

Violence in the Workplace



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For most people, the word violence projects a vision of physical assault, terrorizing its victims and paralyzing the workplace. In fact, the term violence has come to describe a many-faceted and complex set of interactions that set out to provide power and control for the perpetrator, and isolation and submission for the intended target. Its role is to reduce recognition of personhood by instilling fear, anxiety, isolation, doubt and loss of self-esteem and self-worth. In its many forms, violence takes one from a place of security and value to uncertainty, loss of dignity and inability to cope.

The definition of violence is evolving. For example, labour relation boards, worker's compensation boards and human rights commissions are recognizing many forms of harassment as constituting workplace violence.

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ILO World Rankings for Workplace Aggression

An ILO survey ranked Canada 4th for workplace aggression. Workplace aggression is perceived by Canadians as an important workplace issue.

The ILO Top Ten

1. Argentina
2. France
3. England & Wales
4. **Canada**
5. Finland
6. Uganda
7. United States
8. Romania
9. Netherlands
10. Northern Ireland

Understanding Statistics on Workplace Violence

Unions have been attempting to identify reasons why statistics do not bear out the true nature and extent of the problem. In its search, CUPE has identified that workers:

May not recognize that an incident is violent and should therefore be reported;

Recognized that an incident was violent but do not report it because employers tell them that violence *is part of the job*;

Report the incident, but organizations do not record, classify, and follow-up; and

Report the incident to supervisors and managers, but do not to the joint union-management occupational health and safety committees.

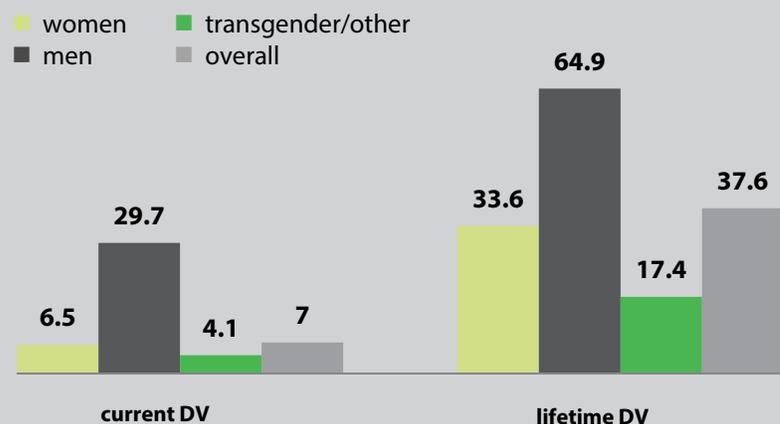
In Quebec, Bill 143 defines psychological harassment as a health and safety hazard, and that the provisions of this legislation are *deemed to be an integral part of every collective agreement*. In 2014, the Ontario Occupational Health & Safety Act was amended to include Workplace Violence, Domestic Violence and Harassment after several workplace deaths occurred due to domestic violence, including nurse Lori Dupont who was killed while on duty at Hôtel-Dieu Grace Hospital in Windsor. The graph below reflects the alarming prevalence of domestic violence in the workplace.

Violence includes (but is not limited to) physical, verbal or sexual abuse or assault, bullying, harassment, intimidation, stalking, or chilly climate. It can happen on or off-campus, between academic staff and students, student to student, staff to staff, management and staff, and visitors and staff or student. It can happen in the classroom, in the field, in clinical settings, in the corridors, in residence, through the Internet, phone or in person, before or after hours.

Canadian workers are rarely killed in a violent incident at work, but are very often injured as the result of violent acts. Statistics on violence in Canadian worksites are difficult to articulate for a number of reasons, including lack of a central agency to research, study and gather this information.

In *Violence at Work: Causes, Patterns and Preventions*, which does a comparative study in the UK, USA, Canada and Australia, Anthony Pizzino, Director of Health and Safety for the Canadian Union of Public Employees, identifies why statistics are not truly borne out: *workers may not recognize that an incident was violent*.

Domestic Violence Prevalence and Gender (by percentage)



Source: Wathen, C. N., MacGregor, J. C. D., MacQuarrie, B. J. with the Canadian Labour Congress. Figure 2. *Can Work be Safe, When Home Isn't? Initial Findings of a Pan-Canadian Survey on Domestic Violence and the Workplace*. London, ON: Centre for Research & Education on Violence Against Women and Children, 2014.

What Factors Contribute to Violence in the Workplace?

Job loss or insecurity, over crowded classes, lack of resources, or personal issues can be the source of fear of failure both on the part of staff and students; mental illness, low self-esteem and a need to control are other examples.

Loss of control over the work environment and the ensuing fall-out often leave staff feeling helpless and undervalued. One of the biggest contributing factors may be the employer's lack of awareness and attention to staff morale and a true grasp of the day-to-day needs and dynamics within the university setting. Trying to meet the bottom line can cause resentment, hostility and paranoia amongst otherwise healthy individuals.

How to Identify Violence in the Workplace

Violence in the workplace comes in many forms such as threatening behavior; verbal or written threats (direct threats, conditional threats, veiled threats); and harassment, verbal abuse, physical attack. Also, watch out for other forms of violence, including,

Theft	Physical assault
Verbal abuse	Pranks
Anger-related accidents	Property damage
Arson	Sexual assault
Vandalism	Murder

The Many Forms of Violence

Violence is any action imposed on another that harms, injures or intimidates. Violence is typically physical in nature. Violence includes, but is not limited to threats, assaults and abuse.

Threat

A threat occurs when someone communicates an intent to injure an individual or someone or damage an individual's or the employer's property.

Harassment

Any unwelcome action by a person, whether verbal or physical, on a single or repeated basis, which humiliates insults or degrades.

Stalking

Stalking, both on and off the internet, is quickly becoming an issue in the workplace, although in Canada we do not have reliable data to fully understand the magnitude of the problem. One of the difficulties in addressing this behaviour is that incidents of stalking are frequently not reported. Stalking can erode confidence, be anxiety producing and have a negative impact in the workplace. Research by the Metropolitan Action Committee on Violence Against Women and Children (METRAC) shows that 28% of stalkers are friends or coworkers. More than 26% of people who are stalked said they lost time from work.

Stalking is a Criminal Offence

Criminal harassment is the legal term for stalking. In April 1993, the Criminal Code was amended to include section 264, which deals with criminal harassment. It is defined as follows:

1) Criminal Harassment:

No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonable, in all circumstances, to fear for their safety or the safety of anyone known to them.

2) Prohibited Conduct:

The conduct mentioned in subsection (1) consists of:

- repeatedly following from place to place the other person or anyone known to them;
- repeatedly communicating with, either directly or indirectly, the other person known to them;



PHOTO: ISTOCK.BRIANAJACKSON

Legislative Provisions on Violence in the Workplace

Alberta

Violence, whether at a work site or work related, means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury.

British Columbia

Violence means the attempted or actual exercise by a person, other than a worker, or any physical force so as to cause injury to a worker, and includes any threatening statement or behavior, which gives a worker reasonable cause to believe that he/she is at risk of injury.

Manitoba

Workplace violence means the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker, or an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker. Domestic violence means domestic violence within the meaning of subsection 2(1.1) of *The Domestic Violence and Stalking Act* that is caused by an act or omission of a person described in subsection 2(1) of that Act.

Saskatchewan

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 he/she is at risk of injury.

Newfoundland & Labrador

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.

Nova Scotia

Violence means any of the following: 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, conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee.

Ontario

Workplace violence means 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. 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.

Prince Edward Island

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.

New Brunswick

There is no definition regarding workplace violence in New Brunswick. However, New Brunswick does fall under the Canadian federal law on workplace violence. The definition here is *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.*

Also, under the Canada Labour Code, Part II, specific duties for employers include the obligation, in respect of every workplace or work activity under their control, to *take the prescribed steps to prevent and protect against violence in the work place.*

There is a *general duty* clause in each provincial and federal health and safety act which requires the employer to take every reasonable precaution for the safety of workers. This can be invoked to require the employer to provide safe working conditions when working alone or the potential for violence.

Assault

An assault occurs when a person, by an act or gesture, attempts to apply force to another person, whether or not an injury occurs.

Physical & Sexual Assault

Physical and sexual assault are the most easily understood types of violence, as they involve the non-consensual touching and/or injuring of another person's body and is a criminal offence. This may involve grabbing, punching, touching, pinching, hitting with an object, pushing, non-consensual kissing and/or forcible sex.

Workplace Violence

Violence in any form is unacceptable, and needs to be addressed promptly by the employer. Joint Health and Safety Committees (JHSC), university policies and collective agreement language are effective tools to begin a comprehensive violence prevention program in the workplace. Faculty associations should also be involved in promoting violence-free work environments.

Tools for Faculty Associations

Before violence strikes in the workplace, faculty associations can work with employers to develop **workplace violence prevention programs**. Develop such programs by:

- Working in concert with other unions and student associations.
- Conducting a workplace violence risk assessment and campus audit.
- Developing prevention measures.
- Reporting and investigating workplace violence.
- Establishing an emergency response plan.
- Providing support mechanisms.
- Conducting incident follow-up.
- Providing workplace violence training and education.
- Conducting a program review.
- Using community resources.

How to Write a Workplace Violence Prevention Policy

Note: It is the employer's responsibility to ensure a viable violence prevention policy is implemented in the workplace. The following are some guidelines to remember when writing a workplace violence prevention policy:

1. Define what is meant by workplace violence in precise, concrete language.
2. Provide clear examples of unacceptable behaviour (verbal and written threats, harassment, physical intimidation or assault) and working conditions (working late or working alone without acceptable safeguards).
3. State in clear terms the organization's view toward workplace violence and its commitment to the prevention of workplace violence.

4. Precisely state the consequences of making threats or committing acts of violence. For example: within a workplace, consider when to apply verbal or written reprimands, suspend or terminate employment, transfer the employee or take legal action.
5. Outline the process by which preventive measures will be developed.
6. Encourage reporting of all incidents or potential incidents of violence.
7. Outline the confidential process, by which employees can report incidents and to whom.
8. Provide assurance that reprisals will not be made against reporting employees.
9. Outline the procedures for investigating and resolving complaints.
10. Describe how information about potential risks of violence will be communicated to employees.

How to Implement a Violence Prevention Policy

Once a violence prevention program has been developed, work to implement it by:

- Providing training and orientation sessions on the policy.
- Distributing the policy widely. Management, colleagues, clients, students and visitors must be aware of the policy.
- Integrating the violence prevention policy into your collective agreement (See CAUT Model Clause).

How to Provide Support to Victims of Violence

If violence does strike in the workplace, providing adequate support to the victim is essential. Some ways to provide such support are as follows:

- Medical attention.
- Informal debriefing.
- Formal debriefing.
- Voluntary and confidential counseling.
- Time off work.
- Information regarding rights.
- Assistance with compensation insurance and/or legal advice.

Online Resources

Canadian Centre for Occupational Health and Safety:
www.ccohs.ca

American Association of Occupational Health Nurses, Inc.:
www.aaohn.org

Association of Workers' Compensation Boards of Canada:
www.awcbc.org

Canadian Mental Health Association:
www.cmha.ca

Ontario Women's Justice Network:
www.owjn.org

International Labour Organization:
www.ilo.org

Stats Canada:
www.statcan.gc.ca

Tools for Individuals

When violence occurs, people are often in a state of shock or, if it has been an on-going problem, suffering from an inability to cope. They often do not know where to turn for confidential and dependable assistance. Listed here are some examples of where to turn for help:

Association or Union	University Footpatrols
Local Sexual Assault/Crisis Centre	Local Police Force
Joint Health and Safety Committee	

How to Terminate a Negative Interaction

It is best to respond to situations before they turn violent. What follows are some suggestions on how to end a negative interaction:

1. Interrupt the conversation firmly, but politely.
2. Tell them that you do not like the tone.
3. Tell them that you will not accept abuse.
4. Tell them that you will end the conversation.
5. Ask them to leave.

If the behaviour persists:

1. End the conversation.
2. Leave or ask them to leave.
3. Inform the appropriate management department.
4. File an incident report.
5. Contact your union.

How to Respond to Harassment

When a negative interaction moves into harassment, do the following:

- Firmly tell the harasser to stop.
- Report the problem.
- Keep a diary.
- Keep copies of correspondence.
- Use your EAP.
- **DO NOT** blame yourself.
- **DO NOT** retaliate.

How to Respond to Internet Harassment

With the rise of Internet access in almost every workplace in Canada, cases of Internet harassment are becoming more and more common. Take some steps to protect yourself:

- Use a gender neutral e-mail address.
- Password: select it carefully and change it frequently.
- Protect your identity by reviewing e-mail signature. Consider setting up two e-mail accounts.
- **DO NOT** share your password.
- **DO NOT** share personal information.

CAUT Model Clause on Violence in the Workplace

What follows is an excerpt from the model clause. The complete text is available at www.caut.ca.

1. Preamble

The parties recognize that violence constitutes a health and safety hazard in the workplace and that exposure to violence can result in both physical and emotional harm to employees who either witness or are the direct targets of workplace violence. Moreover, the parties agree that violence of any form is unacceptable in the workplace and that the intent of this agreement is to prevent workplace violence, and to minimize the occurrence and effects of violence in the workplace, should it occur. The parties agree that it is the employer's obligation to provide a safe and secure working environment.

2. Definition

For purposes of this agreement *violence* includes any attempted, threatened or actual act that endangers the health and/or safety of an employee. This definition includes threatening statements or threatening behaviour that gives an employee reasonable grounds to believe that the employee is at risk of injury.

3. Refusal to Work

a) Employees have the right to remove themselves from any workplace situation which they believe creates an undue hazard to their health and safety. This right includes, but is not limited to, situations where employees perceive an immediate threat of violence to themselves.

b) Employees have the right to remain away from the workplace until such time as the employer has taken action to resolve the situation giving rise to the refusal to work.

c) Employees who take action under 3 (a) shall report the facts as soon as possible to the employer for investigation.

4. Violence Prevention

The parties agree that the employer shall develop a workplace violence prevention plan that includes:

a) arrangements for providing training and information to employees about workplace violence;

b) specific procedures for reporting, investigating, and recording incidents of violence in the workplace;

c) specific procedures for providing security controls and/or personal protective equipment and devices to employees at risk.

The employer is responsible for providing all employees who are at risk of injury from violence in the workplace information with regard to the nature of the risk and the factors contributing to the risk. Such information is to be provided to the employee as soon as possible after the employer learns of the risk.

The employer shall take every reasonable measure to ensure that all incidents of violence in the workplace are reported. The employer shall ensure that appropriate action is taken, including reporting such incidents to external authorities.

Further Reading

D. Chappell and V. Martino.
Violence at Work.
Geneva: ILO, 1998.

*Violence at Work:
Causes, Patterns and Prevention*:
www.isbs.com

CCOHS *Violence in the Workplace
Prevention Guide, 3rd Edition*:
www.ccohs.ca

CSA Psychological Health &
Safety in the Workplace:
www.csa.ca

OHCOW Mental
Injury Toolkit:
www.ohcow.on.ca

*Workplace Harassment:
An Action Guide for Women*:
www.owjn.org



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