



The Canadian Initiative on Workplace Violence

## ADDRESSING WORKPLACE VIOLENCE

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Canadian Initiative on Workplace Violence

Long before Pierre Lebrun tragically shot 4 of his co-workers at the Ottawa Transit terminal in 1999, much had been written about the deceptively slow increase in workplace violence. Content to brand such renegade behaviour as either mental illness, or a blatantly US phenomena, Canadians have all but sheltered themselves from workplace violence. It takes only one or two conspicuous incidents to jar us into a heightened state of reality, one in which we quickly realize that Canada is not immune to acts of violence. In fact, if one was to scratch the surface of Canadian workplaces, it doesn't take long to realize that workplace violence, in a variety of forms, has germinated in Canada and is quietly growing.

Admittedly, there is great difficulty in clearly establishing a definition for violence, let alone gathering statistically reliable data regarding violence at work. The National Academy of Science in the United States goes far in defining violent or aggressive conduct as "*behaviours by individuals that intentionally threaten, attempt or inflict physical harm on others or on oneself*"<sup>1</sup>. Although succinct and compelling, this definition does not include violence which is exclusively psychological in nature, including emotional abuse, and the systematic infliction of fear and anxiety. Likewise, violence directed against property should be included, if a comprehensive definition is to be reached. For our purposes, violence is perhaps better defined as:

***Behaviours by individuals and/or groups that intentionally threaten attempt or inflict physical harm on property, other individuals or oneself. This would include all forms of psychological and emotional abuse.***

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<sup>1</sup> Reiss, A.; Roth, J. (eds.): *Understanding and Preventing Violence* (4 volumes), Washington, DC, National Academy Press, 1993, Vol. 1, p.35

Research funded by the International Labour Organization (ILO)<sup>2</sup> in 1996 suggests that Canada ranks high in the world of workplace violence, in the form of assaults and sexual harassment. The ILO survey interviewed more than 2,000 Canadian employees. The findings indicate that 9.7% of women surveyed said they had been victims of “sexual incidents” while on the job. As well, 5% of women and 3.9% of men reported being assaulted at work. Assault, in addition to physical violence, included various forms of threats and bullying, whereas “sexual incidents” ranged from leering, and sexual innuendo, to rape in the extreme. Research findings such as these only support the growing evidence that suggest women specifically, face increased risks of violence while on the job. In 1993, for example, more than 12,000 women were interviewed by Statistics Canada<sup>3</sup> both inside and outside the workplace. Of the respondents, 51% indicated that they had experienced either physical or sexual attacks, 18 % of which resulted in physical injury. According to the Ontario Human Rights Commission<sup>4</sup>, sexual harassment, since 1991, has been the fastest growing area of complains in Ontario. As Keith Norton, then Chief Commissioner, so poignantly pointed out when commenting on the tragic death of Theresa Vince at the hands of her manager, *“this tragic event shows that sexual harassment can and does lead to violence. Every sector in society has a responsibility for preventing sexual harassment and the Commission has a special role to play because of its legislative mandate in this area”*

The ILO report cites a 1994 CUPE Health and Safety survey<sup>5</sup>, which claimed nearly 70% of respondents, experienced “verbal aggression” as a leading form of workplace violence. In addition, 40% said they had been struck while in the workplace, with an additional 30% claiming to have been either grabbed or scratched.

Clearly, the growing evidence from available sources suggests that Canada has much to be concerned about with respect to the emerging trends in workplace violence. Although we are not close to the experience of our neighbors to the south, where in Florida, being

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<sup>2</sup> Chappell, D.; Martino, V.: *Violence at Work*, Geneva Switzerland, International Labour Organization, 1998, p.26

<sup>3</sup> Data from the 1993 Statistics Canada Survey (Canada First National Survey on Violence Against Women), based on telephone interviews with 12,300 women, as reported in the *Globe and Mail* (Montreal), 19 Nov. 1993

<sup>4</sup> Press Release, January 19, 1998

<sup>5</sup> Pizzino, A.: Report on CUPE's (Canadian Union of Public Employees) National Health and Safety Survey of Aggression Against Staff, Ottawa, 1994 (January)

shot while on the job is the second leading cause of occupational death, we do have reason to re-evaluate our strategy on workplace violence.

The growing recognition that both management and labour must share the responsibility for the prevention and management of workplace violence is reflected in some innovative clauses being added to contracts in recent years. For example, Camco Inc.(Hamilton)<sup>6</sup> and General Electric Canada Inc.<sup>7</sup> with their partner in labour, the National Automobile Aerospace, Transportation and General Workers Union of Canada have included the new position of *Women's Advocate* in their collective agreement. Northern Telecom, in recognition of the financial hardships experienced by abused women allows for 90% of pay for women who are absent from work as a result of violence<sup>8</sup>. The Government of British Columbia and the Union of Psychiatric Nurses (NUPGE) (CLC) with the British Columbia Nurses' Union (CLC)<sup>9</sup> have agreed to implement a violence prevention program as part of their collective agreement, which includes policies and procedures designed to minimize the risk of violence to employees. In another incident, the Halton District School Board and Ontario Elementary Teachers' Federation of Ontario<sup>10</sup> have agreed to establish an "incidents of violence" committee that will review issues related to violence incidents, reporting findings to the administrative council by January 2000.

Although these isolated initiatives are commendable, Canadian workplaces require a comprehensive plan to combat the growing threat of workplace violence. The current regulatory and legislative safeguards within Canada are too vague. British Columbia currently leads the way in this important area by including specific clauses in its Occupational Health & Safety legislation covering workplace violence (Regulation

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<sup>6</sup> Camco Inc., Hamilton, Ontario – a 36-month agreement (#0210006E) effective from April 23, 1998 until April 22, 2001.

<sup>7</sup> General Electric Canada Inc. – a 36-month agreement (#0215906E) effective February 16, 1998 to February 15, 2001.

<sup>8</sup> Northern Telecom Limited (Belleville, Bramalea, Kingston, & London) – Two 36-month renewal agreements (#0213005E) with the National Automobile, Aerospace, Transportation and General Workers Union of Canada, various locals (CLC). Effective February 25, 1997 to February 28, 2000.

<sup>9</sup> Government of British Columbia, Union of Psychiatric Nurses (NUPGE) (CLC) and the British Columbia Nurses' Union – a renewal agreement (#0615305E) effective April 1, 1996 (BCNU) and January 1, 1997 (UPN) to December 31, 1998

<sup>10</sup> Halton District School board, Burlington and area, Ontario and the Elementary Teachers' Federation of Ontario. A 24-month first-time agreement (#1122401E) effective from September 1, 1998 to August 31, 2000.

296/97). It requires employers to conduct risk assessments, establish relevant policies and procedures, as well as, adhere to the *duty to warn* employees where potential dangers exist. There is the suspicion that similar legislation will be enacted in other jurisdictions following the recent shootings in Alberta and Ottawa. On the Federal level, Bill C12, an act to amend Part Two of the Canadian Labour Code, which has passed first reading, has received Royal Assent in June, 2000 which specifically sets the stage for regulations on workplace violence.

In the interim, management and organized labour have a responsibility to take action in advance of any proposed legislation, by mounting a credible program to both prevent and manage workplace violence in whatever form. The cornerstone to any prevention program is a comprehensive policy that clearly states management and labour's commitment to preventing workplace violence.

### **The Policy Outline**

At a minimum, your company policy should include:

1. The purpose of the policy.
2. A definition of workplace violence in precise, concrete language, keeping in mind that violence can come from customers, students, co-workers to name just a few.
3. A statement reflecting the organization's zero tolerance for any acts of violence.
4. The scope and application of the policy, covering employees at all levels including contractors, customers, students, and other individuals pertinent to your circumstance.
5. Outline in clear terms the responsibilities of all stakeholders under the policy.
6. Outline the processes in place to both prevent and report incidents of violence.
7. Emphasize the importance of reporting of all incidents, ensuring confidentiality, and protection from reprisals.
8. Reinforce the organization's commitment to advise employees of potential risks.
9. Outline procedures for investigating and resolving complains.
10. Reinforce the organization's commitment to support victims of violence in the form of protection and support services.
11. Clearly outline the consequences of policy violations.

12. Make a commitment to violence prevention training and education for employees at all levels of the organization.
13. Where appropriate, cross-reference other related policies, such as sexual harassment, and disability management, etc.

It quickly becomes evident that simply drafting a policy is only one facet of an overall prevention program. Other program components include:

- **Design and implement a protocol to assess the potential for violence within your organization.**

Each of us prefers to believe that violence happens only in other organizations, particularly if we aren't aware of specific incidents within our own workplace. Quite often, incidents may not be reported, or information is collected in a variety of locations, such as human resources, corporate security or the occupational health division, to name a few. To adequately understand the nature, extent or potential of violence within your workplace, a *risk assessment* of the organization needs to be carried out. Daunting, as this may seem at first, the process is rather straightforward. The *risk assessment* simply refers to a variety of ways to collect information about the number of violent incidents at your work-site. Gathering such information may include such steps as a confidential employee survey, focus groups, corporate incident reports from either human resources or corporate security to name just a few avenues to explore. In addition, occupational health may have valuable aggregate data, which they can provide while maintaining the confidential nature of individual files.

When reviewing the results of your assessment, track data such as when, where and how incidents happen. As well, be mindful to go beyond simply the number incidents, to solicit information that can gauge the degree of concern amongst employees regarding violence in their workplace. For example, are women more fearful of assaults, or are there specific employee groups who are more fearful given the nature of their position.

By the end of your assessment, you want to know as much as possible about the nature and potential of violence within your workplace, as well as the concerns employees currently have.

❑ **Develop procedures and resources to adequately investigate reported incidents of workplace violence.**

As in sexual harassment investigations, great care must be taken to review allegations, keeping in mind fairness, confidentiality and safety. The foundation of any investigative process is to ensure that incidents are reported in the first place. Managers and supervisors, at all levels, play an important role in facilitating the reporting of violent incidents. Organizations may choose to establish a team approach to reviewing these allegations, with members from pertinent departments. Always keep in mind, that the investigation and management of any employee behaviour, has significant legal ramifications. All individuals in the investigation process must be well trained, and possess a skill set appropriate to their responsibility. Legal counsel should be consulted during the formative stages of designing an investigative protocol, as well as, provide ongoing input where needed.

More comprehensive descriptions of the team approach to investigation can be reviewed in Joseph Kinney's book entitled, *Violence at Work: How to make your company safer for employees and customers*<sup>11</sup> or refer to *Violence in the Workplace: Prevention Guide*<sup>12</sup> produced and distributed by the Canadian Centre for Occupational Health & Safety.

❑ **Establish a critical incident management plan.**

We all know instinctively what to do during a fire alarm, but few of us would have any idea what to do during an incidence of violence. Hopefully, such a plan will never be implemented, however, it is always best to be prepared for the unlikely.

A management team, or occupational & health committee should begin to consider issues related to the protection of employees during a significant threat. Basic issues which need to be considered include, but are not limited to: securing the workplace, roles and responsibilities, how to inform employees of dangers, evacuation procedures, training requirements, to mention only a few of the important areas to consider.

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<sup>11</sup> Kinney, Joseph. *Violence at Work: How to make your company safer for employees & customers*. Prentice Hall, 1995 (Special acknowledgement in the content of this paper)

<sup>12</sup> The Canadian Centre for Occupational Health & Safety, 1999

- ❑ **Develop and deliver training and educational programs relating to workplace violence in support of the policy.**

A policy on workplace violence is of limited value without training and education to support it. Employees at all levels must be fully aware of their rights and responsibilities under the policy. Orientation sessions are a must in rolling out any new policy, particularly one in which safety concerns are addressed.

In addition to orientation sessions, training is needed for managers and supervisors to ensure that they are intimately familiar with the policy and their unique responsibilities under it. Policy procedures need to be clearly outlined to ensure that anyone within a supervisory position knows what to do when a complaint is made, and how to proceed in the interest of safety and due process.

- ❑ **Develop a roster of community resources, in addition to your Employee Assistance Program (EAP) that could be used in times of need. Establish a victim support plan now, before you need it.**

If you have an EAP, it's important to determine if they have crisis response capability. If they don't, you are well advised to develop one with them. In some cases, retaining an EAP is not possible or required because of budgetary restraints or organizational size. Maintaining an updated roster of community medical and mental health consultants is strongly advised. These individuals can be called upon either during or after a crisis to respond in support of victims.

Post Traumatic Stress Disorder is a clearly defined psychiatric disorder referenced in the DSM IV Manual of Mental Disorders<sup>13</sup>. As such, it can be considered a disability under the Ontario Human Rights Act that prohibits discrimination based on handicap<sup>14</sup> and therefore must be accommodated up to undue hardship. Sadly, there are some organizations that continue to view post trauma symptoms as a weakness of character

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<sup>13</sup> American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders (Fourth Edition)*. American Psychiatric Association, Washington DC, 1987, p. 247

<sup>14</sup> Bowland, Adelyn., *The 1999 Annotated Ontario Human Rights Code*. Carswell Thomson Professional Publishing. 1998

and indicative of an undesirable employee. Employers do have a responsibility to support victims of violence, particularly if they were involved in a criminal encounter while performing their duty. Bank tellers, shop keepers and anyone within the service sector where money is handled, runs the risk of being robbed. In these high risk organizations, employers should have a clearly designed plan in place to support employees during the crisis, and beyond, while being mindful of the individual's dignity and confidentiality.

- ❑ **Consult a lawyer with experience in labour law, specifically as it relates to occupational health and safety.**

As you can see, there are a number of junctures in the process of developing policies and procedures that require sound legal and outside professional advise. Organizations are encouraged to seek out expert counsel from a variety of sources and professionals in the process of structuring their response to workplace violence.

### **In Summary:**

Taking concrete steps to protect employees from violence and aggressive acts inflicted by customers, co-workers, students and anyone else within the sphere of your organization is paramount to an overall safety plan. To ignore the potential of violence in whatever form, is running the risk of lawsuits, human rights challenges, occupational health and safety violations, not to mention, lost production time, decreased moral, unnecessary turnover, and a host of other problems that could be easily averted. Now is the time to take steps to protect yourself, before legislation is enacted,.

The most important assets you have are your employees and your corporate reputation. To risk both on the belief that your workplace is immune from violence is short sighted, and in the end, bad business.

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