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Workplaces will be safer with Bill 168

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I am returning from the seventh annual International Conference on Workplace Bullying & Harassment as the much anticipated Bill 168 comes into effect. More than 230 researchers and practitioners from 30 countries attended this year's gathering in Cardiff, Wales.

Some critics in Ontario have questioned whether labour law is an appropriate tool to address workplace harassment and violence. The question has long been settled for this international community of experts, whose attention is focused on ensuring a growing body of scientific evidence informs and improves workplace legislation. The requirements of Bill 168 may be new for many employers in Ontario, but we are just catching up with a growing number of socially responsible states and countries around the world.

The Canada Safety Council website says, "Many European and Scandinavian countries, including France, Germany, Italy, Sweden, Spain, the Netherlands, and Norway, have introduced various regulatory responses to the problem (of workplace harassment and violence.) In the United Kingdom, Ireland and Australia, the courts currently address bullying under existing legislation." Quebec was the first North American jurisdiction to pass a law against "psychological harassment" in 2004, and Saskatchewan recently amended its Occupational Health and Safety Act to include abuse of power and bullying in the workplace in 2007. In the United States, a few states have initiated bills.

There are individual, organizational and societal benefits to including the management of workplace harassment and violence in an organization's health and safety responsibilities. The behaviours result in harm to physical and mental health for individual employees, sometimes with long-term effects. Co-workers who witness the behaviours often experience negative impacts as well.

Harassment and violence costs organizations. When it occurs, they pay for increased sickness, absenteeism and turnover rates and reduced productivity. There may be further costs related to grievance procedures and litigation. The potential loss of public goodwill and trust towards the organization is a more intangible cost.



In the final analysis, we all pay for workplace harassment and violence. Society picks up the costs related to medical expenses, employment insurance and social assistance, premature retirement benefits and the loss of productive workers. A multi-country study by the International Labour Organization estimates stress and violence at work may account for 1% to 3.5% loss of GDP.

Ontario's leadership in legislating employer responsibilities to prevent domestic violence in the workplace has been the most controversial aspect of Bill 168. But addressing domestic abuse in the business world is not a new concept.

Corporate America has come to view domestic abuse as a workforce issue that warrants serious attention. In the last decade, the U.S.-based Corporate Alliance to End Partner Violence has compiled research, tools and guidelines to help employers address this problem.

The Centre for Research and Education on Violence against Women and Children has developed training and resources for employers in Ontario. They are available free of charge.

Employers are not expected to be experts in domestic violence. They are expected to consult experts to learn how to recognize and respond to domestic violence in their workplace and how to refer to the experts that are working in every community. We owe the new workplace protections to two Southwestern Ontario women who lost their lives in instances of workplace violence, to the families who worked for change as a way to honour their lost loved ones, to the advocates who never gave up hope that change was possible, to the civil servants who researched and consulted about legislative options and to legislators with the courage to bring Ontario into the growing consensus that the dignity of the worker is within the scope of Labour and Employment Law.

Bill 168 -- the act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters -- took effect on Tuesday, 14 years and 13 days after the workplace murder of Theresa Vince at Sears in Chatham and four years, seven months and three days after the murder of nurse Lori Dupont at Hotel-Dieu Grace Hospital in Windsor.

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