

**An Act to Amend Chapter 7
of the Acts of 1996,
the Occupational Health and Safety Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 65 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, is amended by adding immediately after Section 65 the following:

VIOLENCE IN THE WORKPLACE

65A In this Section, “violence” means the attempted, threatened or actual conduct of a person that endangers the health or safety of an employee, including any threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of injury.

65B (1) Every employer shall conduct, in writing, a hazard identification assessment to determine

- (a) the risk, if any, of violence in the workplace; and
- (b) where a risk of violence is identified in the workplace, the size and scope of the risk.

(2) The hazard identification assessment shall, in determining the risk of violence, take into account

- (a) previous experience of violence in the workplace;
 - (b) occupational experience of violence in similar workplaces;
- and
- (c) the presence of interactions or situations that are predictors of violence.

(3) Every employer shall develop and perform the hazard identification assessment in consultation with the joint occupational health and safety committee, or the health and safety representative, if any.

65C (1) Every employer shall, within six months of the coming into force of this Act, perform a hazard identification assessment.

- (2) Every employer shall perform a hazard identification assessment
 - (a) where there is a report of a new type of violence in the workplace;
 - (b) at the initial start up of that employer’s operations;
 - (c) where there is a significant change in the circumstances, interactions, situations or location of the workplace;
 - (d) where a facility is to be constructed or renovated;
 - (e) where ordered to do so by an officer; and

(f) where an assessment is not required by clauses (a) to (e), at least once every five years.

65D (1) Where

(a) the hazard identification assessment determines that there is a significant risk that the health or safety of an employee may be endangered by violence; or

(b) an officer orders,

the employer shall develop and maintain, in writing, a workplace violence prevention program to eliminate, if possible, or minimize the risk to employees of violence in the workplace.

(2) The workplace violence prevention program shall include

(a) a policy statement;

(b) work practices and procedures;

(c) the means of providing information and training to employees; and

(d) procedures for reporting, investigating and recording incidents of violence.

(3) The policy statement referred to in clause (2)(a) shall include

(a) acknowledgement that violence in the workplace is an occupational health and safety hazard in the workplace;

(b) recognition of the emotional and physical harm that results from violence;

(c) communication of the belief that any form of violence in the workplace is unacceptable; and

(d) a commitment to eliminate, if possible, or minimize violence in the workplace.

(4) The work practices and procedures referred to in clause 2(b) shall take into account

(a) the physical layout and condition of the workplace;

(b) the organization of the work and the practices and procedures of the workplace;

(c) protective devices such as security systems and personal protective equipment; and

(d) the training of employees in the appropriate response to an incident of violence.

(5) With respect to the information to be provided to employees referred to in clause 2(c), every employer shall provide information to all employees who are at a significant risk from workplace violence, of the type of violence and extent of the risk of violence in the workplace, including

(a) the contributing factors to hazards of violence, determined by the hazard identification assessment; and

(b) where an employee is likely to encounter a person who has a history of violent behaviour, information related to the risk of violence from that person.

(7) The training to be provided to employees referred to in clause (2)(c) requires every employer to train and supervise employees who may be exposed to the risk of violence on

(a) the rights and responsibilities of employees under this Act;

(b) the means of recognizing potentially violent situations in the workplace;

(c) the workplace violence prevention program policy statement and work practices and procedures.

(d) the appropriate response to incidents or potential incidents of workplace violence, including how to obtain assistance; and

(e) procedures for reporting, investigating and documenting incidents of workplace violence.

65E Every employer shall develop the violence prevention program in consultation with the joint occupational health and safety committee or, in the absence of the committee, a health and safety representative, if any, and shall make the program available to all employees.

65F Every employer shall ensure that

(a) all incidents of violence are reported to the employer;

(b) all incidents of violence in the workplace are investigated in accordance with the requirements of clause 28(2)(g);

(c) an employee who reports an injury from violence, or who has been exposed to or impacted by a violent incident in the workplace has, where necessary,

(i) access to immediate first aid,

(ii) access to emotional support,

(iii) access to debriefing or counselling treatment, and

(iv) advice to consult a health professional of the employee's choice for treatment or critical incident, or trauma counselling; and

(d) corrective action is taken in response to an incident of violence, including communicating the action taken to the affected employee and to the joint occupational health and safety committee, where one exists, or to the health and safety representative.

65G (1) Every employer shall ensure that

(a) the workplace violence prevention program is adequate and implemented; and

(b) each employee required to perform a function under the program is trained in respect of the program and the particular requirements relating to that employee.

(2) Every employer shall ensure that the workplace violence prevention program is reviewed and, where necessary, revised

(a) at least once every three years; or

(b) where a hazard identification assessment has been performed in accordance with Section 65C,

whichever is less.

65H Notwithstanding Section 65D, Sections 65A to 65G apply to any employer where an employee of that employer is required to work alone.
