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## Occupational Health and Safety

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February 11, 2010

### WORKPLACE VIOLENCE: A CHEMICAL EXPLOSION OF ANOTHER KIND

Area of Coverage - [Occupational Health and Safety](#)

In mid-December 2009, the Ontario government introduced amendments to its OHS legislation so as to include workplace violence, including bullying. Although Alberta has had violence—not bullying—as part of its OHS Code since the Code's inception in 2004, no OHS charge has ever been laid here for violence in the workplace.

Last week, an Australian café owner, manager, waiter, and chef, were convicted under that country's State of Victoria Occupational Health and Safety Act for egregious bullying which led to a 19-year-old worker jumping off a building to her death. Since jail sentences were not an option under that State's OHS laws, the manager, waiter, and chef were fined a total of \$85,000 for failing to take reasonable care for the worker's health and safety while the owner and café itself were fined \$250,000 for failing to provide a safe work environment. The prosecutor relied on a horrific history of abuse, including physical assault, and teasing about earlier failed suicide attempts.

While this is perhaps an extreme case, it relies on bullying as the means of finding an unsafe workplace. Although OHS laws in Alberta focus on physical violence, not bullying, there is nothing to suggest that bullying in the workplace couldn't result in a general OHS charge of failing to look after the health and safety of a worker. Such a charge could indeed attract the same penalties as any other OHS incident.

Remember: workplace violence is just a chemical explosion of another kind...

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