

Current Workplace Issues: Violence

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Violence or the threat of violence at the workplace can seriously compromise a work environment, with repercussions extending far beyond the victims themselves. Aside from the anger, depression, self-doubt, and anxiety that a particular victim may experience, other workers may find themselves no longer feeling safe and comfortable in the workplace, thereby leading to a loss of productivity and decreased work performance. Overall morale may drop, and the employer's reputation may be jeopardized, making the recruitment and retaining of staff even more challenging.



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Currently, the Occupational Health and Safety ("OHS") legislation of many provinces, including in Alberta, British Columbia, and Saskatchewan, places express, detailed obligations on employers respecting workplace violence prevention. As detailed in section 391 of Alberta's *OHS Code*, one of the first steps in fulfilling these obligations is recognition of the issue. Specifically, employers, supervisors and workers at every level must be knowledgeable and sensitive to the many forms that workplace violence can take:

- Acts of violence may occur as either a single event, or as a continuing series of incidents. They may involve the abuse of authority or position, or relations among peers and external stakeholders. Both male and female workers are susceptible, as are visitors or even members of the public.
- Despite its common moniker, "workplace" violence is not limited to incidents that occur within the traditional workplace. Work-related violence can occur at off-site business-related functions (such as conferences or trade shows), at social events related to work, in clients' homes or away from work but resulting from work (such as a threatening telephone call from a client to a worker's home).
- Contrary to certain previously-held beliefs, there is a growing recognition amongst Canadian courts that workplace violence extends beyond physical acts to include psychological violence, such as harassment and even bullying. Such instances of violence may manifest themselves as unwarranted or inappropriate comments, gestures, physical contact or assault, or potentially even the display of offensive material. They may be deliberate or completely unintended; the test is whether the threatened, attempted or actual conduct of a person causes or is likely to cause physical injury to another. Even if certain instances fall short of satisfying the specific requirement in the *OHS Code* to show physical injury, they may nevertheless engage s. 2 of the *OHS Act* and fall within the employer's general duty to protect its workers from harm, which can include both physical harm and harm to employees' mental health.

Education to increase awareness is key to eliminating workplace violence and harassment. Prior to developing a prevention program, an employer must carefully analyze and evaluate the current risks of its workplace – regardless of whether those risks are "internal" or "external". Following risk identification, risk management and prevention strategies must be developed, implemented, and communicated to workers. This communication is key. Although officially "on the books", many workers are not familiar with their employer's policies on violence and harassment. Increased knowledge of the policies and procedures assists in reducing the stress resulting from an incident, and is essential to ensuring a program's successful implementation.

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An employer's awareness of the legal environment is critical. Incidents of violence and harassment can leave an employer open to legal liability, ranging from health and safety complaints to civil suits. Workers are increasingly turning to OHS work refusals, complaints, requests for investigation, and even prosecution of employers where OHS obligations regarding workplace violence are not being met. Both employers and workers need to understand the options that are available to them when responding to an incident involving workplace violence, and the complex responsibilities and potential liabilities they may face. ▲

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