



## **VIOLENCE IN THE WORKPLACE REGULATIONS**

Regulations made pursuant to the

**Occupational Health and Safety Act  
Statutes Of Nova Scotia  
1996, Chapter 7**

Province of Nova Scotia  
Halifax, Nova Scotia

**NOTE**

This edition is prepared for convenience only. For an accurate reference, please refer to the Royal Gazette.

# Violence in the Workplace Regulations

made under Section 82 of the  
*Occupational Health and Safety Act*  
S.N.S. 1996, c. 7

O.I.C. 2007-200 (April 4, 2007, effective on and after April 1, 2008, except Sections 1 to 6 which are effective on and after October 1, 2007), N.S. Reg. 209/2007

## Citation

1 These regulations may be cited as the *Violence in the Workplace Regulations*.

## Definitions

2 In these regulations,

- (a) "Act" means the *Occupational Health and Safety Act*;
- (b) "adequate" means sufficient to protect a person from injury or damage to health;
- (c) "committee" means committee as defined in the Act;
- (d) "health care workplace" means any of the following:
  - (i) a district health authority under the *Health Authorities Act*,
  - (ii) a nursing home, a home for the aged, a residential care facility under the *Homes for Special Care Act* or any other long-term-care facility, and
  - (iii) a place where emergency health services or home care services are provided;
- (e) "representative" means representative as defined in the Act;
- (f) "violence" means any of the following:
  - (i) threats, including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical injury,
  - (ii) conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee.

## Violence as an occupational health and safety hazard

3 These regulations do not diminish the responsibility of all workplace parties to recognize violence as a occupational health and safety hazard in carrying out their precautions and duties under the Act.

## Application of these regulations

- 4 These regulations apply at any workplace where the primary business is any of the following:
- (a) health services, including services provided at a healthcare workplace;
  - (b) ambulance, emergency ambulance and emergency health services provided under the *Emergency Health Services Act*;
  - (c) medical services;
  - (d) dental services;
  - (e) veterinary services;
  - (f) blood collection services;
  - (g) testing and diagnostic services;
  - (h) pharmaceutical-dispensing services, including facilities operating under the *Pharmacy Act*;
  - (i) education services provided by institutions including any of the following:
    - (i) the Nova Scotia Community College,
    - (ii) a degree granting institution designated under the *Degree Granting Act*,
    - (iii) a private career college registered under the *Private Career Colleges Regulation Act*,
    - (iv) a school governed by the *Education Act*;
  - (j) policing services, detective services and other law enforcement services including services provided under the *Police Act*, the *Police Services Act* and the *Constables Act*;
  - (k) correctional services, including services provided at any of the following:
    - (i) a correctional facility as defined in the *Corrections Act*,
    - (ii) a facility under the *Correctional Services Act*,
    - (iii) a facility under the *Court Houses and Lockup Houses Act*,
    - (iv) a place or facility designated as a youth custody facility under subsection 85(2) of the *Youth Criminal Justice Act (Canada)*,
    - (v) a place or facility designated as a place of temporary detention

under subsection 30(1) of the *Youth Criminal Justice Act* (Canada);

- (l) probation services provided by a probation officer or assistant probation officer appointed under the *Correctional Services Act*;
- (m) security and related services including, licensees under the *Private Investigators and Private Guards Act*;
- (n) crisis counseling and intervention services including, any services provided by an agency as defined in the *Children and Family Services Act*;
- (o) retail sales;
- (p) delivery services, including parcel delivery services;
- (q) financial services including, services provided by any of the following:
  - (i) facilities operating under the *Trust and Loan Companies Act*,
  - (ii) facilities operating under the *Credit Union Act*,
  - (iii) insurer licensed to carry on business under the *Insurance Act*,
  - (iv) a money lender under the *Money-lenders Act*;
- (r) sales of liquor or providing premises for consuming liquor including, premises licensed under the *Liquor Control Act*;
- (s) taxi services;
- (t) passenger transit services;
- (u) gaming activities conducted and managed under the *Gaming Control Act*;
- (v) services provided by or on behalf of the departments, offices and special operating agencies established under the *Public Service Act* that involve regular interaction with the public;
- (w) homemakers services as defined in the *Homemakers Services Act*.

### **Violence risk assessment**

- 5** (1) An employer must conduct a violence risk assessment for each of their workplaces in accordance with this Section to determine if there is a risk of violence in the workplace and prepare a written report concerning the violence risk assessment detailing the extent and nature of any risk identified by the assessment.
- (2) In conducting a violence risk assessment, an employer must take all of the

following into consideration:

- (a) violence that has occurred in the workplace in the past;
  - (b) violence that is known to occur in similar workplaces;
  - (c) the circumstances in which work takes place;
  - (d) the interactions that occur in the course of performing work;
  - (e) the physical location and layout of the workplace.
- (3) An employer must consult with any committee established at the workplace when conducting a violence risk assessment and must provide the committee with a copy of the written report of the assessment.
- (4) An employer must consult with any representative selected at the workplace when conducting a violence risk assessment and must provide the representative with a copy of the written report of the assessment.

#### **When new violence risk assessment required**

- 6** (1) An employer must conduct a new violence risk assessment for a workplace in any of the following circumstances:
- (a) the employer becomes aware of a type of violence occurring in similar workplaces that was not taken into consideration when the previous violence risk assessment was conducted;
  - (b) there is a significant change in any of the following:
    - (i) the circumstances in which work takes place,
    - (ii) the interactions that occur in the course of performing work,
    - (iii) the physical location or layout of the workplace;
  - (c) the employer plans to construct a new facility or renovate an existing facility;
  - (d) the employer is ordered to do so by an officer.
- (2) An employer must conduct a new violence risk assessment for each of their workplaces at least every 5 years.

#### **Workplace violence prevention plan**

- 7** (1) An employer must establish and implement a workplace violence prevention plan for each workplace for which a significant risk of violence is identified through a violence risk assessment or that an officer orders a plan for.
- (2) As part of a workplace violence prevention plan, an employer must do all of the following:

- (a) prepare a written workplace violence prevention statement;
  - (b) either
    - (i) take and document reasonable measures to minimize and, to the extent possible, eliminate the risk of violence in the workplace, or
    - (ii) adopt a code of practice on violence in the workplace published by the Director governing the primary business conducted at the employer's workplace;
  - (c) establish and document procedures for providing employees with the information and training required by Sections 10 and 11;
  - (d) establish and document procedures for reporting, documenting and investigating incidents of violence as required by Sections 12 and 13.
- (3) An employer must consult with any committee established at the workplace when establishing, reviewing or revising a workplace violence prevention plan.
- (4) An employer must consult with any representative selected at the workplace when establishing, reviewing or revising a workplace violence prevention plan.
- (5) An employer must make a copy of the workplace violence prevention plan available for examination at the workplace by any employer, contractor, constructor, supplier, employee, owner or self-employed person in that workplace.

### **Review and revision of workplace violence prevention plan**

- 8** (1) If a new violence risk assessment indicates a significant change to the extent and nature of the risk of violence, an employer who is required to establish and implement a workplace violence prevention plan must ensure that the plan is reviewed and, if necessary, revised.
- (2) At least every 5 years, an employer who is required to establish and implement a workplace violence prevention plan must ensure that the plan is reviewed and, if necessary, revised.

### **Workplace violence prevention statement**

- 9** (1) An employer must prepare a workplace violence prevention statement that includes all of the following:
- (a) a statement of the employer's recognition that violence is an occupational health and safety hazard at the workplace;
  - (b) a statement of the employer's recognition of the physical and emotional harm resulting from violence;

- (c) a statement of the employer's recognition that any form of violence in the workplace is unacceptable;
  - (d) a statement of the employer's commitment to minimize and, to the extent possible, eliminate the risk of violence in the workplace.
- (2) An employer must post a copy of their workplace violence prevention statement in a prominent place or places in each of their workplaces so it can be easily accessed by employees, and must ensure that it remains posted.

### **Information that must be provided to employees**

- 10** (1) An employer must provide an employee who is exposed to a significant risk of violence in a workplace with information on the nature and extent of the risk and on any factors that may increase or decrease the extent of the risk.
- (2) Except as prohibited by law the duty to provide information to an employee under subsection (1) includes a duty to provide information related to a risk of violence from a person who has a history of violent behavior if that person is likely to be encountered by the employee.

### **Training and supervision for employees**

- 11** (1) In accordance with the procedure in an employer's workplace violence prevention plan, an employer must provide adequate training on all of the following for any employee who is exposed to a significant risk of violence:
- (a) the rights and responsibilities of employees under the Act;
  - (b) the workplace violence prevention statement;
  - (c) the measures taken by the employer to minimize or eliminate the risk of violence;
  - (d) how to recognize a situation in which there is a potential for violence and how to respond appropriately;
  - (e) how to respond to an incident of violence, including how to obtain assistance;
  - (f) how to report, document and investigate incidents of violence.
- (2) An employer must provide any employee who is required by the employer to perform a function under the workplace violence prevention plan with training on the plan generally and on the particular function to be performed by the employee.

### **Duty to report incidents of violence**

- 12** An employer, contractor, constructor, supplier, employee, owner or self-employed person in the workplace has a duty to report all incidents of violence in a workplace to the employer.

### **Documentation, investigation and actions to prevent reoccurrence**

- 13** (1) An employer must ensure that incidents of violence in a workplace are documented and promptly investigated to determine their causes and the actions needed to prevent reoccurrence in accordance with the procedures established under clause 7(2)(d).
- (2) An employer must ensure that notice of the actions taken to prevent reoccurrence of an incident of violence are given to all of the following:
- (a) any employee affected by the incident of violence;
  - (b) any committee established at the workplace;
  - (c) any representative selected at the workplace.

#### **Dealing with employees exposed to or affected by violence**

- 14** An employer must provide an employee who has been exposed to or affected by violence at the workplace with an appropriate debriefing and must advise the employee to consult a health professional of the employee's choice for treatment or counseling.

#### **Employers with multiple temporary workplaces**

- 15** Despite anything in these regulations, an employer who has employees performing work at multiple temporary workplaces is not required to conduct a violence risk assessment or prepare a workplace violence prevention plan for each individual workplace if the employer conducts a violence risk assessment and prepares a workplace violence prevention plan that covers similar workplaces collectively and takes into account the circumstances and interactions that an employee is likely to encounter in the performance of their work.

#### **Ability to meet duties collectively**

- 16** (1) Despite anything in these regulations, 2 or more employers may enter into a written agreement to collectively provide and maintain the statements, plans and services required under these regulations.
- (2) A copy of any agreement made under subsection (1) must be kept by each of the employers and must be provided to any of the following, engaged at the workplace of 1 of the employers, who request a copy:
- (i) an employee,
  - (ii) a contractor,
  - (iii) a constructor,
  - (iv) a supplier,
  - (v) an owner or self-employed person,
  - (vi) an officer.