

# ***Collective Bargaining Strategies to Prevent Workplace Violence***

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In all jurisdictions, it is the primary responsibility of the employer to provide a healthy and safe workplace by removing or controlling hazards. That said, strong collective agreement provisions can enhance the safety of workers and accountability for employers. Such provisions should include definitions, affirmations and specific clauses.

CUPE's Health and Safety Department recommends the following provisions be incorporated into a Locals' Collective Agreement:

## **1. A strong definition of what constitutes violence.**

Here's how CUPE defines violence:

*Violence in the workplace is any incident(s) in which an employee is threatened, assaulted or abused during the course of their employment that may cause physical or psychological harm. This includes threats, attempted or actual assault, application of force, verbal abuse or harassment.*

*Harassment is offensive behaviour that a reasonable person would consider unwelcome.*

*The workplace is any location in which work-related activities under the control of the organization are performed.*

## **2. General statements affirming that:**

- Violence is not considered part of the job.
- Violence in any form is not acceptable in the workplace.
- Violence can be inflicted by co-workers, managers, clients, patients, students, partners, members of the public, domestic partners in the workplace<sup>1</sup>, etc.. The workplace is any location in which work-related activities under the control of the organization are performed including patient and clients' homes, after-hour work-related functions, etc..
- Investigations into incidents of violence will be the purview of the joint health and safety committee or health and safety representative, and where appropriate will be performed jointly.
- Staffing levels will be such that where possible the need to work alone will be eliminated. When this is not possible, protective measures such as the use of alarms, communication equipment, and emergency procedures will be put in place.
- Workers have a right to a healthy and safe workplace and as such have the right to refuse unsafe work, including violent situations, without the fear of reprisal in accordance with applicable provincial or federal legislation.
- Workers are encouraged to report all acts of violence, including near misses, to their joint health and safety committee or representative.

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<sup>1</sup> For information on bargaining domestic violence language, see additional resource *Domestic Violence in the workplace: A bargaining guide*.

### **3. Specific clauses that will prevent exposure to workplace violence:**

- Provide all information around previous history of patients/clients/students etc. that will help to identify potentially violent individuals. (Note that a client/patient's right to confidentiality does not supercede a worker's right to know about hazards in their workplace!)
- Require that your jointly managed health and safety committee or health and safety representative:
  - Perform inspections for hazards that will increase the likelihood of violence.
  - Assess all identified hazards and ensure that appropriate recommendations are made in writing to the employer on the removal or control of identified hazards.
    - In some sectors, such as health care and education, the hazard can be an individual's behaviour. In these situations the severity of the hazard can vary from person to person.
- Ensure accountability by requesting that the response to recommendations identifies the person who will be responsible for implementing them within a given time-frame.
- Follow up and evaluate implemented recommendations.
- Conduct some type of review (or audit) to ensure that the violence policy and procedures are working as intended.

### **4. Post-violent incident procedures:**

- A clearly defined procedure for reporting and responding to violence (which includes seeking medical and professional help, and contacting the authorities when necessary).
- Provisions for time off to recover from mental and physical injuries caused by violence. Such provisions are to also be extended to witnesses of violence.
- Provisions for alternative work arrangements following an incident.
- Assurance that there will be no loss of pay due to time off work to recover from violence-related incidents.
- Assurance that a worker is advised to consult a health professional of the worker's choice for treatment or referral if the worker:
  - (a) reports an injury or adverse symptom resulting from workplace violence, or
  - (b) is exposed to workplace violence.

### **5. Specific training for workers who may be exposed to violence should include:**

- How to recognize workplace violence.
- Information contained in the policies, procedures and workplace arrangements that effectively minimize or eliminate workplace violence.
- The appropriate response to workplace violence, including how to obtain assistance, and
- Procedures for reporting, investigating and documenting incidents of workplace violence.

Note: when the training involves the use of force (such as for security guards), ensure that there are additional safeguards in the policy or collective agreement language, including protections against reprisals for such workers in the case of a patron or client being injured.