

Duties of the employer and OHS Compliance Checklist - Workplace violence



| SECTIONS | Important duties of the employer under the Act (Ontario) (not an exhaustive list) | | | | | |
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| 25 (2) (h) 27 (2) (c) | Take every precaution reasonable in the circumstance to protect a worker. NOTE: The duty also applies to supervisors, as defined in the OHS Act. | | | | | |
| 25 (1) (a) (b) (d) | Ensure that any protective equipment, devices and materials required by the Regulations are provided to workers, maintained in good condition and used. NOTE: A worker is expected to be trained on the use, care and limitations of equipment, materials and protective devices. | | | | | |
| 25 (1) (c) | Ensure that the measures and procedures required by the Regulations are carried out in the workplace. | | | | | |
| 25 (2) (a) | Provide information, instruction and supervision to protect the health and safety of a worker | | | | | |
| 25 (2) (d) | Acquaint a worker or person in authority over a worker with: <ul style="list-style-type: none"> ➤ Any hazard in the work; and ➤ The handling, storage, use, disposal and transport of: <ul style="list-style-type: none"> ○ any article, device, equipment; or ○ biological, chemical, or physical agent. | | | | | |
| 25 (2) (c) | Appoint a supervisor who is competent because of: 1. knowledge, training and experience to organize the work and its performance, 2. familiarity with the Act and the regulations, 3. knowledge of any potential or existing hazard or danger in the workplace. | | | | | |
| SECTIONS | Duties of the employer under Part III.0.1 Violence and Harassment of the Act (Ontario) | | | Yes | No | Unsure N/A |
| 32.0.1 (1) (a) (c) | Prepare and review, at least annually, a written workplace violence policy. NOTE: The Policy should be signed and include the date of the last review | | | | | |
| 32.0.1. (2) | Post the written workplace violence policy in a conspicuous place in the workplace NOTE: Applies to workplaces with six (6) or more workers are regularly employed). | | | | | |
| 32.0.2. (1) (2) | Enforce the workplace violence policy by developing and maintaining a program that includes, at a minimum, the following criteria: <ul style="list-style-type: none"> ➤ The measures and procedures to control the risks of violence identified in the risk assessment as likely to expose a worker to physical injury; ➤ The measures and procedures for summoning immediate assistance when workplace violence is occurring or is likely to occur; ➤ The measures and procedures for workers to report incidents of workplace violence to the employer or supervisor; ➤ How the employer will investigate and deal with incidents or complaints of workplace violence. | | | | | |

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| | NOTE: A JHSC/HSR should request a written copy of the employer's workplace violence program to evaluate its contents and determine if it meets the objectives of the related policy. | | | |
| 32.0.5 (2) (a) | Provide information and instruction that is appropriate to the worker on the contents of the workplace violence policy and program. | | | |
| 32.0.3 (1) (2) | Assess the risks of workplace violence that may arise from a) the nature of the workplace (building, exits, floors, public access, stairwells, parking lot, etc.) b) the type of work (job classifications, working alone, staffing levels, job duties, public interaction) c) conditions of work (location, hours, shifts, weekends, after-hours, etc.) The assessment will consider circumstances that are common and specific to the workplace | | | |
| 32.0.3 (4) | Re-assess the risks of violence in the workplace as often necessary to ensure that the policy and program continue to protect workers from workplace violence (e.g., after an incident of workplace violence, or when circumstances in the workplace change and may change the risk of workplace violence) | | | |
| 32.0.3 (3) (5) | Advise the joint health and safety committee (or health and safety representative) of the results of the assessment or re-assessment and, if in writing, provide written copies. | | | |
| 32.0.5 (3) | Provide information* to a worker about a person in the workplace with a history of violence, if the worker can be expected to encounter the person during the course of their work and will likely expose the worker to physical injury. *May include personal information. | | | |
| 32.0.5 (4) | Disclose no more personal information about the person described in 32.0.5 (3) than is necessary to protect a worker from physical injury. | | | |
| 32.0.4 | Take every precaution reasonable ⁺ to protect any worker in the workplace likely to be exposed to physical injury resulting from domestic violence. ⁺ Applies to circumstances where the employer is aware or ought to reasonably be aware that domestic violence will likely expose a worker to domestic violence in the workplace. | | | |

Definition of workplace violence in the Act

- **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, or
- 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.

Does the person need to intend to hurt the worker?

“For workplace violence to occur, a person must apply, attempt to apply, or threaten to apply physical force against a worker. **However, they do not need to have the capacity to appreciate that these actions could cause physical harm.**

For example, a person may have a medical condition that causes them to act out physically in response to a stimulus in their environment. This would still be considered workplace violence.

Workplace violence could also include situations where two non-workers, patients for example, are fighting and a worker is injured when they intervene. The non-workers may not have intended their violence to spill over to anyone else, but they used physical force, which ultimately caused physical injury to a worker.

Employers would be expected to take these situations into account when assessing the risks of workplace violence and when dealing with incidents. They would be required to establish measures and procedures to protect workers from this type of behaviour.”

<https://www.ontario.ca/page/understand-law-workplace-violence-and-harassment>

Please note that the information provided on this sheet does not constitute legal advice. If you have any questions about health and safety law, speak to your Local Executive, CUPE National Servicing representative, or CUPE National Health and Safety Specialist.