

Bill 168 – Violence & Harassment in the Workplace: Getting Ready for Enforcement

By Marty Dol

For some of you reading this article, you need not worry because you did your homework long ago, developed the required policies and programs, and have educated your workforce. But for everyone else, it's time to play catch up. Ontario's newest legislation under the Occupational Health and Safety Act (OHSA) came into force on June 15, 2010, and is now in the hands of Ontario Ministry of Labour Inspectors.

A 2004 Statistics Canada survey entitled *Criminal Victimization in the Workplace* found 17 per cent of violent incidents in Canada occur at the workplace; this represents about 356,000 incidents of workplace violence in a 12-month period across Canada.

Bill 168 requires Ontario's employers (those having six or more employees) to develop and implement violence and harassment policies and programs for the workplace. The content and meaning of the policy and program must be communicated to all employees. Workplace violence and harassment affects all business sectors and occupations and can have lasting impact on workers and on the bottom line. When incidents go unchecked, there is a noticeable increase in lost time from work, WSIB costs increase, and medical or health care costs soon follow, not to mention the potential for lawsuits or other legal action against the employer.

Violence in the Workplace

Violence is the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. It also includes:

- An attempt to exercise physical force; and a
- statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker

Examples of workplace violence include:

- verbally threatening to attack a worker;
- leaving threatening notes at or sending threatening e-mails to a workplace;
- shaking a fist in a worker's face;
- wielding a weapon at work;
- hitting or trying to hit a worker;
- throwing an object at a worker;
- sexual violence against a worker;



QUOTE

“An eye for an eye makes the whole world blind.”

– Mahatma Ghandi

GOOD NEWS

Manufacturing Sales on Steady Incline

Canadian Manufacturing
June 16, 2010

Manufacturing sales are continuing in a slow, upward trend with sales rising in eight of the past ten months, according to the latest data from Statistics Canada. The modest rebound in manufacturing ... “is a testament to manufacturers who were able to survive one of the toughest economic periods in recent history”, says EMC's Al Diggins.

“Before a lot of people talked about lean ideas but not many took those ideas to heart. Now we're seeing a lot more manufacturers embracing the full concept of lean and using other tools to keep them more competitive and prepare them for any future economic downturns.”

Source: [click here](#)

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Po Box 21007
Stratford, ON
Canada N5A 7V4
Toll - free: 877-508-5525

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Fax: 519-508-5526
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Website:
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- kicking an object the worker is standing on such as a ladder; or
- trying to run down a worker using a vehicle or equipment such as a forklift

Violent acts in the workplace can originate with clients, customers, patients, students, workers, supervisors, managers, strangers, intimate partners, or family members. Strangers or people with no ties to the workplace may commit a violent act at the workplace, such as assault, or hostage taking. People in the workplace may become violent toward each other, a bystander may be hurt during a violent altercation between two or more parties, or a nurse may be hit by a patient.

Risk Factors for Workplace Violence

Certain work or jobsite conditions can put workers at a higher risk of experiencing workplace violence. Violence may increase during off hours or the nightshift and during especially busy times of the year. The following is a list of factors that may increase the chance of violence toward workers:

- Having direct contact with clients
- Handling cash
- Working alone or in small numbers
- Working with unstable or volatile people
- Working in a community-based setting
- Mobile workplaces
- Working in high-crime areas
- Securing or protecting valuable goods
- Transporting people and/or goods¹

Domestic Violence @ Work is Workplace Violence

Domestic Violence that enters the workplace is considered workplace violence and must be addressed in workplace policies and programs. A person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member – may physically harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.

Workplace Harassment

Workplace harassment can at times escalate to threats or acts of physical violence if left unchecked over a prolonged period of time. The OHSA requires that all workplaces have a workplace harassment policy and program that help recognize and deal with workplace harassment before it escalates into workplace violence.

The OHSA defines workplace harassment as “engaging in a course of vexatious comment or conduct against a worker, in a workplace – behaviour that is known or ought reasonably to be known to be unwelcome.”

Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It can also include behaviour that intimidates isolates or even discriminates against the targeted individual(s).

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This may include:

- making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
- displaying or circulating offensive pictures or materials in print or electronic form;
- bullying;
- repeated offensive or intimidating phone calls or e-mails; or
- inappropriate sexual touching, advances, suggestions or requests²

Developing a Workplace Harassment Policy and Program

Employers must be certain that they understand their responsibilities under the OHS Act and also, the Ontario Human Rights Code; they must be sure to review any current collective agreements that may have provisions for workplace harassment.

Gathering information about your workplace will help to form your workplace harassment policy and program.

The workplace harassment policy should:

- show an employer's commitment to addressing workplace harassment;
- consider workplace harassment from all sources such as customers, clients, employers, supervisors, workers, strangers and domestic/intimate partners;
- outline the roles and responsibilities of the workplace parties in supporting the policy and program; and
- be dated and signed by the highest level of management at the workplace³

Summary

Workplace violence and harassment have been present in the workplace for hundreds of years. In Ontario, the Occupational Health and Safety Act now contains provisions that address this issue and employers must be ready now with complete policy and program requirements in place. Information is available at the Ontario Ministry of Labour website along with other resources.

If you require assistance setting up your program, contact Bonza Training Solutions to arrange a needs assessment and get moving in the right direction.

Notes

¹Risk Factors for Violence in the Workplace, National Institute for Occupational Safety and Health (NIOSH)

²Workplace Violence and Harassment: Understanding the Law, Occupational Health and Safety Branch, Ontario Ministry of Labour, March 2010.

³Workplace Violence and Harassment: Understanding the Law, Occupational Health and Safety Branch, Ontario Ministry of Labour, March 2010.

About the Author

Marty Dol is a Certified Occupational Health and Safety Specialist, who is the "go-to guy" for Bonza Training Solutions Health and Safety Division. If you have OH&S compliance questions, you can email Marty at healthandsafety@bonzatraining.com.

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Occupational Health & Safety Training Division

Bill 168 – Violence & Harassment in the Workplace

Course Description

Occurrences of Workplace Violence & Harassment are on the rise. On December 9, 2009 Bill 168 was passed by the Ontario Government. The Occupational Health & Safety Act was amended to include specific requirements for Workplace Violence and Harassment. The Occupational Health and Safety Act Subsection 1 (1) of the Act were amended to include definitions of workplace violence and workplace harassment.

The Act requires an employer to prepare policies with respect to workplace violence and harassment and to develop a program to implement the workplace violence and harassment policy.

Based on the amendments to the Act, employers will be required to:

- Prepare and review policies and programs specific to violence and harassment
- Perform risk assessments
- Outline controls to reduce the risk of violence and harassment
- Identify how incidents will be dealt with
- Provide training on the programs

Agenda

- Definitions of workplace violence and harassment
- Employer and supervisor responsibility
- Assessment of workplace risks
- Elements of a prevention policy and program
- Due Diligence for workplace violence and harassment

Who Should Attend?

Employees, supervisors and managers

Prerequisite

No course prerequisite required.

Duration

3 Hours

Course Dates:

July 22, 2010 – Brantford, ON

Session 1: 9 a.m. to noon

Session 2: 1 p.m. to 4 p.m.

July 29, 2010 – Stratford, ON

Session 1: 9 a.m. to noon

Session 2: 1 p.m. to 4 p.m.

Course Fee: \$199 + HST

This course can be presented on-site as well. Please call for a quotation.

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Being a Lean Enterprise

By Len Jacobs

Over the years, many companies have embarked on the "Lean journey". Some have been very successful, others have had only mediocre success and still others have not started or failed miserably. The key to a successful Lean Enterprise is commitment, communication and relentless pursuit of taking actions.

Whether it's called Lean-Six Sigma or just Lean, you have to understand the basic tools to get started or to renew a stalled (continuous improvement) process. We would like to review the differences between Traditional and Lean practices – they are very different.

We want to help you to kick start your Lean initiatives, by reviewing Key Tools for a Lean Enterprise: the 5 Basic Manufacturing Disciplines (5S), Value Stream Mapping (VSM), Quick Die Change (QDC, SMED, QST), Quality/Poka-Yoke, Kaizen Events, Total Productive Maintenance (TPM), Kanban (Push vs. Pull) and many others.

To give you an example: A metal fabrication (job) shop started their Lean process last September. Yearly sales averaged \$10mil., however sales were on the downslide. By December, sales were down 65%, but the President couldn't believe the bottom line. His company made more profit (dollars) with (a lot) less sales –with same workforce (approximately 38 employees). How did they do it?

Through training and implementation of the basic Lean Tools, they were able to survive. By using different and meaningful metrics and by taking action every day, they were able to offer better quality (consistently) and improved the production lead times from 26 days to 3days!

About the Author

Len Jacobs, is a Certified Mechanical Engineering Technologist. He has many years' experience in plant engineering, maintenance, manufacturing engineering and production management. His consulting practice today centers around Constraint Management, which includes such techniques as the Five S process, Visual Management strategies, Quick Set-up time procedures, Preventative Maintenance, facilities design, automation and Team-building. All work is aimed at practical solutions to the client's problems.

An Introduction to Lean Tools

Wednesday, September 29, 2010

8:30 a.m. - 4:30 p.m.

Woodstock, ON

Instructor: Len Jacobs

Course fee: \$275

Engaging Employees in Lean

Wednesday, November 9, 2010

8:30 a.m. - 4:30 p.m.

Waterloo, ON

Instructor: Bruce Craig

Course fee: \$275

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Occupational Health & Safety Courses - New Offerings

The following public, instructor-led courses are now available on a regular basis. Please refer to our Public Course Schedule for dates and pricing. These OH&S courses are held at Fanshawe College in London, ON. Other public courses may be arranged in alternate locations based on demand and volume of participants.

- AERIAL PLATFORM and FALL PROTECTION SAFETY WITH RESCUE AWARENESS
- CONFINED SPACE ENTRY and RESCUE AWARENESS
- FALL PROTECTION SAFETY
- INDUSTRIAL CRANE and HOIST SAFETY
- MOBILE CRANE and HOIST SAFETY
- OCCUPATIONAL HEALTH and SAFETY CERTIFICATE: - SUPERVISOR
- SAFE OPERATION OF LIFT TRUCK
- TRANSPORTATION OF DANGEROUS GOODS
- WORKPLACE HAZARDOUS MATERIALS INFORMATION SYSTEMS (WHMIS)

Furthermore, we have added an extensive selection Occupational Health & Safety Training Courses to our offerings, which are available for on-site delivery. We are currently updating our website to include these courses. In the meantime, please call or email if there is a particular OH&S course that you require.

Some of the new offerings are:

Asbestos Hazard Awareness	Safe Operation of Car Hoists
Emergency Response	Safe Scaffold Use
Fire Protection	Supervisor Safety Motivational
Machine Guarding	Waste Manifest - Regulation 347
Noise Awareness	Welding Safety
Safe Operation of a Skid Steer	Workplace Harassment and Violence -
Safe Operation of a Telehandler	Bill 168
Safe Operation of an Electric Pallet Truck	
Young and New Worker Awareness	

NOW OFFERING CANADIAN RED CROSS APPROVED FIRST AID TRAINING

Standard First Aid - 16 hours

CPR Level 'A' incl. AED, CPR Level 'C' incl. AED, CPR Level HCP & AED

Emergency First Aid - 8 hours

CPR Level 'C' incl. AED, CPR Level HCP & AED

CPR & AED - 4-5 hours

CPR Level 'C' incl. AED, CPR Level HCP & AED

Standard First Aid Recertification - 8 1/2 hours

Oxygen Administration & Airway Management - 4 hours