

## ***Workplace Violence and Workplace Harassment***

Recent amendments to the *Occupational Health and Safety Act* in Ontario require employers to establish and maintain policies and programs designed to reduce the risk of workplace violence and harassment.

The definition of “Workplace Violence” includes not only physical force or attempts at physical force, but also statements or behaviour that can be reasonably interpreted as a threat of physical injury. Employers must consider the risk of violence to employees from both inside and outside the workplace when they develop workplace violence policies and programs.

Employers are required to annually assess the risk of workplace violence and determine whether changes to existing policies and programs are necessary to respond to those changes.

The amendments also require an employer to tell an employee about any person who has a history of violent behaviour. This requirement arises if the employee can be expected to encounter that person during their duties and if there is a resulting risk of workplace violence or physical injury to the employee.

The amendment defines “Workplace Harassment” as “engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to have been known to be unwelcome.” The definition of harassing activity goes beyond the prohibited grounds of discrimination found in the *Ontario Human Rights Code*.

In respect to both workplace violence and workplace harassment, employers with more than five employees are required to establish workplace violence and workplace harassment policies and post those policies conspicuously in the workplace. Employers are also required to create and implement programs to put these policies in place.

If you have any questions or require further information on any of the matters covered in this update, please let us know. We will be pleased to assist you in understanding and fulfilling the specific requirements for workplace violence and workplace harassment programs, policies and assessments.