. O-1.1

14 (1) An employer at a prescribed place of employment where violent situations have occurred or may reasonably be expected to occur shall develop and implement a policy statement to deal with potentially violent situations after consultation with:

(a) the occupational health committee;
(b) the occupational health and safety representative; or
(c) the workers, where there is no occupational health committee and no occupational health and safety representative.

(2) A policy statement required by subsection (1) shall include any provisions prescribed in the regulations.

Occupational Health and Safety Regulations, 1996, R.R.S., c. O-1, r. 1

VIOLENCE
37 (1) In this section, "violence" means the attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that the worker is at risk of injury.

(2) On and after January 1, 1997, places of employment that provide the following services or activities are prescribed for the purposes of subsection 14(1) of the Act:

(a) services provided by health care facilities mentioned in sub clauses 468(b)(i) to (v) and (xii);
(b) pharmaceutical-dispensing services;
(c) education services;
(d) police services;
(e) corrections services;
(f) other law enforcement services;
(g) security services;
(h) crisis counselling and intervention services;

(i) retail sales in establishments that are open between the hours of 11:00 p.m. and 6:00 a.m.;
(j) financial services;
(k) the sale of alcoholic beverages or the provision of premises for the consumption of alcoholic beverages;
(l) taxi services;
(m) transit services.

(3) A policy statement required by subsection 14(1) of the Act must be in writing and must include:

(a) the employer's commitment to minimize or eliminate the risk;
(b) the identification of the worksite or worksites where violent situations have occurred or may reasonably be expected to occur;
(c) the identification of any staff positions at the place of employment that have been, or may reasonably be expected to be, exposed to violent situations;
(d) the procedure to be followed by the employer to inform workers of the nature and extent of risk from violence, including, except where the disclosure is prohibited by law, any information in the employer's possession related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work;
(e) the actions the employer will take to minimize or eliminate the risk, including the use of personal protective equipment, administrative arrangements and engineering controls;
(f) the procedure to be followed by a worker who has been exposed to a violent incident to report the incident to the employer;
(g) the procedure the employer will follow to document and investigate a violent incident reported pursuant to clause (f);
(h) a recommendation that any worker who has been exposed to a violent incident consult the worker's physician for treatment or referral for post-incident counselling; and
(i) the employer's commitment to provide a training program for workers that includes;
    (i) the means to recognize potentially violent situations,
    (ii) procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers,
    (iii) the appropriate responses of workers to incidents of violence, including how to obtain assistance, and
    (iv) procedures for reporting violent incidents.

(4) Where a worker receives treatment or counselling mentioned in clause (3)(h) or attends a training program mentioned in clause (3)(i), an employer shall credit the worker's attendance as time at work and ensure that the worker loses no pay or other benefits.

(5) An employer shall make readily available for reference by workers a copy of the policy statement required by subsection 14(1) of the Act.

(6) An employer shall ensure that the policy statement required by subsection 14(1) of the Act is reviewed and, where necessary, revised every three years and whenever there is a change of circumstances that may affect the health or safety of workers.

Alberta

Occupational Health and Safety Act, Occupational Health and Safety Code, 2009

HAZARD ASSESSMENT
389 Workplace violence is considered a hazard for the purposes of Part 2.

POLICY AND PROCEDURES
390 An employer must develop a policy and procedures respecting potential workplace violence.

INSTRUCTION OF WORKERS
391 An employer must ensure that workers are instructed in:

(a) how to recognize workplace violence;
(b) the policy, procedures and workplace arrangements that effectively minimize or eliminate workplace violence;
(c) the appropriate response to workplace violence, including how to obtain assistance; and
(d) procedures for reporting, investigating and documenting incidents of workplace violence.

RESPONSE TO INCIDENTS
392 (1) Sections 18(3) to (6) and 19 of the *Act* apply to an incident of workplace violence.

(2) An employer must ensure that a worker is advised to consult a health professional of the worker's choice for treatment or referral if the worker:

(a) reports an injury or adverse symptom resulting from workplace violence; or
(b) is exposed to workplace violence.

British Columbia

Workers Compensation Act

Occupational Health and Safety Regulation, B.C. Reg. 296/97

DEFINITION
4.24 In sections 4.25 and 4.26 "improper activity or behaviour" includes:

(a) the attempted or actual exercise by a worker towards another worker of any physical force so as to cause injury, and includes any threatening statement or behaviour which gives the worker reasonable cause to believe he or she is at risk of injury; and
(b) horseplay, practical jokes, unnecessary running or jumping or similar conduct.

PROHIBITION
4.25 A person must not engage in any improper activity or behaviour at a workplace that might create or constitute a hazard to themselves or to any other person.

INVESTIGATION
4.26 Improper activity or behaviour must be reported and investigated as required by Part 3 (Rights and Responsibilities).

DEFINITION
4.27 In sections 4.28 to 4.31 "violence" means the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury.

RISK ASSESSMENT
4.28 (1) A risk assessment must be performed in any workplace in which a risk of injury to workers from violence arising out of their employment may be present.

(2) The risk assessment must include the consideration of:

(a) previous experience in that workplace;
(b) occupational experience in similar workplaces; and
(c) the location and circumstances in which work will take place.

PROCEDURES AND POLICIES
4.29 If a risk of injury to workers from violence is identified by an assessment performed

under section 4.28 the employer must:

(a) establish procedures, policies and work environment arrangements to eliminate the risk to workers from violence; and
(b) if elimination of the risk to workers is not possible, establish procedures, policies and work environment arrangements to minimize the risk to workers; and
(c) repealed. [B.C. Reg. 312/2003, App. D, s. 1]

[B.C. Reg. 185/99, s. 22; 312/2003, App. D. s. 1]

INSTRUCTION OF WORKERS

4.30 (1) An employer must inform workers who may be exposed to the risk of violence of the nature and extent of the risk.

(2) The duty to inform workers in subsection (1) includes a duty to provide information related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work.

(3) The employer must instruct workers who may be exposed to the risk of violence in:

(a) the means for recognition of the potential for violence;
(b) the procedures, policies and work environment arrangements which have been developed to minimize or effectively control the risk to workers from violence;
(c) the appropriate response to incidents of violence, including how to obtain assistance; and
(d) procedures for reporting, investigating and documenting incidents of violence.

ADVICE TO CONSULT PHYSICIAN

4.31 (1) Repealed. [B.C. Reg. 312/2003, App. D, s. 2]

(2) Repealed. [B.C. Reg. 312/2003, App. D, s. 2]

(3) The employer must ensure that a worker reporting an injury or adverse symptom as a result of an incident of violence is advised to consult a physician of the worker's choice for treatment or referral.

[B.C. Reg. 312/2003, App. D, s. 2]

Federal Sector

Canada Occupational Health and Safety Regulations, SOR/86-304

INTERPRETATION

20.1 The employer shall carry out its obligations under this Part in consultation with and the participation of the policy committee or, if there is no policy committee, the work place committee or the health and safety representative.

[SOR/2008-148, s. 1]

20.2 In this Part, "work place violence" constitutes any action, conduct, threat or gesture of a person towards an employee in their work place that can reasonably be expected to cause harm, injury or illness to that employee.

[SOR/2008-148, s. 1]

WORK PLACE VIOLENCE PREVENTION POLICY

20.3 The employer shall develop and post at a place accessible to all employees a work place violence prevention policy setting out, among other things, the following obligations of the employer:

(a) to provide a safe, healthy and violence-free work place;
(b) to dedicate sufficient attention, resources and time to address factors that contribute to work place violence including, but not limited to, bullying, teasing, and abusive and other aggressive behaviour and to prevent and protect against it;
(c) to communicate to its employees information in its possession about factors contributing to work place violence; and
(d) to assist employees who have been exposed to work place violence.

[SOR/2008-148, s. 1]

IDENTIFICATION OF FACTORS THAT CONTRIBUTE TO WORK PLACE VIOLENCE

20.4 The employer shall identify all factors that contribute to work place violence, by taking into account, at a minimum, the following:

(a) its experience in dealing with those factors and with work place violence;
(b) the experience of employers in dealing with those factors and with violence in similar work places;

(c) the location and circumstances in which the work activities take place;
(d) the employees' reports of work place violence or the risk of work place violence;
(e) the employer's investigation of work place violence or the risk of work place violence; and
(f) the measures that are already in place to prevent and protect against work place violence.

[SOR/2008-148, s. 1]

ASSESSMENT

20.5 (1) The employer shall assess the potential for work place violence, using the factors identified under section 20.4, by taking into account, at a minimum, the following:

(a) the nature of the work activities;
(b) the working conditions;
(c) the design of the work activities and surrounding environment;
(d) the frequency of situations that present a risk of work place violence;
(e) the severity of the adverse consequences to the employee exposed to a risk of work place violence;
(f) the observations and recommendations of the policy committee or, if there is no policy committee, the work place committee or the health and safety representative, and of the employees; and
(g) the measures that are already in place to prevent and protect against work place violence.

(2) The employer, when consulting with the policy committee or, if there is no policy committee, the work place committee or the health and safety representative, shall not disclose information whose disclosure is prohibited by law or could reasonably be expected to threaten the safety of individuals.

[SOR/2008-148, s. 1]

CONTROLS

20.6 (1) Once an assessment of the potential for work place violence has been carried out under section 20.5, the employer shall develop and implement systematic controls to eliminate or minimize work place violence or a risk of work place violence to the extent reasonably practicable.

(2) The controls shall be developed and implemented as soon as practicable, but not later than 90 days after the day on which the risk of work place violence has been assessed.

(3) Once controls referred to in subsection (1) are implemented, the employer shall establish procedures for appropriate follow-up maintenance and corrective measures, including measures to promptly respond to unforeseen risks of work place violence.

(4) Any controls established to eliminate or minimize work place violence shall not create or increase the risk of work place violence.

[SOR/2008-148, s. 1]

WORK PLACE VIOLENCE PREVENTION MEASURES REVIEW

20.7 (1) The employer shall review the effectiveness of the work place violence prevention measures set out in sections 20.3 to 20.6 and update them whenever there is a change that compromises the effectiveness of those measures, but at least every

three years.

(2) The review shall include consideration of the following:

(a) work place conditions and work locations and activities;
(b) work place inspection reports;
(c) the employees' reports and the employer's records of investigations into work place violence or the risk of work place violence;
(d) work place health and safety evaluations;
(e) data on work place violence or the risk of work place violence in the employees' work place or in similar work places;
(f) the observations of the policy committee, or if there is no policy committee, the work place committee or the health and safety representative; and
(g) other relevant information.

(3) The employer shall keep, for a period of three years, a written or electronic record of findings following the review of the work place violence prevention measures, and make it readily available for examination by a health and safety officer.

[SOR/2008-148, s. 1]

PROCEDURES IN RESPONSE TO WORK PLACE VIOLENCE

20.8 (1) The employer shall develop in writing and implement emergency notification procedures to summon assistance where immediate assistance is required, in response to work place violence.

(2) The employer shall ensure that employees are made aware of the emergency notification procedures applicable to them and that the text of those procedures is posted at a location readily accessible to those employees.

(3) In the development and implementation of emergency notification procedures, the employer's decision of whether or not to notify the police shall take into account the nature of the work place violence and the concerns of employees who experienced the work place violence.

(4) If the police are investigating a violent occurrence, the work place committee or the health and safety representative shall be notified of their investigation, unless notification is prohibited by law.

(5) The employer shall develop and implement measures to assist employees who have experienced work place violence.

[SOR/2008-148, s. 1]

NOTIFICATION AND INVESTIGATION

20.9 (1) In this section, "competent person" means a person who:

(a) is impartial and is seen by the parties to be impartial;
(b) has knowledge, training and experience in issues relating to work place violence; and
(c) has knowledge of relevant legislation.

(2) If an employer becomes aware of work place violence or alleged work place violence, the employer shall try to resolve the matter with the employee as soon as possible.

(3) If the matter is unresolved, the employer shall appoint a competent person to investigate the work place violence and provide that person with any relevant information whose disclosure is not prohibited by law and that would not reveal the identity of persons involved without their consent.

(4) The competent person shall investigate the work place violence and at the completion of the investigation provide to the employer a written report with conclusions and recommendations.

(5) The employer shall, on completion of the investigation into the work place violence:

(a) keep a record of the report from the competent person;
(b) provide the work place committee or the health and safety representative, as the case may be, with the report of the competent person, providing information whose disclosure is not prohibited by law and that would not reveal the identity of persons involved without their consent; and
(c) adapt or implement, as the case may be, controls referred to in subsection 20.6(1) to prevent a recurrence of the work place violence.

(6) Subsections (3) to (5) do not apply if:

(a) the work place violence was caused by a person other than an employee;
(b) it is reasonable to consider that engaging in the violent situation is a normal condition of employment; and
(c) the employer has effective procedures and controls in place, involving employees to address work place violence.

[SOR/2008-148, s. 1]

TRAINING

20.10 (1) The employer shall provide information, instruction and training on the factors that contribute to work place violence that are appropriate to the work place of each employee exposed to work place violence or a risk of work place violence.

(2) The employer shall provide information, instruction and training:

(a) before assigning to an employee any new activity for which a risk of work place violence has been identified;

(b) when new information on work place violence becomes available; and
(c) at least every three years.

(3) The information, instruction and training shall include the following:

(a) the nature and extent of work place violence and how employees may be exposed to it;
(b) the communication system established by the employer to inform employees about work place violence;
(c) information on what constitutes work place violence and on the means of identifying the factors that contribute to work place violence;
(d) the work place violence prevention measures that have been developed under sections 20.3 to 20.6; and
(e) the employer's procedures for reporting on work place violence or the risk of work place violence.

(4) At least once every three years and in either of the following circumstances, the employer shall review and update, if necessary, the information, instruction and training provided:

(a) when there is a change in respect of the risk of work place violence; or
(b) when new information on the risk of work place violence becomes available.

(5) The employer shall maintain signed records, in paper or electronic form, on the information, instruction and training provided to each employee for a period of two years after the date on which an employee ceases to perform an activity that has a risk of work place violence associated with it.

[SOR/2008-148, s. 1]

Comments

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