VIOLENCE THE WORKPLACE PUTTING AN END TO IT





Centrale des syndicats du Québec

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RIGHTS AND OBLIGATIONS

The legislation

Violence in the workplace – regardless of its causes or the form it takes – can impact the health of victims and witnesses. We are talking about health in its broadest sense, as defined by the World Health Organization, that is, a state of complete physical, mental and social well-being, which does not merely refer to the absence of illness or disability.

Two pieces of legislation are useful: An Act Respecting Occupational Health and Safety² (AROHS) which deals with prevention and An Act Respecting Industrial Accidents and Occupational Diseases³ (ARIAOD) which deals with compensation for employment injuries and their consequences.

Prevent...

The AROHS sets out the right of workers to conditions of employment that have proper regard for their health, safety and physical well-being. The Québec *Charter of Human Rights and Freedoms*⁴ also establishes this right, as does, although in somewhat different terms, the Civil Code of Québec⁵, which also includes the right to respect for dignity.

The Act Respecting Labour Standards⁶ stipulates that every employee has a right to a work environment free from psychological harassment and requires employers to take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it.

In more tangible terms, respect for these rights entails obligations for workers and for employers.

FOREWORD

minimize their impact. These actions must be adjusted to fit the circumstances. This brochure¹ outlines suggestions to better manage such situations.

A number of actions can be

undertaken to prevent incidents

of violence and aggressive or

disturbing behaviours, and to

^{1.} Adapted from the guide Violence has consequences. Let's deal with it! produced by the CSQ in 2011.

^{2.} Compilation of Québec Laws and Regulations, c S-2.1.

^{3.} Compilation of Québec Laws and Regulations, c A-3.001.

^{4.} Compilation of Québec Laws and Regulations, c C-12, section 46.

^{5.} Civil Code of Québec, section 2087

^{6.} Compilation of Québec Laws and Regulations, c N-1.1, section 81.19.

Obligations of workers

Among the obligations set out in section 49 of the AROHS, workers must:

- Take the necessary measures to ensure their health, safety or physical well-being.
 - See that they do not endanger the health, safety or physical well-being of other persons at or near their workplace.
- Participate in the identification and the elimination of risks of work accidents or occupational diseases at their workplace.

In other words, you must protect yourself and others by only intervening in violent situations if you possess the knowledge and skills required to do so in a way that is safe for yourself and for others, just as you must notify the employer of any violent situation of which you may be a victim or a witness.

Right of refusal

The AROHS also recognizes a worker's right to refuse to perform particular work if he or she has reasonable grounds to believe that the performance of that work would expose him to danger to his health, safety or physical well-being, or would expose another person to a similar danger (section 12 AROHS).

However, the law limits the exercise of this right of refusal when the refusal puts the life, health, safety or physical well-being of another person in immediate danger (section 13 AROHS).



Re-assignment of a pregnant worker

The AROHS also allows a pregnant worker whose working conditions entail danger to her or her unborn child (e.g. risk of injury to the abdomen), on the advice of her physician, to request re-assignment to tasks that do not entail such danger.

Failing a re-assignment that is in compliance, the worker will be removed from work and be compensated by the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST) (section 40 AROHS).

Your union can inform you of the more specific terms of the right of refusal and the right to protective re-assignment for pregnant workers.

Obligations of the employer

The employer's obligations are described in section 51 of the AROHS. Generally speaking, the employer must take the necessary measures to protect the health, safety and physical well-being of his workers.

To this end, the employer's obligations include the following:

- See that the establishments under his authority are so equipped and laid out as to ensure the protection of the workers.
- Ensure that the organization of the work and the working procedures and techniques do not adversely affect the safety or health of workers.
 - Use methods and techniques intended for the identification, control and elimination of risks to the safety or health of workers.
 - Give workers adequate information as to the risks connected with their work and provide them with the appropriate training, assistance or supervision to ensure that they possess the skills and knowledge required to safely perform the work assigned to them.

In connection with the above and by way of illustration:

- All violent incidents of which you may be a victim or a witness, even if they do not give rise to absence from work, must be reported using the appropriate form, or recorded in the register of work accidents, depending on the procedure currently used by your employer.
- The employer must analyze work organization to identify potential risks linked to potential acts of violence from client groups, staff members, or persons outside the workplace.

The employer must, in light of the above, give adequate information to workers concerning the risks linked to their tasks. The employer must also provide them with the appropriate training and supervision (e.g. exercises in restraining techniques [timeout]) with regard to these risks.

Workplaces must be laid out so that access is controlled at all times.

Work organization must ensure that staff members are not physically isolated from each other or alone in the establishment after work hours and unable to communicate with others in case of an emergency. In the same way, particular attention must be paid to situations requiring home visits and work in the residences of others.

An emergency measures plan must be prepared and regularly updated. All personnel members must be familiar with the plan and simulation exercises must be held on a regular basis.

The employer (or the establishment, as the case may be) must adopt a policy concerning incivility, intimidation, harassment and all other forms of violence. All members of personnel and all clients must be aware of this policy, and awareness-raising, information and educational activities must be held on a regular basis. If such a policy provides for sanctions against individuals exhibiting undesirable behaviours, such sanctions must be strictly applied.



... and cure

When prevention proves inadequate, and an event occurs (or a series of events) causing disability, **a claim for a work-related accident must be submitted to the CNESST**. The Commission can more generously compensate an absence from work caused by illness following a violent event in the workplace than disability insurance.

The ARIAOD defines an industrial accident (i.e. a work-related accident) as a sudden and unforeseen event, attributable to any cause, which happens to a person, arising out of or in the course of his work and resulting in an employment injury to him (injury or illness).

Note that the fact that an event is theoretically foreseeable (e.g. disorganization of a student with a autism spectrum disorder, assault by a patient suffering psychosis) in no way diminishes the unforeseeable, sudden nature of the event when it actually occurs.

A matter of compensation

In the event that an employment injury involves absence from work, the Act provides for, among other things, the payment of an income replacement indemnity equivalent to 90% of net income.

Collective agreements may contain higher indemnities compared to those provided for by the Act. Your union can assist you in this regard.

The costs of medical assistance required by a person's state of health, such as medication, physiotherapy, psychotherapy, etc., are completely covered by the CNESST when it accepts the claim.

The ARIAOD also provides for indemnities for other consequences caused by a work-related accident, such as compensation for bodily injury, in the event of a permanent physical or mental impairment thus sustained, or an indemnity that partially compensates the replacement of damaged eyeglasses or clothing.

Should a claim be rejected, contact your union.

OTHER AVENUES FOR PREVENTION

Assess the situation

- Recognize that violence in the workplace is a real, undesirable problem in organizations and that addressing it is a priority.
- Identify previous violent events with different personnel categories, analyze them, and draw up a profile of the specific situation in your workplace. The profile will be useful for identifying problematic situations and establishing action priorities.
- Cultivate ties with other decision-making bodies that can help in preventing violence: governing board, board of directors, community organizations, public security, etc. Evaluate the assistance and support that you can obtain from them.



Take action as individuals

Identify existing risk and protection factors in your work environment to determine what you can do to take a preventive position on violence (based on ASSTSAS, 2006⁷):

As an individual, become aware of your strengths and limitations, your experience and understanding of violence, your physical and psychological condition, your tasks and your level of integration. In terms of equipment, identify objects that could be used as potential weapons, and identify access to communications systems, (intercom, Internet, telephone), to facilities and furnishings and to the security system.

For others, identify client groups at risk (students or patients with significant behavioural or psychopathological disorders, patients with cognitive impairments), visitors (parents, strangers, etc.), other staff members, members of the community who gravitate around the establishment, and the specific cultural and social characteristics of the establishment.

In terms of organizational

parameters, take into account the number of employees, as well as regulations, procedures and policies, teamwork, the emergency intervention plan and available assistance. In terms of time, consider the schedule, operating and visiting hours and days, breaks and movements.

In terms of the environment, locate doors and exits, isolated places, the layout of facilities and furnishings, open and closed areas, waiting rooms, and the establishment's immediate surroundings (park, wooded area, vacant lot, the lighting of the premises and parking areas, proximity to a police station, etc.).

In situational terms, verify whether there is a potential crisis situation, or whether an atmosphere of anxiety or insecurity prevails in the establishment because of a specific event, a declared threat, or warning signs.

Establish personal game plans by determining concrete actions to deal with situations of serious violence that endanger your physical safety. Such game plans could include the locations of exits for leaving the premises quickly, or actions that could be undertaken to defuse a situation of violence or aggressive behaviours.

Make ongoing training a means of enhancing professional and personal self-awareness, to improve your crisis management and intervention skills in order to prevent aggressive or violent behaviours and better address such behaviours.

Identify resources and people who can assist you with violent incidents (employee assistance programs, unions, etc.), as well as possible forms of recourse.



 ^{7.} ASSOCIATION PARITAIRE POUR LA SANTÉ ET LA SÉCURITÉ DU TRAVAIL DU SECTEUR AFFAIRES SOCIALES (2006). Formations Oméga, Montréal.

Take collective action

- Create a task force to implement an action plan addressing problems of physical and psychological violence and an emergency crisis intervention plan. It is important that the different employment categories be represented in this group as well as community groups likely to be involved (police, community groups, etc.). The action plan should take into account the establishment's specific characteristics, its culture and practices in the work environment.
- Develop a code of conduct for all personnel categories. The code should deal with expected interpersonal relations and it must seek to establish an environment free from incivility, harassment, intimidation and violence.
- Develop a code of conduct in the establishment for persons receiving services and, where appropriate, parents or visitors. This code should deal with acceptable and unacceptable behaviours, as well as the consequences for non-compliance with the code.
- Formulate procedures describing the expected behaviour of visitors when they are in the establishment.
- Adopt a policy on the expected behaviours in order to formalize your commitment to preventing incivility, harassment, intimidation and violence, and the methods to be used. The content of the policy must be defined jointly and in good faith by employers and employees so that everyone shares the chosen goals and methods.
- Make sure that everyone is familiar with the policy, as well as the procedures and methods that the organization has put in place in the context of prevention.
- Apply the established policy in a consistent and fair manner to everyone, by not tolerating any act of violence in the establishment or during events held under its watch.
- Revise the policy on a regular basis in light of events.

- Create an emergency intervention team ("code white") in which each member has well-defined roles and responsibilities. It is important to ensure that a leader is appointed to direct operations and that substitutes be identified should front-line persons be unavailable in the event of a crisis. Adopt individual and organizational instructions agreed upon by managers and intervention teams. Draw up a list of telephone numbers required in such cases.
- Improve the interior and exterior physical organization of establishments, to eliminate risk factors in a context of violence. This might involve upgrading the lighting in parking areas, installing a security desk at the entrance, installing a high counter or a barrier to block direct access to administrative or reception personnel, etc.
- Make sure that staff members receive training about specific factors linked to violence (difficult client groups, recognition of different forms of violence, warning signs of violent events, actions to be undertaken in the event of violence, defusing violent situations, conflict resolution, communication techniques, safe physical interventions).



WHEN VIOLENCE OCCURS...

WHAT SHOULD YOU DO WHEN INCIDENTS OF VIOLENCE OCCUR?

Despite the implementation of violence prevention precautions and measures, violent incidents may occur. What should be done when it happens? Different ways of effectively managing a crisis situation can be considered, depending on the nature of the work situation, assessment of the violent person's potential dangerousness, and the evolution of the crisis situation (see Figure 1).

The type of intervention chosen must always reflect the objectives of security and ethics and ensure that the various players take responsibility. Table 1 presents do's and don'ts for interventions, depending on how the crisis situation evolves.

Figure 1: The phases of a violent crisis of violence (or aggression)



Table 1: Do's and don't's based on the evolution of a crisis situation⁸

PHASE 1. Warning signs: be attentive to the first signs of tension in order to intervene as soon as possible

Person in crisis	
Factors precipitating the crisis	Sense of injustice or personal feeling of powerlessness.
	Emotional recall (the situation resembles an unpleasant situation experienced in the past and causes the person to relive strong emotions).
	Acute stressor (pain, intoxication, intense fear, situational crises, etc.).
	Physical health problems or pain.
	Accumulated frustration.
Behavioural signs	Exaggeration or noticeable change in behaviour: head/shoulders drawn back to appear imposing, cold gaze, hands on hips, finger-pointing, etc.
	Psychomotor agitation: moving about, pacing, waving arms, trembling, etc.
	Physiological reactions: rapid breathing, perspiring, flushed or pale complexion, etc.
	Indicators of frustration: complaining, whining, raised tone of voice, aggressive expressions or actions (bared teeth), threatening gestures with a fist, etc.).



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PHASE 1. Warning signs: be attentive to the first signs of tension in order to intervene as soon as possible

Person dealing wit	h the situation
What you should do	Gauge the potential dangerousness of the person in crisis: emotional tension, conditional cooperation, resistance to cooperation, destructive behaviour (throwing or breaking objects), psychological intimidation, active resistance, physical aggression, serious assault, uttering serious threats. In the last three cases, the crisis must be physically managed to stop the aggressive action. In the last case, you have to buy time, negotiate, make the area secure and call an emergency intervention team.
	Ensure your personal protection: keep at a safe physical distance; ensure you have access to an exit so you can quickly leave the premises; plan on a pretext to withdraw or a diversion; remain in communication with colleagues to get rapid assistance.
	Try to establish contact with the person in crisis.
	Show that you are receptive or provide assistance.
	Adopt an empathetic attitude and use active listening; ask questions to help the person in crisis verbalize his/her frustrations; allow the person to express him/herself.
	Say nothing; give the person time to express him/herself.
	Repeat the last words spoken by the person to complete his/ her thoughts and encourage him/her to keep on talking.
	Tell the person what you observe without making any judgment on the motives for his/her behaviour.
	Speak in a calm, slow and reassuring voice.
	If the person is out of control and does not seem to respond to conciliatory remarks, withdraw and allow the person to calm down.
	Play down the situation with humour in order to defuse the atmosphere.
What you should	Make remarks about the observed aggressiveness.
not do	Ask the person to apologize for his/her actions or words.
	Make the person feel guilty or judge the person.
	Speak loud or give orders.
	Prevent the person from expressing his/her frustration.
	Emphasize your status of authority or the person's status to make yourself heard.
	Touch or push the person in crisis.
	Confront, deride or take a condescending tone with the person in crisis.
	Adopt an aggressive posture: place your hands on your hips, point a finger, cross your arms.
	Stay in a place that is potentially dangerous or near any instruments that can be used as weapons.

8. Adapted from MASSÉ Line, and others (2011). Mieux vivre avec le TDA/H à la maison, Montréal, Chenelière Éducation.

PHASE 2. Engagement: process the crisis in words

Person in crisis

Agitation escalates.

Asks unproductive questions, argues, is agitated, while refusing to calm down or do what he is supposed to do.

No longer feels restrained /constraints or any social inhibitions (e.g. the person swears). Communicates aggressively.

Person dealing with the situation

What you should do	Continue with empathetic listening.
	Mirror the person's feelings (e.g. "You're angry").
	State an instruction to explain what is expected of the person or what he/she must do; frame the conflict with requests and suggestions.
	Bring the person back to the topic or the request that has been formulated.
	Recall the context of the intervention (people's roles, purpose of the intervention, etc.).
	Maintain psychological distance: do not allow yourself to be upset by the individual's aggressive speech.
	Create a diversion by drawing attention to something besides the reason for the tension.
	Separate adversaries (distance them from each other, break eye contact).
What you should not do	Show signs of impatience, condescension or lack of attention.
	Raise your voice (and this is discouraged in phase 1).
	Try to control or intimidate the person.

PHASE 3. Refusal or escalation: establish limits

Person in crisis

Adopts defensive behaviours: offers excuses, complains, contradicts him/herself, accuses or insults others, cries, while refusing to calm down or respond to the request.

Starts to lose control.

His/her remarks may seem incoherent and unrelated to the situation or to your remarks; raises his/voice.

Person dealing with the situation		
What you should do	Set behavioural limits for the person in crisis by explaining which behaviour is to be stopped, the reason why this behaviour cannot be tolerated and the consequences that will occur if the behaviour does not stop.	
	Inform the person of the positive consequences if he/she complies with the instructions given. Make the person he/she has a choice.	
	Limits must be clear, simple, reasonable and applicable.	
	State the limits in a firm, but non-threatening tone.	
What you should not do	Make ill-thought out threats, or state illogical consequences or consequences disproportionate to the act committed.	
	Moralize.	
	Enter into a long discussion about the consequences of his/her actions.	
	Raise your voice.	
	Physically restrain the person.	



PHASE 4. Height of the crisis: protect yourself and possibly-gradually withdraw

Person in crisis

Completely loses self-control and throws a tantrum, adopting verbally aggressive behaviours (yelling, insults, swearing, etc.) or physically aggressive behaviour (hitting, throwing objects, breaking equipment, etc.).

He/she may assault others nearby or attack the physical environment.

May also inflict self-injury.

Person dealing with the situation

What you should do	Ask the person to withdraw to a calm place or to calm down, using a firm, but steady tone.
	Ask others present to move away.
	Slowly approach the person, if possible, and try to gently touch him/ her; if the aggressiveness escalates, withdraw and wait.
	Create a diversion or withdraw.
	If the safety of the individual or others present is in danger, ask for help and implement the available emergency measures.
	Back away toward the exit.
What you should not do	Stand with your arms crossed facing the person in a defensive position, saying that you are expecting him/her to calm down.
	Express exasperation or insult the person.
	Push the person to a wall or restrain the person against an obstacle.
	Order the person not to speak.
	Raise your voice.

PHASE 5. Decompression or winding down: let the aggressor collect his/her wits

Person in crisis

Tension released, both physical and emotional.

Afterwards, the individual is often completely exhausted, empty.

Person dealing with the situation	
What you should do	Secure and reassure the person and find a peaceful spot for him/her to rest.
	Allow the person a short period of time (10 to 30 minutes) so he/she can quietly collect his/her wits or recover.
What you should not do	Immediately engage the person in a discussion of the reasons for his/her crisis.
	Give a sermon or reproach the person.
	Mention a negative consequence right away.

PHASE 6. Recovery: re-establish contact

Person in crisis

The person is calm and has regained self- control.

Agitation and tension have dissipated.

Person dealing with the situation	
What you should do	At this point, suggest a possible transition, such as moving to another place.
	Gently resume contact with the person.
What you should	Force the person to talk, even if he/she is not ready.
not do	Interpret the situation for the person without allowing the person to talk.



KEYS TO SUCCESS



Do not engage in a power struggle to establish your authority, do not make threats or give ultimatums.

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Do not engage in a relationship of dominance.

- Ask yourself if you are the right person to intervene (based on the roles defined by the establishment and your own interpersonal skills).
- Ensure that only one person intervenes with the individual in crisis.
- Allow the person in crisis to express his/her feelings and frustrations.
- Show empathy.
- Avoid giving orders.
- Avoid judging or blaming the other and attributing motives to his/her behaviours or psychological state.
- Make slow gestures.
- - Take time; don't upset the person in crisis.
 - Don't bring up the topic of behaviours, unless the immediate safety of someone is compromised (stick to the level of observations or expression of emotion).
 - Do not focus on previous events.
- Maintain a calm but firm tone of voice, do not raise your voice or take a threatening attitude.
- Use physical restraint as a last resort, only at the height of the crisis and if you feel comfortable doing so. If not, turn to the people on the intervention team who have received specific training.
- Intervene as a team by letting a leader speak, direct the situation and make the decisions.
- Obtain the support of people who will make the setting safe and provide assistance if need be.

In the situations below, the persons responsible are indicated as follows:

[V] : victim [W] : witness [U] : union (delegate) [A] : administration

WHAT SHOULD YOU DO FOLLOWING A CRITICAL INCIDENT?

- [A] Immediately following a critical incident, give first aid to the victim (respond to his/her physical needs, allow the person to leave the workplace or direct him/her to medical resources if necessary). Within 72 hours at most, offer psychological support (try to comfort the person, make him/her feel safe, calm the person and reassure the person about his/her reactions).
- [A] Provide support to witnesses and the actors involved: do a post-event review with all those involved and witnesses to promote debriefing and to help them detach from the event.
- **[UA]** Obtain assistance, if necessary, to complete administrative forms.
- [A] A few days after the critical event, check on the victim's state of health and if necessary, offer counselling services.

WHAT SHOULD YOU DO IN SITUATIONS OF HARASSMENT AND BULLYING?

Stop violent behaviours

- [VW] Resolve the situation so that no one is injured.
- [VW] Intervene verbally right after an incident, firmly indicating that the behaviour is unacceptable and have a conversation with the aggressor to make him/her understand that you are upset about having been targeted, but not intimidated by the situation.
- **[WA]** In the event of physical violence, take the victim to a safe place where support and follow-up are provided, while distancing the aggressor from the place of the incident.

Determine, describe and report violent behaviours

- [VU] Document the details of the incidents associated with violence: nature of the aggression, the people involved, location of the incidents, the time, underlying reasons (personal characteristics, work, etc.), tone used, formulation (exact words used), circumstances, number of times and repercussions.
- **[VWU]** Consult a colleague, a resource person from the employee support program to confirm impressions about situations experienced and if necessary help victims to formulate their complaints or obtain assistance.
- **[VU]** If necessary, report the events to the administration or to the appropriate authorities.

Evaluate situations of violence

- **[UA]** Implement a complaint-processing structure, evaluate their relevance, make a judgment about violent incidents and make recommendations.
- **[UA]** Evaluate complaints in terms of the scope, frequency, duration and gravity, in order to choose the relevant means of settlement.

Intervene following situations of violence

- [VW] Refer to the employee support program to find solutions or to ensure intervention with the employer in order to help solve the problem.
- [A] Intervene directly with the aggressor to reinforce his/ her sense of empathy, make him/her take responsibility, help him/her be accountable for his/her actions and to improve his/her social skills.
- [A] Impose the defined sanctions on the perpetrator of the violent incident. The sanctions must reflect the gravity of the actions, and be fair. They may take the form of a reprimand, a suspension, a transfer, a dismissal or legal proceedings.



The support and involvement of the institution's administration are indispensable, particularly when situations involve students, parents or work colleagues.

If it concerns a conflictual situation that causes aggressive behaviours between two people, the administration may implement mediation sessions with the help of a person who is competent in this field, to help both parties to settle their conflict without aggression. When intimidation or harassment is involved, mediation is not pertinent, because the victim must be believed, and the aggressor denounced. Acts of violence are thus unilateral, and reparation must be made to the victim, who must be assured that the violence will stop. The aggressor must understand that he/she is subject to serious sanctions if he/she persists in aggressive behaviour.

The administration has a crucial role to play in explaining the roles and responsibilities of personnel, in establishing the establishment's code and policy concerning violence in the workplace.





YOUR UNION'S SUPPORT

Your union is your best ally with regard to violence experienced in your workplace.

It is in a position to support the prevention procedures implemented in workplaces, by making representations to the employer, and it can also accompany you through certain procedures to redress a wrong that you have sustained.

Indeed, only the union can represent you before a grievance arbitration tribunal. Based on its policies and practices, it can also ensure you are represented before the CNESST. Moreover, it can direct you to resources that can help you with other issues, such as the Commission des droits de la personne et des droits de la jeunesse du Québec and centres providing assistance to victims of criminal acts.

In a more immediate way, following a violent incident, the union can conduct an investigation to determine the causes and the appropriate prevention measures to ensure violence does not recur. It can also ensure that the measures implemented by the employer yield the expected results. However, the best guarantee for the success of union interventions depends on the reporting, by those concerned, of all violent situations that cause injury to workers.

In this regard, the union encourages victims of violence to report these situations and assures them of its support in putting an end to such situations. Moreover, the employer is obligated to keep a register of minor accidents and incidents that do not result in absence from work, insofar, of course, as these events are reported. The union is entitled to obtain a copy of this register.



NOTES	NOTES

Screaming, slurs, humiliation, threats, agression, assault... let's put an end to violence in the workplace.



Contact your union representative if you or someone you know is a victim of violence at work:

Prevent & Cure



Centrale des syndicats du Québec

lacsq.org/sst