

Bill 168: What Do We Do Now?

What Is Bill 168?

Bill 168 is an amendment to the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters. On June 15, 2010, Ontario will join eight other provinces that already have legislation in place to address harassment and violence in the workplace.

Definitions

Workplace harassment

“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.

Workplace violence

“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

What Do We Have to Do?

Every employer is required to comply with the Occupational Health and Safety Act in its broadest form. As such, every employer must now also comply with the requirements of Bill 168. In simplest terms, the following needs to be done with respect to Bill 168:

1. Develop policies

Develop written policies with respect to workplace violence and workplace harassment. These may be separate standalone policies or a single combined policy, or they may be incorporated into an existing related policy such as a workplace code of conduct. If combined or incorporated, workplace harassment and workplace violence should each be a separate paragraph in the policy.

The following are suggested components of the policies:

- definitions of workplace harassment and workplace violence
- an indication that there will be zero tolerance for the prohibited behaviour
- an indication that consequences will exist if the policy is not followed
- the process to follow if the policy is not followed, including employee reporting, investigation, emergency response in the case of violent incidents, and the complaint process

2. Conduct a risk assessment for workplace violence

In conducting the workplace violence risk assessment, consider that risks may arise from the

- nature of the workplace
- type of work
- conditions of work

The risk assessment must take into account

- circumstances common to similar workplaces: other congregations, camps, community ministries, etc.
- circumstances specific to own workplace: physical location, access from outside, surrounding community

3. Develop a workplace violence and harassment program

The workplace violence and harassment program includes implementation and training. The workplace violence program needs to be more extensive and include

- the measures and procedures to control the identified risks
- measures and procedures for summoning immediate assistance if or when an incident occurs
- measures and procedures for workers to report incidents
- process to be used to investigate and deal with incidents/complaints

4. Reassess policies and programs

As often as necessary, reassess the risks of workplace violence to ensure the policies and related programs remain effective. In this context, the employer needs to be prepared to set a minimum review period, but review may occur as need arises before the minimum time.

5. Training and communication

Provide appropriate training to all staff and volunteers. Posting the policies is not training. The method of training used should meet the needs of the individual workplace and provide a level of confidence to the employer that the policy and related information are understood by everyone.

The United Church of Canada's policy is available in the *Human Resources Policy Manual* (May 2010) at www.united-church.ca/minstaff/hr. Refer to policy 3.4: Harassment and Workplace Violence.

For other resources, check the Industrial Accident Prevention Association (IAPA) website at http://www.iapa.ca/Main/Resources/resources_downloads.aspx. This site has a number of free downloads to assist you in your task. Click on Workplace Violence for the following resources:

- Employee Risk Assessment Questionnaire – Workplace Violence: an employee tool to gauge workplace violence
- Workplace Violence Hazards Inspection Form: a simple checklist to assess your own workplace security
- OHSCO Workplace Violence Prevention Series: a number of documents created by the Occupational Health and Safety Council of Ontario (OHSCO)