

Amendments to Ontario's Occupational Health And Safety Act (Bill 168)

Mandatory workplace violence and harassment policies

Effective June 15, 2010, employers in Ontario who are subject to the Occupational Health and Safety Act are required to have policies in place to address workplace violence and workplace harassment. Workplace violence is defined as:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;
- a statement or behavior that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace harassment is defined as:

- engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Employers must undertake an assessment of the risks of workplace violence particular to their workplace, including violence by employees, supervisors, customers or other visitors to the workplace. Employers must also develop a program to control these risks, including providing a means to summon immediate assistance when workplace violence has occurred or is likely to occur, and provide ongoing training for workers on the implementation of the program to control the risks of workplace violence identified by the assessment.

Where the employer becomes aware, or ought reasonably to be aware, that violence by a spouse, common-law partner or family member of a worker (domestic violence) that would likely expose the worker to physical injury may occur in the workplace, the employer must take every reasonable precaution to protect the worker.

Employers must also prepare policies with respect to workplace violence and workplace harassment which include the means by which employees can report incidents of workplace violence or threats of workplace violence, and harassment, and set out how the employer will deal with such incidents.

Employers in Ontario who are required to have workplace violence and harassment policies under the Occupational Health and Safety Act should consult with a local employment or labour lawyer to obtain further information about what is required to comply with this new legislation. The Ontario Ministry of Labour website also has links to some useful tools for employers in implementing the requirements of this new legislation, including a "Toolbox" published by the Occupational Health & Safety Council of Ontario. You can access their website at:

http://www.labour.gov.on.ca/english/hs/pdf/wvps_toolbox.pdf

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