

# ALIGNMENT



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## The *Prepare Training*<sup>®</sup> Program and Ontario Bill 168: Addressing Violence and Harassment in the Workplace



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## The *Prepare Training*<sup>®</sup> Program and Ontario Bill 168: Addressing Violence and Harassment in the Workplace

### Background

Bill 168—An Act to amend the Occupational Health and Safety Act (OHSA) with respect to violence and harassment in the workplace and other matters—has been enacted as Chapter 23 of the Statutes of Ontario, 2009. The Act completed its third and final reading in the Ontario Legislature on December 9, 2009. Bill 168 was finalized upon receiving Royal Assent on December 15, 2009 and takes effect on June 15, 2010. The Act represents a significant change in how, and to what extent, both workplace violence and harassment are regulated in Ontario. It also broadens the definitions of workplace violence and places new requirements on Ontario employers.

### Program Alignment

Ontario Bill 168 Addressing Violence and Harassment in the Workplace	CPI's <i>Prepare Training</i> <sup>®</sup> Program
<p>Passed as law in 2009, Ontario Bill 168 is “An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters.”</p>	<p>CPI has been training employees at all levels to manage disruptive and challenging behaviour since 1980. CPI’s internationally recognized programs provide training in verbal de-escalation strategies and emphasize the prevention of potentially aggressive situations.</p> <p>The <i>Prepare Training</i><sup>®</sup> program's adaptable and flexible curriculum includes a Foundation Course and a broad library of Topic Modules to help meet the needs of different employee groups. The Foundation Course provides an overall structure, language, and decision-making process for all other program components. Topic Modules then help to expand employee thinking and apply Foundation Course concepts and skills to a wide variety of problem behaviours at work. The Topic Module Library is fluid and growing. New topics are added regularly as realities emerge involving workplace violence, harassment, conflict, and related issues. Topic Modules include <i>Workplace Bullying</i> and <i>Domestic Violence</i>. Additional Topic Modules include <i>Giving Bad News</i>, <i>Situational Applications</i>, <i>Negotiating Your Way Through Conflict</i>, <i>Setting Effective Limits</i>, <i>How to Document Incidents</i>, <i>Employee Debriefing Strategies</i>, <i>Crisis Response Teams</i>, <i>Opening the Lines of Electronic Communication</i>, and <i>Under the Influence and Out of Control</i>.</p> <p>The <i>Prepare Training</i><sup>®</sup> Instructor Certification Program helps employers develop a team of in-house experts for teaching the <i>Prepare Training</i><sup>®</sup> program to other employees on an ongoing basis.</p>

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<p>1. Subsection 1 (1) of the Occupational Health and Safety Act (the Act) is amended by adding the following definition: “workplace harassment” means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; (“harcèlement au travail”).</p>	<p>CPI programs are known worldwide for their holistic approach to maintaining staff professionalism—even during crisis moments. The philosophy of CPI is to promote respectful, service-oriented, and safe workplace cultures. This philosophy is modeled and implemented within the context of training.</p> <p>The <i>Workplace Bullying</i> Topic Module exposes participants to CPI's Workplace Bullying Continuum. This continuum examines four key behavioural categories inherent to workplace bullying, including incivility, harassment, intimidation, and aggression.</p> <p>We provide objective definitions for each category and explore the manner in which each behaviour often occurs along with one or more of the other behaviours. Each can also lead to the other, and each can stand separate from the others as a distinct and serious workplace problem.</p>
<p>1. Subsection 1 (1) of the Occupational Health and Safety Act is amended by adding the following definition:</p> <p>“workplace violence” means,</p> <ul style="list-style-type: none"> <li>(a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,</li> <li>(b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,</li> <li>(c) 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. (“violence au travail”)</li> </ul>	<p>Policies and procedures relating to the prevention of and response to potentially violent situations begin with a clear definition of violence as it relates to a specific workplace. The priorities of violence response procedures from the <i>Prepare Training</i><sup>®</sup> Foundation Course flow from this definition and can serve as an overall framework for any employer's policies and procedures.</p>

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<p>32.0.1 (1) An employer shall,</p> <ul style="list-style-type: none"> <li>(a) prepare a policy with respect to workplace violence;</li> <li>(b) prepare a policy with respect to workplace harassment; and</li> <li>(c) review the policies as often as is necessary, but at least annually.</li> </ul> <p>(2) The policies shall be in written form and shall be posted at a conspicuous place in the workplace.</p>	<p>CPI's Workplace Violence Continuum includes behaviours ranging from discourtesy and disrespect to intimidation, harassment, retaliation, verbal assault, and physical aggression. The behaviours along the continuum can be observed, understood, and influenced. Each category of behaviour identified in this continuum often occurs along with one or more of the other behaviours. Each can also lead to the other, and each can stand distinct from the others as a serious workplace issue.</p> <p>Prevention efforts involve observing all behaviours along the continuum and responding as early as possible. The earlier we intervene, the safer we will be. All of these behaviours have an impact on the culture within an organization.</p> <p>CPI's <i>Prepare Training</i><sup>®</sup> program addresses this continuum of workplace problems through the Foundation Course and Topic Modules.</p>
<p>32.0.2 (1) An employer shall develop and maintain a program to implement the policy with respect to workplace violence required under clause 32.0.1 (1) (a).</p> <p>(2) Without limiting the generality of subsection (1), the program shall,</p> <ul style="list-style-type: none"> <li>(a) include measures and procedures to control the risks identified in the assessment required under subsection 32.0.3 (1) as likely to expose a worker to physical injury;</li> <li>(b) include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;</li> <li>(c) include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor;</li> <li>(d) set out how the employer will investigate and deal with incidents or complaints of workplace violence; and</li> <li>(e) include any prescribed elements.</li> </ul>	<p>Instructors can access the CPI Workplace Violence Preparedness Assessment through the Instructor-only section of the website. This valuable resource helps Certified Instructors and their Authorized Organizations in considering policies and procedures related to both the prevention of and response to potentially violent situations. It relies on CPI's more than 30 years of expertise in providing professional training, research, and resources to safely manage disruptive and aggressive behaviour in workplaces throughout the world. We also note authoritative external resources throughout the assessment.</p>

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<p>32.0.3 (1) An employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.</p> <p>(2) The assessment shall take into account,</p> <ul style="list-style-type: none"> <li>(a) circumstances that would be common to similar workplaces;</li> <li>(b) circumstances specific to the workplace; and</li> <li>(c) any other prescribed elements.</li> </ul> <p>(3) An employer shall,</p> <ul style="list-style-type: none"> <li>(a) advise the committee or a health and safety representative, if any, of the results of the assessment, and provide a copy if the assessment is in writing; and</li> <li>(b) if there is no committee or health and safety representative, advise the workers of the results of the assessment and, if the assessment is in writing, provide copies on request or advise the workers how to obtain copies.</li> </ul> <p>(4) An employer shall reassess the risks of workplace violence as often as is necessary to ensure that the related policy under clause 32.0.1 (1) (a) and the related program under subsection 32.0.2 (1) continue to protect workers from workplace violence.</p> <p>(5) Subsection (3) also applies with respect to the results of the reassessment.</p>	<p>CPI can provide resources to client organizations to help develop risk and threat assessment protocols that fit the specific needs of each organization.</p> <p>CPI asserts that every employer should have a system in place for reviewing and evaluating policies and procedures on a regular basis. As conditions, patterns, and practices change, policies and procedures may also need review and revision to support employees.</p> <p>This system should continually evaluate policy, training, and management support and should include these practices:</p> <p>Policies and procedures that reflect values, expectations, and the importance of training. Policies and procedures should communicate to employees not only, “Here is what we value and expect of employees,” but also, “This is how we support you in meeting these expectations and in incorporating these values into your work.”</p> <p>Consider these areas when renewing policy to reflect a philosophy of <i>Respect, Service, and Safety at Work</i>®:</p> <ul style="list-style-type: none"> <li>▪ Guidelines and expectations relating to internal and external customer service.</li> <li>▪ Values regarding responses to problems, concerns, and critical incidents.</li> <li>▪ Expectations for employee conduct when responding to difficult situations.</li> <li>▪ Values and expectations regarding workplace behaviour (performance criteria).</li> <li>▪ Values relating to the organization's responsibilities in preparing employees to meet expectations.</li> <li>▪ Plans for a Training Process that provides information and skills to assist employees in meeting expectations and understanding workplace culture and philosophy.</li> </ul>

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<p>32.0.4 If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker.</p>	<p>Domestic violence victims are often targeted by their batterer at work. The Domestic Violence Topic Module examines the impact of domestic violence in today's workplace and provides practical information for keeping victims and their coworkers safe. Objectives of this Topic Module include:</p> <ul style="list-style-type: none"> <li>▪ Raise awareness of how issues related to domestic violence can impact the workplace.</li> <li>▪ Examine the connected experiences of those involved in domestic violence.</li> <li>▪ Consider signs and symptoms that may be indicators of domestic violence.</li> <li>▪ Explore action steps that could be initiated by victims, coworkers, supervisors, and those at the organizational level to minimize risks in the workplace impacted by domestic violence.</li> <li>▪ Consider workplace policies and procedures that may be relevant to domestic violence issues and workplace safety.</li> </ul>
<p>(2) An employer shall provide a worker with,</p> <ul style="list-style-type: none"> <li>(a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence; and</li> <li>(b) any other prescribed information or instruction.</li> </ul>	<p>A strategic plan and process for ongoing training helps management and employees establish a foundation for problem solving. Elements can be added to that foundation to build upon skills and address evolving issues and needs. The <i>Prepare Training</i>® process benefits employers by:</p> <ul style="list-style-type: none"> <li>▪ Empowering employees to apply training concepts realistically and to be part of solutions.</li> <li>▪ Assessing ongoing and changing needs as various issues impact the workplace.</li> <li>▪ Offering Topic Modules that build on a foundation previously established.</li> <li>▪ Promoting understanding of policies and procedures that direct employee responses and support decision making.</li> <li>▪ Encouraging practice, rehearsals, and reviews resulting in improved skills and confidence.</li> <li>▪ Supporting ongoing program evaluation.</li> </ul>

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<p>32.0.6 (1) An employer shall develop and maintain a program to implement the policy with respect to workplace harassment required under clause 32.0.1 (1) (b).</p> <p>Contents</p> <p>(2) Without limiting the generality of subsection (1), the program shall,</p> <ul style="list-style-type: none"> <li>(a) include measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor;</li> <li>(b) set out how the employer will investigate and deal with incidents and complaints of workplace harassment; and</li> <li>(c) include any prescribed elements.</li> </ul> <p>32.0.7 An employer shall provide a worker with,</p> <ul style="list-style-type: none"> <li>(a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment; and</li> <li>(b) any other prescribed information.</li> </ul>	<p>The <i>Workplace Bullying</i> Topic Module exposes participants to CPI's Workplace Bullying Continuum. This continuum examines four key behavioural categories inherent to workplace bullying including incivility, harassment, intimidation, and aggression.</p> <p>We provide objective definitions for each category and explore the manner in which each behaviour often occurs along with one or more of the other behaviours. We discuss how each can also lead to the other, and how each can stand separate from the others as a distinct and serious workplace problem.</p> <p>Within this Topic Module, we emphasize the importance of policies and procedures that specifically address harassment and bullying at work. This includes:</p> <ul style="list-style-type: none"> <li>▪ Reviewing current policies and procedures.</li> <li>▪ Providing clear expectations for interactions with coworkers.</li> <li>▪ Clearly defining proper channels for reporting workplace harassment and bullying.</li> <li>▪ Responding to complaints in a timely fashion.</li> <li>▪ Establishing a code of behaviour for internal and external customers.</li> </ul>