**Workplace Violence and Workplace Harassment**

Everyone should be able to work in a safe and healthy workplace. The [Occupational Health and Safety Act](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm) sets out roles and responsibilities for workplace parties with respect to workplace violence and workplace harassment, including developing and implementing policies and programs.

**Definitions**

**Workplace violence means:**

* The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
* An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
* A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

**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.

Workplace harassment may include bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls.

**Workplace violence**

**Assessment**

Employers must proactively assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. Measures and procedures to control these risks must be included in the workplace violence program. Employers must advise the Joint Health and Safety Committee or health and safety representative, if any, or workers, of the results of the assessment, and provide a written copy, if available.

**Policy and program**

Employers must prepare a policy with respect to workplace violence, and develop and maintain a program to implement the policy. Employers must provide information and instruction to workers on the contents of these policies and programs.

The workplace violence program must include measures and procedures for:

* controlling risks identified in the assessment of risks,
* summoning immediate assistance when workplace violence occurs or is likely to occur, and
* workers to report incidents of workplace violence.

Workplace violence programs must also set out how the employer will investigate and deal with incidents or complaints of workplace violence.

**Domestic violence**

Employers who are aware, or ought reasonably to be aware, that domestic violence may occur in the workplace must take every precaution reasonable in the circumstances to protect a worker at risk of physical injury.

**Communication**

Employers and supervisors must provide information to a worker about a risk of workplace violence from a person with a history of violent behaviour if the worker can expect to encounter that person in the course of work, and if the worker may be at risk of physical injury. Personal information may be disclosed, but only what is reasonably necessary to protect the worker from physical injury.

**Work refusal**

Workers have the right to refuse work if they have a reason to believe they are in danger from workplace violence. For certain workers who protect public safety, this right is limited.

**Duties**

The OHSA sets out general duties for an employer under Section 25, for a supervisor under Section 27, and for a worker under Section 28. These general duties also apply, as appropriate, to workplace violence.

**Workplace harassment**

**Assessment**

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

**Policy and program**

Employers must prepare a policy with respect to workplace harassment, and develop and maintain a program to implement the policy. Employers must provide information and instruction to workers on the contents of the policy and program.

The workplace harassment program must include measures and procedures for workers to report incidents of workplace harassment and set out how the employer will investigate and deal with incidents or complaints.

These requirements help employers, supervisors and workers to recognize and deal with workplace harassment promptly, before it escalates into possible workplace violence.

Health and safety inspectors cannot investigate, resolve or mediate individual cases of workplace harassment or order an employer to deal with an individual case of workplace harassment.

**Work refusal**

The right to refuse work under the OHSA does not apply with respect to workplace harassment.

**Duties**

The OHSA does not stipulate that the general duties of employers, supervisors and workers under sections 25, 27 and 28 apply with respect to workplace harassment.

**Additional responsibilities**

Employers, supervisors and unions also have responsibilities to prevent and address harassment prohibited under [Ontario's Human Rights Code](http://www.ohrc.on.ca/en/ontario-human-rights-code).

* A worker may seek to resolve a workplace harassment incident or complaint outside of the employer's internal investigation process, particularly where he or she believes the matter was not properly dealt with. For example, a worker may seek resolution through the grievance arbitration process (if they are represented by a union) or through civil litigation, depending on the circumstances. If the matter involves harassment on prohibited grounds, he or she may wish to contact the [Human Rights Legal Support Centre](http://www.hrlsc.on.ca/en/Default.aspx) for help, or the [Human Rights Tribunal](http://www.hrto.ca/hrto/?q=en) directly to file an application to have the matter heard.

**Calling the Ministry of Labour**

The Ministry of Labour enforces Ontario's [Occupational Health and Safety Act](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm). The Ministry encourages internal workplace resolution of complaints. Where possible, workplace health and safety complaints should first be brought to the attention of the supervisor or employer, to the Joint Health and Safety Committee, if there is one, or to the health and safety representative if any.

If an employer is not complying with the workplace violence and workplace harassment requirements in the OHSA, workers should call the ministry's province-wide Occupational Health and Safety Contact Centre toll-free at 1-877-202-0008 to file a complaint. Individuals who wish to remain anonymous may do so. The ministry can visit the workplace to assess whether the employer has a workplace harassment and violence policy and program in place. For related information, please visit the Ministry of Labour's webpage at [ontario.ca/workplaceviolence](http://www.labour.gov.on.ca/english/hs/topics/workplaceviolence.php).

The employer duty to notify the Ministry of Labour when a person is critically injured or killed in a workplace includes situations when the cause is workplace violence.

**Always contact police first in emergency situations, if threats or actual violence occurs at a workplace.**