



Violence in the Workplace: What Can an OHS Officer Do?

You are probably aware that the law in Nova Scotia as well as the Collective Agreement requires that your employer provide you with a safe and healthy workplace. You may also know that if you believe your workplace is unsafe and your concerns have not been adequately addressed by either your principal/supervisor or the Joint Occupational Health and Safety Committee, you may bring your concerns to an Officer with the Occupational

Health and Safety Division of the Nova Scotia Department of Labour. An Occupational Health and Safety (OHS) Officer may also become involved as part of an incident or accident investigation or a right to refuse investigation. But what is the role of an OHS Officer and what can he or she do?

An OHS Officer enforces the Occupational Health and Safety Act and Regulations to ensure that workplaces in the province are safe for workers and in compliance with the laws. In carrying out their duties, an OHS Officer has certain powers. For example, OHS Officers can:

- ▶ Enter any premise, at any reasonable time, where work is taking place;
- ▶ Take pictures, measurements or samples;
- ▶ Issue orders that
 - ▶ Require an unsafe working condition to be remedied at some specified time;
 - ▶ Stop work immediately until the hazard is fixed.
- ▶ Conduct interviews and ask questions;
- ▶ Gather information, ask for, examine and make copies of documents;

As noted above, one of the main powers of an OHS Officer is the power to issue orders. A compliance order is a direction (oral or written) to address a contravention of the law. The order will explain what is wrong and what the legislation requires the employer to do in order to be in compliance with the law. It will also tell the employer the date by which an order must be complied with. A 'stop-work' order is issued when an OHS Officer observes an imminent hazard—work must stop immediately until the hazard is appropriately addressed.

To take an example, if you believe your workplace is unsafe due to the violent behaviour of a student, after an investigation, an OHS Officer may issue compliance orders requiring the employer to:

- ▶ Provide training or re-training concerning the employer's violence in the workplace risk assessment and the employer's violence in the workplace prevention plan;
- ▶ Develop and implement a policy for classroom panic buttons including regular testing and an inspection protocol;
- ▶ Develop and implement a policy for the use and carrying of two-way radios;
- ▶ Conduct a violence risk assessment concerning teachers who are required to work alone with students with reported violent behaviour issues and to develop and implement a violence prevention plan in relation to any risks of violence identified in the risk assessment;
- ▶ Provide documentation to the Division such as copies of Behaviour Incident Tracking Forms and actions taken by administration, as well as copies of any staff injury reports as a result of the violent behaviour of particular students.

An employer who receives a compliance order will need to respond to the violations noted in the order and send a compliance notice to the OHS Officer indicating what they have done to ensure compliance. If an employer fails to comply with an OHS Officer's order, the Officer can issue an administrative penalty or a summary offence ticket. An OHS Officer may also lay "long form charges" requiring the accused to enter a plea in court. The maximum fine upon conviction for each offence under the OHS Act is \$250,000 or \$500,000 if the offence resulted in a fatality.



Remember: the NSTU is here to assist you in dealing with concerns regarding workplace health and safety.

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