

# Live Safe! Work Smart!

Health and safety e-news for Ontario teachers

## ? YOU ASKED US

**Q: As a Co-op teacher who is placing students in the workplace, is it incumbent upon me to inform a prospective employer if my student has a history of unpredictable or violent behaviour?**

**A:** Ontario's Occupational Health and Safety Act (OHSA) imposes duties only on workplace parties, such as the employer, (and not on teachers). Under the OHSA, **employers** may now need to provide information, including personal information, to workers about a risk of workplace violence from a person with a history of violent behaviour. However, this applies **only** when the worker can be expected to encounter that person in the course of work, and the risk is likely to expose the worker to **physical** injury. Personal information may be disclosed by the employer – but **only** what is reasonably necessary to protect the worker from physical injury.

## Violence in the Workplace

BY TISH AMICO, Education Consultant for the Ministry of Labour

Everyone should be able to work without fear of violence or harassment, in a safe and healthy workplace. Violence and harassment in the workplace are not tolerated in Ontario, and in June 2010 changes were made to Ontario's Occupational Health and Safety Act (OHSA) that strengthen protections for workers from workplace violence and address workplace harassment.

What constitutes workplace violence?

- The exercise of physical force, or an attempt to exercise force, by a person against a worker, in a workplace, that causes or 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.

Some activities increase the risk of workplace violence:

- Handling cash
- Protecting or securing valuables
- Transporting people and goods
- Public or community contact

What constitutes workplace harassment?

Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known, or should be known, to be unwelcome.

Workplace harassment may include bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls.

Every workplace – regardless of the number of workers – must have policies and programs for workplace violence and workplace harassment. Employers must provide information and instruction to workers on the content of these policies and programs. Both the workplace violence and workplace harassment programs must include measures and procedures for workers to report incidents to the employer and set out how the employer will deal with incidents or complaints.

The workplace violence program must also include measures and procedures for:

- Summoning immediate assistance when workplace violence occurs or is likely to occur, and
- Controlling risks identified in the assessment of risks.

Employers may also have to provide information, including personal information, relating to a risk of workplace violence from a person with a history of violent behaviour. However, this limited duty applies only when the worker can be expected to encounter that person in the course of work, and the risk is likely to expose the worker to physical injury.

Personal information may be disclosed, but only what is reasonably necessary to protect the worker from physical injury. (Refer to the "You Asked Us" section of this newsletter).

Make sure the students who are involved in experiential learning programs know about the workplace violence and workplace harassment requirements under the OHSA. Have them visit the Ministry's web site at [www.ontario.ca/workplaceviolence](http://www.ontario.ca/workplaceviolence)

## BRIGHT IDEA

HAVE STUDENTS COMPLETE AN ASSIGNMENT AT THEIR PLACEMENT THAT DEALS WITH VIOLENCE POLICIES AND PROGRAMS AT THEIR WORKPLACE. DURING AN INTEGRATION CLASS, HAVE STUDENTS PRESENT THEIR FINDINGS TO THEIR CLASSMATES (E.G., MAYBE HAVE STUDENTS PRETEND TO BE THE EMPLOYER OF THEIR WORKPLACE. THEY CAN PROVIDE INFORMATION AND INSTRUCTION TO THE CLASS ON THE WORKPLACE VIOLENCE AND WORKPLACE HARASSMENT POLICIES AND PROGRAMS BASED ON THEIR PLACEMENT, INCLUDING THE INFORMATION AND INSTRUCTION TO WORKERS THAT THEIR PLACEMENT PROVIDES? WHAT DO WORKERS AT THEIR PLACEMENT NEED TO KNOW?)

We welcome your questions, comments and suggestions for future newsletters at [info@livesafeworksmart.net](mailto:info@livesafeworksmart.net)

## TISH'S TIPS

FOR CO-OP TEACHERS: DURING YOUR PRE-PLACEMENT ASSESSMENT, DISCUSS THE EMPLOYER'S WORKPLACE VIOLENCE AND WORKPLACE HARASSMENT POLICIES AND PROGRAMS AND WHAT THEY HAVE IN PLACE IN THE EVENT OF AN INCIDENT.

## Links

[www.ontario.ca/workplaceviolence](http://www.ontario.ca/workplaceviolence)

[www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm)

**Disclaimer:** This newsletter has been prepared to help the workplace parties understand some of their obligations under the *Occupational Health and Safety Act* (OHSA) and regulations. It is not legal advice. It is not intended to replace the OHSA or the regulations. FOR FURTHER INFORMATION PLEASE SEE THE [FULL DISCLAIMER](#).