

Respectful Workplace

Preventing Violence and Harassment

Bill 168

OHSA



“respect for self
respect for **others**
responsibility for **all your actions!**”

- the Dalai Lama

Participant Guide

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Learning Objectives

At the end of this training, you should be able to:

- Recognize techniques that can help increase awareness of workplace violence and harassment.
- Identify harmful impacts that workplace violence and harassment have on organizations and their workers.
- Explain the potential legal ramifications of workplace violence and harassment.

Introduction to Bill 168

In December 2009, the Ontario government passed Bill 168, changing the *Occupational Health and Safety Act*. All employers with more than five workers will be required to conduct workplace violence risk assessments, and to reassess this risk as required. Employers must develop and post workplace violence and harassment policies, review them at least once a year, and develop a program to implement the policies.

Under Bill 168, Workplace Violence is:

The exercise of, or an attempt to exercise, physical force against a worker in a workplace that causes, or could cause physical injury to a worker. This includes a statement, or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force that could cause physical injury.

Violence and Harassment

OHRC

The Ontario *Human Rights Code* prohibits harassment based on specific grounds of discrimination. Bill 168 nevertheless still covers harassment that is not based on these grounds.

Bill 168 addresses all forms of harassment, including those that go beyond the prescribed grounds under the *Human Rights Code*, such as personal or psychological harassment, which can also be called bullying.

The legal definition of harassment in Bill 168 is: “engaging in a course of vexatious comment or conduct that is known or ought reasonably be known to be unwelcome.” This includes bullying and can involve unwelcome words or actions that are known, or should be known to be offensive, embarrassing, humiliating, or demeaning to a worker or group of workers.

Any behaviour that intimidates, isolates, or discriminates against a targeted individual or individuals can be interpreted as harassment. The definition applies to any person making comments, or behaving in a way that they know, or should know, is unwelcome.

Ideally, the person being harassed tells the offender not to do it anymore because they find it offensive, unwelcome, or unwanted. However, they are not under an obligation to do so, especially if they have reason to feel afraid of the harasser.

Even if the person being harassed does not verbally tell their harasser to stop, they can still express their discomfort or dislike through body language such as turning or walking away from their harasser, frowning, crying or even becoming angry or upset.