

FIREFIGHTERS GUIDANCE NOTE # 6-13

ISSUE: VIOLENCE AND HARASSMENT IN THE WORKPLACE

(Previously known as DEALING WITH POTENTIALLY VIOLENT SITUATIONS)

Firefighters may encounter a variety of situations where they may be exposed to violence while performing their work duties.

Bill 168 amended the Occupational Health and Safety Act (OHSA) and came into effect on June 15, 2010. These changes to the OHSA serve to strengthen protections for workers from workplace violence as well as addressing workplace harassment.

Definitions of “workplace violence” and “workplace harassment” are included in the OHSA as follows:

“Workplace violence” means,

- (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,
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

“Workplace harassment” means,

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Employers are required to:

- Prepare policies with respect to workplace violence and workplace harassment.
- Review the policies as often as necessary, but at least annually.
- Post the written policies at a conspicuous place in the workplace (where the number of employees regularly employed at the workplace is greater than five).
- Develop and maintain programs to implement the policies.
- Provide information and instruction to workers on the contents of these policies and programs.
- 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 are to be included in the workplace violence program. Employers must advise the Joint Health and Safety Committee (JHSC) or Health and Safety Representative, if any, of the assessment results. If the assessment is in writing, the employer must provide a copy to the JHSC or the Health and Safety Representative.

Both workplace violence and workplace harassment programs are to 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.

Employers may wish to consult with the workplace's JHSC or Health and Safety Representative when developing workplace violence and workplace harassment policies and programs (Note: this is not a requirement of the OHS Act).

Employers who are aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, must take every precaution reasonable in the circumstances for the protection of the worker.

An SOP/OG for dealing with potentially violent situations should address the following:

- The responsibilities of the call taker to obtain accurate information
- The method to ensure timely and accurate information exchange with other relevant agencies (police, ambulance, 911, etc.)
- Ensure responding crews have all the available information
- Measures and procedures to summon immediate assistance
- Under what circumstances crews should vacate or stay clear of the incident until police arrive and advise that it is safe to enter
- Establishment of emergency codes for use by responding personnel so as to not worsen the situation
- Measures and procedures for workers to report incidents to the employer or supervisor
- How the employer will investigate and deal with incidents or complaints
- Procedures to assist Fire Prevention Officers who may encounter potentially violent situations in the course of their duties.

The OHS Act should be consulted for the specific requirements of the legislation.

It should be stressed that Canada's Criminal Code deals with matters such as violent acts, threats and behaviours such as stalking. The police should be contacted in these situations. It should also be noted that harassment may also be a matter that falls under the Ontario Human Rights Code.

Reference:

Occupational Health and Safety Act

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm

Workplace Violence and Harassment: Understanding the Law (Ministry of Labour Health and Safety Guideline)

<http://www.labour.gov.on.ca/english/hs/pubs/wpvh/index.php>

Preventing Workplace Violence and Workplace Harassment (Ministry of Labour Fact Sheet #2)

http://www.labour.gov.on.ca/english/hs/pdf/fs_workplaceviolence.pdf