



CANADIAN FEDERATION
OF NURSES UNIONS
LA FÉDÉRATION CANADIENNE
DES SYNDICATS D'INFIRMIÈRES
ET INFIRMIERS

POSITION STATEMENT

Gender-Based Violence in the Workplace

September 2022

BACKGROUND AND OVERVIEW

The CFNU strongly supports violence-free workplaces. Since workplace violence is an occupational health and safety hazard, workplaces are subject to provincial and territorial health and safety legislation. Workplace violence is understood to refer to the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.

In contrast, bullying is best understood as generalized psychological harassment, meaning behaviours broader in scope and impact than harassment based on gender, ethnicity or race. Bullying is a form of psychological aggression and intimidation.

Violence and bullying can be overt, such as physical, verbal (i.e., threats that result in personal injury or harm and intimidation), financial and sexual behaviours; or they can be covert, such as neglect, rudeness or humiliation in front of others, and withholding information. They can occur among those within an organization (i.e., between employees) and among those external to it (i.e., between employees and non-employees).

The effects of violence at work or at home can have long-term impacts on the workplace and mental health of employees. At times, the “effects of domestic violence [can] spill over into the workplace” and compromise personal safety and security there. Absenteeism and reduced productivity can also result from these effects of domestic violence. Violence and bullying negatively affect outcomes for nurses, their patients and their employers.

In 2020, the Canadian Labour Congress (CLC), in collaboration with researchers from the University of Western Ontario and the University of Toronto, launched the first National Survey on Harassment and Violence at Work. Nearly 5,000 workers took part in the survey offering a clear snapshot of how workers are experiencing harassment and violence.¹

Released in April 2022, the CLC report found that:

- Seven in 10 workers have experienced some form of harassment and violence at work.
- Nearly one in two workers have experienced sexual harassment and violence in the last two years.
- Women, trans, non-binary and gender-diverse workers are experiencing higher rates of harassment and violence.

- Indigenous survey respondents experienced significantly higher rates of harassment and violence (79%) and sexual harassment and violence (47.8%).
- Workers with a disability experienced significantly higher rates of harassment and violence.
- Third parties (such as customers, clients and patients) and co-workers were the two most commonly reported perpetrators.
- 70% of workers who experienced harassment and violence had to miss work because of the negative effects.
- 88% of workers who experienced harassment and violence “were transferred, suspended, fired or lost a shift” due to the harassment and violence.
- One in four who reported an incident said that reporting made the situation worse.²

As announced in the 2020 Speech from the Throne, the Government of Canada made it a priority to advance its work on a National Action Plan to End Gender-Based Violence. Furthermore, the federal government:³

- Recognized that gender-based violence is one of the most pervasive, deadly and deeply-rooted human rights violations, and that it is a significant barrier to individual and community safety and well-being.
- Identified the need for a comprehensive plan that provides concrete solutions to address persisting gaps in order to end gender-based violence, including addressing the root causes and systemic issues that perpetrate violence and address the factors that serve as barriers to accessing supports, services and protections.
- Took action on a comprehensive gun control agenda to combat violent crime, delivering on May 1, 2020, the ban of over 1,500 models of assault-style firearms, thereby ending the proliferation of these dangerous firearms in our communities.
- Committed to working with provinces and territories to enable municipalities to further restrict or ban handguns, and we will establish a dedicated funding stream for cities to fight gang violence and support prevention programs for youth at risk.
- Pledged to introduce measures to reduce gender-based violence and suicide by temporarily removing firearms from individuals who pose a danger to themselves and those around them, including their partners or kids.
- Supported the implementation of the Strategy to Prevent and Address Gender-Based Violence through Public Safety Canada. Through Budgets 2017 and 2018, Public Safety Canada received investments of \$11.4 million over five years, and \$2.3 million per year ongoing to support the implementation of the strategy to raise awareness of child sexual exploitation and cyberbullying.

Released in December 2019 the Statistics Canada *Juristat* report titled “Gender-based violence and unwanted sexual behaviour in Canada, 2018: Initial findings from the Survey of Safety in Public and Private Spaces”.⁴ The self-reported survey of 43,000 Canadians examined the following dimensions of gender-based violence: experiencing unwanted sexual behaviours while in public spaces, while online, or while in the workplace, as well as experiences of assault and sexual assault since the age of 15. The development of this self-reported survey was funded by Women and Gender Equality Canada as part of *It’s Time: Canada’s Strategy to Prevent and Address Gender-Based Violence*. Results from the survey will assist in the development of indicators used to track progress and monitor trends related to the elimination of gender-based violence (GBV) and harassment and the promotion of security of the person.

Key highlights from Statistics Canada's report include the following:

- One in three women (32%) and one in eight men (13%) felt uncomfortable or unsafe in public due to experiencing some form of unwanted sexual behaviour in the past 12 months. Young non-heterosexual women were most likely to experience these behaviours in public.
- One in five women (18%) experienced online harassment in the 12 months preceding the survey, slightly above the proportion for men (14%). The proportion of Indigenous women (30%) experiencing online harassment was higher than for non-Indigenous women (18%).
- Three in ten women (29%) were targeted by inappropriate sexual behaviour in their workplace, compared to 17% of men. For both men and women, the most common behaviours experienced in the workplace were sexual jokes, unwanted sexual attention and unwanted physical contact.

Following the 2021 election, the CFNU wrote to Justice Minister David Lametti, urging the government to move forward rapidly on legislation to combat the scourge of violence in the health care sector, through the introduction of two new amendments to the *Criminal Code*, namely an amendment to recognize violence against a health care worker as an aggravating factor for the purposes of sentencing (an issue on which the CFNU has led the charge since 2017, and one of the key recommendations from the 2019 report of the Standing Committee on Health, *Violence Facing Health Care Workers in Canada*); as well as an amendment to establish a new offense for intimidating or obstructing health care workers in the performance of their duties, and/or patients who are seeking care at a facility where health care services are offered.

We were pleased to see the Department of Justice Canada move quickly on our recommendations, with the introduction of Bill C-3, *An Act to amend the Criminal Code and the Canada Labour Code*, on November 26.

The CFNU was honored to take part in a press conference with Minister Lametti and Minister of Labour Seamus O'Regan Jr. to support the introduction of this important bill. We worked with labour allies to reach out to parliamentarians opposed to some of bill's provisions, offering briefings and resources to bolster chances of making its way through the legislative process successfully.

The Senate of Canada undertook a pre-study of Bill C-3 before the bill was sent back to the House of Commons, where it was adopted unanimously.

Bill C-3 also provides enhanced sick leave benefits for workers in federally regulated sectors up to a maximum of ten days of paid sick leave per year, along with additional provisions for bereavement leave.

Bill C-3 came into force on January 17, 2022. This represents a significant win for health care workers who are faced with rampant verbal and physical violence in the course of doing their jobs – but our work is not done. Since the adoption of Bill C-3, the CFNU has pressed the federal government to move forward on the other recommendations from HESA's 2019 report, starting with the introduction of a national public awareness campaign to sensitize the Canadian public to the violence experienced by health care workers and to alert them to the serious new *Criminal Code* offences covered by Bill C-3.

We believe the enactment of Bill C-3 must be accompanied by robust support from the federal government to ensure the success of the new law, as well as efforts to work with health care employers and administrators to change the dangerous culture that currently places the onus on health care workers to ignore or defuse acts of physical and verbal assault. To that end, the CFNU has written to the Minister of Justice and the new Chief Nursing Officer of Canada to urge them to move forward with these key recommendations.

CFNU POSITION

- All nurses and all workers have the right to work in a respectful environment that is free from any form of violence and bullying, and to work where these are not tolerated as part of their job.
- Every workplace should have a culture that promotes and cultivates a respectful workplace.
- The promotion of violence- and bullying-free workplaces is a shared responsibility among all health care stakeholders: employers; clients; nurses, nursing students and other employees in the health care setting; nurse educators and researchers; governments/agencies and nursing professional, regulatory, labour and accreditation organizations. Each of these stakeholders can play important roles in promoting and achieving violence-free workplaces.
- The federal government should:
 - Support organizations that have strategies in place to promote and maintain violence- and bullying-free workplaces;
 - Create prevention programs, policies and legislation that address workplace violence and bullying in health care organizations.
 - Create standards for workplace mental health to promote mental health awareness and training.
- Employers should:
 - Promote the development of policies and procedures that support violence-free workplaces that include whistleblower protection for incidents that occur;
 - Promote strategies to prevent, identify and address violence and bullying in the workplace;
 - Support nurses in their efforts to create and maintain violence-free workplaces;
 - Promote the involvement of health and safety committees in developing violence and bullying prevention strategies for the workplace; and
 - Promote the principle of justice (i.e., fair representation for victims of violence and bullying, and for those who are accused of these behaviours).

¹ Canadian Labour Congress. <https://canadianlabour.ca/national-survey-reports-widespread-harassment-and-violence-in-workplaces/>

² Canadian Labour Congress <https://documents.clcct.ca/human-rights/Respect-at-Work-Report-EN.pdf>

³ Government of Canada. <https://www.canada.ca/en/privy-council/campaigns/speech-throne/2020/speech-from-the-throne.html>

⁴ Statistics Canada. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00017-eng.htm>