



Concerned About Your Workplace Being Ready for Bill 168?

Bill 168 is the Government of Ontario's amendment to the Health and Safety Act. It will place new obligations on employers to address workplace violence and harassment. Employers will need to review and revise workplace violence and harassment policies, develop programmes to implement such policies, and engage in assessments to measure the risk of workplace violence. In addition, work refusal rights and the duties of employers and supervisors have been clarified to specifically apply to workplace violence. The legislation is likely to come into law within the next six months. There is a lot of conjecture that these changes will be a nightmare to administer and implement and that there will be huge jump in allegations, both real and spurious.

What is New?

Because of the changes in the legislation, law firms have rightly promoted information sessions so that companies and/or unions can understand what will be expected of them. Obviously having the correct information is vitally important.

Here are the main features of Bill 168:

- Broadened definitions of workplace harassment and violence
- Written policies are required. These must be posted and employees must be trained in them
- The workplace violence programme addresses measures to control the risks identified in the workplace violence assessment and establishes how the employer investigates and manages incidents, complaints or threats of workplace violence
- Incidents or threats of workplace violence must be reported to the employer or supervisor
- When workplace violence occurs or is likely to occur, or when a threat of workplace violence is made, a call for immediate assistance must be made
- A worker may refuse to work where he/she has reason to believe that he/she is in danger of being a victim of workplace violence.
- Employers must take every precaution reasonable in the circumstances to protect workers from domestic violence that would likely cause physical injury to workers in the workplace, if the employer is aware of the situation

What Needs to Be Done?

- Create or revise written workplace violence and harassment policies
- Train employees on such policies



- Undertake risk assessments to determine the possibility or prevalence of workplace violence or harassment
- Disclose incidents of workplace violence and harassment and any risk assessments undertaken to the joint health and safety committee
- Provide channels for employees to report instances or risks of workplace violence and harassment
- Discipline employees for not following workplace violence and harassment policies or for committing workplace violence or harassment
- Offer a confidential Employee Assistance Program (EAP) to allow employees subject to workplace violence or harassment, or those with personal problems to seek help
- Ensure that proper security measures are in place at the workplace to protect workers from members of the public or customers
- Keep detailed records of any workplace violence or harassment, investigation or work refusal
- Assess the risk of workplace violence and inform Health & Safety

How Can Your EAP Assist You To Be Prepared?

Looked at from the mental health perspective, these changes are positive and long overdue. This legislation will actually encode duties & responsibilities that progressive organizations & their unions have already undertaken for years. Employee-centred Respectful Workplace Trainings have been unofficially dealing with employee workplace violence & culture change for some time.

What Happens When the Rules Change?

This winter, when Vancouver hosts the Olympics, we will see Canada compete for gold in many events, including hockey. Isn't it interesting how Olympic hockey, unlike the N.H.L., has no fights despite the fact that most of the players are from the N.H.L. where they have at least one fight a game? Why is that? It's because the players know the rules are different; they know the bar has been raised. With Bill 168, the bar has been raised for intolerance for violence in the workplace and the rules will be explicit for both employers and employees.

Real workplace culture change is based upon the adoption of people-centred values and the group determination to modify the workplace atmosphere. Policies, procedures & laws – like bill 168 and/or Human Rights - give you an outline of appropriate workplace behaviour. Our workplace mental health experience has taught us that the degree to which a workplace adopts respectful attitudes is determined by the culture the employees decide they want. This is in turn influenced by the support of management and/or union(s).



So does this new legislation mean a flood of allegations and/or legal proceedings? Our experience says no. In fact, all employees – minus the 1% bully crowd - want to work in respectful workplaces free of harassment, intimidation & discrimination.

The key to successful integration of these values in the workplace is the engagement of all parties – management, staff, hourly employees and/or union. When they focus on people-centred group values and hold one another accountable, the changes will occur.

How Do You Implement the New Policies and Procedures?

In a workplace where law suits, investigations & grievances are numerous, this is an indication of a failure of workplace culture and community. Engaged & productive workplace cultures protect their workers from all types of workplace violence and harassment and this promotes organisational success. This is achieved by involving all levels of the organization in the process, leading to the mature workplace as a primarily self-policing entity, with employees holding one another responsible for their behaviours.

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