

# Program Plan Guide

**WPV**

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Workplace Violence Prevention

**AWARE+NS**

NOVA SCOTIA HEALTH + COMMUNITY SERVICES SAFETY ASSOCIATION

## About this Guide...

Workplace violence has become a significant occupational health and safety issue within the health care and community services sector of Nova Scotia. Every day, health care providers are subject to the risk of workplace violence. This exposure to workplace violence can leave long-lasting emotional and physical affects to the individual and the entire workplace environment. To combat these threats, employers need to develop and manage an effective workplace violence program in order to keep their employees safe from harm.

The *Nova Scotia Violence in the Workplace Regulations* is the primary legislation that governs the rules and regulations concerning workplace violence. The regulations require that an organization must develop a workplace violence prevention program when there is significant risk of workplace violence. This guide is designed to assist employers, JOSH Committee members, Safety Representatives and any other parties responsible for developing and managing a workplace violence prevention program. In addition, the guide is also designed to make sure organizations are developing workplace violence programs that meet their legislative requirements.

The guide is built on a 6 Step process:

Step 1 – Getting Started

Step 2 – Program Review and Risk Assessment

Step 3 – Policy and Procedures

Step 4 – Reporting, Documenting and Investigation

Step 5 – Education and Awareness

Step 6 – Workplace Bullying and Domestic Violence

Each step of the program utilizes a variety of program tools and templates that can be customized by the organization. This guide will provide instruction on how to implement these various tools in order to help develop their workplace violence prevention plan. Therefore, this guide should not be used as a standalone document but should be used in conjunction with the ***Workplace Violence Prevention: Templated Program***.

The ***Workplace Violence Prevention Plan Guide*** and the ***Workplace Violence Prevention: Templated Program*** are both generic documents. Each individual organization will need to customize both documents in order to reflect its organizational requirements and needs and make changes when organizational and legislative changes occur.

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## STEP 1 GETTING STARTED

### 1.0 Background

Violence in the workplace is an issue that affects the safety and security of employees, residents and visitors at your organization. Workplace violence claims a high personal cost due to the emotional trauma and physical injury experienced by victims, their families and co-workers. It can also lead to increased absenteeism, higher sick leave costs, lost productivity, high employee turn-over, higher insurance premiums and increased WCB premiums.

### 1.1 What is Workplace Violence?

Workplace violence incidents usually fall into one of four categories:

- Type I (External): Committed by a perpetrator who has no connection or relationship to the workplace.
- Type II (Resident or Customer or Visitor): The perpetrator, who is a resident, customer, or visitor, becomes violent towards a worker or another resident.
- Type III (Worker-to-Worker): The perpetrator is an employee or past employee of the workplace and becomes violent toward another worker.
- Type IV (Domestic Violence): The perpetrator usually has a personal/domestic relationship with an employee (e.g., domestic violence in the workplace).

### 1.2 Workplace Violence Regulations

Nova Scotia's *Violence in the Workplace Regulations*<sup>1</sup> came into effect on June 9, 2007 which prescribes specific requirements for employers who may have the potential for workplace violence. It requires employers to conduct a violence risk assessment and establish and implement a workplace violence prevention plan where a significant risk of violence is identified. Supplementary to the Regulations, the Department of Labour and Advanced Education developed a reference guide providing a convenient overview of the regulations.

Workplaces where the primary business is health services, (including those services provided at a healthcare workplace) were required to implement the provisions as stipulated in the *Violence in the Workplace Regulations* by April 1, 2008.<sup>2</sup>

The Criminal Code of Canada also establishes a duty for all persons 'directing the work of others' to take reasonable steps to ensure the safety of workers and the public. Therefore, incidents involving violence or threats of violence that occur in the workplace — such as assault, sexual assault, criminal harassment, stalking, robbery, and uttering threats — may also be prosecuted under the Criminal Code of Canada.

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<sup>1</sup> <http://www.gov.ns.ca/just/regulations/regs/ohsviolence.htm>

<sup>2</sup> <http://novascotia.ca/lae/healthandsafety/docs/WorkplaceViolence-ReferenceGuide.pdf>

The Nova Scotia *Violence in the Workplace Regulations* define **violence** as:

1. Threats, including a threatening statement or threatening behaviours that give an employee reasonable cause to believe that they are at risk of physical injury.
2. Conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee.

Types of violence that workers may experience in the workplace may include:

- hitting
- grabbing
- pinching
- pushing
- physical assault
- sexual assault
- stalking
- criminal harassment
- robbery
- threat of violence

Even though workplace bullying and harassment are not specifically addressed under the Nova Scotia *Violence in the Workplace Regulations*, they are seen as a significant risk factor when addressing workplace violence. Therefore, your organization may wish to explore non-legislative descriptions of workplace violence that go beyond the definition set out in the Regulations. These descriptions may link harassment, abusive behaviour, bullying and violence within a continuum and not see clear distinctions between the behaviours. This view may be helpful when considering the scope and nature of violence in the workplace.

### 1.3 Workplace Violence in Health Care and Community Services

Within the health and community services sector many incidents of workplace violence can be attributed to a resident or client becoming violent toward a worker. The factors leading to this violence include (but are not limited to):

- Worsened medical situation (e.g. progressive dementia, higher care needs since admission, etc.)
- Behavioral disturbances (e.g. denial of requests, increasing distress, anxiety)
- Effects of medication or lack of medication
- Care transitions (e.g. move of care from hospital to residential care)
- Language or cultural barriers
- Anniversary of a significant event
- Physiological needs (e.g. fatigue, hunger)
- Reaction to caregiver
- Time of day or week

In addition, within the global context of workplace violence there are changes recognized regarding workplace violence including:

- Shift from physical violence to psychological violence (e.g. mistreatment, bullying, harassment).
- Shift from a one-off event to repeated events of violence directed at a worker.

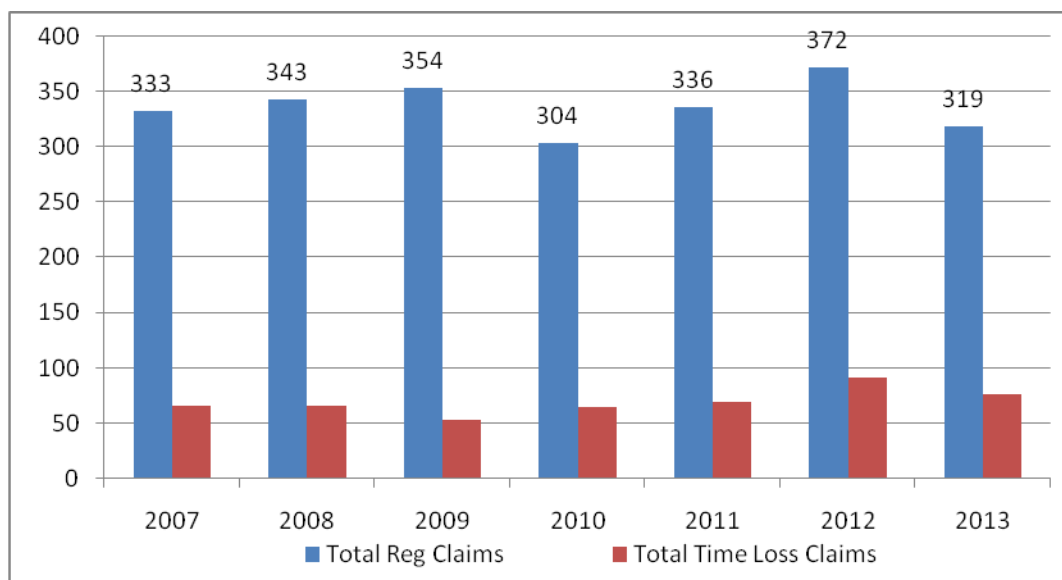
Thus, workplace violence prevention programs need to be reviewed and updated as part of a continuous improvement strategy of moving from reacting to workplace violence to better predicting workplace violence

Consequently, it is the intent of Step 1 to provide employers within the Health and Community Services sectors with tools to assess workplace violence to better manage and prevent incidents.

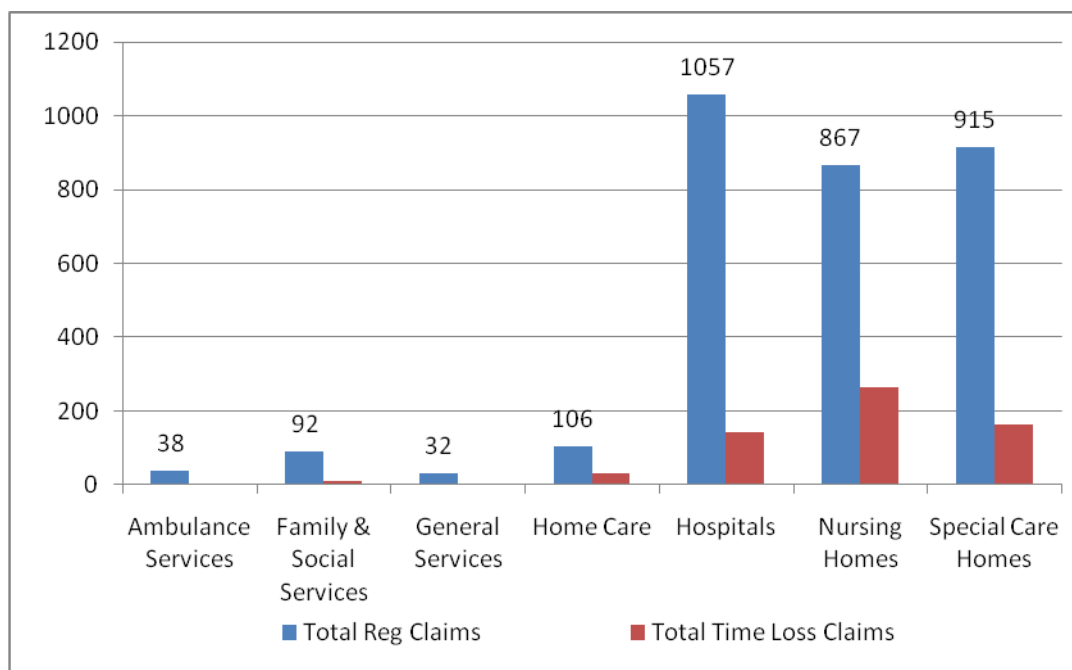
### 1.3 Workplace Violence Injury Statistics

The following tables present the workplace violence injury statistics within Health and Community Services sectors (Ambulance Services, Family & Social Services, Home Care, Hospitals, Nursing Homes and Special Care Homes). **Figure 1** presents the total number of Registered Claims (RC) and Time Loss Claims (TLC) for all health & social services firms from 2007 to 2013. **Figure 2** presents the total number of RC and TLC over the 6 year time frame (2007-2013) for each health and social services sub-sector.

**Figure 1: Total Registered Claims & Time Loss Claims for all Health & Social Services Firms (2007 to 2013)**



**Figure 2: Total Registered Claims & Time Loss Claims by Health & Social Services Sub-Sector (2007-2013)**



## Responsibilities

### 2.0 Employers

Employers must ensure the health and safety of anyone at or near the workplace and take every reasonable precaution to prevent accidents. Specifically, with respect to workplace violence, the following responsibilities are further defined:

- Assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work;
- Re-assess, as prescribed, to ensure that the associated program including procedures and guidelines continues to protect employees from workplace violence;
- Develop and implement a violence prevention plan including a workplace violence prevention policy;
- Take and document reasonable measures to lessen, and where possible, eliminate the risk of violence or use a code of practice on violence prevention;
- Establish and use procedures for information and training requirements; and
- Establish and use procedures to report, document and investigate incidents and communicate and maintain this process.

The Occupational Health and Safety Act and regulations, including *Violence in the Workplace Regulations*<sup>3</sup>, describe your responsibilities in detail and you are encouraged to read these documents and learn more about what they mean for you and your workplace.

### 3. Employees

- Employees have a duty to report anything in the workplace that they think may be dangerous to themselves or a co-worker. The report should be made to (a) a supervisor, (b) if the supervisor does not fix the situation to the employee's satisfaction, the Joint Occupational Health and Safety Committee or Health and Safety Representative, (c) if the Joint Occupational Health and Safety Committee or Health and Safety Representative does not fix the situation to the employee's satisfaction, it then goes to the Department of Labour and Advanced Education.
- Wear proper safety equipment and use safety procedures when doing a job;
- Co-operate with the Joint Occupational Health and Safety Committee or Health and Safety Representative;
- Comply with the workplace violence prevention plan, including participation in training;
- Immediately notify their supervisor or other designated person of any incident of workplace violence whether the notifying employee is the victim or not. In the case of an extreme or imminent threat of physical harm to themselves or any person from workplace violence, the employee should contact the police.; and
- Fully cooperate in any investigation of complaints or incidents of workplace violence or breaches of this procedure.

## Getting Started

### 3.0 Obtaining Leadership Commitment

Everyone in the workplace is responsible for safety, but organizational leaders have an enhanced level of accountability. Understanding workplace safety needs to be a core competency for all managers. Safety leaders can come from all levels of an organization, and need to work together to mentor and champion workplace safety.

Leadership commitment extends to addressing hazards such as workplace violence to prevent incidents from occurring and ultimately improving the overall corporate safety culture. Leaders recognize and endorse the *Internal Responsibility System*, which is the underlying philosophy of the legislation whereby all workplace parties participate in managing health and safety issues.

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<sup>3</sup> <http://www.gov.ns.ca/just/regulations/regs/ohsviolence.htm>



### 3.1 Create a Workplace Violence Prevention Committee

The Employer is responsible for identifying the risk of violence in the workplace. This is done by conducting a **Violence in the Workplace Risk Assessment**. The assessment is done in consultation with the Joint Occupational Health and Safety Committee (JOHSC) or Health and Safety Representative (if applicable) and a copy of the final assessment report must be given to them.

Although optional, it is considered a leading practice to establish a dedicated workplace violence committee (e.g. this could be your JOH&SC) or a risk assessment team that would report directly to the employer. The duties of this committee will be to assess the vulnerability to workplace violence at the current worksites and provide recommendations to the employer on preventive actions to be taken. The committee should be comprised of a mixture of employees, supervisors, joint health and safety committee members, health and safety representatives, and/or unions. This allows for a more balanced and comprehensive view of the workplace in regard to workplace violence.

The *Steps for Safety* program utilizes 3 tools to assist employers or their committees when conducting the risk assessment process:

- **Employee Perception Survey**
- **Program Review Tool**
- **Workplace Violence Hazard Risk Assessment Tool**

*Note: the **Program Review Tool** and the **Workplace Violence Hazard Risk Assessment Tool** will be discussed in Step 2.*

### 3.2 Conducting the Employee Perception Survey

The **Employee Perception Survey** is a series of questions that will ask employees their ideas or concepts of workplace violence and how it relates to their work environment. This provides management with an understanding of how employees view workplace violence in their work place. This will identify if management and employees are viewing workplace violence in a similar manner.

To better prepare employees to complete the **Employee Perception Survey**, a **Communication Memo** has been made available that can be customized for your organizational needs and distributed to your employees before conducting the survey.

After the **Employee Perception Survey** has been conducted, the employer or committee should review the findings and begin Step 2 of the program.

## 4.0 Tool Kit Resources

- Workplace Violence Prevention: Communication Memo
- Workplace Violence Prevention: Employee Perception Survey

## STEP 2 PROGRAM REVIEW AND RISK ASSESSMENT

The *Workplace Violence Prevention* resources were developed to support workplaces in their efforts to reduce incidents of workplace violence. These resources are intended to assist Employers to ensure a comprehensive violence prevention plan is developed and to help share practices to minimize risk factors associated with workplace violence.

### 1.0 Background

**Step 1** of workplace violence prevention includes a guide and two tools for workplaces to apply – the **Employee Perception Survey** and the **Communication Memo**. In addition it discussed the importance of establishing a Workplace Violence Prevention Committee.

The following will look at using the **Program Review** and the **Risk Assessment Tools** in conducting the Risk Assessment Process.

Before beginning the risk assessment process, an understanding of risk factors for violence will be reviewed.

### 2.0 Recognize the Risk Factors for Violence

The risk of violence occurring in the workplace is linked to a number of that take into account the circumstances of the workplace.

The ***nature of the workplace*** considers the physical aspects of the workplace, whether it is a building, construction site, vehicle or forest. This may include workplace lighting, lines of sight, depth of counters, entrances, exits and objects that could be used to hurt employees.

The ***type of work*** refers to the activities employees perform, the sector of work and people with whom employees interact.

The ***conditions of work*** refer to other aspects such as hours worked, the surrounding neighbourhood and whether employees move from location to location, work alone or in isolation.

The circumstances specific to the workplace consider geographic location, layout and design of the workplace, protective measures and procedures, including security measures already in place and historical workplace violence incidents.

The following activities or circumstances may increase the risk of workplace violence:

- Community based work
- Transporting people and/or goods
- Mobile workplaces
- Working with individuals with challenging/responsive behaviours
- Working alone
- Providing care
- Dispensing medications, tobacco and/or alcohol
- Handling cash, protecting or securing valuables
- Making organizational changes
- Having performance management responsibilities

### 3.0 Risk Assessment Process

The risk assessment process is conducted using the following steps.

1. Identify WHO will complete the risk assessment
2. Gather information and review documents
3. **Program Review Tool**
4. Complete the **Violence Risk Assessment Tool**
  - Establish risk level
  - Identify recommended actions/controls
5. Document action log
6. Sign off on assessment

At this point the **Program Review** and the **Risk Assessment** tool will be used.

### 3.1 Program Review Tool

The purpose of the **Program Review Tool** is to provide an opportunity for your organization to evaluate its compliance with the Nova Scotia *Workplace Violence Regulations* and consider some optional leading practice program elements to enhance the workplace violence prevention program. The tool is comprised of a series of questions that evaluates workplace violence in your organization. This will help to determine if your organization has considered and dealt with all aspects of workplace violence. The program review can be completed with the Workplace Violence Prevention Committee but there may have to be some information gathered prior to this review.

### 3.2 Risk Assessment Tool

A risk assessment identifies the risk of violence in your workplace. It involves the identification of workplace hazards, the probability of those hazards causing an incident and the severity of the incident. The assessment is done in consultation with the Joint Occupational Health and Safety Committee (or Health and Safety Representative if applicable) and a copy of the final assessment report must be given to them.

The **Risk Assessment Tool** provides you with a step-by-step process for conducting the risk assessment. You begin at the 'Process' tab and continue working through the steps in order. Each step has a guide on how to complete it. When you have completed all the steps, the assessment will assign you a risk factor for each element, based on the responses to the questions. These results will identify where your organization needs to make improvements on any deficiencies.

The Risk Assessment covers:

- Violent incidents in the past
- Violence that happens in similar workplaces
- Conditions under which the work is done
- Potential interactions amongst individuals where the work is being done
- Physical location and layout of the workplace

### 3.3 Re-Assessment for Violence

In accordance with the regulations, you are required to re-asses your workplace violence policies in any of the following circumstances:

- A type of violence is occurring in similar workplaces and it was not taken into consideration when the previous violence risk assessment was conducted;
- Significant changes have been made in the circumstances, interactions, location or layout of the work;
- Plans are developed to construct a new facility or renovate an existing facility;
- An order is issued by a Labour and Advanced Education Officer.

If the above situations are not applicable then a new risk assessment will need to be done at minimum every 5 years.

### 4.0 Tool Kit Resources

- Workplace Violence Prevention: Program Review Tool
- Workplace Violence Prevention: Risk Assessment Tool

## STEP 3      WORKPLACE VIOLENCE PREVENTION PLAN

### 1.0      Background

The application of the tools provided in Step 1 and 2 may have resulted in the identification of some gaps or deficiencies in your existing workplace violence prevention plan.

The next series of steps will provide a number of templates and resources to address the workplace violence prevention plan deficiencies and assist meeting the legislative compliance elements, in an effort to prevent workplace violence. In particular the **Workplace Violence Prevention Statement/ Policy**.

Before you continue to Step 3, confirm the following resources have been completed:

<b>Confirm The Following Toolkit Resources Have Been Applied:</b>	✓
Workplace Violence Prevention Program Review	
Workplace Violence Prevention Employee Perception Survey	
Workplace Hazard Violence Risk Assessment	

### 2.0      Workplace Violence Prevention Statement/Policy

A workplace violence prevention statement/policy should be your organization's plan of action, describing how the workplace violence prevention plan will be managed and executed. The policy should state the employer's commitment to violence prevention and outline all responsible and accountable parties for the program.

A workplace violence prevention statement/policy is required under Nova Scotia's *Violence in the Workplace Regulations* and should, at minimum:

- Recognize that violence is an occupational health and safety hazard in the workplace
- Recognize the physical and emotional harm resulting from violence
- Recognize that any form of violence is unacceptable
- State the organization's commitment to minimize or, where possible, eliminate the risk of violence
- Outline consequences of behaviours
- Encourage workers to report all incidents and threats of workplace violence

The **Workplace Violence Prevention: Policy Template** can be customized and used.

## 2.1 Workplace Violence Prevention Plan

The **Workplace Violence Prevention: Templated Program** provides information and guidelines for the prevention of and the preparedness for workplace violence incidents.

The Nova Scotia *Violence in the Workplace Regulations* define 'workplace violence prevention plan' as:

- 7 (1) An employer must establish and implement a workplace violence prevention plan for each workplace for which a significant risk of violence is identified through a violence risk assessment or that an officer orders a plan for.
- (2) As part of a workplace violence prevention plan, an employer must do all of the following:
  - (a) prepare a written workplace violence prevention statement;
  - (b) either
    - (i) take and document reasonable measures to minimize and, to the extent possible, eliminate the risk of violence in the workplace, or
    - (ii) adopt a code of practice on violence in the workplace published by the Director governing the primary business conducted at the employer's workplace;
  - (c) establish and document procedures for providing employees with the information and training required by Sections 10 and 11;
  - (d) establish and document procedures for reporting, documenting and investigating incidents of violence as required by Sections 12 and 13.
- (3) An employer must consult with any committee established at the workplace when establishing, reviewing or revising a workplace violence prevention plan.
- (4) An employer must consult with any representative selected at the workplace when establishing, reviewing or revising a workplace violence prevention plan.
- (5) An employer must make a copy of the workplace violence prevention plan available for examination at the workplace by any employer, contractor, constructor, supplier, employee, owner or self-employed person in that workplace.

### 3.0 Workplace Violence Prevention Plan Policies and Procedures

The workplace prevention plan contains many elements, including procedures. A procedure is a set of instructions on how to perform a task. The procedure should also identify who is responsible for performing the task and what the expected results should be. The procedure should be logical and outline sequential steps to be taken. When developing safety procedures to address significant and unacceptable risks, an organization should ensure the following elements are considered:

- Justification – Ensure there is a genuine reason for writing a procedure.
- Identify User – Who will be performing the task.
- Accountability – Persons or department responsible for ensuring procedure is implemented.
- Procedure Format – Use a simple and free-flowing method.
- Writing Style – Make sure you write for the intended user.
- Test the procedures - Get someone unfamiliar with the procedures to follow them before they are finalized.

Specifically, violence prevention procedures define the tasks, roles and responsibilities involved in eliminating or minimizing the potential for violence. Procedures should help workers:

- Become familiar with risk factors that contribute to violence,
- Recognize warning signs that an incident involving violence is about to occur,
- Plan what to do in crisis situations, and
- Rehearse safe responses to incidents involving violence or the potential for violence

To ensure that procedures are up to date and accurate, prevention procedures should be reviewed when:

- A violent incident occurs,
- A job change occurs,
- New security equipment/procedures are introduced,
- Patients/clients with a violent history or new patients/clients with an unknown history are admitted,
- There's new construction or renovation,
- Any worker has been away for an extended period, and
- As part of refresher training.

### 4.0 Tool Kit Resource

- Workplace Violence Prevention: Policy Template
- Workplace Violence Prevention: Procedures Template
- Workplace Violence Prevention Plan Template

## STEP 4 REPORTING, DOCUMENTING AND INVESTIGATING

### 1.0 Background

Nova Scotia's *Violence in the Workplace Regulations* stipulate that all incidents of workplace violence be documented and investigated. Since all workplaces have, or should have, an incident investigation procedure already in place, it should not be necessary to create a separate procedure to address incidents of workplace violence.

Workplace violence incidents need to be promptly investigated to determine their causes and the actions needed to reduce the likelihood of reoccurrence. In addition, the Regulations require that any employees exposed to or affected by workplace violence be debriefed after each incident and be informed of the actions that have or will be taken to reduce the likelihood of reoccurrence. Furthermore, all employees should be made aware when workplace violence incidents occur, the general nature of these incidents and the actions taken to help prevent their reoccurrence.

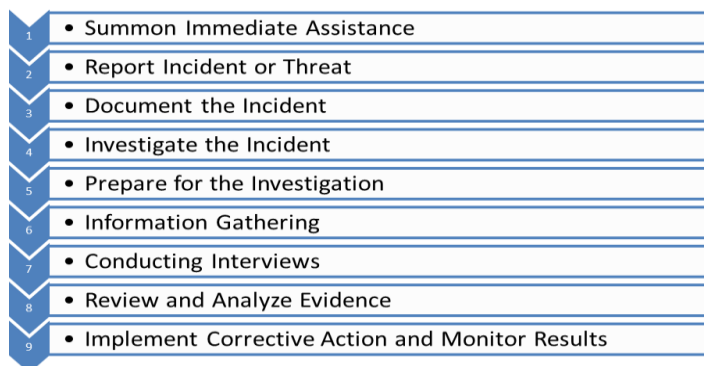
### 2.0 Reporting, Documenting and Investigating

In the event of workplace violence, Nova Scotia's *Violence in the Workplace Regulations*<sup>4</sup>, in particular Sections 12-14, specify the duty to report, document and investigate incidents of violence. In addition, there are requirements to prevent reoccurrence and to perform appropriate debriefing with employees exposed to or affected by workplace violence.

It should be noted that the general reporting and investigation requirements subsequent to an incident of violence are not any different than the requirements subsequent to other incident types (e.g. exposure, lifting). Consequently, you should follow available existing procedures for workplace incidents and incorporate other best practice resources to prevent reoccurrence.

### 3.0 Elements of an Incident Investigation

The following will discuss the fundamental elements that should be included during an incident investigation:



<sup>4</sup> <http://www.gov.ns.ca/just/regulations/regs/ohsviolence.htm>



#### 4.0 Tool Kit Resources

- Workplace Violence Prevention: Quick Reference Investigation Process
- Workplace Violence Prevention: Quick Reference Root Cause Analysis
- Workplace Violence Prevention: Sample Investigation Reporting Form
- Sample Investigation Matrix
- Tips for Interview
- Post Investigation Debriefing

## STEP 5 EDUCATION AND AWARENESS

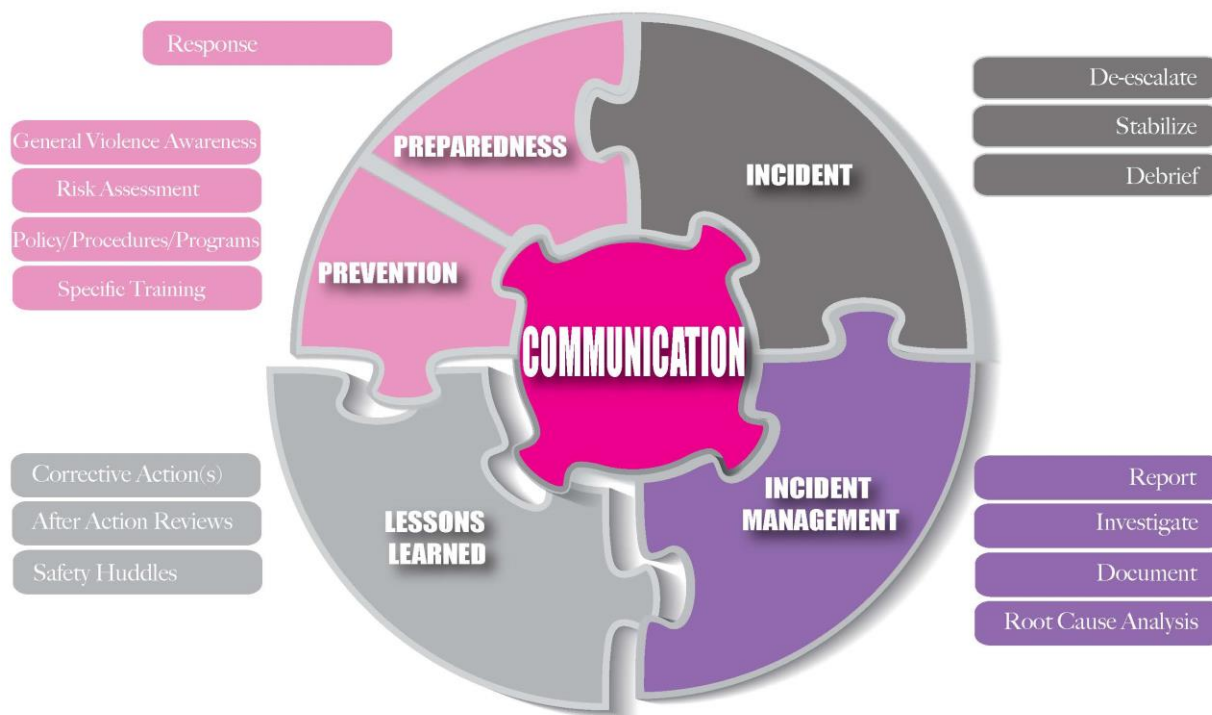
### 1.0 Background

The Nova Scotia *Violence in the Workplace Regulation* stipulates that an Employer must provide information and adequate training for any employee exposed to a significant risk of violence. Training must include the following elements:

- the rights and responsibilities of employees under the Act;
- the workplace violence prevention statement; (i.e. employer's policy)
- the measures taken by the employer to minimize or eliminate the risk of violence;
- how to recognize a situation in which there is a potential for violence and how to respond appropriately;
- how to respond to an incident of violence, including how to obtain assistance;
- how to report, document and investigate incidents of violence.

Training must provide knowledge and skills to protect themselves and/or others from injury or illness.

Step 5 is a comprehensive framework for education and awareness training with components that comprise a dynamic cycle. Educating on these elements: **Prevention/Preparedness, Incident, Incident Management** and **Lessons Learned** will contribute to the reduction of workplace violence. Communication is a critical element in this framework.



## 2.0 Communication

Communication is about more than just exchanging information. It's about understanding the emotion and intentions behind the information. Effective communication is also a two-way street. It's not only how you convey a message so that it is received and understood by someone in exactly the way you intended, it's also how you listen to gain the full meaning of what's being said and to make the other person feel heard and understood.

More than just the words you use, effective communication combines a set of skills including nonverbal communication, engaged listening, managing stress in the moment, the ability to communicate assertively, and the capacity to recognize and understand your own emotions and those of the person you are communicating with.

Communication is the core of effective training when providing education and awareness regarding workplace violence prevention.

## 3.0 Workplace Violence Training

The **Workplace Violence Training Needs Assessment** is a tool used to define the workplace violence prevention training that exists in the organization. The assessment focuses on the necessary job tasks/standards, as well as the skills, knowledge and abilities needed to accomplish these successfully. The tool also helps to identify deficiencies that exist in the current training program training. This will assist the organization in developing an action plan to address the deficiencies.

Once the training needs and deficiencies have been address, the **Training Matrix** can be applied to determine:

- What specific training each employee needs
- How often training needs to be completed
- What method will be used to deliver the training

## 4.0 Tools Kit Resources

### Program Resources

- Workplace Violence Training Needs Assessment Tool
- Workplace Violence Training Matrix Tool

### Educational Resources

- Safety Huddles Tip Sheets
- After Action Review Sheet
- What is an Emergency Exercise?
- Specific Training Resources to Address Challenging Behaviours
- Lockdown and Hold and Secure Sample Procedures
- 5 Warning Signs of Escalating Behaviour

The two words 'information' and 'communication' are often used interchangeably, but they signify quite different things. Information is giving out; communication is getting through." Sydney J. Harris

## STEP 6      WORKPLACE BULLYING

### 1.0      Background

Workplace bullying and domestic violence are becoming more predominate in today's workplaces. Both of these issues drastically impact the safety of the individual recipient of the acts and the overall workplace environment. For this reason, organizations should be considering these topics when discussing workplace violence.

The Nova Scotia Violence in the Workplace Regulations define violence as:

(f) "violence" means any of the following:

- (1) Threats, including a threatening statement or threatening behavior that gives an employee reasonable cause to believe that the employee is at risk of physical injury.
- (2) Conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee.

If workplace incidents of discrimination, harassment or domestic violence meet the definition of violence as defined under the Regulation the information must be considered in your risk assessment.

Any reference to these items which fall outside of the definition discussed above are considered optional, however it should be noted that some workplace violence prevention programs do include provisions for these items.

Even though the Nova Scotia *Workplace Violence Regulations* do not specifically address workplace bullying and domestic violence, both issues constitute a significant risk factor for workplace violence and organizations should consider incorporating them in to their workplace violence program.

Step 6 was developed with a number of leading practices that will assist organizations to consider and incorporate workplace bullying and domestic violence into their workplace violence program.

## 2.0 What is Bullying?

Workplace bullying is a pattern of behavior where there are acts or verbal comments that are designed to mentally hurt, intimidate or isolate other employees. It is typically not a single negative act, but a series of repeated, continuous negative acts. Bullying may be hard to recognize because the behaviours may be subtle and not be obvious for any other person apart from the victim. Such behaviours may include but are not limited to:

- Social isolation or exclusion
- Sabotaging work (e.g. withholding information, communicating misinformation, undermining)
- Malicious gossip, rumors
- Verbal aggression (e.g. shouting at someone either in private or in front of others)
- Personal attacks
- Intimidation
- Disrespect
- Excessive monitoring
- Establishing work expectations that are impossible to achieve
- Cyber-bullying which can occur through email, text messaging, social networking, and websites

Bullying **should not** be confused with differing opinions between two people or the exercise of managerial authority such as:

- Offering constructive feedback
- Job responsibility decisions
- Reasonable workloads or deadlines
- Supervision
- Performance reviews and disciplinary actions

Exercising management authority should not be humiliating or intimidating.

## 2.1 What Should Employers Do?

- Encourage respectful and professional working relationships.
- Develop a Policy articulating that bullying is not acceptable nor tolerated in the workplace.
- Educate all employees about the Policy and how to recognize bullying behaviour.
- Provide information on resolving issues informally before they escalate.
- Promote the reporting of incidents in a manner that is easy and provides for a level of confidentiality.
- Training managers and supervisors to prevent bullying and comply with workplace Policy.
- Investigate and address bullying incidents.

## 2.2 What Should Employees Do?

If an employee feels they are being bullied, discriminated against, victimized or subjected to any form of harassment they should:

- Firmly tell the person that his or her behaviour is not acceptable and ask them to stop. You can ask a supervisor or union member to be with you when you approach the person.
- Keep a factual journal or diary of daily events. Record:
  - The date, time and what happened in as much detail as possible
  - The names of witnesses
  - The outcome of the event
- Keep copies of any letters, memos, e-mails, faxes, etc., received from the person.
- Report the harassment to the person identified in your workplace policy, your supervisor, or a delegated manager. If your concerns are minimized, proceed to the next level of management.

### Do Not:

- Retaliate. You may end up looking like the perpetrator and will most certainly cause confusion for those responsible for evaluating and responding to the situation.

## 3.0 Workplace Bullying Statement & Policy

As stated earlier, although the Nova Scotia *Violence in the Workplace Regulations* primarily address the physical forms of violence (and does not specifically deal with workplace bullying and domestic violence) workplace bullying and domestic violence cannot be excluded and should be considered as potential risk factors for physical violence. For this reason, your organization will need to consider if it should incorporate workplace bullying and domestic violence into its workplace violence statement or program or develop its own standalone policy.

## 4.0 Policies and Procedures

In addition to a policy statement, organizations should develop policies and procedures that help assist employees who are either victims of workplace bullying or to help co-workers and supervisors or managers who suspect an employee is a victim of workplace bullying. These policies and procedures should include (but not be limited to):

- Reporting and investigation of workplace bullying
- Strategies for helping supervisors deal with cases of workplace bullying
- Disciplinary measures
- Training of employees on the issue of workplace bullying

The **Workplace Violence Prevention: Templated Program** provides sample policies and procedures for workplace bullying that can be modified to the organization's needs.

## 5.0 Reporting and Investigating Workplace Bullying

In many instances, employees are hesitant to report acts of workplace bullying in fear of retaliation. Employers need to create an environment where employees are encouraged to report all acts and are safe from retaliation.

When employees do report acts of workplace bullying, employers need to quickly and accurately investigate and resolve these incidents. To accomplish this, organizations need to develop an effective incident investigation process. This process should consist of the following steps:

- Receive complaint
- Interim steps – (leave of absence, contact local authorities etc)
- Appoint investigator
- Contact parties
- Threshold review
- Plan the investigation
- Inform respondent of complaint(s)
- Interview complainant
- Interview respondent
- Interview witnesses
- Review/analyze facts
- Finalize report and distribute

The **Workplace Bullying Investigation Process Form** and **Workplace Bullying Investigation Plan Form** use a step-by-step process that will assist your organization when completing a workplace bullying investigation.

## 6.0 Tool Kit Resources

- Workplace Bullying: Sample Policy
- Workplace Bullying: Sample Procedure
- Workplace Bullying: The Interview
- Workplace Bullying: Investigation Process form
- Workplace Bullying: Investigation Plan form
- Workplace Bullying: Summary Letter

## STEP 6 cont. DOMESTIC VIOLENCE

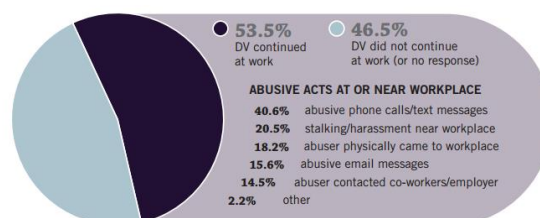
### 1.0 What is Domestic Violence?

Domestic violence is a pattern of behavior used by one person to gain power and control over another with whom they has or has had an intimate relationship. This pattern of behavior may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control. Domestic violence is also known as woman abuse, intimate partner abuse, family violence, and wife battering or partner violence.

### 2.0 How Does Domestic Violence Impact the Workplace?

A Pan-Canadian survey<sup>5</sup> on domestic violence and the workplace, conducted by researchers at Western University, in partnership with the Canadian Labour Congress has shown that domestic violence (DV) often happens at work, or affects the workplace. Here are some key findings:

- 1/3 of the 8429 people who completed the survey reported experiencing DV from an intimate partner
- 81.9% of those reporting DV experiences reported that it negatively affected their performance, most often due to being distracted, or feeling tired and/or unwell
- 53.5% of those reporting DV experiences indicated that at least one type of abusive act occurred at or near the workplace. Of these, the most common were abusive phone calls or text messages (40.6%) and stalking or harassment near the workplace (20.5%).
- 38% indicated that DV impacted their ability to get to work (including being late, missing work, or both).



### 2.1 What Should Employers Do?

- Incorporate domestic violence as an element of workplace violence prevention programs in order to protect and support workers.
- Offer education in the workplace about domestic violence and provide specific protocols and tools to protect and support victims and how to intervene with perpetrators. One such tool is the **Domestic Violence: Individual Safety Plan Template**.

<sup>5</sup> Wathen, C. N., MacGregor, J. C. D., MacQuarrie, B. J. with the Canadian Labour Congress. (2014). Can Work be Safe, When Home Isn't? Initial Findings of a Pan-Canadian Survey on Domestic Violence and the Workplace. London, ON: Centre for Research & Education on Violence Against Women and Children.



## 2.2 What Should Employees Do?

Once co-workers are trained to recognize the signs of domestic violence, they can offer appropriate support such as:

- Spending break time with the victim;
- Listening to and believing what the victim is saying to let them know they have support;
- not blaming the victim or the perpetrator, nor telling the victim what to do;
- providing a list of available resources and encouraging the victim to seek professional help; and
- offering to screen the perpetrator's phone calls or emails.

## 3.0 Domestic Violence Policy Statement

Organizations that wish to include domestic violence as part of their workplace violence plan will need to develop a written and signed policy statement outlining their condemning any acts of domestic violence and their commitment to assist any employee who is the victim of domestic violence. The policy should be reviewed by management annually. All employees should be made aware of the policy.

The **Workplace Violence Prevention: Templated Program** provides a sample domestic violence policy statement that can be modified to the organization's needs.

## 4.0 Policies and Procedures

In addition to a policy statement, organizations should develop policies and procedures that help assist employees who are either victims of domestic violence or co-workers and supervisors or managers who suspect an employee is a victim of domestic violence. These policies and procedures should include (but not be limited to):

- Reporting of suspicion of domestic violence
- Strategies of how to help an employee obtain assistance
- Emergency procedures
- Various options for accommodating employees including leave and safety plan options
- Training of employees on the issue of domestic violence

The **Workplace Violence Prevention: Templated Program** provides a sample policies and procedures that can be modified to the organization's needs.

## 5.0 Domestic Violence Safety Plan

When employees are affected by domestic violence, employers should consider creating an individual safety plan. An individual safety plan is an action plan designed to keep a specific employee safe from threats of domestic violence. The plan will need to be constructed based on the employee's individual situation and circumstances. The plan may include:

- Move desk away from entrance and windows
- Remove name from directories
- Give unlisted phone number
- Change email
- Provide walkie talkie or other communication device
- Is there a protection order (peace bond or restraining order) in place
- Change parking locations,
- Establishing safe exits and entrances,
- Contact information
- Designated safe locations

The **Domestic Violence: Individual Safety Plan Template** is a comprehensive form that details the necessary steps and considerations when creating an individual safety plan and can be customized to meet your organization's need.

## 6.0 Tool Kit Resources

- Domestic Violence: Individual Safety Plan Template
- Domestic Violence: Information Sheet