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Preventing Workplace Violence: Ontario Looks at Amending the *Occupational Health and Safety Act*

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On September 17, 2008, the Ontario Ministry of Labour released a *Consultation Paper on Workplace Violence Prevention*. The Consultation Paper seeks input from workplace parties on whether and how Ontario should address workplace violence under the *Occupational Health and Safety Act* ("OHSA").

The Consultation Paper asks for input on whether OHSA should be amended to provide for a definition of workplace violence, and whether OHSA should set out specific requirements for employers to address workplace violence.

In addition, the Ministry of Labour wants input on whether a worker should be able to refuse work because of violence or a threat of violence. Finally, the Paper also seeks input on whether sector-specific requirements are needed, and whether domestic violence should be addressed.

Currently, there is no specific legislation addressing workplace violence in Ontario. However, section 25(2)(h) of the *Occupational Health and Safety Act* provides that an employer shall "take every precaution reasonable in the circumstances for the protection of a worker". The Consultation Paper appears to be in response to growing pressure for Ontario to enact specific legislation.

Earlier this year the Federal Government amended the *Occupational Health and Safety Regulations* under the *Canada Labour Code* to address workplace violence prevention. Other provinces such as British Columbia, Alberta, Manitoba, Prince Edward Island, Saskatchewan and Nova Scotia have recently enacted specific workplace violence regulations under their respective occupational health and safety legislation. Quebec has legislation to address psychological harassment in the workplace.

The Ontario Ministry of Labour is accepting submissions on the Consultation Paper until October 17, 2008.

If you have any questions about the Consultation Paper or workplace violence prevention generally, please contact Meghan Ferguson, or contact your regular Hicks Morley lawyer.

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