

Human Resources Legislative Update

Reminder: New Employer Workplace Harassment Obligations Now in Force

Date: September 8, 2016

Effective today, significant reforms to the *Occupational Health and Safety Act* (OHSA) are in force, placing additional duties on employers with respect to the prevention of workplace harassment. [As previously reported](#), these changes were outlined in 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 OHSA 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 [Code of Practice](#) – which we discuss in our *FTR Now* of August 17, 2016 [Ministry Releases Code of Practice to Guide Employers in New Workplace Harassment Obligations](#) – provides further guidance with respect to implementation of these significant reforms.