

VIOLENCE AND HARASSMENT IN THE WORKPLACE LEGISLATION CHANGES

Bill 168 is “An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters” and was passed by the Legislative Assembly of Ontario in 2009. Bill 168 will come into effect in June 2010.

These changes to the OHS Act were made to the OHS Act to specifically address violence in the workplace with the view of making Ontario workplaces safer, and will result in more open communication between supervisors and employees.

This Health and Safety Update summarizes these changes to the Occupational Health and Safety Act.

DEFINITIONS

“workplace harassment” means 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;

“workplace violence” means,

(a) the exercise of of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to a worker,

(b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,

(c) a statement or behaviour that 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 VIOLENCE & HARASSMENT POLICIES and PROCEDURES

The Bill requires workplace violence and workplace harassment policies and programs to be developed, implemented and maintained. The college has the following existing related policies:

- [H402 “Human Rights – Staff and Students \(for Complaints of Discrimination and Harassment\)”](#)
- [ERP810 “Incidents of Critical Behaviour”](#)
- [ERP809 “Emergency Lockdown”](#)
- [AC757 “Student Behaviour”](#)

RISK ASSESSMENT

Employers are required to conduct an assessment of the workplace violence risks that may arise from the nature of the workplace, type of work or the conditions of work.

WORKPLACE VIOLENCE PREVENTION PROGRAM

Employers will be required to develop and maintain a prevention program to include measures and procedures:

- To control the risks identified in the assessment,

- To summon immediate assistance when workplace violence occurs or is likely to occur,
- For workers to report incidents of workplace violence to their employer or supervisor and,
- For employers to investigate and deal with incidents or complaints of workplace violence.

DOMESTIC VIOLENCE

The Bill will require employers and supervisors to “take every precaution reasonable in the circumstances for the protection of the worker” if they become aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace.

VIOLENT BEHAVIOUR and DISCLOSURE OF PERSONAL INFORMATION

Employers and supervisors have duties to provide information and instruction to workers. This obligation will be enhanced by requiring them to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if:

- (a) the worker can be expected to encounter that person in the course of his or her work and;
- (b) the risk of workplace violence is likely to expose the worker to physical injury.

No employer or supervisor shall disclose more personal information in the circumstances than is reasonably necessary to protect the worker from physical injury.

Note: The provision to disclose personal information under the Occupational Health and Safety Act supersedes privacy legislation.

Workplace Harassment

Employers will be required to develop and maintain a program with measures and procedures:

- for workers to report incidents of workplace harassment to the employer or supervisor
- to set-out how incident and complaints will be investigated and dealt with.

“Right to Refuse” if Workplace Violence is Likely to Endanger

Wording to the Right to Refuse section of the OHS Act [s 43] will be changed to specifically include workplace violence. So, workers will have the right to refuse to work or do particular work where they have reason to believe that workplace violence is likely to endanger himself or herself.

You are encouraged to review and familiarize yourself with the college’s existing policies and procedures related to workplace violence and harassment and to discuss any concerns you may have with your supervisor.

Please watch for more information and contact the Occupational Health and Safety Department at extension 2246 or 2225 if you have any questions.

Remember to always...

THINK SAFE & BE SAFE !

Prepared by the Occupational Health & Safety Department

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