

Workplace violence - Duties of the employer

Cheat sheet #3

SECTIONS	Important duties of the employer in the Act (Ontario)
25 (2) (h) 27 (2) (c)	An employer and a supervisor shall take every precaution reasonable in the circumstance to protect a worker.
25 (1) (a)(b) (c)	Ensure that any required protective equipment, devices and materials provided to a worker are maintained in good condition and used by the worker. A worker shall be trained on the use, care and limitations of any protective equipment, materials and protective devices.
25 (2) (a)	Provide information, instruction and supervision to protect the health and safety of a worker
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.
32.0.1 (1)(a) (2)	Prepare and review at least annually a written workplace violence policy .
32.0.1. (2)	Post the workplace violence policy in a conspicuous place.
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"> ➤ measures and procedures to control the risks of violence identified in the risk assessment as likely to expose a worker to physical injury; ➤ measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur; ➤ 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; and ➤ any prescribed elements.
32.0.5 (2)	Provide information and instruction to a worker with respects to 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 after a violent incident or as often necessary to ensure that the policy and program continue to protect workers from workplace violence
32.0.3 (3) (5)	Advise the joint health and safety committee (or health and safety representative) the results of the assessment or re-assessment and, if in writing, provide written copies.
32.0.5 (1) (3)	Provide information and instruction to a worker likely to be exposed to bodily injury from any person in the workplace with a history of violence.
32.0.5 (4)	Disclose no more personal information about the person described in 32.0.5 (1) than is necessary to protect a worker from physical injury.
32.0.4	Take every precaution reasonable to protect any worker likely to be exposed to physical injury resulting from domestic violence (from any source) in the workplace.

Definitions 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, he or she does 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 he or she intervenes. 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.