### Human Resources Legislative Update

## Employer Workplace Harassment Obligations Coming Into Force September 8, 2016

**Date:** August 18, 2016

On September 8, 2016, changes to the *Occupational Health and Safety Act* are coming into force which place additional duties on employers with respect to the prevention of workplace harassment. As previously reported, these changes have been brought about by Bill 132, *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016.*

Among other things, the amendments:

- change the definition of “workplace harassment” to include “sexual harassment”
- require an employer to develop and maintain a workplace harassment program in consultation with its joint health and safety committee or health and safety representative, if any
- require an employer to establish a complaint mechanism for reporting complaints or incidents of workplace harassment and an investigation procedure to deal with such complaints or incidents
- require that an employer notify a complainant and respondent in writing of the results of an investigation and any corrective action taken
- provide a health and safety inspector with the power to order an employer, at its own expense, to have an investigation done into a complaint or incident of workplace harassment by an impartial third person.

The Ministry of Labour has issued a Code of Practice with respect to these legislative changes. See our *FTR Now* of August 17, 2016 Ministry Releases Code of Practice to Guide Employers in New Workplace Harassment Obligations for more information.