

# **Violence and Harassment Training: Bill 168**

Occupational Health and Safety Act:  
Violence and Harassment in the Workplace

# Welcome to the YMCA of Eastern Ontario's Self-Directed Violence and Harassment Training

- ▶ Please begin reading your way through the following slides and think about how you can help to ensure our YMCA is free of violence and harassment.



# Summary of Bill 168

- Bill 168 is the Occupational Health and Safety Act Amendment regarding Violence and Harassment in the Workplace

# YMCA Values and Bill 168

- ▶ Although we legally need to comply with this legislation, the YMCA's Core Values already require that ALL employees demonstrate the appropriate behaviours towards others.

# Core Values

## Caring...

is accepting others. It is being compassionate, generous, sensitive and thoughtful.

## Honesty...

is shown through integrity, fairness and sincerity in words and deeds. It is being trustworthy and trustful.

# Core Values

## Respect...

is acknowledging the inherent worth in oneself and others. It is treating others fairly and justly.

## Responsibility...

is being accountable for one's behaviour, obligations and actions. It is doing what is right.

# Summary of Bill 168

- ▶ The Bill outlines violence and harassment obligations under Ontario's Occupational Health and Safety Act (OHSA).
- ▶ Under Bill 168, employers are required to create and implement such policies, and engage in assessments designed to measure the risk of workplace violence.

# Workplace Violence – It's More Common Than You Might Think

- ▶ In 2004 there were over 350,000 incidents recorded- 71% were physical assaults
- ▶ In Chatham in 1996 Theresa Vince was killed by her manager in Sears
- ▶ In 1999 Ottawa Carleton Transpo a bullied employee, opened fire on his colleagues



# Why Was This Bill Created?

- ▶ Increase in violence in the workplace some resulting in fatalities
- ▶ Catalyst to this Bill was the Lori Dupont case in Windsor
- ▶ Ms. Dupont was a nurse at Hotel Dieu who was killed by Dr. Marc Daniel who also worked at the hospital

# Summary of Case

- ▶ Daniel pressures Dupont into a relationship (2004)
- ▶ Daniel disciplined for harassing other nurses (Jan 2005)
- ▶ Daniel attempts suicide; Dupont leaves him (Feb 2005)
- ▶ Daniel discharged; begins to stalk Dupont at work (March 10, 2005)
- ▶ Daniel blackmails Ms Dupont and her father at work (April 2005)
- ▶ Hospital cancels Daniel's Security Access Card (April 2005)
- ▶ Workplace monitoring contract fails; Dr. Daniel returns to work (June 2005)
- ▶ Hospital does not discipline Dr. Daniel for escalating harassing conduct (June-November)
- ▶ Dr. Daniel kills Ms. Dupont November 12, 2005 and commits suicide dying 3 days later from an overdose

# Results

- ▶ Jurors at the inquest sifted through a number of issues that contributed to this occurring
- ▶ The end result was the determination that the employer met unreasonable barriers in attempting to address the situation
- ▶ Legislation was created to provide a process and vehicle to address violence in the workplace before it becomes fatal

# Changes to the Health and Safety Act

Bill 168 adds Part III.O.1 (Violence and Harassment) to the Occupational Health and Safety Act. Subsection 1 (1) of the Act has been amended to include definitions of workplace violence and workplace harassment. Bill 168 defines “workplace violence” and “workplace harassment” as follows:

# Changes to the Health and Safety Act

- ▶ Workplace harassment – Engaging in a course of vexatious comments or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.
- ▶ Workplace violence – (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; and/or (b) any attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker.

# Domestic Violence

In Canada, 1 in 4 women will experience violence against them in their lifetime

# Changes to the Health and Safety Act

- ▶ Under section 32.0.4 of the Act, if an employer is aware or ought to be aware of domestic violence that may occur in the workplace and is likely to expose a worker to physical injury, the employer must take every reasonable precaution to protect the worker.

# Director's / Supervisor's Responsibilities

- ▶ We must get comfortable with being uncomfortable about this subject.
- ▶ Sure there are privacy considerations, but legal advisors believe that safety will take precedence over privacy.



# Suspected Domestic Violence

- ▶ We can't "turn a blind eye" to obvious signs of domestic violence
- ▶ Respectfully question visible injuries of an employee
- ▶ Ask for HR support in addressing potential domestic violence issues with an employee

# Changes to the OHSA cont'd

- ▶ The Bill amends section 43 of the Act, which deals with a worker's right to refuse work in various circumstances where health or safety is in danger, to include the right to refuse work if workplace violence is likely to endanger the worker.

# Changes to the OHSA cont'd

Employers and supervisors are obligated to provide information, including personal information, to a worker about a person with “a history of violent behaviour” if:

- ▶ the worker could be expected to encounter that person in the course of his/her work; and
- ▶ there is a risk of workplace violence likely to expose the worker to physical injury

# Do People Just “Snap”?



No. A violent outburst can be better characterized as the result of a “slow burn”.... An accumulation of unresolved personal problems that can or have gone on for years.

# Warning Signs of a Troubled Worker

Workplace Violence can start as small incidents involving negative remarks and inappropriate behavior. It may escalate to physical or psychological violence.

It is important to understand that the following behaviors do not mean a person will become violent, but they may indicate that the person is experiencing high levels of stress.

# Warning Signs

Always take note if there is a change in behavior patterns or if the frequency and intensity of the behaviors are disruptive to the work environment.

## Warning Signs:

- Excessive absenteeism or lateness
- Increased mistakes or unsatisfactory work
- Swearing or emotional language

# Warning Signs

- ▶ Refusal to acknowledge job performance issues
- ▶ Overreacting to criticism
- ▶ Making inappropriate statements
- ▶ Personal hygiene is ignored or poor
- ▶ Sudden change in energy levels
- ▶ Blaming others for mistakes
- ▶ Forgetfulness or confusion
- ▶ Misinterpretation of communication from supervisors or co-workers.

# Physical Signs

- ▶ Red face
- ▶ Sweating
- ▶ Trembling or shaking
- ▶ Change in voice
- ▶ Clenched jaws or fists
- ▶ Use of abusive language
- ▶ Rapid breathing
- ▶ Violating your personal space (they get too close)



# Harassment

Types of harassment include:

- ▶ Abuse of power, authority
- ▶ Bullying
- ▶ Discrimination
- ▶ Racism
- ▶ Exclusion
- ▶ Verbal abuse

# Harassment

- ▶ Harassment can be not only insults or threats, but also deliberate exclusion from work related social events, work assignments or normal conversation.

# The Consequences of Workplace Harassment, Violence and Domestic Violence

- ▶ Destruction of self confidence / self esteem
- ▶ Feelings of shame / damage to identity
- ▶ Increased stress and stress related illness
- ▶ Decreased job satisfaction, performance & motivation.
- ▶ Suicide and premature death
- ▶ The “ripple effect” of these consequences

# Bullying

- ▶ Bullying (often called personal harassment) is far more prevalent than other destructive behaviors covered by legislation, such as harassment, sexual harassment and discrimination.
- ▶ Bullying or personal harassment is often defined as behavior where a person abuses another individual verbally or emotionally. This occurs to some degree in all organizations.
- ▶ This must be addressed immediately with the offender to prevent an escalation of behaviours. Involve HR if support is required.

# Did You Know?

Top 5 health consequences for bullied individuals:

1. anxiety, stress, excessive worry
2. disrupted sleep
3. loss of concentration
4. feeling edgy, irritable, easily startled or paranoia.
5. stress headaches (migraines)

# What to do if You're Harassed

- ▶ When the first incident occurs make it known to the person that you want the behaviour to stop immediately
- ▶ Keep a record of the behaviour and discuss it with your supervisor
- ▶ If the alleged harasser is your supervisor, notify Human Resources of the incident

# Violence

- ▶ Physical violence and threats of physical violence are among the most serious of disciplinary offenses in the workplace.
- ▶ NO employee should ever be made to fear for their personal safety or that of their family.
- ▶ An employer made aware of such extreme misconduct has little alternative but to take all disciplinary steps up to and including dismissal.
- ▶ It's very important that disciplinary action is consistent throughout the organization.

# Why the Increase in Workplace Violence

- ▶ Increased societal tolerance of violence
- ▶ Increased accessibility to weapons
- ▶ Less control over the work environment
- ▶ Lack of commitment and loyalty
- ▶ Downsizing
- ▶ Drugs and alcohol
- ▶ Increased stress



# Triggering Events

- ▶ Being fired, laid off or suspended
- ▶ Disciplinary action for poor performance
- ▶ Bankruptcy
- ▶ Personal crisis
  - Divorce
  - Death
  - Children involved with drugs

# Employers Obligation Under the Act

There is a statutory obligation across Canada:

Every employer across Canada has a general duty under Health and Safety Legislation to provide a safe workplace. *We must take every reasonable precaution to ensure the safety of our workers.*

Ontario Health & Safety Act Section 25 (2) (a)

25 (2) (h)

# Employers Obligation Under the Act

- ▶ In addition, employers can face economic loss as the result of violence in the form of lost work, time, damaged employee morale and productivity, medical expenses and possible lawsuits and liability costs.
- ▶ Employers have legal and ethical obligations to promote a work environment free from threats and violence.

# Employer's Duties

- ▶ Make it clear that violence of any type will not be tolerated.
- ▶ Ensure each employee understands the policy and procedures for dealing with violence in the workplace.
- ▶ Investigate and correct violence issues as soon as they come to light, even if a formal complaint has not been received.
- ▶ Be prepared to take appropriate disciplinary action against an employee found to have violent behavior of any kind.

# Employer's Duties

- ▶ Support the education of Directors/Managers/Supervisors on their responsibility to provide a violent free environment.
- ▶ Section 32.0.3 of the Act requires an employer to assess the risk of workplace violence and to report the results of the assessment to the joint health and safety committee.
- ▶ The risk must be reassessed as often as is necessary to protect workers from workplace violence.

# Director's / Supervisor's Responsibilities

- ▶ Advise a worker of any potential or actual health or safety dangers known by the employer.
- ▶ Take every precaution reasonable in the circumstances for the protection of workers.

The duties of Directors/ Managers/ Supervisors extend to workplace violence.

# Director's / Supervisor's Duties

- ▶ Monitor violent behavior of any kind on a daily basis. Foster an environment free from abuse and harassment. Set an example.
- ▶ Encourage and support employees to file a complaint, if required.
- ▶ Notify Human Resources of any complaint.
- ▶ Cooperate with Human Resources to investigate and resolve issues and claims.
- ▶ In conjunction with Human Resources, deal with the issues with the parties involved. A course of action and, if warranted, disciplinary measures against the violator will be defined.

# HR Duties

- ▶ Investigate claims to determine merit and develop a report on findings.
- ▶ Human Resources and the Director/Manager/Supervisor will deal with the issues with the parties involved. A course of action and, if warranted, disciplinary measures against the violator will be defined.



# Employee Duties

- ▶ Fostering an environment free of violence of any kind in their respective departments.
- ▶ Telling others when their action/comments are offensive.
- ▶ Communicating with the supervisor to advise when inappropriate behaviours are witnessed.
- ▶ Refraining from engaging in inappropriate behavior.
- ▶ Cooperating with investigations.

# Employee Duties Cont'd

- ▶ An employee who perceives that they are the recipient of any form of violence or harassment has an obligation to inform the alleged harasser that their conduct or behavior is unwelcome and offensive and request that such behavior stop. If they are unable to do that they must engage their supervisor for assistance.
- ▶ The employee is advised to report the incident immediately to their Supervisor and/or Human Resources.

# Employee Duties Cont'd

- ▶ It is everyone's responsibility to prevent violence and harassment in the workplace
- ▶ We need to encourage a culture of disclosure
- ▶ Tell your Supervisor/Manager/Director/VP or HR if you think someone may come to work and hurt someone

# Complaint Process

- ▶ On receipt of a complaint, Human Resources will conduct an investigation.
- ▶ The investigation will involve interviewing the parties individually, talking to any witnesses of the incident and investigating further if necessary.
- ▶ The complainant will be informed of the results and resolution of the investigation.
- ▶ All information will be confidential; however some information may be disclosed only to the extent necessary to make a thorough investigation or as necessary to take appropriate corrective action.

# Complaint Process

- ▶ Human Resources and the Director/Manager/Supervisor will deal with the issues with the parties involved. A course of action and, if warranted, disciplinary measures against the violator will be defined.
- ▶ If the initial interview warrants further action, the Manager/VP and/or CEO will be informed of the complaint, investigation and analysis.

# Human Rights- No Discrimination Based On

- ▶ citizenship
- ▶ race
- ▶ place of origin
- ▶ ethnic origin
- ▶ colour
- ▶ ancestry
- ▶ disability
- ▶ age
- ▶ creed
- ▶ sex/pregnancy
- ▶ family status
- ▶ marital status
- ▶ sexual orientation
- ▶ gender identity
- ▶ gender expression
- ▶ receipt of public assistance (in housing)
- ▶ record of offences (in employment)

# Remember

- ▶ Policies are posted on the Health and Safety Board
- ▶ Policies can also be found in the [HR Employee Handbook](#)
- ▶ Risk assessments will be conducted as needed going forward. The JHSC will be involved in conducting the assessments and reviewing the results.
- ▶ It is EVERYONE'S responsibility to ensure the safety of ourselves and our coworkers at work. We must adhere to the policies and procedures developed to help keep us safe.

# Congratulations! You have completed the YMCA of Eastern Ontario's Violence and Harassment Training

- ▶ Click [HERE](#) to print and sign the Violence and Harassment training acknowledgement form.
- ▶ Hand in your signed acknowledgement form to your supervisor and keep a signed copy for yourself.