

Nurses' association urges changes to violence bill

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As a bill to create workplace violence legislation in Ontario recently passed second reading in the province's legislature, the Ontario Nurses' Association (ONA) has highlighted "two seemingly small but fundamental flaws" that they say threatens the value of the entire bill.

On November 24, ONA president Linda Haslam- Stroud presented to the legislature's Standing Committee on Social Policy in relation to Bill 168, the Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009. After submissions from ONA and other parties between November 16 and November 30, the bill was ordered for third reading on December 1. If passed, it is expected to become law next year.

During her presentation, Haslam-Stroud said that the current definition of workplace violence — "the exercise of physical force by a person against a worker" — is problematic. "Not all workplace violence is directed at a worker, but workers are involved in violent incidents as part of their workplace duties," the submission says.

The ONA suggests amending the definition to "the exercise of physical force by a person against a person in a workplace that may cause physical injury." This amendment, the submission says, "will make employers turn their attention to the root causes of workplace violence when developing prevention policies and programs to capture important risks such as patient weapons or adverse patient/resident interactions."

Harassment provisions need strengthening: ONA.

The second issue relates to harassment that can escalate into violence, the ONA says, pointing to the fatal workplace stabbing of nurse Lori Dupont at the Hôtel-Dieu Grace Hospital in Windsor in November of 2005 by Dr Marc Daniel, with whom she had a previous relationship. During the inquest into Dupont's death, an expert witness talked about Dr Daniel's threatening and harassing behaviours, such as stalking, that fell short of physical force, but which were "recognizable precursors of physical force," the ONA indicates.

"If the proposed definition of workplace violence remains confined to the actual exercise or attempt to "exercise physical force," and ignores the threatening statements and behaviours at the high end of the harassment spectrum, such as stalking, then we will all continue to miss opportunities to prevent the horror that befell Lori Dupont," the submission says. Instead, the ONA has recommended that "actions at the high end" of the spectrum be included in the legislation.

The nurses' association has proposed further amendments, including that:

- Joint Health and Safety Committees (JHSCs) and the union be notified of threatening harassment, such as stalking;
- explicit reference be made that requires consultation of JHSCs in violence assessments, as well as in the development of policies, programs, training, education, information and instruction; and, risk assessments be made in writing.