

**Amendments to the *Occupational Health and Safety Act (OHSA)*
Workplace Violence and Harassment Legislation Chart**

| | Workplace Violence | Workplace Harassment |
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| Definition | <p>Workplace violence means:</p> <p>(a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.</p> <p>(b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.</p> <p>(c) 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.</p> | <p>Workplace harassment means:</p> <p>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.</p> |
| Policy | An employer with more than five workers must prepare and post at a conspicuous place in the workplace a written policy, and review the policy as often as is necessary, but at least annually. | An employer with more than five workers must prepare and post at a conspicuous place in the workplace a written policy and review the policy as often as is necessary, but at least annually. |
| Program | <p>An employer shall develop and maintain a program to implement the policy with respect to workplace violence.</p> <p>Contents</p> <p>....the program shall,</p> <p>(a) Include measures and procedures to control the risks identified in the risk assessment required....as likely to expose a worker to physical injury.</p> <p>(b) Include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur.</p> <p>(c) Include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor.</p> | <p>An employer shall develop and maintain a program to implement the policy with respect to workplace harassment.</p> <p>Contents</p> <p>...the program shall,</p> <p>(a) Include measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor.</p> <p>(b) Set out how the employer will investigate and deal with incidents and complaints of workplace harassment.</p> <p>(c) Include any prescribed elements.</p> |

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| | <p>(d) Set out how the employer will investigate and deal with incidents or complaints of workplace violence.</p> <p>Note: For greater certainty, the employer duties set out in section 25, the supervisor duties set out in section 27, and the worker duties set out in section 28 apply, as appropriate, with respect to workplace violence.</p> <p>Note: The <i>Health Care and Residential Facilities Regulation</i> requires most health care employers (all long-term care homes and hospitals) to develop written measures and procedures in consultation with the JHSC or health and safety representative (HSR).</p> | <p>Note: The <i>Health Care and Residential Facilities Regulation</i> requires most health care employers (all long-term care homes and hospitals) to develop written measures and procedures in consultation with the JHSC or health and safety representative (HSR).</p> |
| <p>Risk Assessment</p> | <p>An employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.</p> <p>Considerations</p> <p>(2) The assessment shall take into account,</p> <p>(a) Circumstances that would be common to similar workplaces.</p> <p>(b) Circumstances specific to the workplace.</p> <p>(c) Any other prescribed elements.</p> <p>Results</p> <p>An employer shall,</p> <p>(a) Advise the committee or a health and safety representative, if any, of the results of the assessment, and provide a copy if the assessment is in writing.</p> <p>(b) If there is no committee or health and safety representative, advise the</p> | |

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| | <p>workers of the results of the assessment and, if the assessment is in writing, provide copies on request or advise the workers how to obtain copies.</p> <p>Reassessment</p> <p>(4) An employer shall reassess the risks of workplace violence as often as is necessary to ensure that the violence policy and the related program continue to protect workers from workplace violence.</p> <p>Same</p> <p>(5) Subsection (3) also applies with respect to the results of the reassessment.</p> | |
| Training | <p>An employer shall provide a worker with,</p> <p>(a) Information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence.</p> <p>(b) Any other prescribed information or instruction.</p> <p>Note: The <i>Health Care and Residential Facilities Regulation</i> requires most health care employers (e.g. all long-term care homes and hospitals) to develop training and educational programs in consultation with the JHSC or health and safety representative (HSP).</p> | <p>An employer shall provide a worker with,</p> <p>(a) Information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment.</p> <p>(b) Any other prescribed information.</p> |
| History of Violence | <p>An employer's duty to provide information to a worker include the duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if,</p> <p>(a) The worker can be expected to encounter that person in the course of</p> | |

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| | <p>his or her work.</p> <p>(b) The risk of workplace violence is likely to expose the worker to physical injury.</p> <p>Limit on disclosure</p> <p>No employer or supervisor shall disclose more personal information than is reasonably necessary to protect the worker from physical injury.</p> | |
| <p>Right to Refuse</p> | <p>The right to refuse unsafe work under section 43 of the <i>Act</i> now explicitly acknowledges violence:</p> <p>(3) A worker may refuse to work or do particular work where he or she has reason to believe that,</p> <p>(b.1) Workplace violence is likely to endanger himself or herself.</p> <p>Until the investigation is completed, the worker shall remain,</p> <p>(a) In a safe place that is as near as reasonably possible to his or her work station.</p> <p>(b) Available to the employer or supervisor for the purposes of the investigation.</p> <p>Note: Health care workers (e.g. workers in long-term care homes and hospitals) are still subject under the <i>OHSA</i> to a limited right to refuse. Community care workers are not limited in this right. However, all health care workers must still consider their obligations to their respective regulatory body.</p> | |
| <p>Domestic Violence</p> | <p>If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the</p> | |

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| | employer shall take every precaution reasonable in the circumstances for the protection of the worker. | |
| Duties under the <i>OHSA</i> Regarding Violence | The <i>Act</i> clarifies that the employer duties in section 25, the supervisor duties in section 27 and the worker duties in section 28 apply, as appropriate, with respect to workplace violence. | |
| Notices | Section 52(1) is amended to explicitly require reporting of disablement from "incident of workplace violence." | |