



NEWSLETTER

JUNE 2009 – ISSUE 10

WORKPLACE VIOLENCE AND HARASSMENT – ORGANIZATIONAL POLICIES

We know for a fact that workplace homicide in the U.S. is a major problem, there being at least three workplace homicides every day of the year. Not so in Canada. ... So homicide is not a problem (in Canada) —but what about all the other acts that we would define as “violent”? Assaults, verbal attacks, racial slurs, overbearing controlling bosses —where do these fit into the equation? – Gerry Smith¹

With the recent introduction of Bill 168 in Ontario to amend its *Occupational Health and Safety Act* (OHSA), the province joined the other federal and provincial jurisdictions that define workplace violence or harassment and have incorporated employer, supervisory obligations, and worker rights within occupational health and safety (OHS) legislation.²

Workplace violence and harassment remain a major concern for many organizations, and increasingly so in today's business climate. However, one needs to separate the concept of workplace violence from that of workplace harassment. The former tends to be fairly clear, straightforward and frequently extreme, while the latter is often left open to interpretation and is less overt. As in the case of Ontario's proposed amendments, **workplace violence** deals with “the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker or an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker”. **Workplace harassment** on the other hand is defined as “a course of vexatious conduct or comment against a worker in a workplace that is known or ought reasonably to be known to be unwelcome”. Whatever the legislative or other definitions are, issues of workplace violence and harassment need to be dealt with appropriately by organizations in their policies, prevention programs and daily operations. It cannot be emphasized enough that ‘toxic’ workplaces hurt an organization's bottom line by affecting employee productivity.

Whenever violence or harassment occurs in the workplace, an organization should also be prepared to provide the affected victims with whatever assistance that they require in the aftermath of the incidents.

Prevention of violence in the workplace

The potential for workplace violence can take various forms, including:

- ☞ violence by outsiders, such as criminals, customers, prisoners, clients, members of the general public, protesters, etc.
- ☞ violence by one employee against another, including current or former employees in cases of work rage
- ☞ violence against a spouse by a domestic partner.

¹ *Work Rage (Identify the Problems, Implement the Solutions)*, Gerry Smith, HarperCollins Publishers, Toronto, 2000

² *Adding violence and harassment to the OHSA*, Cheryl Edwards and Jeremy Warning, Accident Prevention e-News, IAPA, Volume 4/Issue 5/May 2009

“Healthier organizations mean more productive employees.”

Although workplace violence is not common in some sectors, it does surface more frequently in such sectors as health care, education, retail, service, law enforcement, correctional institutions and public transportation. For example, nurses' associations and long-care workers' groups have well documented the number of times that they had been physically assaulted by a patient. 28 percent of nurses who responded to a Statistics Canada survey in 2006 said that they had been physically assaulted by a patient in 2005, while 19 percent reported emotional abuse at the hands of physicians and nurse co-workers. In one study of personal-support workers in Canada, it was found that 43 percent endured physical violence on a daily basis—including slaps, bites, punches, hair pulling, wrist twists and spitting—representing nearly seven times the violence experienced by personal-support workers in Denmark, Finland, Norway or Sweden.³ Over the years, employers have also become better aware of the dangers that can face lone workers, such as those in the retail and service sectors. Lone workers are most often staff that either regularly or occasionally work on their own, and without access to immediate support from managers or other colleagues. Unfortunately, violence against lone workers is far too often highlighted by the resulting fatalities, especially in those cases which catch media attention. Moreover, except in cases where criminal charges are laid, many instances of workplace violence still go unreported.

Whichever sector an organization is in, including those within the government and non-government sectors, the organization must carry out a risk assessment to determine what potential violent situations might arise within the work environment. Human resource, supervisory staff and OHS managers increasingly occupy a pivotal role in an organization's risk assessment and violence-prevention programs. They not only must know how to help create a safe and healthy work environment, but they also must understand the ramifications of what can happen when an organization doesn't live up to relevant laws and their requirements. Under OHS legislation, employers must provide their employees with a place to work that is free from recognized hazards that are causing or likely to cause death or serious physical harm to their employees.

In order to secure and encourage employee input and support, employers are encouraged to use workplace health and safety committees and representatives to develop and implement violence prevention plans. Once developed, it is extremely important that all employees be informed about and trained in the resulting prevention practices in each work location. In addition, a regular evaluation of violence prevention programs should be undertaken by the organization to ensure that any additional known risks are assessed. Of course, there may be situations beyond the immediate control of an organization where unforeseen violence may occur (e.g. terrorism). Hopefully, the prevention and emergency practices put in place will minimize the human toll and damage that might result from such occurrences. Having demonstrated "due diligence" by having instituted an effective violence prevention program, careful investigations and documentation, an employer will be in a much better position to avoid prosecution under the law or other forms of potential litigation by the affected parties.

Prevention of harassment in the workplace

Workplace harassment involves another serious but very different scenario. There are normally two distinct kinds of harassment—personal harassment and sexual harassment. In general, harassment is defined as behaviour that is unwelcome or behaviour that ought to be known to be unwelcome. Such behaviour excludes, intimidates, or denies the right of every individual to a safe and comfortable working environment. Personal harassment can vary from bullying, inappropriate remarks, gestures or comments and yelling, to striking, pushing and other incidents involving some form of mental or physical assault. In extreme cases, the actions could fall under workplace policies regarding violence.

³ *Nurses' group targets workplace violence*, Canadian OH&S News, OHS Canada, 12/16/2008; and *Long-term-care workers face 'extraordinary' violence: study*, Brodie Fenlon, Globe and Mail, March 10, 2008

Bullying, as a specific form of personal harassment, is very aggressive and intimidating behaviour intended to control another individual (the bully's target). In particular, people in positions of authority (e.g. supervisor, manager, CEO, etc.) cannot be allowed to abuse their power to harass or intimidate others. Besides sexual harassment which often falls under criminal laws, bullying by supervisors and co-workers is the next most serious form of harassment. Studies have found that persons who are psychologically harassed at work are often better skilled at their jobs than the bullies who target them. Sometimes, bullied individuals are forced to quit their jobs because they're also non-confrontational. Both men and women can act as bullies, unfortunately a rare and unwelcome case of an equal gender practice in the workplace.

Employees who are bullied will frequently suffer from various damaging physical and mental health consequences. Indeed, it is reported that some thirty percent of women who are targeted experience post-traumatic stress disorder (PTSD).⁴ A host of health problems have been associated with workplace bullying, including stress-related conditions such as high blood pressure, anxiety, panic attacks and depression. In addition, studies have found that a high percentage of victims eventually lose their jobs. Even in cases where the bullying eventually stopped, numerous persons reported that they had made it stop by voluntarily leaving the company.⁵

Regardless of availability (e.g. Quebec) or non-availability of OHS legislation with respect to workplace harassment, an organization would be well served by having in place a written harassment policy and an anti-harassment program. Such a policy should be backed fully by the organization's management, clearly communicated to all employees, and supported by an orientation program for both managers and workers. A complaint process should be clearly identified and designed to be objective and impartial, recognizing the importance of confidentiality and privacy concerns. The Canadian Centre for Occupational Health and Safety (CCOHS) offered the following additional general tips to deal with preventing bullying or other forms of harassment:

- ☞ Encourage everyone at the workplace to treat one another in a respectful and professional manner.
- ☞ Have a workplace policy in place that includes a reporting system.
- ☞ Treat all complaints seriously. Try to resolve situations before they get serious or out of control.
- ☞ Educate everyone that bullying is a serious matter; what is considered bullying, and whom they can go to for help.
- ☞ Encourage supervisors and managers to address situations promptly and confidentially whether or not a formal complaint has been filed.
- ☞ Have an impartial third party help with the resolution, if necessary.⁶

Employee assistance in the aftermath of violence or harassment in the workplace

Organizations owe it to their employees to assist them with any mental or physical health issues that may arise as a result of violence or harassment in the workplace. According to various experts, despite increasing numbers of worker compensation claims and disability payments resulting from violence and psychological and physical harassment in the workplace, the issue doesn't appear to be adequately addressed in Canada.

One aspect of dealing with the consequences of workplace violence or harassment is the ongoing need for the provision of assistance to affected persons, preferably through trained personnel or employee assistance programs (EAP). Affected persons should be encouraged to come forward in a confidential manner in order to seek the required assistance. Privacy matters are very important to consider when

⁴ *Companies must deal with workplace bullies or lose brightest employees: expert*, Camille Bains, The Canadian Press in OHS Canada, Sept. 5, 2006

⁵ *Putting an End to Workplace Bullying*, The Health & Safety Report, Canadian Centre for Occupational Health and Safety, Volume 6, Issue 4 - April 2008

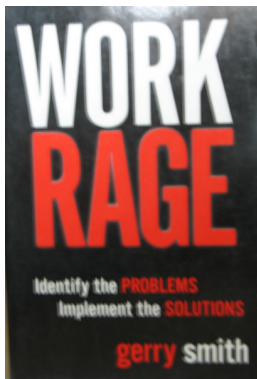
⁶ *Putting an End to Workplace Bullying*, Op. Cit.

planning and implementing such programs. If not addressed as soon as possible and if left untreated, mental health problems, including those related to PTSD and depression, can emerge. As in the case of the general stigma associated with mental health issues, affected persons must be assured that the organization will do everything necessary so that the individuals' employment will continue under the circumstances. Normal accommodation or return-to-work practices should be implemented so as to allow affected persons, including co-workers and family members, to adequately adjust in a timely and healthy manner during the rehabilitation phase. Hopefully, the length of rehabilitation can be shortened in order to return the affected workers to their prior productive state as quickly as possible.

Potential increase in violence or harassment in the workplace during downturns

If the results of past research on the consequences of recessionary periods tend to repeat themselves, one can anticipate that workplace violence and harassment will most likely increase during the current economic downturn. This is one reason why it is even more important that organizations make sure that effective policies and programs are in place to deal with such a potential upsurge. Increased unemployment resulting from layoffs attributed to the downturn and industry restructuring will no doubt result in greater stress on managers, staff members, current and former employees. Work rage can often result from this situation, requiring managers and employees to be extra sensitive as to how matters of layoffs and cutbacks are handled. Inappropriate behaviour on the part of supervisors and co-workers must be dealt with quickly and with a good deal of sensitivity. Certain sectors in particular will need to cope with an increase in violent acts among disgruntled clients and distressed individuals. This will require a greater emphasis being placed on and an on-going adjustment of organizational violence prevention programs.

Recommended Reading:



“Work Rage”

(Identify the Problems, Implement the Solutions)

by Gerry Smith

(HarperCollins Publishers, Toronto, 2000)

[Violence in the Workplace Prevention Guide](#), Canadian Centre for Occupational Health and Safety
[Preventing violence and harassment in the Workplace](#), European Foundation for the Improvement of Living and Working Conditions

Recommended Web Sites:

- ◆ <http://www.workplaceviolence.ca/home.html>: Canadian Initiative on Workplace Violence
- ◆ <http://www.nobullyforme.org/>: No Bully For Me, Vancouver, British Columbia
- ◆ <http://www.workplacebullying.org/>: Workplace Bullying Institute, Bellingham, U.S.
- ◆ <http://www.ccohs.ca/oshanswers/psychosocial/bullying.html>: Bullying in the Workplace, Canadian Centre for Occupational Health and Safety
- ◆ <http://www.ccohs.ca/oshanswers/psychosocial/violence.html>: Violence in the Workplace, Canadian Centre for Occupational Health and Safety
- ◆ <http://www.safety-council.org/info/OSH/bullies.html>: Bullying in the Workplace, Canada Safety Council

“Healthier organizations mean more productive employees.”