



WORKPLACE HARASSMENT AND VIOLENCE

KNOW YOUR

RIGHTS SERIES

This information deals specifically with harassment, discrimination and violence experienced while working at your job. There are different kinds of harassment and different protections for each. This information will help you understand which steps to take and who to contact if there is a problem at work.

NEW PROTECTIONS UNDER THE LAW EFFECTIVE JUNE 2010

Changes to the Occupational Health and Safety Act address workplace violence and workplace harassment in all workplaces in Ontario. These changes are meant to make workplaces safer and employers more responsible for protecting their employees from harassment and violence. These changes will not deal directly with the harassment or violence, but only ensure your employer is taking steps to make the workplace safer. Know what steps to take if you are facing harassment or violence at work.

Under the new legislation, employers are required to develop:

- Workplace harassment and violence policies and programs to implement them.
- Information for workers on the content of these policies and programs.
- Procedures for workers to report incidents or complaints of workplace harassment or violence.
- Procedures to investigate any reports, incidents or complaints of workplace harassment or violence.

Workplace violence programs:

- Must include procedures to deal with emergency situations where violence has occurred or is likely to occur. For example, how to summon immediate help in an emergency situation.
- Employers must be proactive about assessing the risks of workplace violence. They must then outline how they will control possible incidences of violence in your workplace.
- Where an employer knows about an individual with a history of violent behavior that you may come across as part of your work, they must make you aware in order to protect you from physical harm.

When an employer is aware, or should reasonably be aware, that **domestic violence** could occur in the workplace, they are required to respond and take every precaution to protect a worker from physical harm. You should be protected even if the abuser is not a co-worker.

What is the difference between workplace violence and workplace harassment?

Workplace Violence

This could mean a person using physical force against you while at work that causes or could cause physical harm. Even if they only attempt to use physical force against you that causes or could cause physical harm, this is workplace violence. A statement or any behavior that a worker could reasonably believe to be a threat of physical harm in the workplace may also be workplace violence.

Workplace Harassment

This is when a person carries out a certain behavior towards you at work that they should “reasonably know to be unwelcome”. This could mean a person teasing you, yelling at you, bullying you, sending you offensive jokes or materials or intimidating you. This kind of harassment is not covered under the Human Rights Code unless it is happening because of one of the grounds of discrimination listed in the Code.

HUMAN RIGHTS DISCRIMINATION AND WORKPLACE HARASSMENT

The Human Rights Code prohibits workplace discrimination and harassment based on race, colour, ethnicity, country of origin, age, sex, sexual orientation, disability, marital and family status, religion and citizenship and pardoned criminal offences.

A worker who believes they have faced discrimination and harassment based on a human rights ground can file a complaint with the Human Rights Tribunal. If you make a complaint at the Ontario Human Rights Tribunal, you have one year from the incident to file a complaint.

PROTECT YOURSELF

- Be safe. If you feel in any danger, you should contact the police right away. They are the only ones who can send a response unit to your workplace to deal with emergencies.
- Under the Occupational Health and Safety Act you have the right to refuse work if you believe you are in danger from workplace violence. Your boss should not penalize you for refusing. Certain workers have only a limited right to refuse (examples are police officers, firefighters).
- Speak to your boss or supervisor. They should take action to ensure you are safe at work. Write down the actions of your employer. If your employer does not take action to stop the problem, you could report the situation to the Ministry of Labour.
- The Ministry of Labour Occupational Health and Safety branch will determine if your employer is following their obligations under the Occupational Health and Safety Act as outlined above. There are many guidelines and rules for employers under these new changes.
- Write down everything about the discrimination, harassment or violent incident. This could help you later if you decide to make a complaint. If you feel forced to quit, it may help you receive Employment Insurance and/or termination and severance pay.
- Call the Workers Action Centre to discuss a strategy to approach your boss and ensure your safety. All calls are confidential.

GET SUPPORT

Workers' Action Centre

For more information on your rights at work and support to make a plan.

416-531-0778 or

www.workersactioncentre.org

Toronto Workers' Health and Safety Legal Clinic

For information on health and safety.

416-971-8832 or www.workers-safety.ca

Ministry of Labour, Occupational Health and Safety Branch

For information on health and safety at work and enforcement of the new changes. Toll Free 1-800-268-8013 or

www.labour.gov.on.ca

Assaulted Women's Helpline

Phoneline that supports women in violent situations. Multiple languages.

1-866-863-0511

Human Rights Legal Support Centre

Provides human rights legal services if you feel you have experienced discrimination. Toll Free 1-866-625-5179 or www.hrlsc.on.ca



416-531-0778 | info@workersactioncentre.org
www.workersactioncentre.org

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