

Definitions You Should Know

According to OHSA Section 32.0.1

Workplace violence

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- 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.

Workplace harassment

- 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.



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WORKPLACE VIOLENCE & HARASSMENT



Occupational Health & Safety Act
Bill 168



What Employers MUST Do

According to OHSA Section 32.0.1

- Prepare policies with respect to workplace violence and workplace harassment and post them.
- Develop and maintain programs to implement their policies, and
- Provide information and instruction to workers on the contents of these policies and programs.

What Does This Mean for the Workplace?

Workplace violence and workplace harassment programs must include:

- Measures and procedures for workers to report incidents of workplace violence/harassment and
- Set out how the employer will investigate and deal with incidents or complaints.

The workplace violence program would also include measures and procedures for:

- Summoning immediate assistance when workplace violence occurs or is likely to occur, and
- Measures and procedures to control risks identified in the assessment of risks.

Assessing the Risk

Employers must proactively assess the risks of workplace violence that may arise from:

- The nature of the workplace,
- The type of work, or
- The conditions of work.
- Measures and procedures to control these risks must be included in the workplace violence program.

A copy of the assessment shall be given to the Joint Health & Safety Committee for Review.

What to do About...



Domestic violence: Employers who are aware (or who ought reasonably to be aware) that domestic violence may occur in the workplace must take every precaution reasonable in the circumstances to protect a worker(s) who is at risk of physical injury.

Communication: Employers and supervisors must provide information to a worker – including personal information – about a risk of workplace violence from a person(s) with a history of violent behaviour, if the worker can be expected to encounter that person in the course of work and if the risk of workplace violence is likely to expose the worker to physical injury. No more personal information shall be disclosed than is reasonably necessary to protect the worker(s) from physical injury.

Work refusal: Workers will have the right to refuse work if they have reason to believe that workplace violence is likely to endanger himself, herself or another worker. The limited right to refuse for certain workers continues. Reprisals by the employer continue to be prohibited.

Enforcement: Ministry of Labour (MOL) health and safety inspectors will enforce the new Occupational Health and Safety Act (OHSA) provisions regarding workplace violence and workplace harassment when the amendments come into force on June 15, 2010, and will determine if employers are complying with their duties. (Police should continue to be contacted first in emergency situations and to investigate threats of, or real, physical violence that occurs in a workplace. Police will determine what, if any, charges should be laid under the Criminal Code of Canada.)