

# TABLE OF CONTENTS

|                                            |     |
|--------------------------------------------|-----|
| <i>Foreword to the First Edition</i> ..... | v   |
| <i>Preface</i> .....                       | vii |

## **Chapter 1. The Problem of Workplace Violence .....1**

|                                                    |    |
|----------------------------------------------------|----|
| Scope of the Problem .....                         | 1  |
| Canadian Examples .....                            | 3  |
| International Examples .....                       | 4  |
| Statistics to Consider .....                       | 5  |
| Canadian Statistics .....                          | 6  |
| American Statistics .....                          | 7  |
| Factors Contributing to Workplace Violence .....   | 8  |
| Consequences of Workplace Violence.....            | 11 |
| Physical, Emotional and Psychological Trauma ..... | 12 |
| Impact on Colleagues and Co-workers.....           | 13 |
| Impact on Customers and Clients .....              | 13 |
| Impact on the Employer .....                       | 13 |
| Calculating the Cost of Workplace Violence.....    | 14 |
| Legal Response to Workplace Violence.....          | 14 |
| Preventing and Managing the Problem .....          | 16 |

## **Chapter 2. Understanding Workplace Violence ..... 19**

|                                     |    |
|-------------------------------------|----|
| Defining Workplace Violence .....   | 19 |
| Harassment Versus Violence.....     | 21 |
| Sources of Workplace Violence ..... | 24 |
| Co-workers.....                     | 24 |

|                                     |    |
|-------------------------------------|----|
| Clients, Patients or Customers..... | 25 |
| Strangers .....                     | 25 |
| Domestic Violence.....              | 26 |
| Causes of Workplace Violence.....   | 28 |

### **Chapter 3. Legal Responses and Solutions.....33**

|                                         |    |
|-----------------------------------------|----|
| Introduction.....                       | 33 |
| Criminal Law.....                       | 34 |
| Assault .....                           | 34 |
| The Criminal Law Process .....          | 36 |
| Human Rights Law.....                   | 37 |
| Collective Bargaining.....              | 41 |
| Common Law Duties.....                  | 43 |
| Duty of Care.....                       | 44 |
| Standard of Care and Breach .....       | 45 |
| Causation.....                          | 46 |
| Remoteness.....                         | 46 |
| Defences.....                           | 47 |
| Contributory Negligence.....            | 47 |
| Voluntary Assumption of Risk .....      | 48 |
| Family Law .....                        | 48 |
| Custody and Access Orders .....         | 49 |
| Grounds for Divorce.....                | 49 |
| Peace Bonds.....                        | 49 |
| Occupational Health and Safety Law..... | 50 |
| General Duty Clauses .....              | 54 |
| Federal.....                            | 57 |
| Alberta.....                            | 58 |
| British Columbia .....                  | 59 |
| Manitoba .....                          | 61 |
| Newfoundland and Labrador.....          | 62 |
| Nova Scotia .....                       | 63 |
| Ontario .....                           | 64 |
| Prince Edward Island.....               | 66 |
| Saskatchewan .....                      | 67 |
| Quebec .....                            | 69 |
| Workers' Compensation Law.....          | 70 |

|                                                  |    |
|--------------------------------------------------|----|
| The Need for an Intergrated Legal Response ..... | 70 |
|--------------------------------------------------|----|

## **Chapter 4. Systems Solutions to Workplace**

|                                                   |           |
|---------------------------------------------------|-----------|
| <b>Violence .....</b>                             | <b>73</b> |
| Total Loss Control Management System .....        | 73        |
| Defining Accidents and Loss.....                  | 73        |
| Incident to Major Loss Ratio.....                 | 74        |
| Loss Causation Model .....                        | 75        |
| Lack of Managerial Control.....                   | 76        |
| Applying a Total Loss Control Approach to the OHS |           |
| Management System.....                            | 78        |
| Management Theory and Human Behaviour.....        | 82        |
| Motivation and Management .....                   | 82        |
| The Functions of Management.....                  | 83        |
| The Roles of Managers.....                        | 83        |
| Administrative Theory of Management .....         | 85        |
| Human Needs and Behaviour .....                   | 86        |
| The Systems Theory.....                           | 87        |
| Internal Responsibility System .....              | 88        |
| Conclusion.....                                   | 92        |

## **Chapter 5. A Violence Prevention Program ..... 93**

|                                              |     |
|----------------------------------------------|-----|
| Introduction .....                           | 93  |
| Senior Management Commitment and Employee    |     |
| Involvement .....                            | 94  |
| Violence Prevention Policy .....             | 95  |
| Violence Risk Assessment .....               | 96  |
| The Risk Assessment Team.....                | 98  |
| The Victim Profile Assessment.....           | 98  |
| Occupational Risk Factors .....              | 99  |
| Environmental Risk Factors .....             | 99  |
| Personal Risk Factors .....                  | 100 |
| Perpetrator Profile Assessment .....         | 101 |
| Workplace Surveys .....                      | 102 |
| Development of the Hazards Checklist .....   | 102 |
| Hiring and Termination .....                 | 104 |
| Hiring .....                                 | 104 |
| Pre-employment Selection and Screening ..... | 105 |

|                                                                            |            |
|----------------------------------------------------------------------------|------------|
| Duty to Hire with Reasonable Care .....                                    | 107        |
| Termination.....                                                           | 107        |
| Control Methods.....                                                       | 108        |
| Engineering Controls .....                                                 | 109        |
| Workplace Design and Layout.....                                           | 109        |
| Security Systems.....                                                      | 110        |
| Workplace Practices.....                                                   | 111        |
| Administrative Controls .....                                              | 113        |
| Worker Training and Education.....                                         | 114        |
| A Planning Model for Training.....                                         | 115        |
| Contents of Training and Education Program .....                           | 116        |
| Training for Supervisors and Managers.....                                 | 117        |
| Training for Security Personnel.....                                       | 118        |
| Reviewing, Auditing and Improving the Violence Prevention<br>Program ..... | 119        |
| Traps to Avoid.....                                                        | 120        |
| Conclusion.....                                                            | 121        |
| <br><b>Chapter 6. Managing Workplace Violence .....</b>                    | <b>123</b> |
| An Emergency Response Plan .....                                           | 123        |
| What to Anticipate.....                                                    | 124        |
| Developing the Plan .....                                                  | 124        |
| The Role of the Police.....                                                | 125        |
| Policy and Organization .....                                              | 126        |
| Co-operation with the Public.....                                          | 127        |
| Co-operation from Employers.....                                           | 127        |
| Proactive Presentations.....                                               | 128        |
| When Violence Occurs .....                                                 | 129        |
| Medical Aid and Emergency Response Services .....                          | 130        |
| Critical Incidence Stress.....                                             | 131        |
| Victim Assistance Programs .....                                           | 131        |
| Reporting.....                                                             | 132        |
| Investigation and Analysis .....                                           | 133        |
| Learning from the Experience.....                                          | 136        |
| <br><b>Chapter 7. Worker Discipline.....</b>                               | <b>139</b> |
| The Discipline Option.....                                                 | 139        |
| Discipline Versus Counseling .....                                         | 140        |

|                                         |     |
|-----------------------------------------|-----|
| The Unionized Worker .....              | 141 |
| Physical Assault .....                  | 141 |
| Harassment .....                        | 145 |
| Sexual Harassment .....                 | 147 |
| Exploitation of a Power Imbalance ..... | 148 |
| Threats .....                           | 150 |
| Off-Duty Worker Conduct.....            | 151 |
| Appropriateness of Penalty .....        | 152 |
| The Non-unionized Worker.....           | 154 |
| Discipline as a Last Resort .....       | 156 |

## **Chapter 8. Workplace Violence in the Health Care**

|                                                                                 |            |
|---------------------------------------------------------------------------------|------------|
| <b>Sector.....</b>                                                              | <b>159</b> |
| Introduction .....                                                              | 159        |
| Scope of the Problem .....                                                      | 160        |
| Nurses.....                                                                     | 160        |
| Personal Support Workers .....                                                  | 161        |
| A Study of Violence Against Personal Support<br>Workers in Long-Term Care ..... | 162        |
| Types of Workplace Violence in the Health Care Sector .....                     | 163        |
| Violence at the Hands of Co-workers.....                                        | 163        |
| Theory No. 1 — Lateral Violence as a Role Issue.....                            | 164        |
| Theory No. 2 — Lateral Violence as an Oppressed<br>Group Issue .....            | 164        |
| Theory No. 3 — Lateral Violence as a Gender Issue .....                         | 164        |
| Theory No. 4 — Lateral Violence as a Self-Esteem<br>Issue .....                 | 165        |
| The Impact of Lateral Violence .....                                            | 165        |
| Violence at the Hands of Physicians .....                                       | 166        |
| Violence at the Hands of Patients .....                                         | 167        |
| Pain.....                                                                       | 167        |
| Medication .....                                                                | 167        |
| Dementia .....                                                                  | 168        |
| Violence at the Hands of Family Members .....                                   | 168        |
| Violence at the Hands of Members of the Public .....                            | 168        |
| Risk Factors.....                                                               | 169        |
| Nursing Shortage.....                                                           | 169        |

|                                                         |            |
|---------------------------------------------------------|------------|
| Aging Population .....                                  | 170        |
| Additional Factors .....                                | 171        |
| The Lori Dupont Case .....                              | 172        |
| Recommendations for Reducing Violence in the Health     |            |
| Care Sector .....                                       | 174        |
| Societal .....                                          | 174        |
| Individual .....                                        | 175        |
| Organizational.....                                     | 175        |
| Management Commitment and Employee Involvement ....     | 176        |
| Workplace Violence Hazard/Risks Assessment .....        | 177        |
| Risk Factors in the Health Care Sector .....            | 177        |
| Hazard Prevention and Control Measures.....             | 178        |
| Engineering Controls.....                               | 178        |
| Administrative and Work Practice Controls.....          | 179        |
| Worker Training and Education.....                      | 180        |
| Program Evaluation and Auditing .....                   | 181        |
| Conclusion .....                                        | 182        |
| <br><b>Appendix A. Jury Recommendations from the OC</b> |            |
| <b>Transpo Inquest .....</b>                            | <b>183</b> |
| <br><b>Appendix B. Dupont Inquest: Coroner's Jury</b>   |            |
| <b>Recommendations .....</b>                            | <b>197</b> |
| <br><i>Index.....</i>                                   | <i>213</i> |