

2010 Revisions to the Occupational Health and Safety Act

In December 2009, the Ontario government passed new legislation to help protect workers from violence and harassment in the workplace. The scope of change also includes protection from possible domestic violence in the workplace. Amendments to Ontario's *Occupational Health and Safety Act* (OHSA) and related regulations will come into effect June 10, 2010.

The revised legislation will require employers to:

- Develop and communicate workplace violence and harassment and set out how the employer will deal with incidents of workplace harassment
- Assess the risks of workplace violence, and take reasonable precautions to protect workers from abuse and harassment in the workplace
- Allow workers to refuse work and remove themselves from harmful situations if they have reason to believe that they are at risk of imminent danger due to workplace violence
- Take every reasonable precaution to protect workers from domestic violence related injury and harassment in the workplace

The changes to the OHSA are the result of recommendations made by an inquiry into a 1995 domestic violence homicide which occurred in the shared workplace of the victim and the perpetrator.

Some of the inquiry's recommendations include:

- Workplaces design and implement policies to protect their employees from domestic violence related threats in the workplace. Employers should train their employees about domestic violence, abuse and/or harassment in order to help them identify an abusive relationship in which they may be involved, and about how to reach out for assistance. Employers and managers should be trained to identify signs of abuse and to respond appropriately to employees who are victims and to perpetrators of domestic violence.
- Mediation should not be used for incidents of violence or abuse due to the inherent power imbalance in cases of woman abuse. Mediation should absolutely not be used for repeated offences. Employers must initiate a thorough investigation when claims of misconduct in the workplace are present.
- Workplaces must formulate an organized response to direct threats of domestic violence, abuse, harassment, or other legitimate complaints that occur in the workplace. Workplaces should consult with their Health and Safety associations or the Worker Safety and Insurance Board to design educational material for all employees about the dynamics of domestic violence, abuse and harassment, as well as build skills around what to do if faced with a situation where the violence enters the workplace. Employees should understand that they have a responsibility to report abuse and any other information that may be useful in preventing future violence.
- Workplaces should collaborate with community violence against women programs (such as Neighbours, Friends and Families: www.neighboursfriendsandfamilies.ca) to help develop and implement a safety plan for the victim to ensure that a number of safety/security measures are in place for protection. Staff scheduling and work re-assignments and transfers should be accommodated in situations involving a component of domestic and/or work violence.
- For repeated offences, workplaces should commission an independent review by an external professional experienced in the particular area of concern (e.g. persons knowledgeable in the area of domestic violence or harassment). Workplace managers should enforce sanctions and consequences, especially in the case of repeated acts of such misconduct. Furthermore, follow-up measures must be conducted to ensure that these sanctions and consequences are carried out effectively.

For more information about the legislative changes around workplace harassment, see Bill 168, an act to amend the OHSA at www.ontla.on.ca

