

Domestic Violence in the Workplace



An employer's legal obligations

Domestic violence that occurs outside of the workplace and beyond an employee's assigned work duties is not workplace violence and the employer has no legal obligation to address it. However, if domestic violence spills over into the workplace, the employer may have certain legal duties. For example, if a worker's partner makes a threat of violence that puts the workplace at risk or comes to harm the employee at work, the employer must take steps to address the risk to employees.

This fact sheet addresses violence or threats of violence from someone outside your organization. Your legal obligations when two employees are involved in a domestic violence situation with each other are covered in the Occupational Health and Safety Regulation (*s4.24 – 4.26*) and described in *Addressing Domestic Violence in the Workplace: A Handbook for Employers*, available at www.worksafebc.com/domesticviolence.

The Occupational Health and Safety Regulation defines violence as *the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury (s4.27).*

Four steps to meeting your legal obligations

1. If you learn of a threat – assess the risk

Employers must conduct a risk assessment if there is interaction between employees and persons other than co-workers that might lead to threats or assaults (*OHSR s4.28*). If you learn about domestic violence that puts your employees at risk, you must assess the risk and decide how best to protect your workers.

2. Eliminate or minimize the risk

If the threat of violence is imminent, you should contact the police immediately. You must also take steps to eliminate or minimize the risk to workers — for example, secure your premises. When non-imminent threats exist, employers must establish procedures, policies, and a work environment to address the risk (*OHSR s4.29*).



3. Instruct your workers

Inform staff of a hazard as soon as it is identified. If you learn of a risk from an individual, you must inform any staff who may encounter the individual in the course of their employment about the person's identity, the nature and extent of the risk, as well as the necessary controls (*OHSR s4.30*). There is no duty to inform all workers, only those who are likely to encounter the individual in the course of their work. You must balance the requirement to keep workers safe with your employees' right to confidentiality. This may involve competing legal obligations that must be addressed on a case-by-case basis. If you learn of a threat, instruct workers on:

- How to recognize the potential for violence
- The policies, procedures, and arrangements that have been made to address the risk
- How workers should respond
- How to obtain assistance
- How to report, investigate, and document any incidents of violence (*OHSR s4.30*)

Why wait until you learn about a threat before you take action? Situations can change quickly and there may be little or no warning about an employee's violent partner or family member. Policies and procedures can help to address domestic violence before it touches your workplace.

To assist you with addressing this issue, visit www.worksafefbc.com/domesticviolence for:

- *Addressing Domestic Violence in the Workplace: A Handbook for Employers*, which offers suggestions and strategies on a range of related issues.
- Tools to help you create a domestic violence policy
- Resources to assist you in conducting a risk assessment
- Other materials to help you address domestic violence in the workplace

4. Responding to an incident

If a violent incident occurs at your workplace review your obligations under *sections 172 to 177* of the *Workers Compensation Act* and *OHSR s3.4* to report and/or investigate the incident and take the appropriate action. If a worker is injured in a violent workplace incident, advise her/him to consult with a physician (*OHSR s4.31*).

Under British Columbia law, if you have reason to believe that a child (anyone under the age of 19) is at risk, you are legally obligated to report it. This responsibility may arise if the employee experiencing domestic violence is under 19 or if the employee has children.

In addition to the normal rules of criminal and civil law that apply to everyone, there is also specific legislation in B.C. called the *Child, Family and Community Service Act*, which is designed to protect children from abuse and neglect. See *section 13* of the Act for circumstances that must be reported.

If you have reason to believe that a child is in need of protection, you must report your suspicions to the Ministry of Children and Family Development. *Reason to believe* means that you think a child could be at risk, based on what you have seen or information you have. It is an offence not to report suspicions of abuse or neglect. You don't need proof. Just report what you know.

To make a report, contact the Helpline for Children at 310-1234 (no area code required).