# Employers Beware! Significant Fines For Breach Of Obligations Relating To Workplace Violence

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We are now beginning to see reported cases involving charges and subsequent fines laid against employers for failing to provide information, instruction and supervision to protect a worker from workplace violence or the risk of violence. The clear message to employers is that having a workplace violence policy is not sufficient. Where there are possible risks of violence inherent in a job, employers must ensure that staff are provided with appropriate information regarding those risks, proper instruction on how to deal with these potential risks, and proper supervision at all times.

In July this year, for instance, a hospital was fined $80,000 following a workplace violence incident where staff members were physically assaulted by a patient. The incident involved a registered practical nurse who was performing rounds on the night shift, and was attacked from behind by a patient. The patient had a history of violence and had reportedly not been following the prescribed medication plan. The assaults occurred in the hallway of a unit and continued near the nursing station. A co-worker intervened in the assault and was also injured. Both workers suffered physical and psychological injuries.

The patient was charged by the Toronto Police and convicted for this assault. The Hospital pleaded guilty to failing to develop, establish and put into effect measures and procedures including safe work practices to protect workers in the circumstances on the night shift from workplace violence or the risk.

Similarly, in August, an agency providing children's mental health services and support for children and youth was fined $125,000 following a workplace violence incident where a staff member was physically assaulted by a youth. The incident involved a youth worker who had recently commenced employment with the agency and was assigned to the detention and custody unit for boys. The incident occurred when the worker was directing a youth to return to his room for the night. The youth became agitated, entered the staff office and repeatedly struck the worker. A co-worker also located in the staff office intervened in the assault and was also injured. Both workers suffered physical and psychological injuries. The agency pleaded guilty to failing to provide information, instruction and supervision to protect a worker from workplace violence or the risk of violence from a resident.

The above cases are important reminders to employers of the requirements under occupational health and safety legislation and the responsibilities for assessing the risks of workplace violence. Employers must:

- assess the risk of workplace violence that may arise from the nature of the workplace, type of work or conditions of work;
- take into account the circumstances of the workplace and circumstances common to similar workplaces; and,
- develop measures and procedures to control identified risks that are likely to expose a worker to injury, and include these measures and procedures in a workplace violence program.

While employers cannot predict and prevent all instances of workplace violence, they can at least minimize the risk of these occurrences and possible fines by taking the appropriate measure and providing proper training and instruction to their staff.

By

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