

DEVELOPING A WORKPLACE VIOLENCE PREVENTION POLICY

**CANADIAN UNION OF PUBLIC EMPLOYEES
HEALTH AND SAFETY BRANCH**

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NOTE: This Reference material has been developed to allow CUPE members to evaluate their existing Policy, or to help develop draft proposals for a health and safety violence prevention policy in their workplace. It should not be presented to employers as a proposal.

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Introduction

Many employers have general policy statements around the prevention and protection from violence in the workplace. Certain policy documents do not consider prevention, and only deal with situations where violence has already occurred. In many jurisdictions, employers have specific requirements in the Health and Safety laws that detail what needs to be in their violence prevention policies, and still many employers are not producing adequate policies to prevent violence in the workplace. This document has been prepared to demonstrate some of the best language that should be incorporated into workplace policies around violence so that CUPE members can be kept safe, regardless of whether their workplace is an office, a hospital, or requires them to drive great distances to visit clients in their homes.

This document has been formatted to introduce the topic of workplace violence prevention, give a brief explanation of why this part of the policy is important, and is followed by sample language that is highlighted in grey.

Section 1. Outline the purpose of the policy (Policy Statement)

All policy statements should include a general statement outlining the purpose of the policy, and that violence in any form is unacceptable at the workplace. The policy must recognize the potential hazard of violence in the workplace and provide that all prospective employees are informed of the potential for violence. The policy should clearly spell out the employer's responsibility to provide a violence-free workplace and its commitment to violence prevention.

Once the policy has been developed, those who are working on the policy should go back to the original purpose, and ensure that its objective has been met.

Sample language:

At (insert employer) we are committed to providing a safe work environment for all staff. All levels of management acknowledge that violence in the workplace is an occupational health and safety hazard that can cause physical and emotional harm. We view any acts of violence or threats of violence in the workplace as unacceptable. Under the violence prevention program, management will strive to identify and eliminate foreseeable hazards of violence, which may result in personal injury through regular hazard assessments and the reporting of workplace accidents/incidents. We will provide the resources and education required to ensure workers are aware of the violence hazards they may face and the steps that should be taken to ensure a healthy and safe workplace. As an organization, (employer's name) is committed to the prevention of workplace violence and are ultimately responsible for all aspects of a worker's health and safety, including the prevention of violence.

or

(Employer's name) acknowledges that violence in the workplace is an occupational health and safety hazard that can cause physical and emotional harm. (employer's name) views any acts of violence or threats of violence in the workplace as unacceptable. Management and supervisors will eliminate or control the risk of violence in the workplace. Management is committed to providing employees and clients with a safe and supportive workplace that takes appropriate measures to prevent, reduce, or eliminate occupational health and safety hazards, including workplace and domestic violence. Management is committed to building a culture that

encourages all staff members of (employer's name) to be responsible for creating and maintaining a safe environment.

1.1 Policy Objectives

This section spells out the purpose of the policy.

Sample language:

The purpose of this Policy is to prevent the physical and mental impacts of workplace violence by:

- Ensuring that staff feel safe and secure in their work environment and that they are provided with the information and resources they need to respond effectively during an incident of violence;
- Ensuring a current Violence Prevention Plan is in place and Incident Reporting Protocols are developed, implemented and amended when appropriate;
- Ensuring that staff determined (through the inspections and hazard assessment) to be at significant risks of being exposed to violence in the workplace, including domestic violence are trained and that all staff are informed and educated on the relevant plans on an as required basis;
- Ensuring (Employer's name) complies or exceeds compliance with the Violence in the Workplace Regulations.

or

This Policy outlines the steps we have taken to prevent workplace violence, and what to do if you are subjected to threats or violence at work, including domestic violence, or if you, as a manager or employee, become aware of a violent situation.

1.2 Definition and examples of workplace violence

The employer must define what violence is, but should also define other terms such as workplace and harassment. Note that the definition of the workplace needs to be very broad. Many CUPE members are required to interact with members of the public away from the classic office environment, and the hazards faced by these members' need to be taken into account.

Sample language:

For the purposes of this policy, the following definitions shall apply:

Violence is any incident in which an employee is abused, threatened or assaulted during the course of his/her employment. This includes the application of force, threats with or without weapons, verbal abuse and human rights or personal harassment. This includes domestic violence that may occur at or have an impact in the workplace.

Harassment is offensive behaviour that a reasonable person would consider unwelcome.

Workplace is any location in which work-related activities under the control of the organization are performed.¹

¹ Reference from CSA Standard, Z1000-14 Occupational Health and Safety Management

1.3 Location (or application) of where policy applies

Ideally, one policy would be crafted to serve all locations run by an employer. However, there may be specific reasons to develop different violence prevention policies for different locations. Some employers may have jurisdictional requirements that fall under the Canada Labour Code, while others may fall under provincial legislation (such as a municipality with an airport). It is possible to craft a policy that manages to fulfill the requirements of both jurisdictions, but that policy should be clear as to the application of the policy over the differently regulated sites. If the employer has multiple sites or locations, then the policy should be clear as to which portions of the organization it applies to, and should point out exclusions that are covered under a different policy if there are any.

Sample language:

This policy applies to all buildings under the XX school board system.

or

This policy applies to all buildings managed by the XX health region where patients are served.

1.4 Affirmation that workers are not expected to put themselves at risk while performing their job

In some jobs and locations, workers are more likely to be exposed to violent acts because of factors such as working alone or in isolation, with ill or aggressive patients, with patients under the influence of drugs or alcohol, or working in the presence of money, drugs or other valuable goods. Employees should not be expected to put their health and safety at risk to prevent theft or any other crime from happening, and should be expected to take whatever steps are required to safely de-escalate and end a situation that may lead to harm, including the forfeiture of the employer's goods or money without resistance.

Sample language:

No employee shall endanger their health or safety to prevent theft or property damage by confronting and attempting to prevent a perpetrator.

1.5 Description of how and which workers will be expected to respond to situations of violence

In some jobs and locations, workers such as security guards are expected to intervene during situations in order to protect workers or clients. The policy should describe what actions are expected during these situations.

Sample language:

It is recognized by (employer's name) that security guards face additional hazards for violence in the workplace, as it is their job to help protect other workers from violence and other hazards. In the event that any staff member witnesses a situation where the behaviour of an individual is determined to be out of control or to be at risk of becoming out of control, by:

- attempting to harm self or others
- displaying threatening behaviour
- attempting to destroy workplace or personal property

They shall respond at the level of their training to use 'evasive techniques' or 'manual intervention' as described by the *Employers General Instruction Manual*.²

² Note: this is a generic name given to highlight the need of having a predetermined and documented set of actions already planned

Section 2. Body of Policy

The second part of the policy should describe the requirements of the violence prevention program.

2.1 Establish additional responsibilities

It is a good idea to state exactly which positions within an organization are accountable for various aspects of the policy (management, employees, clients, contractors, and anyone who has a relationship with your organization):

Sample language:

Senior management, in consultation with the health and safety committee(s) are responsible for coordinating:

- departmental risk assessments in consultation with appropriate staff
- the identification of at risk workplaces
- the development of violence prevention plans which include a violence prevention statement, recommendations for measures to minimize and where possible eliminate the risk of violence in the workplace, procedures for reporting, documenting and investigating incidents of violence, recommend training for employees at “risk”
- the provision of information on the Prevention of Violence in the Workplace
- the development of procedures for the aftermath of violent incidents
- the development of prevention plans to be reviewed and revised as required every 5 years or if a new risk assessment shows there have been changes to the potential for violence
- the ongoing monitoring of the activity under the violence in the workplace regulation and recommendations to Senior Management

All Management are responsible for:

- promoting a violence free workplace
- reporting all incidents of violence in the workplace, including domestic violence manifesting itself in the workplace
- implementing, where possible, recommended measures to eliminate or minimize the risk of workplace violence
- ensuring that this policy is explained to all employees under their supervision
- ensuring that training is provided to employees determined to be at risk, including how to recognize a situation in which there is a potential for violence and how to respond appropriately, including how to obtain assistance
- ensuring that employees understand who to contact regarding concerns about the policy or to report an incident
- acting respectfully at all times

All Employees are responsible for:

- ensuring their own immediate physical safety in the event of workplace violence
- reporting all incidents of violence in the workplace to their employer
- cooperating with any efforts to investigate and resolve matters arising under this policy
- acting respectfully at all times i.e. not subject to any other employee to workplace violence or allow or create conditions that support workplace violence

2.2 Procedures for conducting a proactive workplace inspection to identify hazards that may lead to violence in the workplace

The purpose of the hazard identification step is to look at all the factors that may contribute to violence in your workplace. Organizations may already have information on factors that can contribute to violence in the workplace. The identification process should begin by carefully examining the hazards that are known. As well, by reviewing current control measures that already exist in the workplace, you can effect continuous improvement and ensure new hazards or risks are not created in the workplace.

The employees who work there and the location and circumstances in which the work activities take place are what make each workplace unique. Factors such as face-to-face interaction with clients, working alone, working in remote locations, dealing with valuables, and working at night will likely increase the risk of experiencing or witnessing violence in the workplace. In a Health Care setting, working with patients or resident who suffer from cognitive impairments can also increase the risk of violence.

Sample language:

The employer shall identify all factors that contribute to workplace violence, by taking into account, at a minimum, the following:

- its experience in dealing with those factors and with workplace violence in all of it's workplaces
- the location and circumstances in which the work activities take place
- the employees' reports of workplace violence or the risk of workplace violence
- the employer's investigation of workplace violence or the risk of workplace violence
- the measures that are already in place to prevent and protect against workplace violence

2.3 (Optional) Procedures to conduct a proactive workplace hazard assessment

If the initial workplace assessment finds a high number of hazards, they will need to be assessed to determine an order of priority. This way, employers can prioritize a workplace's prevention measures without losing sight of the final objective, which is to eliminate or control **all** hazards. It's important to remain vigilant that countermeasures implemented do not create new or additional hazards. If there are few hazards that were identified in the workplace that could lead to violence, this may not be a necessary part of a policy, but it must be made clear that the employer shall remove or control all hazards identified.

When assessing all the hazards that may lead to violence in the workplace, the employer, in consultation with the health and safety committee, must consider the hazards identified, and the way in which different aspects of the workplace and work will interact with those hazards.

Sample language:

The employer, in consultation with the health and safety committee shall assess the potential for workplace violence, using the hazards identified under section 2.2, and by taking into account, at a minimum, the following:

- the severity of the adverse consequences to the employee exposed to violence in the workplace
- the frequency of situations that present a risk of to violence in the workplace
- the nature of the work activities

- the working conditions
- the design of the work activities and surrounding environment
- the measures that are already in place to prevent and protect against workplace violence

2.4 Procedures to control identified hazards

Hazard controls are all the practical measures that can be taken to prevent and protect against violence in the workplace. Once the hazard assessment has been performed, the next step is to develop and implement controls.

Hazards identified by the analysis will be controlled via the process identified in the hierarchy of controls. The hierarchy of controls states that eliminating the risk altogether is most effective. The goal is to remove the hazard, condition or activity, and if necessary, replace it with another condition or activity that removes, or if it cannot be removed, greatly reduces the risk. If the hazard cannot be eliminated, it should be controlled in a way that does not act as a hazard, or the severity of the effects are limited if violence does occur. For example, having a security guard on the premises may decrease the risk of harm to an employee from a client acting aggressively or violently, by either preventing the person from acting violently in the first place, or reducing the severity if they do act out in a violent way.

If there is no way to remove or control a hazard related to workplace violence, the last step is to protect the workers with protective equipment. For violence in the workplace, there are two types of protection: group and individual. Group protection involves blocking potential aggressors or keeping them apart from the employees. For example, you can install access card readers on doors to prevent unauthorized access to employee areas. It's important that all controls be evaluated to ensure that they have not created or increased the risk of workplace violence. Individual protections focus on ensuring that the worker who may be exposed to violence has the appropriate training, resources and knowledge to respond in a way that minimizes the risk to themselves if violence occurs.

Sample language:

Once an assessment of the potential for workplace violence has been carried out, the employer shall, in consultation with the health and safety committee, develop, and implement systematic controls to eliminate the hazards that could lead to violence in the workplace. If it is shown that the hazard cannot be eliminated, the employer shall implement control measures to minimize workplace violence or a risk of workplace violence to the extent reasonably practicable.

The controls shall be developed and implemented as soon as practicable, but not later than 90 days after the day on which the risk of workplace violence has been assessed.

Once controls used to eliminate or minimize workplace violence have been implemented, the employer shall establish procedures for appropriate follow-up, maintenance and corrective measures, including measures to promptly respond to unforeseen risks of workplace violence. All controls shall be evaluated to ensure that they have not created or increased the risk of workplace violence.

2.5 Training of supervisors and workers, when they are hired and on an ongoing basis

Employers should provide adequate training for all employees at all levels of the organization to become familiar with their policies, procedures and hazards that workers may be exposed to.

Sample language:

Workers who may be exposed to violence will be trained about how to carry out the following procedures:

- Prevent or minimize the risk of violence
- Recognize and control potentially violent situations
- Respond to incidents and obtain assistance
- Report, investigate and document incidents

New workers will be trained on all hazards relating to their employment and how to recognize and deal with potentially violent situations as part of their orientation upon being hired and refresher training will be required every two (2) years for all staff who may be exposed to violence.

All workers must know:

- the safe work procedures to follow to prevent violence
- the nature and extent of the risks they may face at work
- Incidents of violence that have occurred in the past and how to prevent recurrences
- If they are likely to encounter a person with a history of violent behaviour in their duties

2.6 Ongoing awareness

While initial and recurrent training is required, these will not inform workers about new information or changes that are in the workplace. The policy should ensure that when new information becomes available, there is a mechanism in place to insure that all staff are made aware.

Sample language:

As management becomes aware of new hazards in the workplace, this information will be distributed through the morning briefing meeting, and reiterated at regular staff meetings. Recent incidents of violence or newly identified risks will be highlighted, as well as any new control measures that have been put in place.

All staff will be notified of any (Clients / Customers / Delivery personnel /Others relevant to your workplace) who could pose a risk.

Workers should know each person's name and the nature of the risk. This information should not be used indiscriminately. It will therefore only be given to workers who are likely to meet these people.

2.7 Actions and processes in place to prevent violence

By including actions and processes that have been put in place to prevent violence in the policy, it will inform all employees about the preventative measures, and when they are to be trained on the contents of the policy. This education will inform employees about what is in the workplace, and why some things in the workplace are the way they are.

In locations where workers will need to interact with clients/patients/students with a history of violence, the employer must inform any worker who will be working with these people about their history.

The specifics that are pointed out in the policy will be based on what is found in your workplace, but an example of language for a nursing home has been provided (this is not a comprehensive list):

Sample language:

Our violence prevention procedures include appropriate measures to prevent injury and investigate violent incidents. These measures influences facility layout, lighting, entrance and exit routes, which have been considered during the hazard identification investigation that was performed by the health and safety committee.

The following actions have been taken to minimize hazards identified in the risk assessment. These actions are based on recommendations from members of the Joint Health and Safety Committee and other workers involved in the hazard identification.

- Bulk prescription drugs are now housed off site, with only the next day dosage delivered each day to reduce the size of the drugs kept onsite
- Motion sensors have been mounted in the hallways with a notification message to the nurses station notifying staff when personnel or clients are on the move at night
- Angle mirrors have been mounted so that staff may see around corner, and down the hallways
- An automated timer at the desk will remind staff to check on other staff if they have been gone too long
- External motion sensor lights have been mounted all around the building to increase light, and detect when there are people outside the building
- Files of clients with a history of violence will be marked by the presences of a large red sticker after their name

2.8 Work Procedures

This portion of the policy will be dependent on the location of the workplace and type of job. There should be procedures for the normal performance of higher risk jobs, as well as procedures for everyday work where a violent situation may occur. The important factor is that policy should be backed up by the hazard identification and risk analysis that was performed by the employer in consultation with the health and safety committee. They should detail how a worker can summon help immediately if a violent situation occurs.

Writing draft procedures for every possible occupation is beyond the scope of this guide. Procedures that are developed in the workplace should be done in consultation with the Health and Safety Committee, and the workers for whom the policy directly affects. The procedures must cover all aspects of what a worker would do based on situations that they may experience at the workplace, including whom they should contact, and when and if they should contact the police.

Types of work producers could include:

- Making cash deposits
- Parking at work
- Leaving work after dark
- Working alone (should also have a separate policy on working alone)
- Working with clients with dementia or behavioral issues

Situations where violence occurs during regular duties

- What to do during and after a robbery
- Dealing with irate clients/customers

- Altercations between clients (verbal and physical)

The policy should be specific about how the number of staff and training affect the actions of the worker. The policy should be supportive of persons who won't handle aggressive persons if they do not feel capable of doing so, don't have enough backup, etc. That is, employee complaints or refusals are treated as legitimate.

2.9 Record Keeping

The employer should state the policy procedure for record keeping and access to records. The procedure will vary depending on the workplace. At workplaces with potentially violent clients or students, records identifying a past history of violence, or violent incidents that have occurred since they came to the worker's workspace must be made available so that workers are made aware of the risk.

Section 3. Process for dealing with violent incidents

This section outlines what an organization will do should the preventative measures fail. Note, the procedures for what to do during the incident are stated above, this portion of the policy is for post incident response.

3.1 Medical Aid

Workers must feel that they can seek medical treatment without fear of loss of pay or reprisal.

Sample language:

Any worker who has been a victim of violence will be given the opportunity, on company time, to be examined by the worker's choice of physician. A worker who visits a physician or other health care specialist for treatment or counselling will not lose any pay or other benefits.

Should a worker seek medical aid or miss work, both the worker and employer must file a report of injury with the (specify appropriate workers compensation board).

An EAP program is also available, free of charge to assist workers who have been the targets of violence. This service is confidential, and can be accessed by call 1-888-555-XXXX

3.2 Compensation forms

Incident reports for workers' compensation should be filled out for all incidents of violence, even where there have been no apparent injuries. If the target of the violence suffers from a mental injury that is not apparent for some time after the incident, then the forms being filled out at the time of the incident will help make the link between the incident and the injury, and they can be submitted to the appropriate compensation board.

Sample language:

Any worker who has been a victim of violence will be provided with and given the opportunity, on company time, to complete the (insert relevant compensation board) compensation claim form.

3.3 Reporting Requirements

The workplace policy must include language that states all incidents of violence should be reported to the employer. This includes incidents where no one was hurt during the attempted violent act. It should be clear how these reports should be done and provide a reporting procedure and form.

Sample language:

Workers must report all incidents of violence to their supervisor as soon as possible. Employees should complete a violence incident reporting form, and append any relevant information to the form (emails, handwritten notes, photographs of physical evidence like vandalized personal belongings).

3.4 Investigations

This section contains incident investigation procedures, that provides for a fair, timely and effective process for investigating and resolving incidents and complaints, including the makeup of the investigation team.

Sample language:

All violent incidents will be reviewed by the appropriate supervisor. The supervisor will assess the effectiveness of the policy statement and violence prevention program and create a report documenting the finding of their initial investigation, and any short term measures that have been put in place.

All supervisor reports will be forwarded to the Health and Safety Committee, who will determine if a more detailed investigation is required. The committee will also examine all policy recommendations and decide how they can best be applied to the workplace. Deficiencies will be documented and appropriate changes will be made. Workers will be informed of the results of the investigation and any resulting changes to the policy statement and prevention program.

3.5 Confidentiality

The issue of confidentiality for the complainant and respondent while an investigation is taking place is of critical importance. If everyone is gossiping about what may or may not have happened, performing an impartial and accurate investigation will be difficult. As such, the employer should maintain confidentiality as much as possible.

Sample language:

(Employer's Name) will not disclose the identity of the complainant or alleged harasser or the circumstances of the complaint, except where disclosure is necessary for the purposes of investigating or taking disciplinary action in relation to the complaint, or where such disclosure is required by law.

3.6 No Reprisals

No employee should feel that they could be punished in any way for reporting a violent incident.

Sample language:

(Employer) or its management representatives will not take any reprisal action for a target of violence seeking medical treatment, requesting forms from the workers compensation system or reporting an incident of violence in good faith.

or

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace harassment or participate in the investigation process. Reprisal is defined as any act of retaliation either direct or indirect. [The Company] will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further harassment.

3.7 Disciplinary procedures

The employer will need to state that there will be negative consequences for people who act in a violent manner within the workplace. Specific measures for dealing with discipline should be very clear within the collective agreement. The policy will have a more vague statement to deal with all levels of the organization.

Sample language:

(Employers name) views violence in the workplace, including harassment and discrimination as a very serious matter. Any employees found to have perpetrated an act of harassment or discrimination may be subject to disciplinary action up to and including termination of employment.

3.8 Policy review

Policies must be reviewed to ensure that they are still relevant and effective. The review may take place more often if there is a change that compromises the effectiveness of the prevention measures. For example, if a client service counter was installed to act as a barrier but a violent incident occurs when a client climbs over the counter, the prevention measures need to be reviewed and adjusted accordingly.

Sample language:

This policy will be reviewed every 12 months, or after any significant incident of violence.

Conclusion

This document provides CUPE members with guidance that allows them to evaluate their existing workplace policy, or to help develop draft proposals for a health and safety violence prevention policy in their workplace. It should be used in concert with the other documents contained in our violence prevention kit. For further information please contact your CUPE National Servicing Representative and check out the Health and Safety Section of cupe.ca.