

Workplace violence prevention in health care

A guide to the law for hospitals, long-term care
homes and home care

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Note

This presentation has been prepared to assist workplace parties in understanding their rights and duties under the Occupational Health and Safety Act (OHSA) and its regulations. This presentation does not constitute legal advice. To determine your rights and duties under OHSA, please contact your legal counsel or refer to the legislation.

Agenda

- ▶ Provide an overview of the joint Ministry commitment to workplace violence prevention in hospitals, long-term care homes and home care
- ▶ Provide an overview of the guide to assist hospitals, long-term care homes and home care workplaces understand their obligations under the *Occupational Health and Safety Act (OHSA)* and *O. Reg. 67/93 – Health Care and Residential Facilities Regulation* with respect to workplace violence prevention
- ▶ Questions & Answers

The Problem - The Requirement - The Goal

Workplace violence accounted for 13% of all lost-time injuries in the health care sector in 2018.

Health care workers have the right to do their jobs in a safe and healthy workplace, free of violence.

There must be zero tolerance for workplace violence; one incident of workplace violence is one too many.



▶ Commitment to
Prevention

Worker safety and patient care

- ▶ There is a strong connection between worker safety and the care of patients, clients and residents.
- ▶ Health Quality Ontario's health care system framework, Quality Matters, aims to improve both:
 - ▶ patient care and overall health
 - ▶ the work life of clinicians and health care staff
- ▶ A health system with a culture of quality is: Safe, Effective, Patient-Centred, Efficient, Timely and Equitable.

Actions Taken

- ▶ Amendments to the regulations under the Excellent Care for All Act, 2010, require hospitals to include in their Quality Improvement Plans (QIPs) indicators relating to several items, including provider (health care worker) safety.
- ▶ In November 2017, Health Quality Ontario (HQO) outlined the first new mandatory indicator for workplace violence prevention in hospital QIPs and provided guidance to hospitals on how to address this issue through a quality improvement lens.
- ▶ In February 2019, HQO released a revised QIP guidance document for workplace violence reporting to support hospital reporting. However, the guidance document is also applicable for workplace violence reporting in all other sectors.

Behavioral Supports Ontario Initiative

- ▶ BSO initiative, is another example of the MOH/MLTC commitment to workplace violence prevention.
- ▶ The BSO initiative aims to provide:
 - ▶ Insight into the meaning and causes behind responsive behaviors; and
 - ▶ Guidance on how to address these behaviours related to a person's condition and their specific environment, at both the individual and system level.
- ▶ Providing behavioural supports for patients, residents and clients can protect workers and assist in the prevention of workplace violence.



▶ Overview of
the Guide

Partnership with stakeholders

- ▶ Thank you to the organizations and individuals who reviewed the guide and provided valuable feedback on the challenges the health care sector is experiencing relating to workplace violence and strategies that have been successfully implemented to protect health care workers.
- ▶ The guide provides case studies from health care organizations committed to workplace violence prevention. These stories serve as examples of how organizations can implement continual improvement and multi-stakeholder participation.
 - ▶ They can be found here: <https://www.workplace-violence.ca/success-stories/>

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Legislation

Ontario's *Occupational Health and Safety Act* (OHSA) sets out the rights and duties for occupational health and safety of all parties in the workplace.

The OHSA provides for enforcement of the law in cases where compliance has not been voluntarily achieved.

O. Reg. 67/93 – Health Care and Residential Facilities under the OHSA applies to hospitals, and long-term care homes, among other facilities.

Workplace violence

Under the *Occupational Health and Safety Act*, workplace violence means:

- ▶ the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- ▶ an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- ▶ a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker

Domestic violence awareness and response process

- ▶ Domestic violence is a type of workplace violence when it:
 - ▶ crosses over into the workplace
 - ▶ affects the targeted worker
 - ▶ poses a threat to co-workers
- ▶ Under the OHSA, employers must take every precaution reasonable in the circumstances for the protection of workers when they become aware, or ought reasonably to be aware that domestic violence that would likely expose a worker to physical injury that may occur in the workplace.

The internal responsibility system

- ▶ One of the primary purposes of the OHS Act is to facilitate a strong internal responsibility system (IRS) in the workplace.
- ▶ The OHS Act lays out the duties of employers, supervisors, workers, constructors and workplace owners.
- ▶ Workplace parties' compliance with their respective statutory duties is essential to the establishment of a strong IRS in the workplace.
- ▶ Employers have the prime responsibility for ensuring compliance with the OHS Act and its regulations.

Role of the joint health and safety committee or health and safety representative

- ▶ The joint health and safety committee (JHSC) and the health and safety representative (HSR) are essential to health care workplace violence prevention.
- ▶ The JHSC or HSR are responsible for monitoring and contributing to the employer's IRS and the workplace violence prevention program.
- ▶ The JHSC is particularly important because it brings workers and the employer together to identify and prevent workplace incidents, including workplace violence.
- ▶ The JHSC or HSR have the power to recommend workplace violence prevention practices beyond the legislative requirements of the OHSA to the employer.

Developing a workplace violence policy and program

To protect workers from workplace violence, the OSHA requires the employer to:

- ▶ prepare a workplace violence policy and review it annually, or as often as necessary
- ▶ in workplaces with more than 5 workers, post the workplace violence policies where everyone is likely to see them
- ▶ conduct a workplace violence risk assessment
- ▶ develop and maintain a workplace violence program to implement the policy

Assessing the risk of workplace violence

- ▶ Employers must consider the risk of violence that may arise from the:
 - ▶ nature of the workplace
 - ▶ type of work
 - ▶ work conditions
- ▶ Employers must also consider circumstances both common to similar workplaces and specific to the workplace.
- ▶ An employer must reassess the risks of workplace violence as often as necessary to ensure the policy and related program continue to protect workers from workplace violence.

Assessing the patient, resident or client population

- ▶ The OHSA does not require employers to assess an individual as part of the workplace violence risk assessment. However, the patient, resident, and client population may pose a risk and should be considered in the assessment.
- ▶ Based on the risk assessment for the patient, resident or client population, employers may consider conducting individual client risk assessments to help control the risk of violence.
- ▶ An individual client risk assessment identifies behaviours and triggers of the patient, resident or client associated with an increased risk of violence. This helps determine the impact the individual has on the workplace, department or unit.

Workplace violence program

At a minimum, the workplace violence program must set out how employers will investigate and deal with incidents or complaints of workplace violence and include measures and procedures:

- ▶ to control the risks identified in the risk assessment that are likely to expose workers to physical injury
- ▶ for summoning immediate assistance when workplace violence occurs or is likely to occur
- ▶ for workers to report incidents of workplace violence to their employer or supervisor

Controlling the risks of workplace violence

- ▶ The workplace violence program must include measures and procedures to control the risks, identified in the risk assessment, as likely to expose a worker to physical injury.
- ▶ The effectiveness of measures and procedures is largely due to where they are applied. Strategies to control risks can happen:
 - ▶ at the source – most effective as it eliminates the risk of violence
 - ▶ along the path (between the actual source of the risk and the worker) – reduces workers' exposure to the hazard
 - ▶ at the worker – least effective and the last resort (should only be used after you have tried to control risks at the source and along the path first)

Getting help in a violent situation

- ▶ Under the OSHA, employers must have a workplace violence program that includes measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur.
- ▶ A Personal Safety Response System (PSRS) is one option to meet this requirement. A PSRS includes measures (for example, devices) and procedures to protect workers from harm due to workplace violence or other emergencies.
- ▶ As a leading practice, a PSRS may also assign roles and responsibilities so everyone knows:
 - ▶ who the trained responders are
 - ▶ what to do when using, testing and maintaining the devices
 - ▶ how to respond appropriately to requests for immediate assistance

Reporting under the *Occupational Health and Safety Act*

- ▶ The workplace violence program must include measures and procedures for workers to report incidents of workplace violence to their employer or supervisor.
- ▶ Under the OHSA, workers must report hazards they know about to their employer or supervisor. This may include acts of workplace violence.
- ▶ Critical injuries or fatalities may result from a workplace violence incident, in which case health care employers must notify:
 - ▶ the MOL Health & Safety Contact Centre: 1-877-202-0008
 - ▶ the JHSC/HSR
 - ▶ the union, if any
 - ▶ The employer must also, within 48 hours after the occurrence, send a written report of the circumstances to a Director of the Ministry of Labour.

Investigating incidents or complaints

- ▶ The workplace violence program must set out how employers will investigate and deal with incidents or complaints of workplace violence.
- ▶ The OHSA requires a designated worker member of the JHSC to investigate critical injuries and fatalities.
- ▶ The purpose of investigations are to:
 - ▶ prevent recurrences of workplace violence incidents
 - ▶ gather facts related to the incident in order to identify any hazards
 - ▶ identify root and contributing causes of the incident
 - ▶ identify corrective actions
 - ▶ apply measures and procedures to control the risk

Communicating risks to workers

- Under the OHSA, employers and supervisors may need to communicate risk information to health care workers to make them aware of:
 - ▶ a person with a history of violent behaviour
 - ▶ the risk of violent, aggressive or responsive behaviour by patients, residents or clients in the workplace
- Employers and supervisors must provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour **if** the:
 - ▶ worker can be expected to encounter that person during his or her work, **and**
 - ▶ risk of workplace violence is likely to expose the worker to physical injury.

Providing information and training to workers

- ▶ Worker education and training are essential components of an effective workplace violence program.
- ▶ Under the OHSA **employers** must provide information and instruction:
 - ▶ that is appropriate for workers on the contents of the workplace violence policy and program
 - ▶ to protect the health and safety of a worker
- ▶ **Supervisors** are also required under the OHSA to advise a worker of any potential or actual danger to their health and safety they are aware of (for example, the risk of workplace violence).

Refusing to work due to workplace violence

- ▶ Under the OHSA, workers have the right to refuse work or refuse to do particular work where the worker has reason to believe that workplace violence is likely to endanger them.
- ▶ A health care worker does not need to be in actual or imminent danger before they can initiate a work refusal. However, it is required that the worker has reason to believe that workplace violence is likely to endanger them if they continue to work.
- ▶ Some health care workers only have the right to refuse work in certain circumstances.
- ▶ These workers **cannot** refuse work when either the:
 - ▶ circumstance is inherent in their work or is a normal condition of their employment, **or**
 - ▶ their refusal to work would directly endanger the life, health or safety of another person

Reprisals

- ▶ The OHSA prohibits employers or a person acting on behalf of an employer from penalizing workers for obeying the law or exercising their rights.
- ▶ When a worker follows the OHSA or exercises their rights under the OHSA, including the right to refuse unsafe work, an employer is prohibited from:
 - ▶ dismissing (or threatening to dismiss) a worker
 - ▶ disciplining or suspending a worker (or threatening to do so)
 - ▶ imposing (or threatening to impose) any penalty upon a worker
 - ▶ intimidating or coercing a worker

Ministry of Labour resources

Legislation (e-Laws):

- ▶ [Occupational Health and Safety Act](#)
- ▶ [Health Care and Residential Facilities Regulation](#)

Guides:

- ▶ [Workplace violence prevention in health care: A guide to the law for hospitals, long-term care homes and home care](#)
- ▶ [Guide for Health and Safety Committees and Representatives](#)
- ▶ [Guide to the Occupational Health and Safety Act](#)
- ▶ [Workplace Violence and Harassment: Understanding the Law](#)

Ministry of Labour resources (French)

Législation (e-Laws):

- ▶ [Santé et la sécurité au travail](#)
- ▶ [ÉTABLISSEMENTS D'HÉBERGEMENT ET DE SOINS DE SANTÉ](#)

Guides:

- ▶ [Prévention de la violence au travail dans le secteur de la santé : Guide de la loi à l'intention des hôpitaux, des foyers de soins de longue durée et des fournisseurs de soins à domicile](#)
- ▶ [Guide pour les comités et les délégués en matière de santé et de sécurité](#)
- ▶ [Guide de la Loi sur la santé et la sécurité au travail](#)
- ▶ [Comprendre la loi traitant de violence et de harcèlement au travail](#)

PSHSA Resources

- ▶ [Poster on workplace violence](#)
- ▶ [Workplace Violence Prevention Resources – Hospital, Community Care and Long-term Care](#)
- ▶ Violence, Aggression & Responsive Behaviour (VARB) Toolkits:
 - ▶ [Workplace Violence Risk Assessment](#)
 - ▶ [Individual Client Risk Assessment](#)
 - ▶ [Communicating the Risk of Violence: Flagging](#)
 - ▶ [Security Toolkit](#)
 - ▶ [Personal Safety Response System Toolkit](#)



Ontario Health
Care Health and
Safety Section 21
Committee
Resource

- ▶ [Guidance Note on
Workplace Violence](#)

Ministry of Health & Ministry of Long-term Care resources

Legislation (e-Laws):

- [*Excellent Care for All Act, 2010*](#)

Resources:

- ▶ [HQO Quality Improvement Plan Guidance: Workplace Violence Prevention, 2019](#)
- ▶ [Behavioural Supports Ontario \(BSO\) Report, 2018](#)
- ▶ [BSO Provincial Framework of Care, 2010](#)

Additional Resources



- ▶ [RNAO Preventing Violence, Harassment and Bullying Against Health Workers Best Practice Guideline, 2019](#)
- ▶ [RPNAO Workplace Violence De-escalation Webinar Series, 2019](#)
- ▶ [College of Nurses of Ontario Practice Guideline: Conflict Prevention and Management, 2018](#)
- ▶ [Human Services & Justice Coordinating Committee: Tools for Developing Police-Hospital Transition Protocols in Ontario May 2019](#)



Questions?

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