

New Workplace Violence and Harassment Rules – Does Your Firm Have Them?

Ontario employers need to adopt new policies to comply with new legislation covering workplace harassment and violence.

Bill 168 amends the Occupational Health and Safety Act, and represents a significant change in how workplace violence and harassment are regulated in Ontario. Passed December 9, 2009, the new laws come into force six months after royal assent.

Employers need to be reviewing, revising and creating policies and procedures dealing with workplace violence and harassment so they can be compliant with the new laws. Here are some of the highlights of the new rules:

Workplace Harassment

The new rules define this 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.” This concept is broader than the definition of harassment in the Ontario Human Rights Code, because it is not confined to harassment on the basis of prohibited grounds such as race, gender, religion, age or disability.

Workplace Violence

The new laws cover the exercise or attempt to exercise physical force “by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. They now include “a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force...”

It is not enough for employers to develop new policies. They need to have programs to implement them, routines for reporting incidents of workplace violence and how to investigate and deal with incidents and complaints. It needs to include a risk assessment, worker training and program audit.

The new law has a number of other measures that represent new ground in human resources management. These issues require the attention of

even those companies with the most up-to-date workplace policies.

Domestic Violence

There is now an additional obligation on employers to take all reasonable precautions in the circumstances for the protection of a worker if there is a domestic violence situation that is likely to expose a worker to physical injury in the workplace. During the debate phase, this was criticized as a threat to employees’ privacy, which the legislation attempts to curb by restricting this to instances where the employer is aware, or ought to be aware of the situation.

A History of Violent Behaviour

Employers are also required to provide workers with information about a person with “a history of violent behaviour” if the worker is likely to encounter that person in the course of their work and there is a risk of workplace violence likely to expose the worker to physical injury.

Ability to Refuse Work

Employees may remove themselves from harmful situations if they have reason to believe they are at risk of imminent danger due to workplace violence.

How the Brown Consulting Group Can Help

This new law requires all Ontario Employers to have compliant policies, programs to implement those policies, as well as worker training, notification and program audits. For more than ten years, Brown Consulting Group has helped client companies effectively manage their human resources, including revising policies, developing training and helping them adopt new regulations.

For more information on how Brown Consulting Group can help your firm comply with the Bill 168 rules, please contact us at info@brownconsulting.ca

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