

WORKPLACE VIOLENCE AND HARASSMENT LEGISLATION NOW IN FORCE

The Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009, (commonly known as “Bill 168”) came into effect on June 15, 2010. Bill 168 amended the Ontario *Occupational Health and Safety Act* by introducing obligations upon employers in respect of workplace harassment and workplace violence.

The following checklist sets out key employer obligations with respect to workplace harassment under Bill 168 and suggests timeframes for meeting these obligations.

	Obligation	Completion Date
1.	Workplace harassment policy to be prepared	Now that Bill 168 is in force, this should be completed as soon as possible
2.	Workplace harassment policy to be posted	Upon completion of the policy
3.	Develop a program to implement workplace harassment policy	Upon completion of the policy, the development of the program should commence promptly
4.	Information and instruction on contents of workplace harassment policy to be given to workers	This obligation requires providing both information and instruction to workers. Accordingly, employee training sessions on the workplace harassment policy and program should be scheduled as soon as possible
5.	Review workplace harassment policy annually	The workplace harassment policy must be reviewed “as often as is necessary” and no later than one (1) year from the date of its posting

The following checklist sets out key employer obligations with respect to workplace violence under Bill 168 and suggests timeframes for meeting these obligations.

	Obligation	Completion Date
6.	Workplace violence policy to be prepared	Now that Bill 168 is in force, this should be completed as soon as possible
7.	Workplace Violence Policy to be posted	Upon completion of the policy

8.	Assessment of the risks of workplace violence	Following the development of the policy but before the development of the program to implement the policy, a risk assessment must be performed
9.	<p>Advising of results of risk assessment to:</p> <p>(a) Joint Health and Safety Committee or health and safety representative, and if in writing, provide copy; or</p> <p>(b) Workers, if there is no JHSC or health and safety representative, and if in writing, provide copies on request or advise how to obtain copies</p>	Following completion of the risk assessment
10.	Develop a program to implement workplace violence policy	After completion of the risk assessment and policy, a program to implement the workplace violence policy should be developed, which, among other things, must include measures to control risk of workplace violence identified in the risk assessment
11.	Information and instruction on contents of workplace violence policy and program to be given to workers	This obligation requires providing both information and instruction to workers. Accordingly, employee training sessions on the workplace violence policy and program should be scheduled as soon as possible
12.	Reassessment of risks of workplace violence	There is an ongoing obligation to reassess the risks of workplace violence “as often as is necessary”
13.	Domestic violence – obligation to take every reasonable precaution for the protection of the worker where domestic violence would likely expose a worker to physical injury that may occur in the workplace	This is an ongoing obligation in each instance where the employer becomes aware, or ought reasonably be aware, of this risk
14.	Review workplace violence policy annually	The workplace violence policy must be reviewed “as often as is necessary” and no later than one (1) year from the date of its posting

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