

# CHECKLIST

## RESPONSE TO A VIOLENT INCIDENT

Employers have an obligation to provide a safe workplace and must take steps to prevent violence. If there has been an incident of violence in your workplace there are specific steps established by Provincial or Federal Legislation an employer must follow:

- **Address The Person Who Has Been Subjected To Violence** - The employer must provide them with an appropriate **debriefing** and advise them to consult a health professional of the employee's choice for **treatment or counseling** – if these responses are not forthcoming remind the employer of their obligation under relevant occupational health and safety acts or associated regulations.
- **Ensure The Incident Is Documented** – If the incident is not documented remind the employer they must do so.
- **Ensure The Incident Is Investigated** - If the incident is not investigated remind the employer they must do so pursuant their obligation under relevant occupational health and safety acts or associated regulations.
  - a) The investigations mandate is to **determine the cause** of the incident and the actions needed to prevent **reoccurrence** not assign fault or blame - If there are concerns with the mandate or outcome of the investigation the Union should register its concerns in writing with the employer.
  - b) The JOHS committee, including the union appointed worker representatives, have a mandate under the OH&S Legislation to participate in investigations concerning the occupational health and safety of the employees. – The Union executive should coordinate with their representatives on the committee to ensure the concerns and suggestions of members are brought to the committee. If there is no participation by the unions' representatives of the committee, document your objection and remind the employer of the committees mandate to participate in the investigation.
- **Inform The JOHS Committee, And The Worker Affected By Violence Of The Actions Taken To Prevent Reoccurrence** – If no actions are taken or if you believe the actions are insufficient the Union should state their objection in writing to the employer.
- **Revise The Violence Risk Assessment** - The employer must conducted a violence risk assessment and if the situation that occurred was not addressed in that document, then the assessment should be revised to include the violent incident. A copy of this assessment should be available by request to any member of the JOHS committee. If there is no assessment or it is not revised to include new information the Union should state their objection in writing to the employer.
- **How Do I Document Concerns And Objections Or Remind My Employer Of Their Duties Under Health and Safety Legislation?**

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There are two ways and where possible both should be used:

1. A letter from an elected representative of the Union

2. Through the JOHS committee (if raised verbally, the unions representatives on the committee should ensure their concerns or objections are reflected in the minutes of the meeting)

□ **What If My Objections And Letters Don't Fix The Problem?** – In most cases employers will follow the requirements of the legislation when informed of their duties. In the rare cases where this does not occur, you can contact a provincial Health and Safety Officer for enforcement of the act or regulations.

1. BC 1 888 621-SAFE (7233)  
Alberta 1-866-415-8690 780-415-8690 (Edmonton)  
Saskatchewan (306) 787-4496  
Manitoba 1-855-957-SAFE (7233) 204-957-SAFE (7233)  
Ontario 1-877-202-0008  
Québec 1 866 302-2778  
New Brunswick 1 800 222-9775  
Nova Scotia 1-800-952-2687  
Prince Edward Island 902-628-7513  
Newfoundland (709) 729-2706
2. Tell the officer which provisions of the act or regulations are not being followed and provide any documentation that supports this position.
3. Inform the Officer that you or a representative from the Union and want to be present when they come to your workplace.
4. If you are in disagreement with the decision of the Officer it may be possible to appeal their decision. Contact the CUPE National Service Representative assigned to your local to access assistance from the Health and Safety Branch.

