

BACKGROUND INFORMATION

The Ontario Legislature has passed amendments to the Occupational Health and Safety Act (OHSA) to help protect workers against workplace violence. Bill 168 became law on June 15, 2010. The legislation not only enhances protection against workplace violence, but also addresses workplace harassment. It applies to all Ontario workplaces currently covered by the OHSA.

Background

Workplace violence can have tremendous consequences for society, workers and their families. It can also lead to increased costs for employers, increased absences from work and lower productivity.

A 2004 Statistics Canada survey entitled [*Criminal Victimization in the Workplace*](#) found 17 per cent of violent incidents in Canada occur at the workplace. This represents about 356,000 incidents of workplace violence in a 12-month period across Canada. At the University of Ottawa, the numbers of incidents reported to WSIB have been extremely low (2 in 5 years).

The Ministry of Labour currently addresses issues of workplace violence that fall within the jurisdiction of the OHSA through enforcement of an employer's general duties, such as the duty to take every precaution reasonable in the circumstances for the protection of a worker.

Between April 1, 2008 and March 31, 2009, inspectors made 417 field visits and issued 351 OHSA orders related to violence in the workplace.

In the Fall of 2008, the Ministry of Labour held a public consultation to review the OHSA requirements that related to workplace violence and to assess whether those requirements needed to be clarified or enhanced.

The primary purpose of the OHSA is to protect workers from hazards in the workplace, including hazards involving workplace violence. All employers have a general duty under the OHSA to take every reasonable precaution in a given situation to protect their workers. They must also provide information, instruction and supervision to workers to protect their health and safety.

The definitions of workplace violence and harassment are broad enough to capture violence or harassment directed toward a worker at a workplace from any person, including customers, students, clients, patients, co-workers, friends, current or former family members and strangers.

The amendments include:

- New definitions of workplace violence and workplace harassment
- A requirement for employers to prepare policies on workplace violence and harassment and develop and maintain programs to implement them

- A requirement for employers to assess the risks of workplace violence based on the nature of the workplace and type or conditions of work, and develop measures and procedures to control them
- A requirement for employers and supervisors to alert certain workers of the risk of workplace violence from persons with a history of violent behaviour or if a domestic dispute impacts the workplace.
- A requirement for the workplace's Joint Health and Safety Committee and others to be notified if a worker is disabled or needs medical attention due to workplace violence.

Enforcement

Health and safety inspectors for the Ministry of Labour will enforce the new workplace violence and harassment provisions in the OHSA. The amendments do not affect the work of police and our Protection Services, who will continue to deal with violent individuals and matters under the Criminal Code.

The ministry is currently working with its partners in the occupational health and safety system, as well as with the [Ontario Women's Directorate](#), to develop resources and tools to provide support for employers and workers and raise public awareness of rights and responsibilities concerning workplace violence and harassment.

Workplace violence and harassment will be issues considered in the development of the ministry's [Safe At Work Ontario](#) compliance strategy.

[Safe At Work Ontario](#) seeks to:

- improve workplace health and safety culture
- reduce workplace injuries and illness
- reduce the burden on the health care system
- avoid costs for employers and the Workplace Safety and Insurance Board, and
- provide a level playing field for compliant companies