FTR Now

Ontario Announces New Sexual Violence and Harassment Intervention Training for Bartenders and Servers

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The next phase of Ontario's Action Plan to Stop Sexual Violence and Harassment begins with the launch of targeted training initiatives for frontline hospitality industry employees. Are you prepared?

On September 8, 2016, significant amendments to Ontario's *Occupational Health and Safety Act* (OHSA) outlined in the *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)* came into force. In addition to these legislative reforms – and in accordance with earlier commitments made in its 2015 Action Plan to Stop Sexual Violence and Harassment – the government announced the launch of frontline training projects for bartender and server employees in the hospitality industry, to be developed by the Ontario Restaurant Hotel & Motel Association (ORHMA).

In this *FTR Now*, we outline details of the new ORHMA training initiative and what steps hospitality industry employers should be taking to achieve compliance with the new legislative framework.

Background on the New Bill 132 Amendments to OHSA

As we previously reported, the *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)* implemented key changes to the OHSA. Effective September 8, 2016, these reforms change the definition of "workplace harassment" to include "sexual harassment," and impose new obligations on employers in relation to workplace harassment programs to, among other things:

- develop and maintain a workplace harassment program in consultation with its joint health and safety committee or health and safety representative, if any
- establish a complaint mechanism for reporting complaints or incidents of workplace harassment and an investigation procedure to deal with such complaints or incidents
- notify a complainant and respondent in writing of the results of an investigation and any corrective action taken.

The Ministry of Labour issued a subsequent Code of Practice, providing employers with further guidance on the practical application of these new obligations, as outlined in our August 17, 2016 publication, Ministry Releases Code of Practice to Guide Employers in New Workplace Harassment Obligations.

New Hospitality Training Programs

On September 8, 2016, the government announced funding for the development of six sexual violence and harassment training projects over the next three years. One of these six projects will be developed by ORHMA, for the purpose of "training workers in the hospitality industry to recognize and intervene when they witness sexual violence or harassment in the workplace or among patrons."

In addition, ORHMA will collaborate with Tourism HR Canada on the development of online training for servers, bartenders and management in the food and beverage industry, intended to "improve safety for workers and patrons in establishments serving alcohol."

Next Steps for Hospitality Industry Employers

While specific timing on roll-out of the new training initiatives remains unclear, prudent employers in the hospitality industry are well-advised to take proactive measures in light of this important announcement to ensure compliance with the new legislative framework that is now in place. These include:

- Review of existing policies and training protocols to ensure workplace harassment policies and programs are consistent with the new OHSA requirements
- Review of workplace violence risk assessment, taking into account possible sexual violence in the workplace
- Review of investigation protocols, including investigation training, reporting and record-keeping protocols
- Review of frontline sever, bartender and patron safety training protocols in all establishments serving alcohol
- Review of employee communications, from posting to provision of information and instruction on policies and the program
- Audit of current training of frontline workers, as well as managers and supervisors
- Implementation of training on the new workplace harassment investigation reforms for managers and supervisors.

Should you have any questions or require further information, or if you would like to implement training at your organization, please contact Donna M. D'Andrea at 416.864.7275 or your regular Hicks Morley lawyer.

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