WORKPLACE CONDUCT

R4.25-1 Workplace Conduct - Prohibition of Improper Activity or Behaviour

VIOLENCE IN THE WORKPLACE

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R4.25-1
Workplace Conduct - Prohibition of Improper Activity or Behaviour

BACKGROUND
1. Explanatory Notes
Section 4.25 prohibits "improper activity or behaviour" in the workplace that may create an occupational health and safety hazard. Section 4.24 defines "improper activity or behaviour" for this purpose.

2. The OHSR
Section 4.25:

> A person must not engage in any improper activity or behaviour at a workplace that might create or constitute a hazard to themselves or to any other person.

Section 4.24:

"improper activity or behaviour" includes

(a) the attempted or actual exercise by a worker towards another worker of any physical force so as to cause injury, and includes any threatening statement or behaviour which gives the worker reasonable cause to believe the worker is at risk of injury, and

(b) horseplay, practical jokes, unnecessary running or jumping or similar conduct.

POLICY
Section 4.25 may be violated in any situation where an act of violence is committed by one worker on another, whether or not the violence is covered by section 4.27.

EFFECTIVE DATE:	December 1, 2000
AUTHORITY:	Section 4.25 of the *OHSR*.
CROSS REFERENCES:	Sections 4.24 and 4.27 of the *OHSR*; Item R4.27-1, *General Conditions - Violence in the Workplace - Definition*, of the *Prevention Manual*.
HISTORY:	August 22, 2022 â€“ Housekeeping changes to reflect regulation changes effective on that date. April 6, 2020 - Housekeeping changes. September 15, 2010 - Housekeeping changes to delete practice reference and make formatting changes. Replaces part of Policy No. 8.88 of the Prevention Division *Policy and Procedure Manual*.
APPLICATION:	This Item results from the 2000/2001 "editorial" consolidation of all prevention policies into the *Prevention Manual*. The POLICY in this Item merely continues the substantive requirements of Policy No. 8.88 as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 8.88 was issued.

R4.27-1
Violence in the Workplace - Definition

BACKGROUND
1. Explanatory Notes
Section 4.27 defines "violence" for purpose of the violence in the workplace provisions.

2. The *OHSR*
Section 4.27:

> In sections 4.28 to 4.31,
>
> *"violence"* means the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a

worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that the worker is at risk of injury.

POLICY
Section 4.27 applies to all persons committing violence except where a worker of the same employer is the victim. Workers of the same employer are covered by section 4.25.

Verbal abuse or harassing behaviour is not included in the definition of violence for the purpose of section 4.27 unless it includes threats or behaviour which give the worker reasonable cause to believe that the worker is at risk of injury.

All workers working at a "multiple-employer" workplace within the meaning of section 24 of the OHS provisions of the *Act* are treated as fellow workers for the purpose of section 4.27. Violence or threats between these workers are not covered by the provision.

The definition of "violence" in section 4.27 covers the situation where a worker affected by a threat has reasonable cause to believe that the worker is at risk of injury. It does not apply where a person other than the worker has such a belief. If there is a dispute over whether the worker has reasonable cause, the worker may invoke the procedure under section 3.12.

All threats against a worker or the worker's family must be treated as serious matters. When the employer is made aware of the threat, the employer is required to notify the worker, if the worker is not already aware of the threat, and to notify the police or similar authority responsible for the protection of public safety. If the employer is unable to contact the worker, the employer should advise a family member so that appropriate precautions can be taken. The employer and any other persons involved are also required to cooperate in any investigations necessary to protect the worker or worker's family. The means of fulfilling these responsibilities should be included in the written Workplace Violence Protection Program.

A threat against a worker's family that is a result of the worker's employment is considered a threat against the worker for the purpose of section 4.27.

Where a threat is made against a worker's family, any person who becomes aware of the threat must report it to the person's supervisor or the employer.

EFFECTIVE DATE:	December 1, 2000
AUTHORITY:	Section 4.27 of the *OHSR*.
CROSS REFERENCES:	Sections 3.12 and 4.25 of the *OHSR*; Item R4.25-1, *General Conditions - Workplace Conduct - Prohibition of Improper Activity or Behaviour*; Item R4.29-2, *General Conditions - Violence in the Workplace - Workplace Violence Prevention Program*, of the *Prevention Manual*.
HISTORY:	August 22, 2022 â€“ Housekeeping changes to reflect regulation changes effective on that date. April 6, 2020 - Housekeeping changes consequential to implementing the *Workers Compensation Act*, R.S.B.C. 2019, c. 1. September 15, 2010 - Housekeeping changes to delete practice reference and make formatting changes. Replaces part of Policy No. 8.88 of the Prevention Division *Policy and Procedure Manual*.
APPLICATION:	This Item results from the 2000/2001 "editorial" consolidation of all prevention policies into the *Prevention Manual.* The POLICY in this Item merely continues the substantive requirements of Policy No. 8.88, as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 8.88 was issued.

R4.28-1
Violence in the Workplace - Risk Assessment

BACKGROUND
1. Explanatory Notes
Section 4.28 requires a risk assessment to be performed where the risk of violence arising out of the employment may be present. It lists certain matters that must be included in any such assessment.

2. The OHSR
Section 4.28:

(1) A risk assessment must be performed in any workplace in which a risk of injury to workers from violence arising out of their employment may be present.

(2) The risk assessment must include the consideration of

(a) previous experience in that workplace,

(b) occupational experience in similar workplaces, and

(c) the location and circumstances in which work will take place.

POLICY
Section 4.28(2) does not state the period in the past which must be considered in performing the risk assessment. This will depend on the location, nature and circumstances of the business and the industry in which the employer is engaged. However, the assessment should include consideration of the number and nature of incidents of violence over a sufficient period to obtain a good representation of past experience. The period should be at least one year.

The object of the risk assessment is to determine the nature and type of occurrences of violence anticipated in the place of employment and the likelihood of their occurring. The factors considered will be dictated by the circumstances of the workplace. The items listed in section 4.28(2) may involve consideration of the following but are not limited to these.

- number, location, nature, severity, timing and frequency of violent incidents;
- layout and condition of the place of work, including the decor, furniture placement, the existence of barriers and fences between workers and the public, internal and external lighting, methods of access and egress and the degree to which the premises would allow a potential assailant to hide;
- type of equipment, tools, utensils, etc. that are used or available for use;
- extent and nature of contact with persons other than fellow workers and their type and gender, including the use of alcohol and drugs by them;
- age, gender, experience, skills and training of the workers concerned;
- existing work procedures, for example, when interacting with the public or in having to enforce the employer's rules or policies with regard to the public;
- existing violence prevention initiatives or programs;
- communication methods by which, for example, information about risks, incidents or threats of violence or requests for assistance may be sent;
- existence of clearly marked exit signs and emergency procedures; and
- staff deployment and scheduling, including the extent to which persons work at night, work alone, are checked when working alone and the availability of backup assistance.

The risk assessment should involve the joint health and safety committee or worker health and safety representative, where one exists, and workers and management personnel in each area affected. Sources of information are first aid records, past injury reports, checklists and questionnaires completed by workers, reports of Board officers, expert advice or relevant publications. A visual inspection of the place of employment and the work being done should be carried out.

Employers required to carry out a risk assessment must do this at the start of operations and whenever there is a significant change in the nature of the business or the location of the workplace.

EFFECTIVE DATE:	December 1, 2000
AUTHORITY:	Section 4.28 of the *OHSR*.
CROSS REFERENCES:	
HISTORY:	April 6, 2020 - Housekeeping changes. September 15, 2010 - Housekeeping changes to delete practice reference and make formatting changes. Replaces Policy No. 8.90 of the Prevention Division *Policy and Procedure Manual*.
APPLICATION:	This Item results from the 2000/2001 "editorial" consolidation of all prevention policies into the *Prevention Manual.* The POLICY in this Item merely continues the substantive requirements of Policy No. 8.90, as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 8.90 was issued.

R4.29-1
Violence in the Workplace - Procedures and Policies

BACKGROUND
1. Explanatory Notes
Section 4.29 requires that an employer establish procedures, policies and work environment arrangements where a risk of injury to workers from violence is identified by the risk assessment performed under section 4.28.

2. The OHSR
Section 4.29:

> If a risk of injury to workers from violence is identified by an assessment performed under section 4.28 the employer must
>
> (a) establish procedures, policies and work environment arrangements to eliminate the risk to workers from violence, and
>
> (b) if elimination of the risk to workers is not possible, establish procedures, policies and work environment arrangements to minimize the risk to workers.

POLICY
In determining whether elimination of the risk is possible or what the employer should do to minimize the risk, primary regard will be had to the degree of risk in question. Other factors are:

- the state of knowledge of ways of eliminating the risk, and
- the availability and possibility of ways of eliminating the risk.

The policies, procedures and arrangements which an employer may have to implement will vary depending upon the nature of the work being carried out and the circumstances of the work. The factors which create a potential for violence in the place of employment should be shown by the results of the risk assessment. The assessment will guide the employer as to areas where action may be necessary.

As with the risk assessment, the employer should consult with the joint health and safety committee or worker health and safety representative, where one exists, and workers and management personnel in each area affected, in considering what action is necessary to eliminate or minimize any risk of violence. Where the employer has undergone a proper process of consultation of this nature and has taken reasonable measures to eliminate or minimize any risk shown by the assessment, the Board will generally assume that the regulation has been complied with. However, the Board always reserves the right to determine whether the measures taken by an employer are in fact sufficient to meet the obligation under section 4.29.

EFFECTIVE DATE:	December 1, 2000
AUTHORITY:	Section 4.29 of the *OHSR*.
CROSS REFERENCES:	Item R4.29-2, *General Conditions - Violence in the Workplace - Workplace Violence Prevention Program*, of the *Prevention Manual*.
HISTORY:	April 6, 2020 - Housekeeping changes. September 15, 2010 - Housekeeping changes to delete practice reference and make formatting changes. March 1, 2005 - Housekeeping changes to reflect the October 29, 2003 changes to the *OHSR*. This Item originally replaced Policy No. 8.92 of the former Prevention Division *Policy and Procedure Manual*. October 29, 2003 - The reproduction of section 4.29(c) of the *OHSR* in this Item was deleted to reflect its repeal. This Item results from the 2000/2001 "editorial" consolidation of all prevention policies into the *Prevention Manual*. The POLICY in this Item merely continues the substantive requirements of Policy No. 8.92, as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 8.92 was issued.
APPLICATION:	This policy applies to procedures, policies and work environment arrangements aimed at eliminating or minimizing the risk of workplace violence on and after December 1, 2000.

R4.29-2
Violence in the Workplace - Workplace Violence Prevention Program

BACKGROUND
1. Explanatory Notes
Employers affected by sections 4.27 to 4.31 should have a Workplace Violence Prevention Program as part of their general Occupational Health and Safety Program. This Item sets out guidelines summarizing what should be included in a Violence Prevention Program.

2. The OHSR

See Items R4.27-1 to R4.31-1.

3. The Act

Section 69:

> (1) An employer must conduct a preliminary investigation under section 71 and a full investigation under section 72 respecting any accident or other incident that
>
> (a) is required to be reported by section 68,
>
> (b) resulted in injury to a worker requiring medical treatment,
>
> (c) did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker, or
>
> (d) was an incident required by regulation to be investigated.
>
> (2) Subsection (1) does not apply in the case of a vehicle accident occurring on a public street or highway.

Section 71:

(1) An employer must, immediately after the occurrence of an incident described in section 69, undertake a preliminary investigation to, as far as possible,

(a) identify any unsafe conditions, acts or procedures that significantly contributed to the incident, and

(b) if unsafe conditions, acts or procedures are identified under paragraph (a) of this subsection, determine the corrective action necessary to prevent, during a full investigation under section 72, the recurrence of similar incidents.

(2) The employer must ensure that a report of the preliminary investigation is

(a) prepared in accordance with the policies of the board of directors,

(b) completed within 48 hours of the occurrence of the incident,

(c) provided to the Board on request of the Board, and

(d) as soon as practicable after the report is completed, either

(i) provided to the joint committee or worker health and safety representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, posted at the workplace.

(3) Following the preliminary investigation, the employer must, without undue delay, undertake any corrective action determined to be necessary under subsection (1)(b).

(4) If the employer takes corrective action under subsection (3), the employer, as soon as practicable, must

(a) prepare a report of the action taken, and

(b) either

(i) provide the report to the joint committee or worker health and safety representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, post the report at the workplace.

Section 72:

(1) An employer must, immediately after completing a preliminary investigation under section 71, undertake a full investigation to, as far as possible,

(a) determine the cause or causes of the incident investigated under section 71,

(b) identify any unsafe conditions, acts or procedures that significantly contributed to the incident, and

(c) if unsafe conditions, acts or procedures are identified under paragraph (b) of this subsection, determine the corrective action necessary to prevent the recurrence of similar incidents.

(2) The employer must ensure that a report of the full investigation is

(a) prepared in accordance with the policies of the board of directors,

(b) submitted to the Board within 30 days of the occurrence of the incident, and

(c) within 30 days of the occurrence of the incident, either

(i) provided to the joint committee or worker health and safety representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, posted at the workplace.

(3) The Board may extend the time period, as the Board considers appropriate, for submitting a report under subsection (2)(b) or (c).

(4) Following the full investigation, the employer must, without undue delay, undertake any corrective action determined to be necessary under subsection (1)(c).

(5) If the employer takes corrective action under subsection (4), the employer, as soon as practicable, must

(a) prepare a report of the action taken, and

(b) either

(i) provide the report to the joint committee or worker health and safety representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, post the report at the workplace.

POLICY

The requirements in sections 4.27 to 4.31 for risk assessment, procedures and policies, the duty to advise to consult a physician and the duty to instruct workers are based on the recognition of violence in the workplace as an occupational hazard. This hazard is to be addressed by the Occupational Health and Safety Program following the same procedures required by Part 3 of the *OHSR* to address other workplace hazards.

Employers affected should have a Workplace Violence Prevention Program as part of their general Occupational Health and Safety Program. This program should be implemented in cooperation with the joint health and safety committee or worker health and safety representative, where one exists, and with persons knowledgeable of the type of work to be performed. Set out below are guidelines summarizing what should be included in the Workplace Violence Prevention Program:

(a) Policy

The policy statement should acknowledge any risk of injury from violence to which workers are subject. The policy should provide direction from senior management to develop and implement a Workplace Violence Prevention Program. It should identify the responsibilities of managers, supervisors and workers.

(b) Risk Assessment

This element should provide for periodic risk assessments to evaluate the nature and type of occurrences of violence in the workplace. Risk assessments shall be carried out in accordance with section 4.28 and associated policies. Provision should be made for documentation of the risk assessment.

(c) Written Supplementary Instructions

The employer must under sections 4.30(3) and 3.3(c) prepare supplementary instructions for workers who are at risk of injury from violence. These instructions must enable the worker to understand the work environment arrangements designed to minimize the risk of violence. The instructions must direct the worker and any violence response teams in safe response methods.

(d) Worker and Supervisor Training

This element should define the training to be provided to workers at risk and their supervisors in accordance with section 4.30 and associated policies. It should include the maintenance of training records.

(e) Incident Reporting and Investigation

This element of the program should include policies, procedures and documentation for:

- reporting to the employer incidents or threats of violence in the workplace;
- action by supervisors to address reported incidents as required by section 3.10;
- investigation of incidents of violence in accordance with section 69 of the OHS provisions of the *Act*;
- implementation of corrective action in response to incidents of violence under section 72 of the OHS provisions of the *Act*;
- advice to workers to see a physician for treatment; and
- advice to workers when to obtain critical incident/trauma counselling and where the counselling may be obtained.

(f) Incident Follow-up

Provision should be made for review of corrective action taken to address incidents or threats of violence to determine its effectiveness.

(g) Program Review

Provision should be made for an annual review to evaluate the program's performance in eliminating the risk of injury from violence in the workplace. The review should be documented and the program should be revised as necessary. This review should be carried out in consultation with the joint health and safety committee or worker health and safety representative, where one exists, and worker and management personnel where no committee or representative exists.

EFFECTIVE DATE:	October 29, 2003
AUTHORITY:	Sections 4.27, 4.28, 4.29, 4.30 and 4.31 of the *OHSR*; Sections 69, 71, and 72 of the *Act*.

CROSS REFERENCES:	Sections 3.3 and 3.10 of the *OHSR*; Item P2-71-1, *Preliminary Investigation, Report and Follow-Up Action*; Item Item P2-72-1, *Full Investigation, Report and Follow-Up Action*; Item R4.27-1, *General Conditions - Violence in the Workplace - Definition*; Item R4.28-1, *General Conditions - Violence in the Workplace - Risk Assessment*; Item R4.29-1, *General Conditions - Violence in the Workplace - Procedures and Policies*; Item R4.30-1, *General Conditions - Violence in the Workplace - Instruction of Workers*; Item R4.31-1, *General Conditions - Violence in the Workplace - Advice to Consult Physician*, of the *Prevention Manual*.
HISTORY:	April 6, 2020 - Housekeeping changes consequential to implementing the *Workers Compensation Act*, R.S.B.C. 2019, c. 1. May 27, 2015 - Housekeeping amendments to Background Section to reflect changes to the *Act*. September 15, 2010 - Housekeeping changes to delete practice reference and make formatting changes. October 29, 2003 - A reference to the duty to "respond to incidents" in the policy was replaced with a reference to the duty to "advise to consult a physician" to reflect the revision of section 4.31 of the *OHSR* on that date. December 1, 2000 - This Item replaced Policy No. 8.92-1 of the former Prevention Division *Policy and Procedure Manual*.
APPLICATION:	This policy applies to all Workplace Violence Prevention Programs established on and after October 29, 2003.

R4.30-1
Violence in the Workplace - Instruction of Workers

BACKGROUND

1. Explanatory Notes

Section 4.30 sets out the information that employers are required to provide workers who may be exposed to the risk of violence in the workplace.

2. The OHSR

Section 4.30:

> (1) An employer must inform workers who may be exposed to the risk of violence of the nature and extent of the risk.
>
> (2) The duty to inform workers in subsection (1) includes a duty to provide information related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work.
>
> (3) The employer must instruct workers who may be exposed to the risk of violence in
>
> (a) the means for recognition of the potential for violence,
>
> (b) the procedures, policies and work environment arrangements which have been developed to minimize or effectively control the risk to workers from violence,
>
> (c) the appropriate response to incidents of violence, including how to obtain assistance, and
>
> (d) procedures for reporting, investigating and documenting incidents of violence.

POLICY

Section 4.30 includes a requirement for employers to advise workers of the results of the risk assessment under section 4.28 and to instruct workers in the measures they have taken under section 4.29 to eliminate or minimize any risk of violence. The training should be sufficient so that workers are aware of any risk of violence and the appropriate measures to be taken if violence occurs or is threatened. It should cover all the circumstances of the place of employment found to be material to the risk assessment.

Information provided to workers with respect to the nature and extent of the risk of violence in their place of employment must, where practicable, be conveyed to workers prior to their exposure to the risk. This requirement includes information such as:

- procedures providing for information obtained by workers ending a shift to be communicated to workers starting a following shift; and
- procedures for communicating the results of overall past experience such as the flagging on computer systems of individuals with past records of violence.

EFFECTIVE DATE:	December 1, 2000
AUTHORITY:	Section 4.30 of the *OHSR*.
CROSS REFERENCES:	Item R4.28-1, *General Conditions - Violence in the Workplace - Risk Assessment*, of the *Prevention Manual*.

HISTORY:	April 6, 2020 - Housekeeping changes. September 15, 2010 - Housekeeping changes to delete practice reference and make formatting changes. Replaces Policy 8.94 of the Prevention Division *Policy and Procedure Manual.*
APPLICATION:	This Item results from the 2000/2001 "editorial" consolidation of all prevention policies into the *Prevention Manual.* The POLICY in this Item merely continues the substantive requirements of Policy No. 8.94, as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 8.94 was issued.

R4.31-1
Violence in the Workplace - Advice to Consult Physician

BACKGROUND

1. Explanatory Notes

Section 4.31(3) requires that an employer ensure that a worker is advised to consult a physician when violence takes place in the workplace.

2. The OHSR

Section 4.31(3):

> The employer must ensure that a worker reporting an injury or adverse symptom as a result of an incident of violence is advised to consult a physician of the worker's choice for treatment or referral.

Critical incident/trauma counselling is desirable in some circumstances to prevent workers involved in incidents of violence from suffering ongoing adverse psychological effects for which disability compensation might have to be paid. Counselling may be obtained through the worker's physician. Alternatively, some employers may have ongoing programs which can provide appropriate counselling. The employer must advise the worker to consult with a physician where this is required by section 4.31(3) but should also advise the worker of the availability of other programs which can assist. The employer's Workplace Violence Prevention Program should contain policies and procedures on when advice to obtain counselling should be given and where appropriate counselling may be obtained, such as through a facility of the employer or another local health facility. The Board may pay the cost of counselling if a claim for a work injury is made.

EFFECTIVE DATE:	October 29, 2003
AUTHORITY:	Section 4.31(3) of the *OHSR*.
CROSS REFERENCES:	Section 3.10 of the *OHSR*; Sections 69, 71, and 72 of the *Act*; Item P2-71-1, *Preliminary Investigation, Report and Follow-Up Action*; Item P2-72-1, *Full Investigation, Report and Follow-Up Action*, of the *Prevention Manual*.
HISTORY:	April 6, 2020 - Housekeeping changes consequential to implementing the *Workers Compensation Act*, R.S.B.C. 2019, c. 1. May 27, 2015 - Housekeeping amendments to cross references. September 15, 2010 - Housekeeping changes to delete practice reference and make formatting changes. October 29, 2003 - The reproduction of, and references to, the requirements under section 4.31(1) and (2) of the *OHSR* were deleted to reflect their repeal. December 1, 2000 - This Item replaced Policy No. 8.96 of the former Prevention Division *Policy and Procedure Manual*.
APPLICATION:	This policy applies to all incidents of violence that occur in the workplace on and after October 29, 2003.