

Health and Safety Guidelines

Workplace Violence and Harassment: Understanding the Law

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About This Guide

This guide explains what every worker, supervisor, employer and constructor needs to know about workplace violence and workplace harassment requirements in the Occupational Health and Safety Act. It describes everyone's rights and responsibilities, and answers in plain language the questions that are most commonly asked about these requirements.

Please note this guide does not constitute legal advice. It should not be taken as a statement of the law or what constitutes compliance with the law. If you need help in determining what constitutes compliance, you should consult a lawyer.

This guide does not cover every situation or answer every question about the legal requirements for workplace violence and workplace harassment in Ontario. It also does not cover requirements for other workplace health and safety issues. You should consult *A Guide to the Occupational Health and Safety Act* for information about other requirements, which is available on the Ministry of Labour website

This guide does not cover other legal obligations that may exist such as those under Canada's Criminal Code or Ontario's Human Rights Code.

Ontario Ministry of Labour health and safety inspectors enforce the Occupational Health and Safety Act and may refer to this guide when determining compliance. They do not enforce this guide. Ministry of Labour inspectors will apply and enforce the OHSA and its regulations based on the facts as they may find them in the workplace. This guide does not affect their enforcement discretion in any way.

The ministry has produced other resources in addition to this guide, including a Code of Practice for Workplace Harassment, which can be used to help workplaces comply with the workplace violence and workplace harassment requirements in the Occupational Health and Safety Act. For more information, please see the Ontario Ministry of Labour website (ontario.ca/labour).

Introduction

Ontario's Occupational Health and Safety Act¹ sets out the rights and duties for occupational health and safety of all parties in the workplace. The act provides for enforcement of the law in cases where compliance has not been voluntarily achieved.

The requirements for violence and harassment in the workplace establish minimum standards and set out the rights and duties of all those who have a role in dealing with workplace violence and workplace harassment.

One of the primary purposes of the Occupational Health and Safety Act is to facilitate a strong Internal Responsibility System (IRS) in the workplace. The IRS means that everyone in the workplace has a role to play in keeping workplaces safe and healthy. Workers in the workplace who see a health and safety problem such as a hazard or contravention of the Act in the workplace have a duty to report the situation to the employer or a supervisor. Employers and supervisors are, in turn, required to address those situations.

The employer, typically represented by senior management, has the greatest responsibilities with respect to health and safety in the workplace. The employer is responsible for ensuring that the IRS is established, promoted, and that it functions successfully. A strong IRS is an important element of a strong health and safety culture in a workplace.

Every improvement in occupational health and safety benefits all of us. Through co-operation and commitment, we can make Ontario a safer and healthier place in which to work.

¹ The Occupational Health and Safety Act is amended from time to time. A current version is available from the e-Laws website (ontario.ca/laws).

Background

Workers may face violence and harassment in any workplace and from any person in that workplace.

There is a continuum of unwanted behaviours that can occur in a workplace. This can range from offensive remarks to violence.

It is important for employers to address any unwanted behaviours early to minimize the potential for workplace harassment to lead to workplace violence. Employers, therefore, have specific duties with respect to workplace harassment and workplace violence under the Occupational Health and Safety Act.

The harassing or violent person may be someone the worker comes into contact with due to the nature of his or her work. This may include, but is not limited to, a client, customer, volunteer, student, patient, etc.

The harassing or violent person may also be part of the workforce, including a co-worker, manager, supervisor or employer. Or the person may be someone with no formal connection to the workplace such as a stranger or a domestic/intimate partner who brings violence or harassment into the workplace.

Canada's Criminal Code deals with matters such as violent acts, sexual assault, threats and behaviours such as stalking. The police should be contacted in these situations. Harassment may also be a matter that falls under Ontario's Human Rights Code.

Key Terms and Concepts

1.1 Workplace

The Occupational Health and Safety Act defines a workplace² as any land, premises, location or thing at, upon, in or near which a worker works [section 1].

A workplace could be a building, mine, construction site, vehicle, open field, road or forest.

1.2 Worker

Worker means any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program:

1. A person who performs work or supplies services for monetary compensation.
2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
3. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.
4. A person who receives training from an employer, but who, under the Employment Standards Act, 2000, is not an employee for the purposes of that Act because the conditions set out in subsection 1 (2) of that Act have been met.
5. Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.

1.3 Workplace Violence

The Occupational Health and Safety Act defines workplace violence as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. It also includes an:

2 The term “workplace” may be interpreted differently under other Ontario statutes such as Ontario’s Human Rights Code and Workplace Safety and Insurance Act, 1997.

- attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker; and a
- statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker [section 1].

This may include:

- verbally threatening to attack a worker;
- leaving threatening notes at or sending threatening e-mails to a workplace;
- shaking a fist in a worker's face;
- wielding a weapon at work;
- hitting or trying to hit a worker;
- throwing an object at a worker;
- sexual violence against a worker;
- kicking an object the worker is standing on, such as a ladder; or
- trying to run down a worker using a vehicle or equipment such as a forklift.

The definition of workplace violence is broad enough to include acts that would constitute offences under Canada's Criminal Code.

See Section 4.3 of this guide for more information on the role of police.

What if a worker is accidentally pushed or hurt?

Accidental situations – such as a worker tripping over an object and pushing a co-worker as a result – are not meant to be included.

Does the person need to intend to hurt the worker?

For workplace violence to occur, a person must apply, attempt to apply, or threaten to apply physical force against a worker. However, he or she does not need to have the capacity to appreciate that these actions could cause physical harm.

For example, a person may have a medical condition that causes them to act out physically in response to a stimulus in their environment. This would still be considered workplace violence.

Workplace violence could also include situations where two non-workers, patients for example, are fighting and a worker is injured when he or she intervenes. The non-workers may not have intended their violence to spill over to anyone else, but they used physical force, which ultimately caused physical injury to a worker.

Employers are expected to take these situations into account when assessing the risks of workplace violence and when dealing with incidents. They would be required to establish measures and procedures to protect workers from this type of behaviour.

1.4 Domestic Violence

A person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member – may physically harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.

1.5 Workplace Harassment

The Occupational Health and Safety Act 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 be known to be unwelcome. The definition of workplace harassment includes workplace sexual harassment [section 1]. See Section 1.6 of this guide for more information about workplace sexual harassment.

This definition of workplace harassment is broad enough to include all types of harassment prohibited under Ontario’s Human Rights Code, including sexual harassment. See Section 4.4 of this guide for the list of prohibited grounds of harassment under the Code.

Workplace harassment also includes what is often called “psychological harassment” or “personal harassment.”

The comments or conduct typically happen more than once. They could occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or years). However, there may be situations where the conduct happens only once. For example, a single instance of an unwelcome sexual solicitation or advance from a supervisor or manager could constitute workplace sexual harassment. See Section 1.5 of this guide for more information.

What is workplace harassment?

Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers, in a workplace. It can also include behaviour that intimidates, isolates or even discriminates against the targeted individual(s).

This may include:

- making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
- displaying or circulating offensive pictures or materials in print or electronic form;
- bullying;
- repeated offensive or intimidating phone calls or e-mails; or
- workplace sexual harassment.

What isn't workplace harassment?

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace [section 1(4)].

Reasonable management actions would be part of a manager's or supervisor's normal work function, and could include changes in work assignments, scheduling, job assessment and evaluation, workplace inspections, implementation of health and safety measures, and disciplinary action.

If these actions are not exercised reasonably and fairly they may constitute workplace harassment. For example, if a worker was not scheduled for shifts solely because of his or her sexual orientation, this would likely be workplace harassment.

Differences of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment.

1.6 Workplace Sexual Harassment

The Occupational Health and Safety Act defines workplace sexual harassment as:

- engaging in a course of vexatious comment or conduct against a worker, in a workplace because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- making a sexual solicitation or advance where the person making it is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know the solicitation or advance is unwelcome [section 1].

This definition of workplace sexual harassment reflects the prohibitions on sexual harassment and sexual solicitation found in Ontario's Human Rights Code. See Section 4.4 of this guide for more information about the Code.

As mentioned in Section 1.4 of this guide, the comments or conduct typically happen more than once, although a single unwelcome solicitation or advance from a manager, supervisor, or another person who has the power to reward or punish the worker may constitute workplace sexual harassment. Multiple events can occur over a relatively short period of time or over a longer period.

What is workplace sexual harassment?

Workplace sexual harassment can involve unwelcome words or actions associated with sex, sexual orientation or gender that are that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers, in a workplace. It can also include behaviour that intimidates or isolates individual(s).

Workplace sexual harassment may include:

- asking questions, talking, or writing about sexual activities;
- rough or vulgar humour or language related to sexuality, sexual orientation or gender;
- displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form;
- leering or inappropriate staring;
- invading personal space;
- unnecessary physical contact, including inappropriate touching;
- demanding hugs, dates, or sexual favours;
- making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes;
- verbally abusing, threatening or taunting someone based on gender or sexual orientation; or
- threatening to penalize or otherwise punish a worker if they refuse a sexual advance.

Where the conduct or behaviour includes inappropriate sexual touching, this may also constitute a criminal offence such as sexual assault. In such cases, the police should be notified. See Section 4.3 of this guide for more on the role of the police.

What are gender identity and gender expression?

Gender identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person's sexual orientation³.

Gender expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender⁴.

3 Ontario Human Rights Commission, *Gender Identity and Gender Expression*, accessed March 23, 2016 (online).

4 Ibid.

1.7 Continuum of Behaviours

A continuum of inappropriate or unacceptable behaviours can occur at the workplace. This can range from offensive remarks to violence. Workplace harassment may escalate over time. Where harassment, including sexual harassment, in the workplace involves threats, attempts or acts of physical force, this would be considered to be workplace violence under the Act.

It is important for employers to recognize these behaviours and to deal with them promptly. Addressing incidents of harassment not only helps the targeted worker but their co-workers as well. Taking action can also prevent harassment from escalating in the workplace and possibly resulting in physical violence by either the harasser or the targeted worker.

2 Workplace Violence

2.1 General Duties of Workplace Parties

The Occupational Health and Safety Act sets out the general duties for an

- employer under section 25;
- supervisor under section 27; and
- worker under section 28.

These general duties also apply to workplace violence [section 32.0.5].

See *A Guide to the Occupational Health and Safety Act* for more information about these duties as well as the duties of other workplace parties such as constructors, licensees and owners.

2.2 Workplace Violence Policy

Every employer in Ontario must prepare and review, at least annually, a policy on workplace violence, as required by the Occupational Health and Safety Act [section 32.0.1(1)(a) and (c)].

This policy is required regardless of the size of the workplace or the number of workers.

If six or more workers are regularly employed at a workplace, this policy must be in writing and posted in a conspicuous place in the workplace.

If fewer than six workers are regularly employed at the workplace, the policy does not necessarily have to be written [sections 32.0.1(2) and (3)]. However, a Ministry of Labour inspector may order the policy to be in writing [section 55.1].

The workplace violence policy should:

- show an employer's commitment to protecting workers from workplace violence;
- address violence from all possible sources (customers, clients, employers, supervisors, workers, strangers and domestic/intimate partners);
- outline the roles and responsibilities of the workplace parties in supporting the policy and program; and
- be dated and signed by the highest level of management of the employer or at the workplace as appropriate (examples may include, but are not limited to, the President, Chief Executive Officer, senior human resources professional or uppermost member of management at the workplace).

See Section 5 of this guide for an example to help you develop your workplace violence policy.

Can the workplace violence policy and program be combined?

Yes, as long as all of the requirements for the policy and program are complied with.

Can the workplace violence policy be combined with other policies?

Yes, as long as all the requirements for the policies are complied with. Employers may choose to combine the workplace violence policy with a policy required by the Act for workplace harassment or occupational health and safety.

2.3 Assessing the Risks of Workplace Violence

Under the Occupational Health and Safety Act, the employer has a number of responsibilities for assessing the risks of workplace violence.

The employer must:

- assess the risk of workplace violence that may arise from the nature of the workplace, type of work or conditions of work [section 32.0.3(1)];
- take into account the circumstances of the workplace and circumstances common to similar workplaces, as well as any other elements prescribed in regulation [section 32.0.3(2)]; and
- develop measures and procedures to control identified risks that are likely to expose a worker to physical injury. These measures and procedures must be part of the workplace violence program [section 32.0.2(2)(a)].

The employer must advise the joint health and safety committee or health and safety representative of the assessment results. If the assessment is in writing, the employer must provide a copy to the committee or the representative [section 32.0.3(3)(a)].

If there is no committee or representative, the employer must advise workers of the assessment results. If the assessment is in writing, the employer must provide copies to workers on request or advise the workers how to obtain copies [section 32.0.3(3)(b)].

Employers must repeat the assessment as often as necessary to ensure the workplace violence policy and related program continue to protect workers from workplace violence [section 32.0.3(4)] and inform the joint health and safety committee, health and safety representative, or workers of the results of the re-assessment [section 32.0.3(5)].

What is meant by the phrase “the nature of the workplace,” the “type of work” or the “conditions of work”?

The ***nature of the workplace*** refers to the physical aspects of the workplace, whether it is a building, construction site, vehicle, or forest. This may include workplace lighting, lines of sight, depth of counters, entrances, exits and objects that could be used to hurt workers.

The ***type of work*** refers to the activities workers perform (such as handling cash), the sector of work (such as health care) and people with whom workers interact (such as customers, clients or patients).

The ***conditions of work*** refer to other aspects such as hours worked, the surrounding neighbourhood and whether workers move from location to location, work alone or in isolation.

What is meant by the phrase “circumstances specific to the workplace”?

Circumstances specific to the workplace could include:

- layout and design of the workplace;
- geographic location of the workplace;
- work carried out and conditions of work, including activities or circumstances associated with a higher risk of violence (see list below);
- protective measures and procedures, including security measures, that may already be in place; and
- past violent incidents in the workplace.

A number of activities or circumstances may increase the risk of workplace violence. These include:

- handling cash;
- protecting or securing valuables;
- transporting people and goods;
- a mobile workplace (such as a vehicle);
- public or community contact;
- working with unstable or volatile people;
- working alone or with just a few people; and
- working late nights or very early mornings.

How does the employer take into account “circumstances that would be common to similar workplaces”?

A specific workplace may not have experienced a violent incident, but may share risks of workplace violence with similar workplaces.

The risk of violence may be higher in certain sectors such as health care, social services, retail, hospitality, education, transportation, police, security and correctional facilities.

Similar workplaces may also have activities or work conditions in common.

See above for a list of circumstances or activities that may increase the risk of workplace violence.

Can one assessment be done for multiple workplaces?

An assessment of the risks of workplace violence should be specific to the workplace.

A similar type of work may be performed in multiple locations. However, the assessment must take into account the nature of the workplace and conditions of work. Each location should be assessed for its own unique risks of workplace violence in addition to the common risks.

For example, a company may operate many retail stores, all providing the same services. However, each store would have a unique location, surroundings and clientele, etc. In addition, the stores may have different interior physical layouts, equipment or hours of operation.

So, even though the risks of workplace violence for the services provided may be similar, each store may have different risks specific to its particular location.

How can an assessment be done if workers are constantly changing locations (e.g. mobile workers)?

An assessment may not be able to take into account the specific risks related to the nature of every workplace that a mobile worker may visit.

However, the assessment should take into account risks associated with the worker's vehicle. It should also consider risks associated with the type of work and work conditions. For example, a salesperson carrying valuable stock could be at risk for robbery.

The workplace violence program must have measures and procedures in place to control the risks faced by mobile workers.

Is the employer required to assess the risks of violence between individual workers?

The Occupational Health and Safety Act does not require an employer to proactively assess the risks of violence between individual workers. It could be difficult for the employer to predict when violence may occur between individual workers

However, a review of incidents or threats of violence from all sources may indicate the origins of workplace violence and likelihood of violence between workers at a particular workplace.

How often should reassessment take place?

The risks of workplace violence should be re-assessed as often as is necessary to protect workers from workplace violence. For example, a reassessment should be undertaken if:

- the workplace moves or the existing workplace is renovated or reconfigured;
- there are significant changes in the type of work (for example, more expensive items are being sold);
- there are significant changes in the conditions of work (for example, closing at a later hour);
- there is new information on the risks of workplace violence; or
- a violent incident indicates a risk related to the nature of the workplace, type of work, or conditions of work was not identified during an earlier assessment.

It is recommended the employer review the assessment at least annually.

2.4 Workplace Violence Program

In addition to preparing a workplace violence policy and assessing the risks of workplace violence, under the Occupational Health and Safety Act every employer must develop and maintain a program to implement the workplace violence policy [section 32.0.2].

The program must include:

- a) measures and procedures to control the risks identified in the assessment required under subsection 32.0.3(1) as likely to expose a worker to physical injury;
- b) measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
- c) measures and procedures for workers to report incidents of workplace violence to the employer or supervisor;
- d) how the employer will investigate and deal with incidents or complaints of workplace violence; and
- e) any other elements prescribed in regulation.

The workplace violence program may incorporate or reference existing programs, procedures or protocols related to workplace violence. For example, there could be existing procedures for emergency situations, incident reporting or personal safety.

See Section 6 of this guide for more information on the types of measures and procedures that could be part of a workplace violence program.

Can a workplace adopt a program that exists at another workplace?

The measures and procedures in a workplace violence program must address the risks and conditions specific to that workplace.

While a program from a similar workplace may be used as the basis for a new program, it would need to be tailored to fit the workplace where it would be used and based on the results of the assessment for that specific workplace.

For example, a chain of retail outlets could develop a general workplace violence program with measures to control the risks common to all of the stores. The general program could also include standard emergency, reporting, and investigation measures and procedures. However, each location would need to modify the general program based on site-specific risks and conditions to ensure there are appropriate measures and procedures to protect workers.

We have done an assessment and have not identified any risks that are likely to expose a worker to physical injury. Do we still need a workplace violence program?

Yes. While no specific measures or procedures may be needed to control risks, a workplace violence program would still be required because it would need to provide measures and procedures for:

- summoning immediate assistance;
- reporting incidents or complaints of workplace violence; and
- investigating and dealing with workplace violence incidents and complaints, if they occur.

If new risks are identified after the initial assessment, the employer would need to modify the workplace violence program to include appropriate measures and procedures.

How often should the workplace violence program be reviewed and revised?

Under the Occupational Health and Safety Act the employer must maintain the workplace violence program [section 32.0.2(1)].

It is recommended the program be reviewed at least annually. This review should focus on the effectiveness of the measures and procedures in the program. This is to ensure they are being used and are continuing to protect workers from workplace violence.

A review or revision of a workplace violence program should be undertaken if:

- a reassessment of risks indicates revisions are needed;

- workers, or the joint health and safety committee or health and safety representative, indicate measures or procedures are not adequate or are not used;
- a violent incident shows that measures or procedures are not adequate; and/or
- the workplace's response to a violent incident or complaint shows the reporting or investigation procedures need to be revised.

2.5 Information and Instruction on Workplace Violence

Workplace Violence Policy and Program

Under the Occupational Health and Safety Act, an employer must provide appropriate information and instruction to workers on the contents of the workplace violence policy and program [section 32.0.5(2)].

All workers should be aware of the employer's workplace violence policy and program. Workers should:

- know how to summon immediate assistance;
- know how to report incidents of workplace violence to the employer or supervisor;
- know how the employer will investigate and deal with incidents, threats or complaints;
- know, understand and be able to carry out the measures and procedures that are in place to protect them from workplace violence; and
- be able to carry out any other procedures that are part of the program.

Supervisors may need additional information or instruction, especially if they are going to follow up on reported incidents or complaints of workplace violence. For example, supervisors may need to know about how to respond sensitively to incidents or complaints of workplace violence, which in some cases could include sexual violence.

Other Related Information and Instruction Duties

Under the Occupational Health and Safety Act, an employer has a general duty to provide information, instruction and supervision to protect a worker [section 25(2)(a)].

A supervisor has a duty to advise workers of any actual or potential occupational health and safety dangers of which the supervisor is aware [section 27(2)(a)].

To protect workers, the employer must tailor the type and amount of information and instruction to the specific job and the associated risks of workplace violence.

Workers in jobs with a higher risk of violence may require more frequent or intensive instruction or specialized training.

When and how often should instruction take place?

An employer should identify what information, instruction or training is needed when a worker is hired. This should be done by taking into account hazards associated with each specific job as well as the measures and procedures that are in place.

Similarly, the employer should identify what information, instruction or training is needed when a worker changes jobs.

Workplace violence can be covered along with other occupational health and safety topics, including workplace harassment, or it can be covered separately.

Employers should also identify how often instruction or training should be repeated. This may be done:

- on a regular basis;
- when there are significant changes to the risks encountered;
- when there are significant changes to the workplace violence policy or program; and/or
- when circumstances indicate additional instruction or training is needed such as when procedures are not being followed or workers do not know about them.

2.6 Information about a Person with a History of Violent Behaviour

The Occupational Health and Safety Act clarifies that employers and supervisors must provide workers with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour [section 32.0.5(3)].

However, this duty is limited and applies only when the:

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

Employers and supervisors must also not disclose more information than is reasonably necessary for the protection of a worker from physical injury.

What factors should I consider in determining what is “likely to expose a worker to physical injury”?

Employers would have to evaluate the circumstances of a person’s history of violent behaviour and determine which workers would be likely to encounter this person in the course of their work and whether the person poses a risk to those workers.

Some factors to consider include:

- Was the history of violence associated with the workplace or work?
- Was the history of violence directed at a particular worker or workers in general?
- How long ago did the incident(s) of violence occur?
- What measures and procedures are in place in the existing workplace violence program?

Do I have to tell every worker about a person with a history of violent behaviour?

Not necessarily. An employer would first have to determine which workers, if any, would be likely during the course of their work to encounter the violent person and if the risk of workplace violence was likely to expose the worker to physical injury [section 32.0.5(3)].

Depending on the results, the employer would not have to provide a worker with specific information about the violent person if the worker was:

- not likely to encounter that person in his or her work; or
- not at risk of physical injury from that person.

What information do I have to disclose to workers?

Under the Occupational Health and Safety Act, employers and supervisors must disclose as much information about a person with a history of violent behaviour as needed to protect workers from physical injury while respecting privacy as much as possible [sections 32.0.5(3) and (4)].

For example, the information disclosed should allow workers to identify the person with the violent history and, if appropriate, the triggers of his/her potential aggression.

Only personal information that is necessary to protect the worker from physical injury should be disclosed.

For example, a waitress or construction worker should be told if there is person with a history of hitting workers at that workplace and what the triggers are for that person's violent behaviour. However, the worker would not necessarily need to know all the personal information the employer has about the person with the violent history.

In workplaces where the risk of workplace violence is similar from many people, such as in correctional institutions, it may be appropriate to provide general information about these risks as part of the information and instruction given to workers under section 25(2)(a).

However, in these types of workplaces, workers may require information about a specific individual's history of violent behaviour so workers are aware of the specific risks [section 32.0.5(3)].

What about privacy legislation?

There may be other laws that govern the release of personal or medical information such as the:

- Youth Criminal Justice Act (Canada);
- Personal Information Protection and Electronic Documents Act (Canada); and
- Personal Health Information Protection Act.

The employer will have to take into account a person's right to privacy under those laws in addition to a worker's right to be informed of workplace violence risks under the Occupational Health and Safety Act.

In such cases, employers may wish to seek legal advice.

Do I have to disclose personal medical information?

In most situations, it should be possible to provide workers with enough information to protect them without disclosing personal medical information.

In cases where an employer or supervisor feels personal medical information should be disclosed to a worker, the employer may wish to obtain legal advice about possible implications under human rights or privacy legislation.

Am I required to conduct criminal background checks on people in the workplace?

The Occupational Health and Safety Act does not require employers or supervisors to do criminal background checks or to otherwise seek out information on workers or other people who are likely to be in the workplace.

2.7 Domestic Violence

Under the Occupational Health and Safety Act, an employer must take every precaution reasonable in the circumstances for the protection of workers when they are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace, and that it would likely expose a worker to physical injury [section 32.0.4].

Domestic violence may put the targeted worker at risk, and may also pose a threat to co-workers.

Measures and procedures in the workplace violence program can help protect workers from domestic violence in the workplace. For example, measures for the summoning of immediate assistance or for reporting of violent incidents could help protect workers from domestic violence when it may occur in the workplace.

Workers should be told that they can report their concerns to their employer if they fear domestic violence may enter the workplace.

Employers must be prepared to investigate and deal with these concerns on a case-by-case basis.

In addition to evaluating a worker's specific circumstances, employers should determine how measures and procedures in the existing workplace violence program could be used to support the development of reasonable precautions for the worker.

This could involve creating an individual safety plan for the worker while he or she is in the workplace. The safety plan should be developed in consultation with the targeted worker.

In developing the plan, the employer and worker may be able to work with the police, courts, or other organizations who may already be involved.

When a worker and his or her spouse work at the same organization, and there are concerns about domestic violence occurring in the workplace, the employer should follow the workplace violence policy and program in dealing with the abusive worker's behaviour.

How might an employer become aware of domestic violence that may enter the workplace?

An employer may become aware of domestic violence when an incident takes place at the workplace or when a concern is reported by a targeted worker, co-workers or someone else.

Other indicators could include threatening emails and phone calls received at work or unwelcome visits at the workplace such as by an abusive partner.

What is the employer's obligation if the targeted worker does not want the employer to take any steps?

Even if a worker does not want any steps taken, the employer may still be required to take some action to protect the targeted worker and other workers, depending on the circumstances.

The employer should work closely with the targeted worker to develop reasonable precautions to address the situation while attempting to respect the worker's privacy and sensitivity of the issue.

Does an employer have to assess the risk that domestic violence will occur in the workplace?

The Occupational Health and Safety Act does not require an employer to assess the risk of domestic violence occurring in a workplace.

However, an employer may wish to conduct a review of violent incidents or threats of violence from all sources. This may help the employer determine origins of workplace violence and the likelihood violence will occur at a particular workplace.

2.8 Work Refusals

Under the Occupational Health and Safety Act, a worker can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence [section 43(3)(b.1)]. However, work cannot be refused on the grounds of workplace harassment.

The act sets out a specific procedure that must be followed in a work refusal. It is important for workers, employers, supervisors, joint health and safety committees, and health and safety representatives to understand and follow this procedure.

As discussed in Section 2.4 of this guide, the workplace violence program must include measures and procedures for workers to report workplace violence incidents and for employers to investigate and deal with those incidents or complaints.

These measures can help workers, supervisors and employers address workplace violence concerns before they escalate to work refusals.

Do all workers have the right to refuse work due to workplace violence?

Yes, but for some workers the right to refuse work for any reason, including for workplace violence, is limited.

Certain workers who protect public safety cannot refuse work if:

- the danger is an inherent or normal part of their job or
- the refusal would endanger the life, health or safety of another person.

These workers are:

- police officers;
- firefighters;
- workers employed in correctional institutions; and
- workers employed in workplaces such as hospitals, nursing homes, psychiatric institutions, rehabilitation facilities, residential group homes for persons with physical or mental disabilities, ambulance services, firstaid clinics, licensed laboratories or in any laundry, food service, power plant or technical service used by one of the above [section 43(2)].

In addition, teachers cannot refuse work when a pupil's life, health or safety is in imminent jeopardy [section 3(3) of Regulation 857 (Teachers)].

See *A Guide to the Occupational Health and Safety Act* for more information on work refusals.

Where must workers stay during a work refusal?

A worker must remain in a safe place as near as reasonably possible to his or her workstation while waiting for the employer to investigate [section 43(5)] or for the Ministry of Labour to investigate [section 43(10)].

The location will depend on the circumstances that led to the work refusal.

Employers may wish to develop workplace-specific procedures for work refusals related to workplace violence, including where a safe place would be. These workplace-specific procedures must be consistent with the work refusal provisions in the Occupational Health and Safety Act.

Can a worker refuse work on the basis of a threat?

Yes, if it is (or can be reasonably interpreted to be) a threat to exercise force that could cause physical injury to the worker. Where a worker receives a threat that does not cause him/her to fear for his/her personal safety, the worker should use the procedures in the workplace violence or harassment program to report the incident to his or her employer.

Does all work need to be suspended during an investigation if there is a work refusal due to workplace violence?

Although Section 43 allows workers to refuse to work or do particular work if their health and safety is in danger due to workplace violence, this does not mean all work needs to be suspended during a work refusal.

For example, if the risk of workplace violence is eliminated by the removal of a violent person, it may be possible for work to continue during the employer's investigation.

Can the measures and procedures that an employer has in place affect a worker's right to refuse due to workplace violence?

A worker who has reason to believe that he or she is likely endangered by workplace violence always has the right to refuse work (subject to limitations on the right to refuse work for specific categories of workers).

An employer with a good workplace violence policy and program, supported by equipment, training and effective communication, should have established methods for immediately dealing with violent and potentially violent incidents. For example, an employer may direct workers to call the police for assistance when they have immediate safety concerns due to workplace violence.

Having these internal procedures in place may be the best way to prevent further danger and to protect workers and members of the public (in sectors such as the transit industry, for example). This does not limit a worker's right to refuse work. However, because the danger to workers is dealt with quickly, a worker may not need to refuse work in these circumstances.

Whether there is a work refusal or not, workers should report an incident of workplace violence to their employer or supervisor. The employer needs to investigate and take any steps necessary to protect workers. A worker may also contact the Ministry of Labour with a complaint if their concerns are not resolved at the workplace.

2.9 Notices

When an incident of workplace violence occurs, the employer should first notify police or emergency responders for immediate assistance. In addition, under the Occupational Health and Safety Act, an employer has a number of duties if a workplace violence incident results in a person being killed or critically injured⁵ [section 51(1)].

An employer must:

- immediately notify, by direct means such as telephone, a Ministry of Labour inspector, the workplace's joint health and safety committee or health and safety representative and union, if any; and
- within 48 hours notify, in writing, a director of the Ministry of Labour, giving the circumstances of the occurrence and any information that may be prescribed⁶.

If there is an incident of workplace violence and a worker is disabled or requires medical attention, the employer⁷ must notify the joint health and safety committee or health and safety representative and the union, if any, within four days of the incident.

This notice must be in writing and must contain any prescribed information [section 52(1)]. If required by an inspector, this notice must also be given to a director of the Ministry of Labour.

Notices are not required for incidents of harassment.

See Sections 2.4 and 3.2 of this guide for more information on internal reporting mechanisms for workplace violence and harassment programs.

5 Critically injured is defined in Regulation 834 of the Occupational Health and Safety Act.

6 Regulations under the Occupational Health and Safety Act prescribe the specific information that must be provided.

7 Self-employed people are required to notify a director of the Ministry of Labour, in writing, if they sustain an occupational injury or illness.

3 Workplace Harassment

Workplace harassment may escalate to threats or acts of physical violence or a targeted worker may react violently to prolonged harassment in the workplace. It is important for employers to recognize these behaviours and to deal with them promptly because they could lead to workplace violence.

The workplace harassment provisions in the Occupational Health and Safety Act will help workplace parties recognize and deal with workplace harassment before it escalates into possible workplace violence.

3.1 Workplace Harassment Policy

Employers must prepare and review a policy on workplace harassment at least annually, as required by the Occupational Health and Safety Act [section 32.0.1(b) and (c)].

The policy is required regardless of the size of the workplace or the number of workers.

If six or more workers are regularly employed at the workplace, the policy must be in writing and it must be posted in a conspicuous place in the workplace.

If fewer than six workers are regularly employed in the workplace, the policy does not necessarily have to be written [sections 32.0.1(2) and (3)]. However, a Ministry of Labour inspector may order the policy to be in writing [section 55.1].

The workplace harassment policy should:

- show an employer's commitment to addressing workplace harassment;
- consider workplace harassment from all sources such as customers, clients, employers, supervisors, workers, strangers and domestic/intimate partners;
- outline the roles and responsibilities of the workplace parties in supporting the policy and program; and
- be dated and signed by the highest level of management of the employer or at the workplace as appropriate (examples may include, but are not limited to, the President, Chief Executive Officer, senior human resources professional or uppermost member of management at the workplace).

The workplace harassment policy should encourage workers to bring forward workplace harassment concerns, whether their own, or information about workplace harassment that they have witnessed.

See Section 7 of this guide for an example to help you develop your workplace harassment policy.

Can the workplace harassment policy and program be combined?

Yes, the policy and program can be combined as long as all of the requirements of the policy and program are complied with.

Can the workplace harassment policy be combined with other policies?

Yes, as long as all the requirements for the policies are complied with. Employers may choose to combine the workplace harassment policy with a policy required by the Act for workplace violence or occupational health and safety.

Employers could decide to combine the workplace harassment policy with another policy, such as an anti-harassment or anti-discrimination policy based on the criteria for harassment in Ontario's Human Rights Code.

3.2 Workplace Harassment Program

Under the Occupational Health and Safety Act, an employer must develop and maintain a program to implement the workplace harassment policy. The program must be in writing, and must be developed and maintained in consultation with the joint health and safety committee or health and safety representative, if any [section 32.0.6(1)]. As such, the joint health and safety committee, or the health and safety representative, must be consulted when the program is developed as well as when any subsequent changes are made to maintain it.

The program must include:

- measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor [section 32.0.6(2)(a)];
- measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser [section 32.0.6(2)(b)];
- how incidents and complaints of workplace harassment will be investigated and dealt with [section 32.0.6(2)(c)];
- how information obtained about an incident or complaint of workplace harassment, including identifying information about individuals involved, will not be disclosed, unless the disclosure is necessary for the purposes of investigating the incident or complaint, or for taking corrective action, or is otherwise required by law [section 36.0.6(2)(d)];
- how the worker who alleged harassment and the alleged harasser (if he or she works for the employer) will be informed of the results of the investigation and of any corrective action [section 36.0.6(2)(e)]; and
- any prescribed elements that may be included in regulations made under the act [section 32.0.6.(2)(f)].

See Section 8 of this Guide for an example to help you develop your workplace harassment program.

To whom can workers report incidents of workplace harassment if the employer or supervisor is the alleged harasser?

The Act requires that the workplace harassment program include information about who incidents and complaints of workplace harassment should be made to if the employer or supervisor is the alleged harasser. The individual could be someone internal or external to the organization.

In a smaller workplace, where the reports would usually be made to the supervisor or employer, the employer must proactively think about which person could be designated. In a larger organization, it may be the same person who would normally receive reports of incidents or complaints (so long as this person was not under the alleged harasser's direct control, for example) or it may be another person designated by the employer. The employer could consider whether a specific member of the board of directors, a specific person at a business association, a consultant, or another person would be suitable for this function.

Overall, it is important that workers be able to report workplace harassment to a person who will treat the information confidentially, and follow up on the reported incidents or complaints in a timely manner. The program should set out whether this person would only receive and pass on information, or whether this person would be expected to carry out an investigation.

The goal is to have the complaint addressed objectively and investigated in an appropriate manner.

What are the requirements for confidentiality?

The employer needs to set out, in the program, how disclosure of information obtained about a workplace harassment incident or complaint will be limited, including identifying information about the individuals involved. It is important that an employer, as part of his or her investigation into complaints or incidents of workplace harassment, maintain confidentiality to the extent possible.

This program element contemplates that information may need to be disclosed to protect workers, to investigate the complaint or incident, to take corrective action, or because it is otherwise required by law.

In a unionized workplace, the collective agreement may also address what information the union is entitled to obtain from the employer and the role of union representatives during an investigation.

There may also be disclosure obligations arising from an appeal (by either party) to the Ontario Labour Relations Board, other civil litigation, or the grievance arbitration process.

If an employer receives an order from a court or a grievance arbitrator to produce certain information, this would be an example of a situation where information obtained about an incident or complaint would need to be disclosed because it was required by law.

Does an employer have to assess the risk that harassment may occur in the workplace?

The Act does not require an employer to assess the risk of workplace harassment.

3.3 Investigating Incidents and Complaints

In order to protect a worker from workplace harassment, employers must ensure that an investigation is conducted into incidents and complaints that is appropriate in the circumstances [section 32.0.7(1)(a)].

The intent is that an employer should deal with workplace harassment, whether someone has formally made a complaint or the employer is otherwise aware of incidents (for example, if a supervisor witnessed it or learned about it from a third party).

Depending on the circumstances of the incident or complaint, a workplace harassment investigation could be carried out by:

- someone in the workplace (such as a manager or a supervisor, or a member of the human resources department);
- someone in the organization (such as someone from another company location or from the corporate head office);
- someone associated with the workplace or organization (such as someone from another franchise or from a business association); or
- someone from outside the workplace or organization (such as a licensed private investigator, a human resource professional, or a lawyer).
- The person who investigates should not be involved in the incident, and should not be under the direct control of the alleged harasser.

There is no requirement under the OHS Act for the person who conducts the workplace harassment investigation to have a license. However, a person whose work primarily consists of conducting investigations into the character or actions of a person may be required to have licence under the *Private Security and Investigative Services Act, 2005*. For further information, visit the Ministry of Community Safety and Correctional Services' website (ontario.ca/mcscs).

Any report created in the course of or for the purposes of the investigation is not considered to be an occupational health and safety report that must be shared with the joint health and safety committee or health and safety representative [section 32.0.7(2)].

Employers should also take appropriate interim measures (such as temporary reassignments or shift changes) to protect workers and witnesses while the incident or complaint is being investigated, as may be appropriate. The Act prohibits employers from penalizing workers in reprisal for obeying the law or exercising their rights, which would include reporting an incident of workplace harassment [section 50].

See Schedule E of the Code of Practice to Address Workplace Harassment under Ontario's Occupational Health and Safety Act for a template to help you investigate incidents or complaints of workplace harassment.

What is an appropriate investigation?

An appropriate investigation into a workplace harassment incident or complaint would generally be timely, fair, and address all relevant issues. An employer would need to treat an incident or complaint seriously, to act upon it promptly, and to allow time and sufficient resources to investigate and deal with it.

Some matters will not require a complicated investigation (for example, where a bar patron is harassing staff or if there is a complaint that does not, on its face, pertain to workplace harassment).

Other situations, such as those involving allegations of sexual harassment by a co-worker over several years, may be more complex and need a more rigorous investigation.

Stages in a more complex investigation could include:

- a review of details of the incident or complaint, including any relevant documents
- an interview or interviews with the worker alleging harassment;
- an interview or interviews with the alleged harasser, if he or she works for the same employer;
- an interview or interviews with the alleged harasser, if he or she is not a worker and if it is possible and appropriate;
- separate interviews with relevant witnesses;
- examination of relevant documents or other evidence that pertains to the investigation (such as emails, notes, photographs, or videos);
- a decision about whether a complaint or incident is workplace harassment; and
- preparation of a report summarizing the incident or complaint, the steps taken during the investigation, the evidence gathered, and findings (such as whether workplace harassment occurred, did not occur, or that it was not possible to make a determination).

During the investigation, the worker who complained about workplace harassment should be kept informed about the status of the investigation, as should the alleged harasser if he or she also works for the employer.

Documentation of the investigation is also important. Where possible, it should include names, dates, the complaint, details of the incident(s), notes from interviews and meetings, associated documents or evidence, any investigation report, and any actions taken as a result of the incident or complaint and investigation.

If the alleged harasser is not a worker of the employer, or if there are witnesses who are not workers, the individual conducting the investigation should make reasonable efforts to interview these people as part of the investigation if their identities are known and if it is appropriate in the circumstances.

What is an appropriate investigation when the alleged harasser is the employer or supervisor?

The Act requires that the workplace harassment program include information about to whom incidents and reports of workplace harassment should be made to if the employer or supervisor is the alleged harasser [section 32.0.6(2)(b)].

The resulting investigation could be carried out by someone internal or external to the organization. This person should not be directly involved in the incident or complaint, and not be directly under the control of the alleged harasser.

What if there are multiple complaints about the same person?

The employer must ensure that an investigation that is appropriate in the circumstances is carried out. In some cases the investigation could deal with all complaints, but in other cases it may be appropriate to keep the investigations separate. Employers may wish to consider factors such as the degree of similarity of the reported behaviours, the potential impact on individuals involved, expediency and practicality, and the amount and nature of interaction amongst individuals involved when making decisions about whether to conduct multiple or separate investigations.

Does the employer have to hire a person who specializes in harassment investigations?

As per clause 32.0.7(1)(a), the employer must ensure that an appropriate investigation is done, but the Act does not specifically provide who must investigate.

In smaller workplaces, it may be the employer, the direct supervisor, or a supervisor from another department who conducts an investigation. In larger workplaces, there may be experienced human resources or human rights staff who can conduct these types of investigations.

In certain circumstances, a Ministry of Labour inspector may order the employer to have an investigation carried out by an “impartial person possessing such knowledge, experience, or qualifications as are specified by the inspector”. See Section 3.7 of this guide for more information.

Does the investigation have to be completed within a certain time period?

The Act does not specifically require that the investigation be completed within a certain time period. The length of time will depend on the nature of the circumstances and complexity of the incident or complaint. Some investigations may only take a few hours or days, while others may take longer – for example, up to 90 days. In exceptional cases, an investigation may take even longer.

Investigations can be stressful for the worker alleging harassment, the alleged harasser, and even on other workers. Investigations should therefore be done as quickly as possible, while allowing for sufficient time for a complete, thorough, and fair investigation.

Is the employer's program the only way workers can address a workplace harassment incident or complaint?

Workers should use the process set out in their workplace's harassment program to deal with their concerns about harassment, where possible.

A worker may also seek resolution of a workplace harassment incident or complaint outside of the employer's internal investigation procedure.

For example, a worker may:

- contact the Human Rights Legal Support Centre for help, or the Human Rights Tribunal of Ontario directly, to file an application to have their matter heard if the alleged harassment is based on one of the grounds prohibited under Ontario's Human Rights Code; or
- seek to resolve harassment issues through the grievance arbitration process if they are represented by a union; or
- seek to resolve harassment issues through civil litigation, depending on the circumstances.

Could a workplace use alternative dispute resolution or mediation to resolve a complaint of workplace harassment?

The employer must ensure that an investigation is conducted that is appropriate in the circumstances. Alternative dispute resolution or mediation cannot replace the investigation.

It may be possible, if the parties agree, for alternative dispute resolution to form part of the resolution of the complaint after the investigation is completed. The process and results should be documented.

The employer would still have to provide the results of the investigation, in writing, to the appropriate workers.

Can the worker alleging harassment or the alleged harasser use a support person during the investigation?

Support for workers during workplace harassment investigations may be available from a number of sources, including unions, peer support networks, joint health and safety committee members, employee assistance networks or the worker's lawyer or legal representative. The workplace harassment program should set out clear roles for all parties.

What if the worker who was allegedly harassed will not co-operate with the investigation?

The employer has an obligation to investigate once it becomes aware of workplace harassment, including talking to the worker who was allegedly harassed, the alleged harasser (if working for the employer) and relevant witnesses. All workers should be encouraged to cooperate with an investigation.

If there is a refusal to co-operate, the employer should try to find out the reason in order to identify potential coercion or reprisal. The employer would still have to provide the results of the investigation, in writing, to the appropriate workers.

What if an investigation reveals concerns about workplace violence?

Under the Occupational Health and Safety Act, an employer must take all precautions reasonable in the circumstances to protect a worker, including from workplace violence [section 25(2)(h)]. In addition, an employer has specific duties with respect to workplace violence [sections 32.0.1 to 32.0.5].

Therefore, if an investigation indicates that workplace violence may occur or is likely to occur, the employer must take precautions reasonable in the circumstances to protect workers.

3.4 Results of an Investigation

Employers must ensure that the worker who was allegedly harassed is informed in writing about the results of a workplace harassment investigation and of any corrective action that has been or that will be taken as a result of the investigation. This information must also be provided to an alleged harasser who works for the employer [section 32.0.7(1)(b)].

The purpose of this provision is to ensure that these specific workers are aware of what has happened as a result of the incident or complaint and the investigation into that incident or complaint.

The results are meant to be a summary document, outlining the findings of the investigation. If the investigation concluded that workplace harassment occurred, information about corrective actions taken must be included.

The results are not considered to be an occupational health and safety report that must be shared with the joint health and safety committee or health and safety representative [section 32.0.7(2)].

What are corrective actions?

Corrective actions are actions taken to try to prevent a reoccurrence of workplace harassment.

Where the harassment arises from customers, clients, patients, or the public towards a worker, the employer could deal with the incident by modifying its service (such as using the telephone or email as the primary means of contact), or even, in some cases, a refusal of service depending on the circumstances.

Where the investigation finds that harassment arises from a worker, supervisor, or other person associated with the workplace, there could be individual corrective action taken (such as apologies, education, counselling, shift changes, reprimands, suspension, job transfer, or termination) depending on the employer's policy, and the nature or severity of the behaviour. Corrective actions could also be broader, especially where the investigation of an incident or complaint shows that workplace harassment is prevalent or commonplace. An example would be training for everyone in the workplace or in a unit on workplace harassment, causes and solutions.

If the investigation of an incident or complaint finds that there were shortcomings in the workplace harassment policy or program, corrective action could include revising the policy or program.

What if the alleged harasser has left the workplace?

In some workplaces, incidents and complaints of workplace harassment arising from customers, clients, patients, or the public may be dealt with immediately by a manager or other designated staff person. For example, the alleged harasser may be asked to leave.

The employer should still make sure that the response to the incident or complaint is recorded, and that the worker or workers involved are provided with information about the actions taken.

What if the alleged harasser works for another company?

If the alleged harasser works for another company, there is no requirement for the employer to provide the results of the investigation and any corrective action to him or her.

However, if the finding of an investigation is that workplace harassment did occur, the employer should take steps to prevent the possible future harassment of its own workers.

3.5 Review of Workplace Harassment Program

In order to protect a worker from workplace harassment, an employer is required to review the workplace harassment program as often as necessary, but at least annually, to ensure that it adequately implements the workplace harassment policy [section 32.0.7(1)(c)].

This review should focus on whether the measures and procedures are current and if there are any deficiencies or gaps that need to be addressed. The program may or may not be revised as a result of the review.

The requirement to review the program “as often as necessary” could be triggered if within 12 months of the latest review, an incident, complaint, or investigation revealed:

- deficiencies or gaps in the measures and procedures set out in the program; or
- measures and procedures that were not followed in a particular harassment case.

3.6 Information and Instruction on Workplace Harassment

An employer must provide appropriate information and instruction to workers on the contents of the workplace harassment policy and program, as required by the Occupational Health and Safety Act [section 32.0.7]. Workers could be full-time, contract, casual, temporary, or part-time. The definition of worker in the Occupational Health and Safety Act can include unpaid students, learners and trainees in certain circumstances. Supervisors are also workers.

All workers should be aware of the employer’s policy on workplace harassment. Workers should also:

- know how to report incidents of workplace harassment to the employer or supervisor;
- know how to report incidents of workplace harassment where the employer or supervisor is the alleged harasser;
- know how the employer will investigate and deal with incidents or complaints of workplace harassment;
- know how information about an incident or complaint of workplace harassment will be kept confidential; and
- know that the results of an investigation and any corrective actions will be provided to the worker who alleged harassment and to the alleged harasser (if working for the same employer).

Workers may need other information and instruction on workplace harassment, depending on their jobs. For example, some workers may need to be trained to recognize and respond to harassment or trained in specialized techniques to deal with harassment.

Supervisors may need additional information or instruction, especially if they are going to receive complaints or follow up on reported incidents or complaints of workplace harassment. This could include:

- how to respond appropriately and sensitively to complaints or disclosures of harassment;
- how to collect pertinent information about the complaint;
- how to investigate a complaint or otherwise take action;
- how to deal with confidentiality before, during, and after an investigation;
- how to document an investigation; and
- how to keep records.

Additionally, employers should make sure that any person who is to receive complaints of workplace harassment from workers (for example, a joint health and safety committee member, a union representative, or a person who is designated to receive reports of workplace harassment if the employer or supervisor is the alleged harasser) knows what his or her role is, and what to do with the information received.

When the workplace harassment policy or program is revised, employers may need to provide additional information and instruction to workers.

Employers, supervisors and unions also need to be aware of their responsibilities to prevent and address harassment prohibited under Ontario's Human Rights Code. See Section 4.4 of this guide for more information.

3.7 Inspector's Order

An inspector may order an employer to have an investigation into an incident or complaint of workplace harassment carried out by "an impartial person possessing such knowledge, experience or qualifications as are specified by the inspector". This investigation would be conducted at the expense of the employer, and a written report would be provided to the employer [section 55.3].

An "impartial person" would be someone who is unbiased, with no conflict of interest, and in good standing with their professional body (if applicable). While typically an "impartial person" would likely be someone external to the workplace, in some circumstances it could be someone in the organization, such as from a corporate office or other franchise.

Such individuals could specialize in workplace investigations. They could be human resource professionals, have other professional designations, or they could be licensed as private investigators. Workplaces may also consider contacting health and safety system partners (see Section 4.5).

The inspector would decide the criteria for knowledge, experience or qualifications to be set out in the order. The specific criteria would depend on the circumstances of each case, and could include:

- Knowledge of the workplace harassment and reprisal provisions under the OHSA, and other applicable laws.
- Experience in conducting workplace investigations, dealing with confidentiality and privacy in the context of those investigations, preparing comprehensive reports, and dealing with complex and/or sensitive situations.

Who would be considered to be an “impartial person” under section 55.3?

An “impartial person” would be someone who is unbiased, with no conflict of interest, and in good standing with their professional body (if applicable). While one may expect that an “impartial person” may be someone external to the workplace or organization, in some circumstances it could be someone in the organization.

An example of a person an employer could engage to conduct a workplace investigation, subject to the circumstances of the case and to any criteria set out in the order, could include someone who is:

- from a different branch of the same company;
- from the corporate office; or
- from another related franchise.

Where it would be more appropriate for a third party to investigate, the person could be someone who is:

- a business leader in the community or a business association;
- a certified human resource professional;
- a lawyer; or
- a licensed private investigator.

It should be noted that if someone conducts workplace investigations as a primary part of their business, they need to be properly licensed, usually as a lawyer or a private investigator.

4 Roles and Responsibilities

4.1 Joint Health and Safety Committees /Health and Safety Representatives

Workplace Violence

Joint health and safety committees and health and safety representatives have the same powers and responsibilities for workplace violence hazards as they do for other occupational health and safety hazards under the Occupational Health and Safety Act. For example, their role during a work refusal [section 43] is the same for workplace violence as it is for any other workplace hazard.

These committees and health and safety representatives should also be able to recognize risks of workplace violence in the course of carrying out their regular functions such as inspecting workplaces.

An employer may wish to consult with his or her workplace's joint health and safety committee or health and safety representative when developing workplace violence policies and programs.⁸

Employers must advise the joint health and safety committee or health and safety representative of the results of an assessment of workplace violence risks [section 32.0.3(3)(a)] or the results of a reassessment [section 32.0.3(5)]. See Section 2.3 of this guide for more information about assessing the risks of workplace violence.

Employers must also inform the committee or health and safety representative if a person is killed, critically injured, disabled from performing their usual work, or requires medical attention due to workplace violence [sections 51(1) and 52(1)]. See Section 2.9 of this guide for more information about notices.

For more information, see *A Guide for Joint Health and Safety Committees and Representatives in the Workplace*.

Workplace Harassment

An employer must consult with the joint health and safety committee or health and safety representative, if any, in developing and maintaining the workplace harassment program [section 32.0.6(1)].

⁸ For those workplaces that fall under the Health Care and Residential Facilities Regulation (O. Reg. 67/93) there are specific requirements for consulting with the joint health and safety committee or health and safety representative on certain matters. For more information see sections 8 and 9 of the regulation.

The employer should therefore consult when a workplace harassment program is first being developed and when it is subsequently maintained. Feedback should be documented and may be included in meeting minutes for the joint health and safety committee.

What does “in consultation with” mean?

Where the OHSA or its regulations require that an action be taken in consultation with the joint health and safety committee or health and safety representative, the employer should engage in a meaningful discussion with these parties, and provide all relevant information to them.

The consultation could take place electronically (for example, through posting or emailing the program to solicit feedback from committees or representatives), or during a meeting with the committee or representative.

Consultation is not simply informing the committee or health and safety representative that the employer intends to take action.

There should be a genuine opportunity for the committee or health and safety representative to comment, and those comments should be received and considered in good faith.

4.2 Ministry of Labour

Ministry of Labour health and safety inspectors are appointed under the Occupational Health and Safety Act. They are also appointed as Provincial Offences Officers under the Provincial Offences Act.

They:

- carry out proactive and reactive inspections of provincially regulated workplaces;
- issue requirements or orders where there is a contravention of the Occupational Health and Safety Act or its regulations;
- investigate critical injuries, fatalities, work refusals and health and safety complaints, and
- initiate prosecution under the Provincial Offences Act in respect of offences under the Occupational Health and Safety Act and/or its regulations.

Ministry of Labour health and safety inspectors may check to ensure employers, supervisors and workers are complying with workplace violence and workplace harassment requirements. They may do this as part of a general inspection of a workplace or when investigating a specific complaint or incident. Inspectors may issue written orders to comply with the Act when contraventions are found [section 57].

Ministry inspectors do not resolve or mediate specific allegations of harassment in the workplace. Inspectors do not investigate allegations to determine if the behaviour of any of the individuals involved constitutes workplace harassment as defined by the Act. Inspectors do not have the authority to order individual remedies such as monetary compensation to individuals who experience harassment in the workplace.

See *A Guide to the Occupational Health and Safety Act* for more information on the role of ministry inspectors.

Police may also investigate incidents that fall under the Criminal Code such as assault, sexual assault and criminal harassment. See Section 4.3 of this guide for more information about the role of the police.

4.3 Police

Canada's Criminal Code deals with matters such as assault, sexual assaults, threats of bodily harm and behaviours such as stalking. The police should be contacted immediately when an act of violence has occurred in the workplace or when someone in the workplace is threatened with violence.

4.4 Ontario Human Rights System

Ontario's Human Rights Code is a provincial law that gives everyone equal rights and opportunities without discrimination or harassment in specific areas such as employment, housing and services.

The code's goal is to prevent discrimination and harassment based on the following grounds:

- race
- ancestry
- place of origin
- colour
- ethnic origin
- citizenship
- creed (religion)
- sex (including pregnancy)
- sexual orientation
- gender identity
- gender expression
- age (18 and over, 16 and over in accommodation)
- marital status (including same sex partners)

- family status
- disability
- receipt of public assistance (in accommodation only), and
- record of offences (in employment only).

“Disability” covers a broad range and degree of conditions, some visible and others not. A disability may be present from birth, caused by an accident or developed over time. It may include physical, mental and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions.

Under the Human Rights Code, protection from discrimination or harassment includes past, present and perceived conditions involving disabilities.

For example, a person who experiences discrimination because he or she was an alcoholic in the past is protected. Similarly, a person whose condition does not limit his or her workplace abilities at present, but who may be at greater risk of having limitations in the future, is also protected.

When dealing with workplace violence and harassment, employers should be aware of their responsibilities for people with disabilities under the Human Rights Code.

Under the Code, employers have an obligation to keep the workplace free of discrimination and harassment related to one or more of the Code’s protected grounds. The Code also prohibits unwelcome sexual solicitation by a person who is in a position to confer, grant or deny a benefit or advancement, or a reprisal or threat of reprisal made in this context.

Employers, supervisors and workers may be held liable under Ontario’s human rights system if harassment occurs in the workplace or at work-related functions. They may also be liable for failing to take proper steps to address and prevent that harassment.

Ontario’s human rights system consists of three separate and independent parts. They are the:

- **Human Rights Tribunal of Ontario**, which decides if someone’s human rights have been violated. If a person thinks his or her rights under the Code have been violated, he or she can file an application directly with the tribunal and it will decide the best way to deal with the situation.
- **Human Rights Legal Support Centre**, which helps people who file applications with the tribunal. Services may include advice, support and legal representation.
- **Ontario Human Rights Commission**, which provides leadership for the promotion, protection and advancement of human rights, and builds partnerships across the human rights system. This includes developing policies and providing targeted public education, monitoring human rights, doing research and analysis, and conducting human rights inquiries. In matters affecting the broad public interest, it may take its own cases to the tribunal or intervene in human rights cases before the tribunal.

An employer who wishes to learn more about his or her obligations under the Code should visit the website of the Commission or the Tribunal.

A worker who believes that a matter involving protected grounds was not properly addressed by his or her workplace may contact the Human Rights Legal Support Centre for help, or the Tribunal directly, to file an application.

4.5 Health and Safety System Partners

Ontario's health and safety system partners can provide information, products, services and training programs to help workplaces comply with the workplace violence and workplace harassment provisions in the Occupational Health and Safety Act. For more information, visit the ministry's website (ontario.ca/labour).

5 Sample Workplace Violence Policy

The management of _____ (*insert company name*) is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. We will take whatever steps are reasonable to protect our workers from workplace violence from all sources. ***(The workplace may wish to insert the Occupational Health and Safety Act's definition of workplace violence and to list the sources of workplace violence.)***

Violent behaviour in the workplace is unacceptable from anyone. This policy applies to ***(the workplace may wish to list who this policy applies to, especially if it applies to people other than workers such as visitors, clients, delivery persons and volunteers, etc.)***. Everyone is expected to uphold this policy and to work together to prevent workplace violence.

There is a workplace violence program that implements this policy. It includes measures and procedures to protect workers from workplace violence, a means of summoning immediate assistance and a process for workers to report incidents, or raise concerns. ***(The workplace may wish to specify and expand upon the components of the workplace violence program here.)***

_____, (*insert company name*) as the employer, will ensure this policy and the supporting program are implemented and maintained. All workers and supervisors will receive appropriate information and instruction on the contents of the policy and program.

Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the information they need to protect themselves.

Every worker must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats. ***(The workplace may wish to provide more information about how to report incidents, and may wish to emphasize there will be no negative consequences for reports made in good faith.)***

Management pledges to investigate and deal with all incidents and complaints of workplace violence in a fair and timely manner, respecting the privacy of all concerned as much as possible. ***(The workplace may wish to provide more information about how incidents and complaints will be investigated and/or dealt with.)***

Signed: _____ (Signature of the highest management level)

Date: _____

The workplace harassment policy should be consulted whenever there are concerns about harassment in the workplace.

6 Examples of Measures and Procedures for Workplace Violence Programs

The workplace violence program required by section 32.0.2 of the Occupational Health and Safety Act must include four elements.

This document suggests measures, procedures and processes for each of the mandatory elements. In addition, there are suggestions for additional elements that could be included in the program.

General

The workplace violence program should clearly indicate the roles and responsibilities of employers, supervisors, workers and others in the measures, procedures and processes.

The program should include the workplace violence definition from the Occupational Health and Safety Act, and should clearly indicate the actions or behaviours that are covered by it.

An assessment of risks arising from the nature of the workplace, type and conditions of work must inform the development of the workplace violence program. The assessment must take circumstances specific to the workplace and common to similar workplaces into account. The risks must be reassessed as often as is necessary to ensure the related policy and program continue to protect workers.

Required Element: Measures and procedures to control the risks of workplace violence identified in the risk assessment as likely to expose a worker to physical injury

Measures and procedures may include:

- safe work procedures;
- personal protective equipment;
- design or physical layout of the workplace such as doors with clear windows, adequate lighting, location and structure of counters, barriers, etc.;
- emergency procedures that would be relevant to violent or potentially violent incidents, such as designated safe locations for emergency situations or lockdown procedures;
- procedures for informing workers of a person with a history of violence, as appropriate in the circumstances, or potentially violent situations
- worker training on the measures, procedures and processes set out in the workplace violence policy and program;
- worker training on managing a person who may become aggressive or violent.

Required Element: Measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur

Measures and procedures may include:

- equipment to summon assistance such as fixed or personal alarms, locator or tracking systems, phones, cell phones, etc.;
- positioning workers within calling distance of each other;
- emergency telephone numbers and/or e-mail addresses.

Required Element: Measures and procedures for workers to report incidents of workplace violence to the employer or supervisor

Measures and procedures may include:

- how, when and to whom a worker should report incidents or threats;
- forms or other reporting mechanisms (there could be different reporting processes depending on the source of the violence);
- the type of information to be collected (e.g., the details of the incident, names of the workers and others involved in or witness to the incident, date of the incident);
- roles and responsibilities of employers, supervisors, workers, joint health and safety committees, health and safety representatives and others in the incident reporting process;
- when the incident requires external reporting (i.e. to the police, Workplace Safety and Insurance Board, Ministry of Labour, etc.).

Required Element: How the employer will investigate and deal with incidents or complaints of workplace violence

This may include:

- how and when investigations will be conducted;
- information about the roles and responsibilities of employers, supervisors, workers, joint health and safety committees, health and safety representatives and others in the investigation process;
- the type of information that will be collected during an investigation,
- guidance on confidentiality and disclosure of information;

- how the workplace will deal with incidents of workplace violence;
- timeframes for investigations and any corrective actions;
- how records about the incident and investigation will be stored and managed.

Additional Workplace Violence Program Elements

In addition to the mandatory elements above, a workplace violence program could also include information to support compliance with requirements in the Occupational Health and Safety Act, such as:

- measures and procedures for assessing risks of workplace violence;
- procedures for reviewing the workplace violence policy and maintaining the workplace violence program;
- training plans.

A program could also include additional measures, procedures and processes, depending on the circumstances of a particular workplace.

For example, a program could include:

- posting of a “code of conduct” for anyone in the workplace, setting out expectations on behaviour in the workplace and consequences of violating those expectations;
- information about an Employee Assistance Program (EAP) or a peer helper program and their role in workplace violence situations;
- post-traumatic stress prevention and response procedures;
- domestic or sexual violence response and support plans;
- workplace violence awareness training;
- regular monitoring of the workplace for violence issues.

7 Sample Workplace Harassment Policy

From the Code of Practice:

<insert employer name> is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace (including customers, clients, other employers, supervisors, workers and members of the public, as applicable).

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 or workplace sexual harassment. **Workplace sexual harassment** means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Workers are encouraged to report any incidents of workplace harassment to the appropriate person. *(Employer may specify the person or department to report any incident(s) of workplace harassment.)*

Management will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

Managers, supervisors and workers are expected to adhere to this policy, and will be held responsible by the employer for not following it. Workers are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment.

If a worker needs further assistance, he or she may contact *<insert union (if any), JHSC or health and safety representative (if any), Human Rights Legal Support Centre or employee assistance program if available>.*

Signed or Approved by: *<highest level of management of the employer or at the workplace>.*

8 Sample Workplace Harassment Program

From the Code of Practice:

This workplace harassment program is a sample. Employers may want to modify their program to meet the needs of the workplace. The program must be developed in consultation with the joint health and safety committee and health and safety representative (if any).

<insert employer name> is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment will not be tolerated from any person in the workplace *(including customers, clients, other employers, supervisors, workers, and members of the public, as applicable)*.

The workplace harassment program applies to all workers including managers, supervisors, temporary employees, students and subcontractors.

1. Workplace Harassment

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 or workplace sexual harassment. *(employer may want to insert examples)*

Workplace sexual harassment means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Reasonable action taken by the employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment. *(employer may want to insert examples e.g. scheduling, annual performance review)*

2. Reporting Workplace Harassment

a. How to Report Workplace Harassment

Workers can report incidents or complaints of workplace harassment verbally or in writing. When submitting a written complaint, please use the workplace harassment complaint form (see attached). When reporting verbally, the reporting contact, along with the worker complaining of harassment, will fill out the complaint form.

The report of the incident should include the following information:

- i. Name(s) of the worker who has allegedly experienced workplace harassment and contact information
- ii. Name of the alleged harasser(s), position and contact information (if known)
- iii. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- iv. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
 - a. Any supporting documents the worker who complains of harassment may have in his/her possession that is relevant to the complaint.
 - b. List any documents a witness, another person or the alleged harasser may have in their possession that is relevant to the complaint.

b. Who to Report Workplace Harassment?

An incident or a complaint of workplace harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report a workplace harassment incident or complaint to *<name, position, and contact information>*. If the worker's supervisor, or the reporting contact is the person engaging the workplace harassment, contact *<position or name of alternate reporting contact and contact information>*. If employer (e.g. owner, senior executive, director) is the person engaging the workplace harassment, contact *<position or name of alternate reporting contact and contact information>*. (Note: The person designated as the reporting contact should not be under the direct control of the alleged harasser.)

Human Resources *<or designated person>* shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. If the incident or complaint involves the owner, senior executive or *<list positions as appropriate>*, an external person qualified to conduct a workplace harassment investigation who has knowledge of the relevant workplace harassment laws will be retained to conduct the investigation.

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

3. Investigation

a. Commitment to Investigate

<insert employer name> will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

b. Who Will Investigate

<insert name, manager or department> will determine who will conduct the investigation into the incident or complaint of workplace harassment. If the allegations of workplace harassment involve <insert jobs, positions, levels or departments (e.g. senior leadership, president and above)>, the employer will refer the investigation to an external investigator to conduct an impartial investigation.

c. Timing of the Investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

d. Investigation Process

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

- i. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. The investigator must thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- iii. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker. In some circumstances, the worker who allegedly experienced the workplace harassment should be given a reasonable opportunity to reply.
- iv. The investigator must interview any relevant witnesses employed by the employer who may be identified by either the worker who allegedly experienced the workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- v. The investigator must collect and review any relevant documents.
- vi. The investigator must take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser and any witnesses.

vii. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

e. Results of the Investigation

Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment.

f. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

g. Handling Complaints

<The employer must set out any interim measures that may be taken after the complaint is received and during the investigation. The employer must also set out how they might deal with the complaint of harassment if harassment is found. This may include discipline up to and including termination.>

4. Record-Keeping

The employer (human resources or designated person) will keep records of the investigation including:

- a) a copy of the complaint or details about the incident;
- b) a record of the investigation including notes;

- c) a copy of the investigation report (if any);
- d) a summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
- e) a copy of any corrective action taken to address the complaint or incident of workplace harassment.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

Records will be kept for *<insert timeframe that is at least one year>*.

Date created: _____ Annual review date: _____

9 Ministry of Labour Contact Information

Ministry of Labour Health & Safety Contact Centre

Toll-free: 1-877-202-0008

TTY: 1-855-653-9260

Fax: 905-577-1316

- Call any time to report critical injuries, fatalities or work refusals.
- Call 8:30 a.m. – 5:00 p.m., Monday – Friday, for general inquiries about workplace health and safety.
- In an emergency, always call 911 immediately.

Employment Standards Information Centre

GTA: 416-326-7160

Canada-wide: 1-800-531-5551

TTY: 1-866-567-8893

- Public Holiday Pay, Unpaid Wages, Termination Pay
- Minimum Wage, Hours of Work, Leaves, Vacations
- Filing an Employment Standards Claim

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