

Violence in the Workplace

**CUPE Guide for Negotiating Collective Agreement Language
BC Region - Version 3 – Winter 2020**

Additional Materials for the CUPE Power Point Presentation*

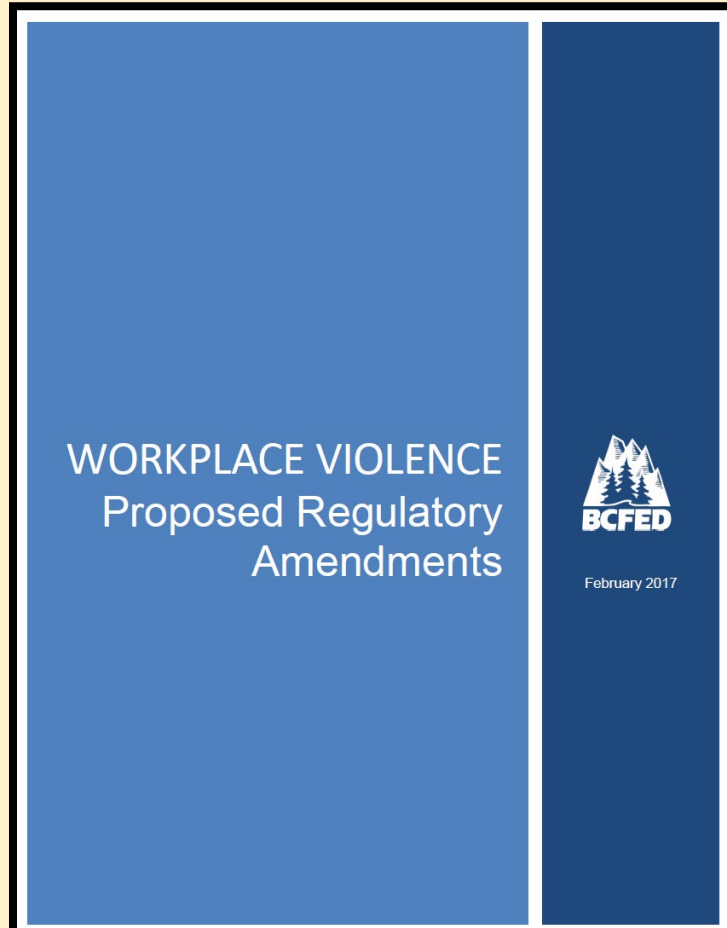


***See Violence in the Workplace Negotiating Collective Agreement Language Power Point as per the screen shot above. This document does not address Federal legislation.**

1. Introduction:

1.1 Purpose of Document:

This is a summary of important points that should be considered when preparing Collective Agreement language regarding any form of violence. **Ensure privacy and human rights considerations are continuously addressed and related legislation is complied with e.g. FOIPPA and PIPA.**¹ There are many other resources such as CUPE National, WorkSafeBC (“WCB”), the BC Federation of Labour, CCOHS etc. See the Appendices and Resources below.



¹ See http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00 and http://www.bclaws.ca/civix/document/id/complete/statreg/03063_01

1.2 Responsibility of Employer (Note that there may be multi-Employer and multi-Union worksites):

It is the responsibility of the Employer to provide a safe workplace by ensuring the health and safety of all workers (employees) working for that Employer (and any other workers present at the workplace), as per the hazard and risk control hierarchy at Appendix C. The Canadian Centre for Occupational Health and Safety (“CCOHS”) states “Employers shall take all reasonable precautions, under the particular circumstances, to prevent injuries or accidents in the workplace”. The *BC Workers Compensation Act* states, in part, that:

General duties of employers

115 (1) Every employer must

- (a) ensure the health and safety of
 - (i) all workers working for that employer, and
 - (ii) any other workers present at a workplace at which that employer's work is being carried out, and
- (b) comply with this Part, the regulations and any applicable orders.

(2) Without limiting subsection (1), an employer must

- (a) remedy any workplace conditions that are hazardous to the health or safety of the employer's workers,
- (b) ensure that the employer's workers
 - (i) are made aware of all known or reasonably foreseeable health or safety hazards to which they are likely to be exposed by their work,
 - (ii) comply with this Part, the regulations and any applicable orders, and
 - (iii) are made aware of their rights and duties under this Part and the regulations,

Strong Collective Agreement language improves the safety of employees and the accountability of Employers. Many CUPE Locals have begun to negotiate Collective Agreement language addressing violence. The Hospital Employees’ Union and the BCGEU have also negotiated language. See <https://www.heu.org/bargaining> and <http://former.bcgeu.ca/node/8209>

1.3 Terms Used:

In this material the terms “employees” and “workers” are used interchangeably although they have different legal definitions and usages depending on the area of legislation, OHS Regulations or Collective Agreement. Joint Occupational Health

and Safety Committee and Joint Health and Safety Committee (“JHSCs”) are used interchangeably. There are many related similar terms. Use the terms used in the relevant legislation, OHS Regulations, etc. “Safe” refers to both safe and healthy.

1.4 Role of Joint Health and Safety Committee:

When workplace violence occurs, regardless of the type, it is within the Joint Health and Safety Committee’s role to conduct ongoing regular risk assessments, investigations, and to develop recommendations, workplace policies, systems and procedures that shall protect workers from violence. This a partial list. Ensure the Terms of Reference for the Joint Health and Safety Committee has a broad scope.

The CUPE National Representative should be involved at all levels of occupational health and safety, labour relations and bargaining as these often overlap. Violence crosses many different jurisdictions and areas of law.

1.5 Notice of Potential Changes to Occupational Health and Safety (OHS) Regulations:

Changes to the Occupational Health and Safety legislation, OHS Regulations, Policies and Guidelines regarding violence may occur after 2020, as per the extensive recommendations by the BC Federation of Labour and affiliate Unions to government. Check the WorkSafeBC (“WCB”) website often, as changes may occur.

Also check the CUPE National Health and Safety webpage for ongoing updates and new materials. There are other resources such as the CSA Group and the CCOHS.

(See next page)

The purpose of the Violence Prevention Guidelines is to provide CUPE members with resources to help protect them against violence in the workplace. It contains:

- [Download the Violence Prevention Guidelines booklet](#)
- [Order copies of the Violence Prevention Kit](#)
- [Fact Sheet: Working alone](#)
- [Violence and harassment legislation in Canada by Jurisdiction](#)
- [Checklist: Sample violence hazard assessment/inspection](#)
- [CUPE's Code of Conduct](#)
- [CUPE's Equality Statement](#)
- [Violent Incident Report](#)
- [Checklist: Response to a violent incident](#)
- [Bargaining Guide: Domestic violence in the workplace](#)
- [Guideline: Stop harassment: a guide for CUPE locals](#)
- [Workplace harassment and mental injuries: examining root causes](#)
- [Fact Sheet: What is the duty to accommodate?](#)



NOTE: LOCALS MAY ORDER A MAXIMUM OF 16 KITS.

\$0.00

ORDER

LANGUAGE

English ▼

QUANTITY

1

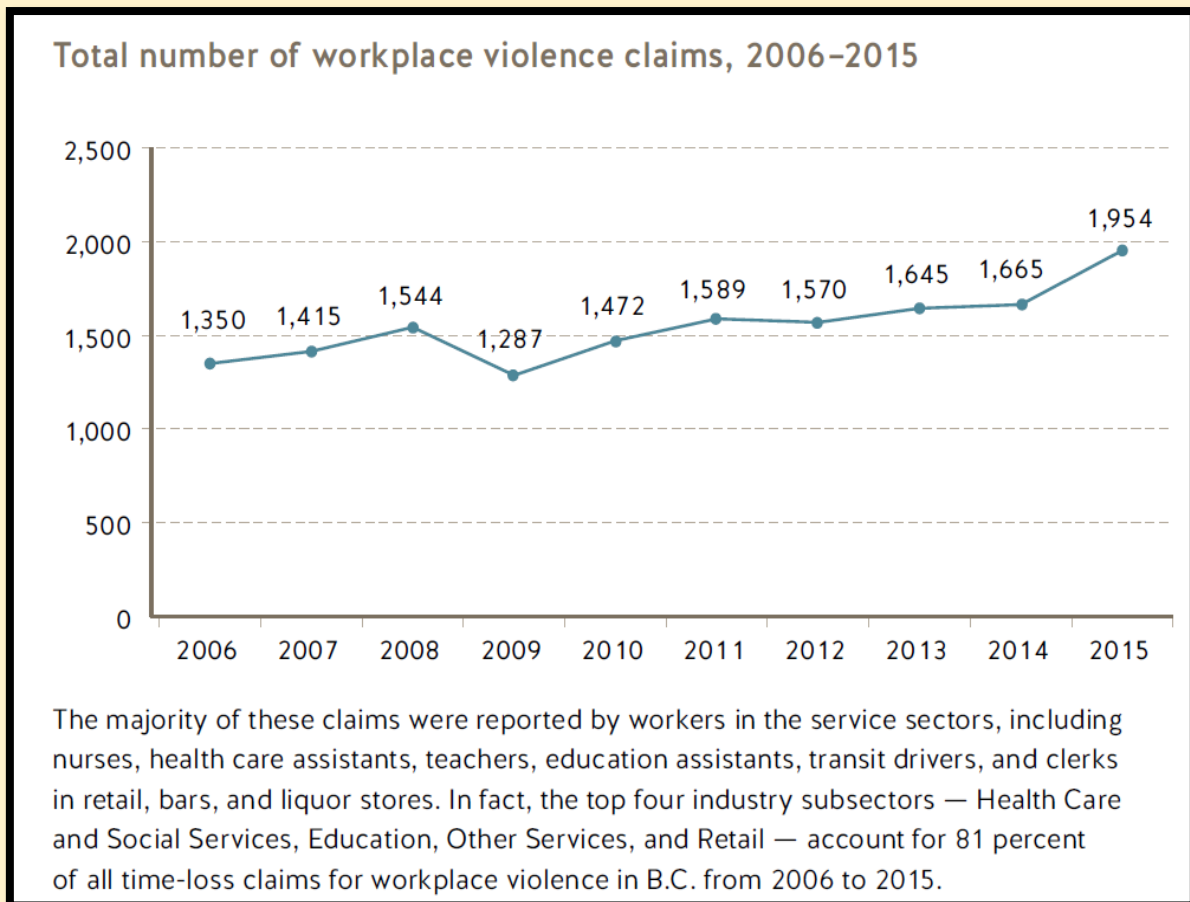
ADD TO CART



2. Violence Statistics:

2.1 Violence Trends in BC:

Violence is increasing across Canada in all sectors. While WCB Statistics may state that only a small number of serious injury claims result from violence, this does not reflect non-serious injury claims, bullying and harassment claims, claims that were not filed, unreported injuries, secondary injuries (sequelae) etc. Statistics often do not indicate if these are only accepted WCB claims. Domestic violence has often been underreported. Therefore, the true extent of violence is not known. The incidents of violence vary widely by sector with Healthcare, Education / K-12, and Social Services all having much higher levels of violence. Here is a WCB trend line for workplace violence claims for a 10-year period:



WORKSAFE BC

Forms & Resources

Law & Policy

About Us

Contact Us

Log in / Create an account

Health & Safety

Insurance

Claims

I Am a...

Search worksafebc.com

Home > Health & Safety > Hazards & exposures > Violence

Violence

Domestic violence in the workplace

Law & policy

Related topics

Related industries

Violence

The potential for violence exists whenever there is direct interaction between workers and non-workers. Employers must provide a workplace as safe from the threat of violence as possible. If there is a risk of violence in a workplace, the employer must set up and instruct workers on procedures to eliminate or minimize the risks.

The risks

Resources

How to reduce the risks

The risks

The first step in preventing workplace violence is conducting a risk assessment. If the assessment shows that there is a risk of violence, the employer must develop and implement a workplace violence prevention program.

When assessing the risk of violence, take the following into account:

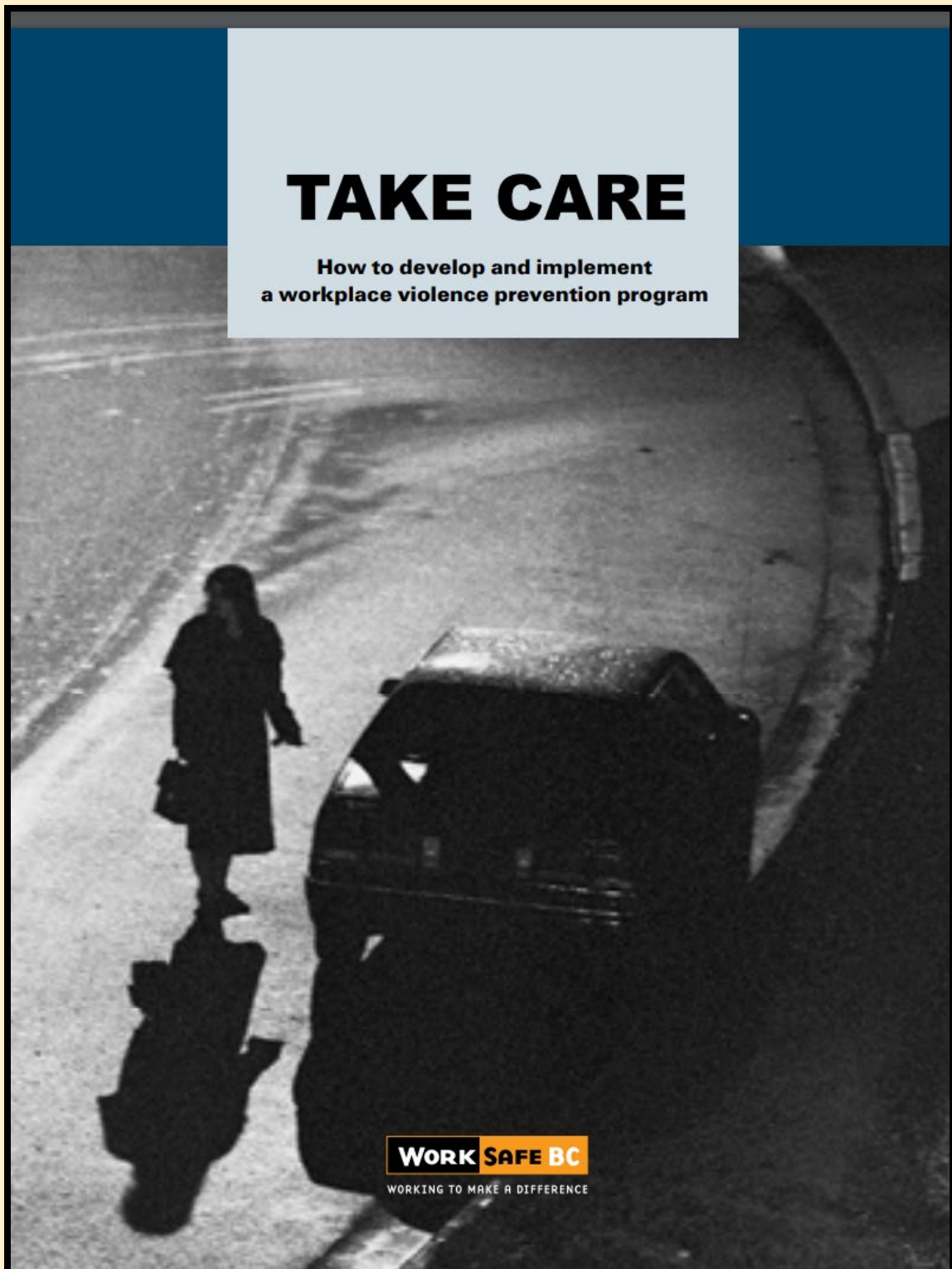
- The location, nature, and circumstances of the work you are engaged in
- The number and nature of previous incidents of violence at the workplace over a period of at least one year
- Experiences at similar workplaces

How to reduce the risks

A workplace violence prevention program should be part of your overall health and safety program. It should be developed and implemented in co-operation with the joint health and safety committee or worker health and safety representative. The nature and extent of the program should be based on the results of the risk assessment.

A violence prevention program should include the following components:

- Written policy to eliminate or minimize risk
- Regular risk assessments
- Prevention procedures
- Worker and supervisor training
- Procedures for reporting and investigating incidents
- Incident follow-up
- Program review



2.2 Violence Trends Nationally:

Violence is increasing across Canada. For example, as per Ontario statistics:

- 61% of Social Service and Institutional employees were verbally threatened.
- 42% of employees in this sector were physically threatened.
- 30% of employees were physically assaulted.

In Montreal psychological violence is rampant in the municipal sector:

- 87.5% of inside Municipal employees reported psychological violence.
- 67% had been threatened 3 or more times.
- 23% had been assaulted.
- 12% had been sexually assaulted.

Harassment widespread in workplaces, finds Statistics Canada

July 04, 2019 WHSC, Training, Workplace Representation, Statistics and Trends, Work hazards, Vulnerable Workers

[Go to News Index](#)



A recent report adds to a growing body of evidence showing harassment in Canadian workplaces is in need of workplace interventions and regulatory enforcement.

Conducted by [Statistics Canada this report](#), using survey data from 9,000 respondents living in the 10 provinces aged 15 to 64 who worked for pay in 2016, found almost **one in five women** had been harassed at work at some point during the year while **one in every eight men** reported similar experiences.

For the purposes of this survey, harassment included verbal abuse, humiliating behaviour, threats, violence and unwanted sexual attention or harassment.

Women report more abuse

Verbal abuse was experienced most often with 13 per cent of women and 10 per cent of men reporting it in the prior 12 months. Next most prevalent was humiliating behaviour reported by six per cent of women and five per cent of men.

Women were found to suffer **physical violence** at twice the rate of men and five times as likely to report **sexual harassment** or **unwanted sexual attention**—this last point echoing [prior research](#). For women, being **young, single or unmarried** was found to add to **sexual harassment vulnerability**. Researchers suggest these characteristics may be “proxies for less seniority at work and poor job quality—factors that may increase the likelihood of experiencing sexual harassment in the workplace to the extent that they imply low organizational power.”

Harassment was more pronounced among women and men who identified as homosexual or bisexual compared to heterosexuals. Excess suffering was also experienced by **aboriginal compared to non-aboriginal women**.

New study shows spike in violent incidents in Ontario's elementary schools


THE CANADIAN PRESS
MICHELLE MCQUIGGE

September 11, 2019
4:01 AM EDT

🕒 Last Updated
September 11, 2019
4:01 AM EDT

Filed under
PMN Canada

 Comment

 Facebook

 Twitter

 Reddit

 Email

TORONTO — A study from the University of Ottawa suggests there has been a sharp increase in the level of violence teachers face while working in Ontario's elementary schools.

A team of researchers surveyed more than 1,600 educators last year to gauge the number of times they encountered violence from students, parents or administrators during the 2017-18 school year.

They then compared those results to a survey undertaken by three major unions in 2005, which found that only seven per cent of teachers at the time reported experiencing bullying over the course of their careers.

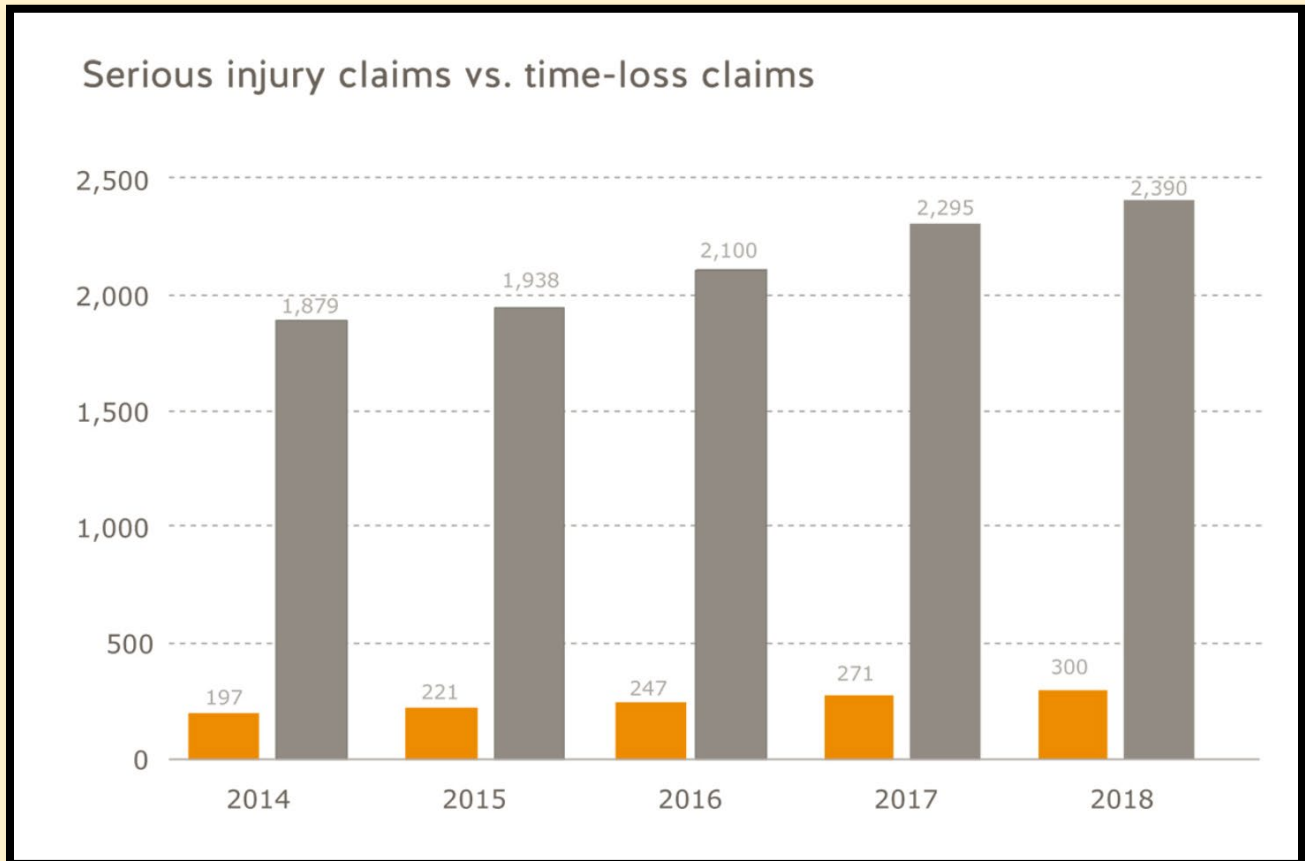
The researchers found that number had surged nearly seven-fold in the intervening years, with 54 per cent of respondents saying they had experienced physical violence such as punching, kicking or biting — primarily at the hands of students.

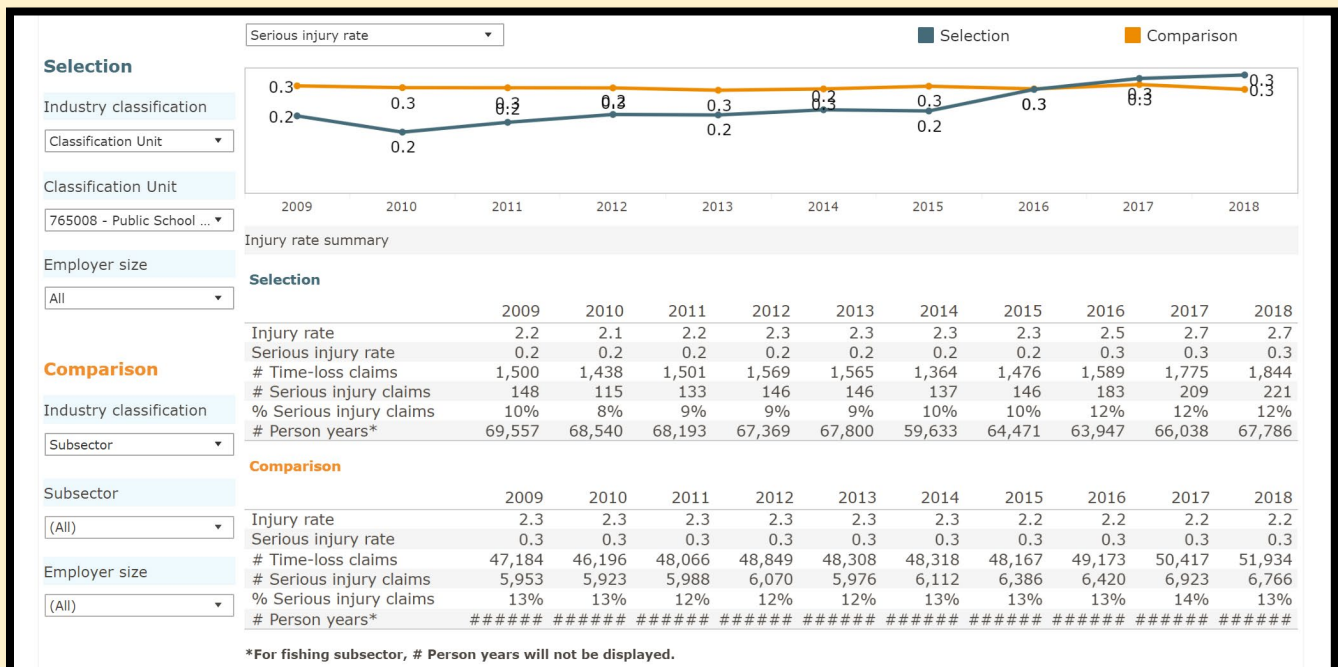
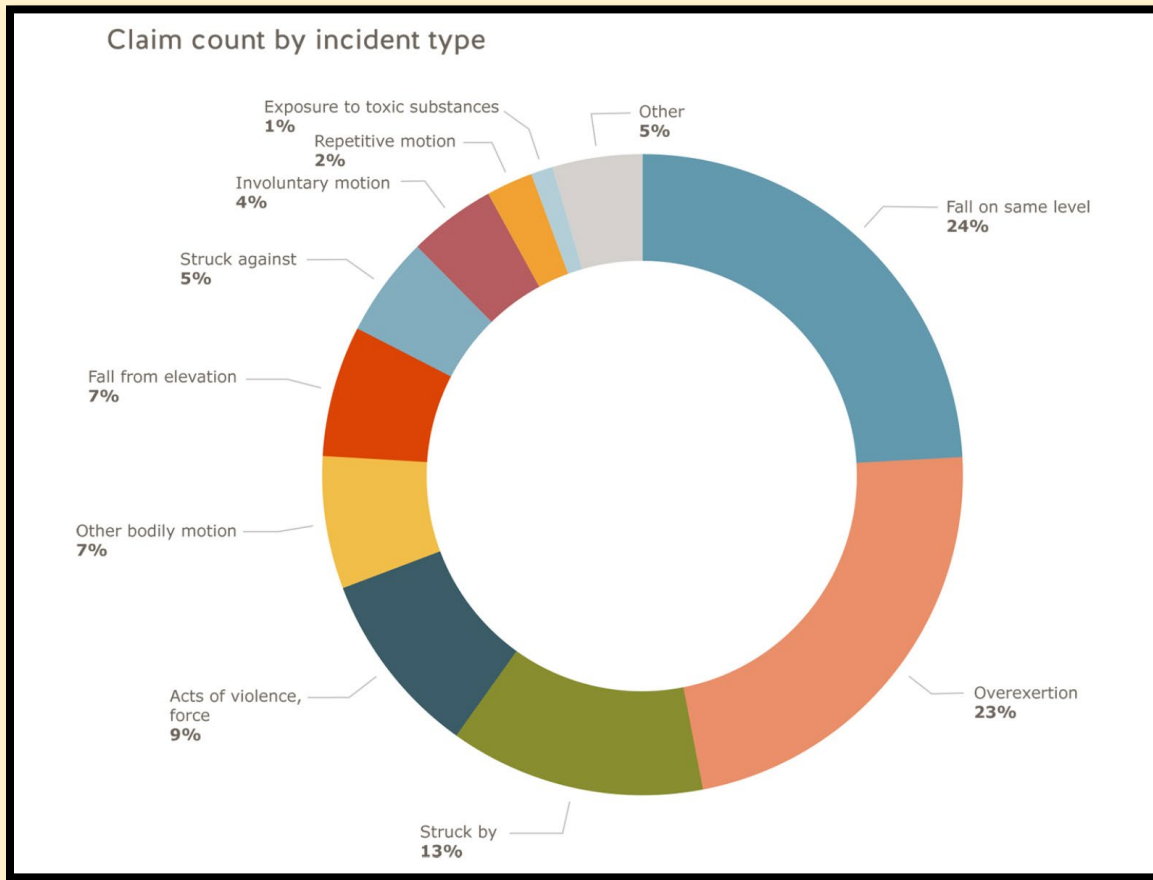
Weapons related violence is also increasing:

- 19% of violent incidents involved a weapon.
- 66% of violent incidents were committed by someone known to the employee.

2.3 Sample Serious Injury Trends in BC in Education:

The overall serious injury rate has been increasing in K-12, as per the most recent WorkSafeBC data:





2.4 Sectors Most Affected by Violence – Healthcare and Social Services:

According to the WCB, health care workers suffer a greater number of time-loss injuries due to violence than any other occupation. When combined with workers in social services, the injuries accounted for 63% of the time-loss claims made in 2015.² In the past 10 years there has been a 70% increase in violence-related claims in the health care sector, according to the WCB.³

3. Where Violence Occurs – It Can Occur Anywhere:

Violence comes from a variety of interactions: members of the public, managers, supervisors, co-workers, board members, students, patients, parents, clients or passengers. This is a partial list for illustration purposes only.

Employees who are often impacted include:

- New workers
- Young workers
- Working alone or in isolation
- Healthcare
- K-12 / Education
- Social Services

² Times Colonist. B.C. Nurses face higher risk of workplace violence than law enforcement. March 20, 2017. Retrieved from <http://www.timescolonist.com/business/b-c-nurses-face-higher-risk-of-workplace-violence-than-law-enforcement-1.12301401>

³ Vancouver Sun. Long-term health care workers at highest risk of injury on the job. February 01, 2016. Retrieved <http://www.vancouversun.com/health/long+term+health+care+workers+highest+risk+injury/11688532/story.html>

4. How is Violence Defined – Be Careful of Definitions – They Change Often:

4.1. CUPE National Definition:

BC has the third least protective violence OHS Regulations in Canada. Consider the Canadian Standards Association, CCOHS and CUPE National Office materials when creating definitions.

Violence should always have a very broad definition. Many areas of the Collective Agreement may apply beyond the health and safety provisions. The *Workers Compensation Act*, OHS Regulations, Policies and the Guidelines should only be the starting point. Policies and Procedures should be consistent as well.

CUPE National defines violence as follows (noting that the BC OHS Regulations and the *Workers' Compensation Act* are only the minimum legal requirements and are currently being reviewed due to numerous problems):

“Violence in the workplace is any incident(s) in which an employee is threatened, assaulted or abused during the course of their employment that may cause physical or psychological harm. This includes threats, attempted or actual assault, application of force, verbal abuse or harassment. Harassment is offensive behaviour that a reasonable person would consider unwelcome. The workplace is any location in which work-related activities under the control of the organization are performed.”

4.2 Components of Violence:

Violence occurs on a broad continuum. It often escalates from one form to another and not necessarily in any particular order or sequence.

Consider including all the categories of violence. For example (these may change):

- Domestic violence
- Harassment and bullying including psychological harassment and bullying
- Verbal abuse
- Verbal threats
- Written abuse
- Written threats
- Threatening behaviours
- Stalking
- Sexual harassment
- Physical assaults

Violence also includes near hits.

This is a partial, non-exclusive list.

5. Legislation, Occupational Health and Safety Regulations, Policy and Guidelines:

5.1 Definitions (Which are currently under review and subject to change):

- A. Occupational Health and Safety Regulation (“OHSR”) 4.27 - 4.31 - Violence in the Workplace:

“violence” means the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker and includes any threatening statement or behaviour, which gives a worker reasonable cause to believe that he or she is at risk of injury.”

4.24 - *“improper activity or behaviour”* includes:

- (a) the attempted or actual exercise by a worker towards another worker of any physical force so as to cause injury, and includes any threatening statement or behaviour, which gives the worker reasonable cause to believe he or she is at risk of injury, and
- (b) horseplay, practical jokes, unnecessary running or jumping or similar conduct.”

5.2 Other Applicable Legislation, OHS Regulations, Policies and Guidelines:

Other potentially applicable Sections include (recognizing there are related OHS Regulations, Policies and Guidelines):

- 3.9 – Remedy Without Delay
- 3.10 – Reporting Unsafe Conditions
- 3.11 – Emergency Circumstances
- 3.12 – Refusal of Unsafe Work
- 3.13 – No Discriminatory Action
- 3.22 to 3.25 for Young Workers e.g. 3.23(2)(e)(f)

- 3.28 - Participation by Employer or Representative of Employer and Worker Representative
- 4.13 – Risk Assessment (pertaining to evacuations etc.)
- 4.14 – Emergency Procedures
- 4.16 - Training
- 4.20.1 Definition (4.20.1 to 4.23 pertain to working alone, a risk factor and precursor to violence)
- 4.20.2 Hazard identification, elimination and control
- 4.21 Procedures for checking well-being of worker
- 4.22 Training
- 4.23 Annual reviews of procedures
- 4.24 – Definition (4.24 to 4.26 pertain to Workplace Conduct)
- 4.25 – Prohibition
- 4.26 – Investigation
- 4.28 – Risk Assessment (4.28 to 4.31 pertain to violence)
- 4.29 – Procedures and Policies
- 4.30 – Instruction of Workers

- 4.31 – Advice to Consult a Physician

Policy Items and Guidelines (Guidelines are not mandatory):

- D3-115-2 - Employer Duties—Workplace Bullying and Harassment
- D3-116-1 - Worker Duties—Workplace Bullying and Harassment
- D3-117-2 - Supervisor Duties—Workplace Bullying and Harassment
- D4-140-1 - Participation of Worker Representative in Inspections
- D6-150/151/152-1 - Scope
- D6-153-1 - Investigation of Complaint
- D6-153-2 - Remedies
- D10-175-1 - Preliminary Incident Investigation, Report and Follow-Up Action
- D10-176-1 - Full Incident Investigation, Report and Follow-Up Action

Workers Compensation Act:

- Section 115 to 124 – General Duties of Employers, Workers and Others
- Sections 150 to 153 – Prohibition Against Discriminatory Action
- Section 172 to 177 – Accident Reporting and Investigation

6. Preparing for Bargaining – Data Collection:

There are a number of steps that must occur in order to prepare for bargaining, especially coordinated multi-Employer, multi-Local or multi-Union bargaining. These include (this is not an exhaustive list and there are likely dozens more steps depending on variables such as the Union, Local, sector, violence patterns, etc.):

- Gathering all violent incident report data and statistics, including near hits. These include both internal reports and formal reports to WorkSafeBC e.g. Form 6, Form 7, Form 52E40, etc.
- Gathering data on incidents of bullying and harassment.
- Gathering WCB claim data (redacted as required).
- Gathering JHSC reports and minutes, including recommendations.
- Gathering WCB Orders, communications to the Employer, etc.
- WCB statistics – both provincially and nationally, by sector and by Employer.
- Gathering sick leave data where sick leave or unpaid absences have arisen due to violence, directly or indirectly.
- Grievance, arbitration and other information.
- Bargaining information from other Unions, Locals and sectors.
- CUPE National and Research data and information.

7. Key Areas in the Collective Agreement to Address:

Be very careful about the differences between the language in Occupational Health and Safety (Prevention) and WCB Claims (Compensation) legislation, Policy, OHS Regulations, Guidelines. Different legislation, Regulations, Policies, Guidelines and Practice Directives may apply. They have different definitions.

Specific sample Collective Agreement language is difficult to provide because the language will vary by sector, size of Local, location of Local e.g. one location or multiple locations, Local specific issues, the presence of bargaining or sector associations, violence statistics, etc. Areas of the Collective Agreement that need to be addressed often include (this is not an exhaustive list):

- Definitions
- Recognition of violence
- Employee training language
- Grievance language, including investigations
- Hazard and risk assessment
- Hazard and risk control
- New employee orientations
- Training and education
- Employer responsibilities

- Supervisor responsibilities
- Worker responsibilities
- Joint Health and Safety Committee responsibilities
- Workplace inspections
- Responding to an incident of violence
- Critical Incident Stress Debriefing
- Documenting of incidents, access to documents
- Post incident investigations
- First Aid and medical attention
- Involvement of the WCB e.g. Prevention Officers
- Sick leave, including short-term, medium-term and long-term disability and other Collective Agreement or Third-Party benefits
- No retaliation, claims suppression or discipline for reporting violence or filing a WCB claim
- Return to Work, Accommodation and Duty to Accommodate
- Privacy considerations e.g. for the employee who experienced violence, medical documentation, limiting access to and use of WCB file information, etc. Be careful to safeguard and secure private information.

- Staffing levels
- Volunteers – does the Collective Agreement apply to them? How? When?
- Working Alone language
- Filing of grievances, jurisdiction of the arbitrator, ability of use the WCB processes, Human Rights and Collective Agreement
- Regular program, Procedure and Policy review

Collective Agreement language is in addition to any Employer Policies and Procedures. Consider all of these when negotiating Collective Agreement language - they need to be consistent.

8. Problems and Barriers to Bargaining Collective Agreement Language:

There are a number of common problems and barriers to negotiating Collective Agreement language. This includes the following, for example:

- Lack of Reporting and under-reporting (Employees frequently under-report incidents of violence). This is especially prevalent for employees in precarious employment e.g. casuals, auxiliaries, term or temporary employment, etc.
- Not reporting injuries or near hits due to fatigue, fear, literacy issues, language issues, retaliation, stigma, workload and staffing issues, etc.
- Past practices
- Workplace culture

- Expectations that violence is “part of the job” e.g. First Responders, K-12, Social Services and Healthcare
- Lack of statistics or incorrect statistics
- Retaliation by Employers
- Claims suppression by Employers
- Unclear reporting processes
- No follow-up by Employers or JHSCs
- No follow-up by JHSCs e.g. no written recommendations
- Lack of training and education for employees and JHSCs
- Literacy and numeracy issues
- Lack of information in multiple languages
- Confidentiality. Employers have sought to reduce the information given to the JHSC by referring to the need for confidentiality. CUPE maintains that the details of the violence are relevant to addressing workplace violence and that workplace safety concerns must take precedence. The WCB has sector specific fact sheets and guidelines on these topics that refer to the Employer’s obligation to provide information where required
- Non-functioning or poorly functioning JHSCs

Be very careful about negotiating language that may be discriminatory

9. Resources and Links:

Is there a broken link in the resources below? Links, webpages and sites change regularly. Please contact the relevant agency below to confirm the new website.

9.1. CUPE National Materials:

CUPE National Health and Safety Guidelines “Preventing violence and harassment in the workplace” at <https://cupe.ca/orders/preventing-violence-and-harassment-workplace-guidelines>

“Checklist Response to a Violent Incident” at https://cupe.ca/sites/cupe/files/13_-_checklist_-_response_to_violent_incident.pdf

“Conducting Surveys on Violence in the Workplace” at https://cupe.ca/sites/cupe/files/guide_survey_2017_en.pdf

“Collective Bargaining Strategies to Prevent Workplace Violence” at https://cupe.ca/sites/cupe/files/collective_bargaining_strategies_to_prevent_workplace_violence_2016_en.pdf

“Domestic violence and the workplace: A bargaining guide” at <https://cupe.ca/domestic-violence-and-workplace-bargaining-guide> See pages 8 to 15

“Health and Safety Violent Incident Report” at https://cupe.ca/sites/cupe/files/12_-_violence_reporting_form_-_final.pdf

“Legislation Applying to Violence and Harassment in Canada by Jurisdiction” at https://cupe.ca/sites/cupe/files/03_-_legislation_applying_to_violence_and_harassment_in_canada_by_jurisdiction_0.pdf

“Sample Violence Hazard Assessment / Inspection Checklist” at https://cupe.ca/sites/cupe/files/05_violence_hazard_assessment_and_inspection_checklist_-_final.pdf

“Stop harassment: A guide for CUPE locals” at <https://cupe.ca/stop-harassment-guide-cupe-locals>

“Violence in the Workplace CUPE O.H. & S. Conference Power Point. October 22 to 24, 2014

“Workplace Violence and Harassment Prevention Toolkit” at <https://cupe.ca/cupes-workplace-violence-and-harassment-prevention-kit-available-online>

9.2. CUPE BC Materials:

See the CUPE BC OHS Committee website for many templates, Guides, Forms, and Power Points at

https://www.cupe.bc.ca/occupational_health_and_safety_committee

9.3. WorkSafeBC Materials:

“A Workbook for Employers and Workers: Preventing Violence” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/a-workbook-for-Employers-and-workers-preventing-violence?lang=en>

“Addressing Domestic Violence in the Workplace: A Handbook for Employers” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/addressing-domestic-violence-in-the-workplace-a-handbook-for-Employers?lang=en>

“Bullying and Harassment Questionnaire” at <https://www.worksafebc.com/en/resources/health-safety/interactive-tools/bullying-harassment-questionnaire?lang=en>

“Communicate Patient Information: Prevent Violence-Related Injuries to Health Care and Social Services Workers (for Public Bodies*)” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/communicate-patient-information-prevent-violencerelated-injuries-to-health-care-and-social-services-workers-for-public-bodies?lang=en>

“Communicate Personal Information: Prevent Violence-Related Injuries to Health Care and Social Services Workers (for Non-Public Bodies*)” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/communicate-personal-information-prevent-violencerelated-injuries-to-health-care-and-social-services-workers-for-nonpublic-bodies?lang=en>

“Communicate student information: Prevent violence-related injuries to workers in the education sector” at <https://www.worksafebc.com/en/resources/health-safety/hazard-alerts/communicate-student-information-prevent-violence-related-injuries-to-workers-in-the-education-sector?lang=en>

“Critical Incident Response” at <https://www.worksafebc.com/en/claims/report-workplace-injury-illness/critical-incident-response>

“Critical Incident Response Program Guidelines” at <https://www.worksafebc.com/en/resources/claims/guides/critical-incident-response-program-guidelines?lang=en>

“Developing a Policy Statement for Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/developing-a-policy-statement?lang=en>

“Developing a Policy Statement Template: Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/developing-a-policy-statement-template?lang=en>

“Developing Investigation Procedures for Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/developing-investigation-procedures-workplace-bullying-harassment?lang=en>

“Developing Reporting Procedures for Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/developing-reporting-procedures-workplace-bullying-harassment?lang=en>

“Developing Reporting Procedures Template: Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/developing-reporting-procedures-template-workplace-bullying-harassment?lang=en>

Domestic Violence Resources at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/domestic-violence-resources?lang=en>

“Domestic Violence Policy: 10 Steps to Creating a Domestic Violence Policy for Your Workplace” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/domestic-violence-policy-10-steps-to-creating-a-domestic-violence-policy-for-your-workplace?lang=en>

Domestic Violence Risk Assessment Tool at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/domestic-violence-risk-assessment-tool?lang=en>

Due Diligence Checklist at https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-occupational-health-safety/due_diligence_checklist1.pdf

(Note: there is a revised and expanded version on the CUPE BC Occupational Health and Safety Committee website)

“Education Sector: Violence in the Workplace” at <https://www.worksafebc.com/en/resources/health-safety/posters/workplace-safety-series/violence-in-the-workplace?lang=en>

“Employer Fact Sheet - Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/Employer-fact-sheet-workplace-bullying-and-harassment?lang=en>

Form 52E40 “Employer Incident Investigation Report” at <https://www.worksafebc.com/en/resources/health-safety/forms/incident-investigation-report-form-52e40?lang=en>

“Health Care Violence Inspection Checklist” at <https://www.worksafebc.com/en/resources/health-safety/checklist/health-care-violence-inspection-checklist?lang=en>

“How to Recognize Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/how-to-recognize?lang=en>

“Investigations guide” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/investigations-guide/investigations-guide?lang=en>

“Investigations guide template” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/investigations-guide/template?lang=en>

“Leave When Its Unsafe” at <https://www.worksafebc.com/en/resources/health-safety/videos/leave-when-its-unsafe?lang=en>

“Occupational Health and Safety Hazard: Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/occupational-health-and-safety-hazard?lang=en>

Occupational Health and Safety Regulations on Violence at <https://www.worksafebc.com/en/health-safety/hazards-exposures/violence>

“Preventing Violence in Health Care: Five Steps to an Effective Program” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/preventing-violence-in-health-care-five-steps-to-an-effective-program?lang=en>

“Reducing the risk of violence when driving students” at <https://www.worksafebc.com/en/resources/health-safety/hazard-alerts/reducing-risks-when-driving-students?lang=en>

“Small Business Guide to Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/small-business-guide-to-bullying-and-harassment?lang=en>

“Steps for Conducting a Violence Risk Assessment” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/steps-for-conducting-a-violence-risk-assessment?lang=en&origin=s&returnurl=https%3A%2F%2Fwww.worksafebc.com%2Fen%2Fforms-resources%23q%3Dviolence%26first%3D10%26sort%3Drelevancy%26f%3Atopic-facet%3D%5BHealth%2520%2526%2520Safety%5D%26f%3Atopic-health-safety-facet%3D%5BViolence%5D%26f%3Alanguage-facet%3D%5BEnglish%5D%26tags%3DHealth%20and%20Safety%20general%7C2b5c7e454c984479b1caad93889a3e8b>

“Supervisor Fact Sheet - Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/supervisor-fact-sheet-workplace-bullying-and-harassment?lang=en>

“Take Care: How to Develop and Implement a Workplace Violence Prevention Program” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/take-care-how-to-develop-and-implement-a-workplace-violence-prevention-program?lang=en>

“Toward a Respectful Workplace: A Handbook on Preventing and Addressing Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/a-handbook-on-preventing-and-addressing-workplace-bullying-and-harassment?lang=en>

“Workplace Bullying and Harassment Poster - Checklist of Duties for Workers, Supervisors, and Employers” at <https://www.worksafebc.com/en/resources/health-safety/posters/bullying-and-harassment-poster-checklist?lang=en>

“Workplace Bullying and Harassment: Backgrounder” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/fact-sheet-workplace-bullying-and-harassment?lang=en>

“Worker Fact Sheet - Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/worker-fact-sheet-workplace-bullying-and-harassment?lang=en>

“Worker Checklist: Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/checklist/worker-checklist?lang=en>

“Worker Template: How to Document Incidents of Workplace Bullying and Harassment” at <https://www.worksafebc.com/en/resources/health-safety/books-guides/worker-checklist-template?lang=en>

9.4. Other Materials and Resources:

BCGEU “Workplace Violence Protection A Sample Guide” at http://former.bcgeu.ca/sites/default/files/page/attachments/Workplace_Violence_Protection_Guide.pdf

BC Municipal Safety Association. Prevention of Violence in the Workplace Power Point at <https://www.bcmsa.ca/>

BC Teachers Federation “BCTF Summit on Workplace Violence in Schools January 18, 2018” Power Point at <http://www.bctf.ca/>

Canadian Centre for Occupational Health and Safety (“CCOHS”) at <https://www.ccohs.ca/oshanswers/psychosocial/violence.html>

Canadian Standards Association (“CSA Group”) at <https://www.csagroup.org/article/canrsa-z1003-13-bnq-9700-803-2013-r2018/>

Canadian Mental Health Association (“CMHA”) at <https://cmha.ca/>

Occupational Health & Safety Council of Ontario. “Developing Workplace Violence and Harassment Policies: A Toolbox booklet at <http://govdocs.ourontario.ca/taxonomy/term/1320>

Ontario Occupational Health and Safety Branch Ministry of Labour. “Workplace Violence and Harassment: Understanding the Law” at <https://www.labour.gov.on.ca/english/hs/>

10. Appendices:

Appendix A

Collective Agreement Language Themes and Key Points:

The following Collective Agreement themes can be used to help address issues of violence (including bullying and harassment, domestic violence, etc.) in the workplace. This is not actual language. These themes are only a starting point for improving safety in the workplace.

Locals should work with their CUPE Servicing Representative, CUPE Research and CUPE Health and Safety to refine the language to address variables such as the extent and severity of issue, sector, size of Local, and Local composition, etc. Involve the Joint Health and Safety Committee or Worker Health and Safety Representative at all stages of bargaining.

The following information does not replace Occupational Health and Safety legislation, OHS Regulations, Policies and Guidelines - it is in addition to it.

Any references to paid time should refer to or be accompanied by references to overtime etc., if and as applicable. Review the entire Collective Agreement.

Remember to consider how specific terms are defined in the law. The terms “workers” and “employees” are often interchangeable; however, they are used differently depending upon the context. The term “employee” is often used in labour relations and Collective Agreements while the term “worker” is used by the WCB. For the purposes of this sample Collective Agreement language, they are used interchangeably. The terms “risk” and “hazard” have different legal and applicable meanings. The words “shall”, “will” and “must” have different legal definitions and may be past, present or future tense dependent. For simplicity, “shall” has been used here. “WorkSafeBC” and “WCB” are used interchangeably.

There may be workplaces that are not large enough to have a Joint Health and Safety Committee. Smaller workplaces may only have a Worker Health and Safety Representative. The terms are used interchangeably here for illustration purposes.

Locals should contact their CUPE National Representative regarding specific language, including coordinating resources and expert information as needed.

Ensure that there is language stating that any disagreements shall be subject to the grievance procedure of the Collective Agreement including arbitration etc. It should clearly state that this does not preclude also using the WorkSafeBC or any related legislation, OHS Regulations, Policies and Guidelines, etc. either before, during or after any Collective Agreement entitlements or disputes. Issue estoppel and res judicata should not apply. Issues and remedies may vary under each.

Article () - Preamble:

Violence in any form is not acceptable in the workplace. Violence is not part of the job nor is it an expectation or requirement of employment.

Employees have a right to a psychologically and physically safe and healthy workplace that is free from all forms of violence.

Employees have the right to refuse unsafe work (even prospectively or exercised as a group of employees versus singly, regardless of what the OHS Regulations and Guidelines may state or how they be interpreted by the Employer or the WCB). There should not be any reprisal, retaliation, discrimination, threat of discipline or actual discipline for exercising a right to refuse.

Always look at incorporating key concepts from the WCB (See <https://www.worksafebc.com/en/health-safety/hazards-exposures/violence>):

(See next page)

A workplace violence prevention program should be part of your overall health and safety program. It should be developed and implemented in co-operation with the joint health and safety committee or worker health and safety representative. The nature and extent of the program should be based on the results of the risk assessment.

A violence prevention program should include the following components:

- Written policy to eliminate or minimize risk
- Regular risk assessments
- Prevention procedures
- Worker and supervisor training
- Procedures for reporting and investigating incidents
- Incident follow-up
- Program review

Article () - Definition of Violence (new definitions are being considered):

There are many sources of definitions. The least protective is from the WCB. The most protective are from CUPE National and the CCOHS. Here is one example:

“Violence means the attempted, threatened or actual conduct (including written and verbal conduct) by any person including, non exhaustively:


- any threatening statement or behaviour
- threats with or without weapons
- physical violence and physical contact without consent
- bullying and / or harassment
- abuse of power including intimidation
- vandalism and damage to property

- sabotage
- theft
- personal harassment
- sexual harassment
- stalking
- unwanted touching
- domestic violence of any form including all of the examples given in this article
- murder
- or any other behaviour that abuses, devalues or humiliates


This applies to any situation that gives any person any cause to believe that the employee, other employees, managers, supervisors, volunteers, interns, members of the public, persons in care, clients, students, supported individuals, or any other person may be at risk of injury, whether physical or psychological and whether immediate or potential (there is a chance it could occur). This definition shall be reviewed and updated annually.”

As per the Ontario Network of Sexual Assault / Domestic Violence Treatment Centres:

(See next page)



**Every six days a
woman is killed by
her intimate
partner in Canada.**



**1 in 5 survivors
who access care
live with at least
one disability.**

Violence may originate from numerous sources, including but not limited to:

- a) Other employees
- b) Managers and supervisors
- c) Clients
- d) Patients
- e) Students
- f) Members of the public
- g) Domestic partners
- h) Contractors
- i) Volunteers

This is a small, sample list only. There may also be multiple, simultaneous sources.

The workplace also includes any location or any work-related activity, including working from home and telework, which are under the partial control, intermittent control, total control or the influence of the organization (the Employer, including contractors, sub-contractors, other Employers, multi-site Employers etc.) including, but not limited to:

- a) Primary and secondary work areas, including travel to these areas
- b) Break areas

- c) Patient and client homes
- d) After-hour work-related functions
- e) Work-related functions off the primary work site
- f) Staff meetings
- g) Training, education, orientation, retreats, in service training, etc.
- h) Any function or activity that is an implied expectation of employment or is for the benefit of the Employer, directly or indirectly
- i) Return to Work, Vocational Rehabilitation and accommodation, including Duty to Accommodate
- j) Third party sponsored or directed activities such as insurance carriers or workers compensation assessment, rehabilitation and treatment

Article () – Violence Prevention Policy

The Employer shall develop Policies and Procedures to address all forms of violence. These shall include but are not limited to:

- a) Hazard identification, elimination, risk assessment and control
- b) Preventative measures
- c) Training and education
- d) Disclosure regarding any history of violence including previous, actual or potential violent behaviour to employees, both direct and indirect

- e) Reporting and response procedures
- f) Inclusion of all forms of Health and Safety Committee(s), whether the primary Joint Health and Safety Committee, Site / Local Health and Safety Committees and / or Employer-wide Health and Safety Committees (sometimes referred to as District or Policy Committees)
- g) Working alone and staffing levels
- h) Grievance process and dispute resolution processes
- i) Policy, Procedures and program creation, implementation and review
- j) Process for investigations, including the Joint Health and Safety Committee

Policies and Procedures shall be created with the mutual agreement of the Union and Joint Health and Safety Committee Worker Representatives or by Worker Health and Safety Representative.

Article () - Risk and Hazard Assessments:

The Employer shall conduct hazard and risk assessments on a quarterly basis, or more frequently if requested or recommended by the Joint Health and Safety Committee or by the Worker Health and Safety Representative. These will be jointly conducted, and with equal participation, by the Joint Health and Safety Committee or Worker Health and Safety Representatives on paid time as per the Collective Agreement.

() – Risk and Hazard Assessment Process Overview that occur with the Joint Health and Safety Committee or Worker Health and Safety Representative

(note that there are OHS Regulation Consultations occurring with potential changes to the legislation, OHS Regulations, Policies and Guidelines):

The Employer shall:

- a) Gather information on previous incidents and accidents where employees were exposed to hazards and risks, including while working alone or in isolation in the workplace, over a period of at least one year and preferably three years, or as the Joint Health and Safety Committee or the Worker Health and Safety Representatives request.
- b) Gather information on experience from similar workplaces, whether from that Employer or other Employers, including the severity and frequency of any risk and hazards that employees working alone or in isolation have been exposed to.
- c) Determine the hazard and risk control measures, if any, that have been already implemented at the workplace or need to be implemented.
- d) Obtain and implement employee input (for example, using questionnaires, surveys, formal and informal discussions, and interviews, as appropriate to the size of the workplace).
- e) Obtain and implement Joint Health and Safety Committee or Worker Health and Safety Representative input and recommendations (for example, using questionnaires, surveys, formal and informal discussions, and interviews, as appropriate to the size of the workplace).
- f) Inspect the workplace for hazards and risks as per the Joint Health and Safety Committee or Worker Health and Safety Representative.
- g) Analyze the information.

- h) Make recommendations, in writing, to the Joint Health and Safety Committee or Worker Health and Safety Representative.
- i) Ensure the health and safety of all employees working for that Employer and any other workers present at the workplace.

The above is not an exhaustive list. See the Definitions section above as well. The Joint Health and Safety Committee or Worker Health and Safety Representative or legislation, OHS Regulations, Policies and Guidelines may have additional requirements.

To determine what specific situations may expose employees to hazards and risks related to violence, the Employer shall consider factors such as (this is not an exhaustive list):

- a) The occupation, job duties, work duties and work locations that may expose employees to violence.
- b) Interactions between employees, non-employees, the physical environment, and any other factors identified in the hazard and risk assessments.
- c) The workplace layout for all areas, including worksites, public areas, or any other area that employees may work out of or travel to, including travelling itself to and from work locations.
- d) The locations of the workplace, including worksites, public areas, or any other area that employees may work out of or travel to and the emergency response time necessary to attend to the employee in the event of an emergency or request for assistance.

- e) The age, pre-existing health, if the employee is in precarious employment e.g. auxiliary, if the employee is new, employee experience, education, training, literacy, language proficiency, and work-place orientation of employees who may be at risk. There may be other personal factors that have to be considered.

Article () – Hazard and Risk Identification, Elimination and Control:

Employees will report all acts of violence, including near hits, to the Employer, Union and the Joint Health and Safety Committee or Worker Health and Safety Representatives immediately. Failure to do so will not result in discipline.

The Employer will provide all information that is potentially relevant to hazard and risk identification, elimination and control (including the previous history of persons who have been identified as being at risk for violence or having been violent) to the Joint Health and Safety Committee or Worker Health and Safety Representative. Confidentiality will not prevent employees from being immediately advised by the Employer of hazards and risks in the workplace. The Joint Health and Safety Committee or Worker Health and Safety Representative shall be copied on all correspondence between the Employer and employees pertaining to violence. Where it is verbal information regarding violence, this shall be made in writing by the Employer to the Joint Health and Safety Committee or Worker Health and Safety Representative.

Article () – Measures and Procedures to Prevent Violence to Employees

The Employer agrees that where any person, including employees, the Union or the Joint Health and Safety Committee or Worker Health and Safety Representative identify a hazard or risk of violence to employees, it is the responsibility of the Employer to provide a safe workplace by ensuring the health and safety of all employees working for that Employer and any other persons present at the workplace or who may be present if there is a potential for future violence.

Employers shall prevent injuries or accidents in the workplace by taking all necessary precautions and actions. Elimination of the hazards and risks shall be the primary action taken by the Employer. The Employer shall give primary consideration to job redesign, increasing the number of full-time employees, eliminating working alone, frequent hazard and risk assessments and frequent employee education in hazard and risk elimination.

The frequency of the hazard and risk assessments and all related activities shall be determined by the Joint Health and Safety Committee and Worker Health and Safety Representatives with the Occupational Health and Safety legislation, OHS Regulations, Policies and Guidelines being the minimum mandatory requirement.

Article () - Emergency Procedures:

If emergency or urgent action is required to correct a condition or circumstance which may constitute an immediate threat or potential threat to the safety of employees or other persons, only those employees who are both qualified, trained and properly instructed to correct the unsafe condition shall be exposed to the hazard or risk.

The use of qualified, trained and properly instructed employees to correct the unsafe or potentially condition shall only occur after a hazard and risk assessment occurs and the Joint Health and Safety Committee Worker Representative is consulted.

The Employer shall take every action to control the hazards and risks while the work is being performed. If the unsafe or potentially condition or circumstance may result in injury or death, the WorkSafeBC Prevention Officer shall be contacted immediately, and all work shall cease until the WorkSafeBC Prevention Officer investigates and makes recommendations on the condition or circumstance.

The Joint Health and Safety Committee or Worker Health and Safety Representatives shall be notified immediately or no later than within 24 hours after an incident or accident occurs. This includes, but is not limited to:

- a) Near hits
- b) Injuries (physical or psychological, including exposures)
- c) Fatalities
- d) Damage to equipment
- e) Exposures
- f) Any other condition identified by the Joint Health and Safety Committee or Worker Health and Worker Health and Safety Representatives and the Occupational Health and Safety legislation, OHS Regulations, Policies and Guidelines.

Inspections, investigations and follow-up to incidents and accidents, including recommendations and implementation by the Employer and the Joint Health and Safety Committee or Worker Health and Safety Representative, by the Joint Health and Safety Committee or Worker Health and Safety Representative shall occur immediately or not later than 24 hours after the incident or accident.

Article () – Training and Education:

General:

Annual Employer paid training and education for all employees who may be exposed to violence shall occur subject to the Collective Agreement, the Joint Health and Safety Committee or Worker Health and Worker Health and Safety

Representatives and the Occupational Health and Safety legislation, OHS Regulations, Policies and Guidelines.

Training and education shall be determined by mutual agreement between the Employer and the Joint Health and Safety Committee or Worker Health and Safety Representative. Any disagreement may use both the grievance process and WorkSafeBC processes for resolution.

Training and education are in addition to the annual training and education requirements for the Joint Health and Safety Committee members, Worker Health and Safety Representative and new Joint Health and Safety Committee and Worker Health and Safety Representative member training, as required by the occupational health and safety legislation and the OHS Regulations, Policies and Guidelines. The Occupational Health and Safety legislation and the OHS Regulations, Policies and Guidelines are the minimum requirement.

The annual paid training and education shall include (this is not an exhaustive list and like all articles in the Collective Agreement is in addition to any requirements in Occupational Health and Safety legislation, OHS Regulations, Policies and Guidelines) recognizing, reporting, documenting, responding to, obtaining assistance, investigating and rectifying incidents of workplace violence (recognizing that the Employer has the ultimate responsibility for addressing violence), including the role of the Joint Health and Safety Committee

The Employer shall provide awareness training to all employees on what domestic violence is, reporting, documenting, investigating and rectifying incidents of domestic violence (recognizing that the Employer has the ultimate responsibility for addressing violence).

The Employer shall identify a contact person in the Employer's organization who shall be trained in domestic violence recognition, documentation, investigation, prevention and rectifying incidents of domestic violence (recognizing that the Employer has the ultimate responsibility for addressing violence) as well as

employee privacy. All employees shall be advised of this person's name and contact information on an annual basis, or more frequently where required e.g. issues of domestic violence occur or at the request of the Joint Health and Safety Committee members or Worker Health and Safety Representative.

The Employer shall ensure that there are all necessary safeguards for the protection of employees who use force and against reprisal or retaliation in the case of injury to other persons or injury to the employee using the force.

Additional training and education shall be provided to employees who are required or expected to use force or any type, including restraints.

Article () – Training for the Joint Health and Safety Committee or Worker Health and Safety Representatives:

The Joint Health and Safety Committee or Worker Health and Safety Representatives shall be trained and provided education, without loss of pay or without loss of any other Collective Agreement entitlements. Training and education shall include the following, in addition to those requirements in the Occupational Health and Safety legislation, OHS Regulations, Policies and Guidelines, and as determined by the Joint Health and Safety Committee or Worker Health and Safety Representatives:

- a) The roles and responsibilities of the Joint Health and Safety Committee Worker Health and Safety Representatives within the Employer's Occupational Health and Safety Program, including:
 - i. How to be an effective representative of employee occupational health and safety concerns.
 - ii. How to promote occupational health and safety throughout the organization the need to properly prepare for meetings, e.g. by

- reviewing education material, agendas, minutes, policies, inspections, investigations, data, etc.
 - iii. The role of the Joint Health and Safety Committee and Worker Health and Safety Representatives.
 - iv. The right to all necessary or potentially necessary information for Joint Health and Safety Committee members and Worker Health and Safety Representatives.
- b) Hazard and risk recognition, assessment and control, including:
- i. The difference between incident and accident.
 - ii. The difference between hazards and risks.
 - iii. The range of hazards (such as chemical, biological, physical, environmental, mechanical, musculoskeletal, psychosocial, etc.).
 - iv. Mechanisms for assessing and controlling hazards and risk, including the hierarchy of controls.
- c) Incident and Accident investigation:
- i. The role of the Joint Health and Safety Committee and the Worker Health and Safety Representatives when participating in an investigation.
 - ii. Root cause analysis, recommendations and action plans by the Joint Health and Safety Committee, the Worker Health and Safety Representative and the Employer.

- iii. Incident and accident causation models and how they can be applied to the workplace.
- d) Review of legislation, OHS Regulations, Policies, Guidelines, Standards, Codes, etc.:
- e) Conducting workplace inspections and investigations:
 - i. How to identify and report hazards and hazardous situations.
 - ii. How to make recommendations for hazard elimination and risk control.
- f) Preparing recommendations to the Employer from the Joint Health and Safety Committee and the Worker Health and Safety Representative:
 - i. Drafting recommendations as per the roles and responsibilities of the Joint Health and Safety Committee, the Worker Health and Safety Representative, including after inspections, investigation of incidents and accidents, etc.
 - ii. Responding to Employer responses to recommendations.
 - iii. Creating plans to implement recommendations.
 - iv. Follow-up to recommendations and action plans.
- g) Participating in work refusals (Right to Refuse Unsafe Work):
 - i. Understanding all applicable Occupational Health and Safety legislation, OHS Regulations, Policies and Guidelines including the process for the involvement of the Joint Health and Safety

- Committee or the Worker Health and Safety Representatives in a work refusal.
- ii. Process for reporting a work refusal.
 - iii. Understating what constitutes a hazard, risk, a violation of the legislation, OHS Regulations, Policies and Guidelines. etc.
- h) Evaluation and auditing of the Joint Health and Safety Committee.
- i) Communication skills including recommendations, general correspondence, workplace inspection reports, inspections, hazard and risk assessments, incident and accident reports, forms, etc.

Article () - Remedy without Delay:

The Employer shall correct any unsafe conditions immediately or within 24 hours, whichever is sooner.

The Employer shall report the status of the unsafe conditions and actions taken to correct the unsafe conditions to the Joint Health and Safety Committee or Worker Health and Safety Representative immediately, or within 24 hours, whichever is sooner.

Article () - Reporting Unsafe Conditions:

Whenever an employee observes what the employee perceives to be an unsafe condition or act, the employee shall report it as soon as possible to a supervisor or to the Employer. This shall be without loss of pay and the employee shall be given all Collective Agreement entitlements. There shall be no discrimination, retaliation, or discipline related to the reporting of any unsafe condition or act, perceived unsafe condition or act, or potential unsafe condition or act.

The Employer receiving the report from the employee, the Union, the Joint Health and Safety Committee or the Worker Health and Safety Representatives shall investigate the reported unsafe condition or act immediately or within 24 hours, whichever is sooner. The Employer shall ensure that any necessary corrective action is taken immediately or within 24 hours, whichever is sooner. This shall be without loss of pay and the employee and the Joint Health and Safety Committee or the Worker Health and Safety Representatives shall be given all Collective Agreement entitlements.

Article () - No Discriminatory Action, Reprisals, Discipline or Compensation Claims Suppression:

The Employer shall not take any type of adverse action, discriminatory action, discipline or reprisal or engage in compensation claims suppression for any complaint, concern, action or effort by an employee who has been subjected to violence, witnessed violence or is acting on behalf of the Union or another employee or person, is a Joint Health and Safety Committee member or Worker Health and Safety Representative.

No adverse action, discriminatory action, disciplinary action, Letters of Expectation, placement of the employee in Attendance Management Programs or non-culpable discipline shall be taken against employees if their attendance at work or work performance is affected due to:

- a) Experiencing or witnessing violence
- b) Reporting what the employee believes is an unsafe condition or act or potential unsafe condition or act (including perceived conditions and acts)
- c) For participating on the Joint Health and Safety Committee member or acting as a Worker Health and Safety Representative

complying with or acting on any legislation, OHS Regulations, Policies and Guidelines Standards

- d) Filing a Worker's Compensation claim and / or appeal
- e) Using and / or applying for any Collective Agreement entitlements

Article () - Post Incident Procedures:

The Employer shall in consultation with the Joint Health and Safety Committee or Worker Health and Safety Representative maintain and annually update Procedures and Policies for recognizing, reporting, investigating, responding to and following up on actions and recommendations for all forms of violence (which includes seeking medical and other professional help as well as contacting WorkSafeBC, the police, the RCMP, etc.). This shall include hazard and risk assessments, training and education or anything else that the Joint Health and Safety Committee or Worker Health and Safety Representative request or recommend.

The Policies and Procedures shall be part of the Employer's Health and Safety Procedures and Policies and written copies shall be provided to each employee.

These Procedures and Policies shall comply with all legislation, OHS Regulations, Policies and Guidelines and any other required legislation.

The Employer shall pay for counselling and support to assist employees who have experienced incidents of violence. The Employer agrees to reimburse the employee for any counselling sessions with a licensed counsellor of the employee's choice. All records and medical consultations related to this are private, confidential, privileged and cannot be used by the Employer in any proceeding without the express, written consent of the affected employee.

The duration and extent of the counselling and support shall be mutually agreed by the Employer and the Union.

Employees subjected to violence or who have witnessed violence shall be entitled to Employer paid time off for recovery from mental and / or physical injuries caused by violence.

Employees subjected to violence or who have witnessed violence, shall be entitled to a gradual return to work and accommodation where requested by the employee. The duration and extent of the gradual return to work and accommodation shall be mutually agreed by the Employer and the Union.

The employee shall be advised to consult a health professional, of the employee's choice, for treatment if the employee reports an injury, condition, diagnosis or symptoms resulting directly or indirectly from workplace violence. All records, forms, notes and consultations related to this are private, confidential, privileged and cannot be used by the Employer in any proceeding, including the grievance procedure or any third-party claims or processes, without the express, written consent of the affected employee.

The Employer shall make provisions for alternative work arrangements where an employee has experienced violence. This is in addition to any requirements of human rights, duty to accommodate, private insurance, third parties, Collective Agreement obligations and any other relevant legislation, OHS Regulations, Policies, Guidelines or obligations.

The Employer shall approve any request from an employee experiencing domestic violence relating to the following (subject to Duty to Accommodate etc.):

- a) Changes to working hours or shift patterns or schedules, including flexible work arrangements
- b) Job redesign

- c) Changes to duties
- d) Changes to workload
- e) Changes to addresses, telephone numbers, emails, or implementing call screening
- f) Any other appropriate measures

All records, forms, notes and consultations are private, confidential, privileged and cannot be used by the Employer in any proceeding, including the grievance procedure or any third-party claims or processes, without the express, written consent of the affected employee and the Union.

Article () - Participation by Employer and Trained Joint Health and Safety Committee Representatives or Trained Worker Health and Safety Committee Representatives:

The role and responsibilities of the Joint Health and Safety Committee or Worker Health and Safety Representatives includes, but is not limited to (and recognizing that the Employer is responsible for ensuring a safe workplace):

- a) Participation in developing violence policies and procedures
- b) Participation in developing measures and procedures to prevent violence to employees
- c) Receiving and reviewing reports of violence
- d) Making recommendations regarding violence
- e) Developing and implementing violence training programmes

- f) Developing and reviewing procedures for reporting and investigating incidents
- g) Full and equal participation in regular risk assessments
- h) Full and equal participation in all investigations.
- i) Assisting in the creation of Occupational Health and Safety Policies and Procedures
- j) Assisting in creating and providing employee and supervisor training
- k) Incident and accident follow-up and recommendations
- l) Formulating, implementing and following up on recommendations
- m) Occupational Health and Safety Program review, revision and implementation

These are in addition to any requirements in Occupational Health and Safety legislation, OHS Regulations, Policies and Guidelines. Participation by the Union, the Joint Health and Safety Committee or the Worker Health and Safety Representative shall not be a bar to grievances, arbitration or the application of the Collective Agreement, whether in multiple simultaneous forums or sequentially.

Article () - Working Alone - Procedures for Ensuring Safety of Employees:

The following are in addition to Occupational Health and Safety legislation, OHS Regulations, Policies and Guidelines.

Working alone or in isolation includes working in any situation where immediate assistance would not be available to the employee, such as:

- a) In case of an emergency.
- b) In case the employee is injured or in ill health, or otherwise unable to respond.
- c) The employee is in danger or is exposed to potential or actual violence.

Before an employee is assigned to work alone or in isolation, the Employer shall:

- a) Identify all hazards and risks to the employee via hazard and risk assessments, in conjunction with the Joint Health and Safety Committee or Worker Health and Safety Representative.
- b) Eliminate the hazard and risk before an employee commences work duties. If this is not possible, the Employer shall contact the Joint Health and Safety Committee or Worker Health and Safety Representative. There shall be mutual agreement to an Employer Plan to address the hazards and risks. Any disagreements shall be subject to the grievance procedure of the Collective Agreement including arbitration. In the event of an emergency or where immediate action is required, the Employer and the Joint Health and Safety Committee or Worker Health and Safety Representative shall contact the WorkSafeBC Prevention Officer and request that the WorkSafeBC Prevention Officer investigate the matter and make recommendations. Any disagreements shall be subject to the grievance procedure of the Collective Agreement including arbitration.
- c) Develop and implement a written procedure for checking the well-being of an employee working alone or in isolation. The procedure for checking an employee's well-being, including time intervals between the checks, shall be mutually developed by Union, including the Joint Health and Safety Committee or the Worker Health and Safety Representative and the Employer.

- d) The procedure for checking an employee's well-being shall include the time interval between checks and the procedure to follow in case the employee cannot be contacted, including provisions for emergency rescue.
- e) Designate a person to establish contact with the employee at predetermined intervals. The results of the employee contact shall be recorded by the person designated by the Employer.
- f) Check on the employee by the Employer or their designate shall occur at the end of the employee's shift.

The employee shall not be subject to discipline, reprisal, given Letters of Expectation or adverse action or reports for not adhering to any part of this Article, or for failing to adhere to any related Procedure or Policy.

Article () – Bargaining Unit Employee Staffing Levels:

The Employer agrees there shall be mutual agreement with the Union regarding the minimum number of employees for all work including all aspects of scheduling.

Employees shall not be required to work alone, especially where there is a potential for violence.

Employees shall not be asked, directed or expected to engage in or perform any work activity where there are hazards or risk related to violence present or potentially present.

The number of employees (bargaining unit) shall be adjusted e.g. increased, by trained and fully oriented employees to eliminate the need to work alone. If this is not possible, measures including, but not limited to, working alone or in isolation Policies and Procedures, the use of alarms, the provision and use of communication equipment and emergency procedures shall be implemented by

the Employer. These are in addition to those other requirements of the Occupational Health and Safety legislation, OHS Regulations, Policies and Guidelines and the recommendations of the Joint Health and Safety Committee.

Where technology such as video equipment, tracking or surveillance equipment is used, including biometrics or any other type of technology, the employee shall not be disciplined, given Letters of Expectation, placed in Attendance Management Programs, or given adverse reports related to the use of this technology.

The Employer shall adhere to all Federal and Provincial privacy legislation related to the use of technology including video equipment or surveillance equipment, biometrics or any other type of technology.

No employee shall be disciplined, subjected to reprisal, given Letters of Expectation, given adverse reports, discriminated against, or subjected to retaliation for refusing unsafe work or work that the employee feels is unsafe.

Article () – Legal Counsel and Indemnification:

Indemnification means the defence and settlement of actions, proceedings or prosecutions against employees (including payment of any legal costs, damages or other monies payable by employees in respect of such actions, proceedings or prosecutions) arising out of acts performed or not performed by them at any time in the course of and within the scope of their employment and duties in the public service.

Employees who are served with, or receive, notice of any action, proceeding or prosecution in respect of which they are entitled to indemnification shall notify the Employer as soon as they are able.

Upon receipt of notification from an employee, the Employer shall decide if the employee is entitled to Indemnification. Indemnification shall not be withheld unreasonably.

If the employee is entitled to Indemnification, the Employer shall meet with the employee and appoint counsel that is mutually agreeable to both parties. Should the parties be unable to agree on counsel that is satisfactory to both, the Employer shall unilaterally appoint counsel to act on behalf of the employee.

The Employer shall pay all legal fees, damages, or other monies payable in connection with the defence or settlement of any action, proceeding or prosecution in respect of which an employee is entitled to indemnification.

Article () – Grievances, Arbitration, Third Parties, Court Action, Administrative Tribunals etc.:

Any occupational health and safety matter, including issues of violence, is grievable and within the jurisdiction of an arbitrator or arbitration panel in addition to any other third parties, courts, administrative tribunals, etc., whether occurring simultaneously, prior to the grievance procedure or after the grievance Procedure, sequentially and regardless of any outcome or remedies from any grievance, arbitrator, third party, court, administrative tribunal, etc. (including WorkSafeBC).

Employer Policies and Procedures are grievable and within the jurisdiction of an arbitrator or arbitration panel as well as any third-party, court, administrative tribunal, etc.

An investigation or decision by any third-party, court, administrative tribunal, etc. (including WorkSafeBC) is not a bar to the occupational health and safety issue also being grieved and taken to arbitration regardless of similarity of issue, fact pattern or remedy sought or obtained.

The term “third-party” includes WorkSafeBC, Human Rights Tribunals and Commissions, Privacy Offices or Commissioners, etc. This is not an exhaustive list.

Article () – Review of Employer Policies and Procedures:

The Employer and the Union agree that within sixty (60) days from the ratification date of this Collective Agreement (or Memorandum of Understanding) the Joint Health and Safety Committee shall meet to jointly review any related Policies and Procedures regarding workplace safety and the Employers Health and Safety Program.

Written Policies and Procedures shall be provided to each employee, including new employees as part of the new employee orientation. The orientations shall be conducted by both a Union Representative as chosen by the Union, a Worker Representative from the Joint Health and Safety Committee or Worker Health and Safety Representative and the Employer.

Orientations shall be provided to employees who have:

- a) Been absent from work for 6 months or more
- b) Have changed jobs or there have been significant changes in job duties
- c) Have moved to a different work location, even if part of the work is in a different location
- d) Who work in multiple locations
- e) As required by legislation, OHS Regulations, Policies and Guidelines
- f) As recommended by the Joint Health and by and Safety Committee or the Worker Health and Safety Representative.

The Policies and Procedures shall be updated annually or more often as required by the legislation, OHS Regulations, Policies and Guidelines and by the Joint Health and Safety Committee or the Worker Health and Safety Representative.

Each update of the Policies and Procedures shall occur with the mutual agreement of the Joint Health and Safety Committee (or the Worker Health and Safety Representatives where there is no Joint Health and Safety Committee).

Appendix B

Additional important documents:

CSA Group CSA Z1003:



CAN/CSA-Z1003-13/BNQ 9700-803/2013
National Standard of Canada

Psychological health and safety in the workplace — Prevention, promotion, and guidance to staged implementation

Disponible en français
*Santé et sécurité psychologiques
en milieu de travail —
Prévention, promotion et lignes
directrices pour une mise en
œuvre par étapes*



Commissioned by the
Mental Health Commission of Canada



Assembling the Pieces

An Implementation Guide to the National
Standard for Psychological Health
and Safety in the Workplace



CSA
Group



Mental Health
Commission
of Canada

Commission de
la santé mentale
du Canada



Appendix C

Hazard Control and the Hierarchy of Controls

