



THE LAWRENCES[®] LETTER

News and information for clients and friends of Lawrence, Lawrence, Stevenson LLP

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EMPLOYMENT AND LABOUR LAW

Preventing Violence and Harassment at Work

Karie Ann Benham

Janet manages a dry cleaning branch that employs six people in different shifts. On receiving government notices about new regulations concerning violence and harassment in the workplace, she calls her regional manager for guidance. He tells her, "Oh, you don't have to worry about that. It's just for big places like factories and hospitals." Janet responds: "But it says here that any workplace with five or more employees has to comply with these regulations."

Janet is correct.

Amid growing concerns about violence and harassment in the workplace, the Ontario government recently amended the *Occupational Health and Safety Act* (OHSA). The amendments (Bill 168) came into force on June 15, 2010 and impose significant obligations on employers of five or more workers in Ontario.

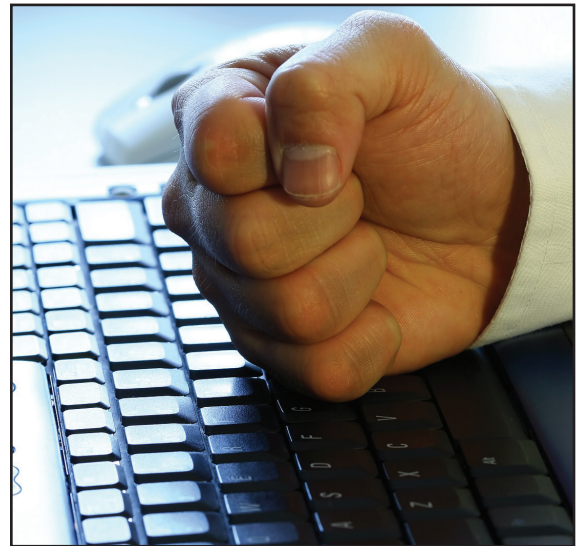
Employers found guilty of breaching these new OHSA provisions can be subject to fines of up to \$500,000 per conviction. Individual employees and supervisors can be fined up to \$25,000 per breach and be subject to 12 months' imprisonment. In light of over \$1 million in fines recently levied against a Canadian company for breaches of the OHSA, Ontario employers would be wise to take a proactive approach.

Required Policies and Programs

Bill 168 requires employers to identify potential sources of violence and harassment in their workplaces, and then implement comprehensive policies and programs to protect their workers.

Drafting and posting a simple workplace violence and harassment policy is only the first step toward compliance. Programs must monitor and control any associated risks and include procedures for reporting, investigating and resolving incidents or complaints of violence and/or harassment in the workplace.

Employers must also reassess the workplace for violence risks as often as necessary to ensure effective protection for workers.



Employee Education and Training

Training employees how to interpret and use these policies and programs, especially those employees in a supervisory or managerial role, is critical to the prevention and appropriate handling of workplace violence or harassment.

Under the new Act, supervisors must advise workers about the existence of any potential or actual danger to their health or safety of which the supervisor is aware. In some cases, this involves disclosing certain personal information, which can raise potential privacy concerns. It would be prudent to consult an employment lawyer for guidance.

Our lawyers are familiar with the obligations created by Bill 168 and can help your organization implement a comprehensive and effective program to address potential violence and harassment in your workplace. We also offer on-site training for your employees.



Karie Ann Benham is an associate in Lawrences' Litigation Group. Her practice is focused on all aspects of employment, labour, human rights, and health and safety law. She can be reached at (905) 452-6878 or kbenham@lawrences.com

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