

Task/Process: Workplace Violence and Harassment Policy	Department: All theatres, head office
Prepared/Revised by: Janet Sellery Health+Safety / Mark Lavaway / Jessica Lagoda	Approved by: Mark Lavaway / David Mucci
Date issued: May 10, 2011	Last Reviewed: January 29 <sup>th</sup> , 2025

## **Ed Mirvish Enterprises Limited – Workplace Violence and Harassment Policy**

### **POLICY STATEMENT**

Ed Mirvish Enterprises Limited (EMEL) is committed to creating and maintaining a positive and professional workplace which is free from workplace violence and harassment. In support of this, EMEL will regularly review the potential areas that may lead to workplace violence and harassment, and put preventative and reporting measures in place. In addition, EMEL expressly prohibits any form of discrimination and harassment, including sexual harassment, as defined under the Ontario *Human Rights Code*, and any form of workplace harassment, as defined by the Ontario *Occupational Health & Safety Act*. All measures are specifically designed to meet the requirements under the Ontario *Occupational Health & Safety Act*.

### **SCOPE**

This policy applies to the following persons and corporations:

- all employees of EMEL, including those employed on a contract basis;
- persons or corporations, including independent contractors, in a contractual relationship with EMEL; and,
- visitors or patrons who may be on EMEL premises.

The determination of any violation of this Policy can be made only in the context of a particular case.

### **NOTE:**

People who work on EMEL premises but are employed by another company (example: actors working for a presenter) are also encouraged to review the Workplace Violence & Harassment Policy for that company, if applicable.

Employees who are represented by a union may seek advice and/or request the presence of their representative.

### **REFERENCES**

1. Occupational Health & Safety Act, section 32 (see Appendix C)
2. Ontario Human Rights Code

### **RESPONSIBILITIES**

The duties of the employer (section 25), supervisor (section 27) and worker (section 28) apply, as appropriate with respect to workplace violence.

## **REVISIONS TO THE POLICY**

EMEL reserves the right to amend this policy and related procedures at any time as required. This policy will be reviewed as often as is necessary and at a minimum, annually.

## **POSTING**

This policy will be posted in a conspicuous location in the workplace.

## **PART 1 – WORKPLACE VIOLENCE**

### **DEFINITIONS**

#### **Workplace Violence**

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, and/or
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Violence may come from a variety of possible sources, including EMEL employees and contractors, patrons, domestic partners, and the general public.

Specific examples of workplace violence may include:

- shaking a fist in a worker's face;
- wielding a weapon at work;
- hitting or attempting to hit, or throwing an object at another worker;
- sexual violence against a worker; or
- trying to run down a worker using a vehicle or other equipment.

Workplace violence does not include:

- accidental situations, even if a worker is hurt as a result of the accident; or,
- staged fights or violent acts which are an element of a stage performance, or their related rehearsals or warm-ups

### **PREVENTION AND INTERVENTION**

Prevention and intervention are key to achieving an environment free of workplace violence. EMEL supports this by providing a clear policy statement and an internal reporting system, and by providing training and communications regarding employee and employer rights and obligations.

#### **Assessing Risks**

Members of the Joint Health & Safety Committee (JHSC) will participate in assessing the potential risks of workplace violence at EMEL. This assessment will take into account the common risks at other similar workplaces and risks specific to EMEL. These risks may arise from the nature of the workplace, the type of work and the conditions of the work. Such risks will be reviewed as often as necessary, but at a minimum of every two years.

Certain changes will prompt a reassessment of risks, including:

- if certain workplace locations are moved, renovated, or reconfigured
- if there are significant changes to the conditions of work, such as the hours of work, or the way in which workers interact with the public
- a violent incident indicates a risk that was not identified in an earlier assessment

### **Disclosing Persons with a History of Violence**

EMEL is required to disclose information, including personal information, about a person with a history of violent behaviour if:

- (a) the worker can be expected to encounter that person in the course of their work; and,
- (b) the risk of workplace violence is likely to expose the worker to physical injury.

Such disclosure shall only be made by EMEL following consultation and discussion with the Director of Labour Relations, who shall consider the nature of the violence, how long ago the violence occurred, and if appropriate, the triggers of the aggression. Only that information that is reasonably necessary to protect workers from physical injury will be disclosed.

### **Training**

Appropriate instruction and information will be provided to all EMEL workers so that workers know:

- how to summon immediate assistance
- how to report incidents of workplace violence
- how EMEL will investigate and deal with incidents and threats of violence, and related complaints
- specific processes and department policies that are in place to reduce the risks of workplace violence

All new employees shall be trained on the policy and procedures as part of their orientation to EMEL. In addition, department-specific orientations will cover any procedures and processes that are in place for individual departments and positions.

## **REPORTING & RESOLVING ISSUES**

### **Immediate/Emergency Concerns**

1. Employees who are concerned about their immediate safety should remove themselves from the violent or potentially violent situation **immediately**.
2. Summon appropriate emergency resources by calling **9-911** from an internal phone or **911** from a cell phone or by activating a panic button, if applicable. Identify the street address of the location when making an emergency call.
3. Notify a supervisor as soon as possible.
4. **NOTE:** During a performance, staff should implement emergency procedures, as applicable.

### **Consultation & Information**

Individuals can obtain information about workplace violence or discuss an incident with an advisor including their immediate supervisor, their manager, their Company Manager, the Director of Labour Relations, or their union representative, where applicable. Such informal consultation will not constitute a report of workplace violence.

### **Reporting Violence or Threats of Violence**

Workers are required to report any incident which may be considered workplace violence or threat of workplace violence as soon as possible to their immediate supervisor. The written report of violence or threat of violence should outline the details of the incident, any witnesses who were present, and any

physical evidence of the violence or threat. A Workplace Violence or Harassment Incident Report (Appendix B) has been developed for this purpose.

### **Confidentiality**

Information gathered during an investigation and contacts made will be documented and maintained in a separate file by the Director of Labour Relations. To the extent possible, information gathered during the investigation will be kept confidential. Disclosure of information may be required for police notification, the investigation or resolution process, by law, in another proceeding, or in a disciplinary or other corrective process. Those involved in the investigation, including witnesses, will be advised that all information discussed must and will, to the extent possible, be kept confidential.

### **Investigation of Reported Incidents**

All EMEL workers, including contractors, must co-operate fully in any investigation under these guidelines. Any report of workplace violence or potential of workplace violence will be fully investigated. The report will provide details of the violent incident, or potential of violence, including dates, times, places, names of individuals involved and names of any witnesses. The person filing the report will be advised that the Director of Labour Relations will conduct an investigation.

- The investigation will include interviews with the person who filed the report, any relevant individual(s) named in the report, and relevant witnesses. External agencies specializing in issues of workplace violence, and/or the police, may be informed or consulted during this process or in regard to any incident or complaint of workplace violence.
- The Director of Labour Relations will meet with the respondent (if the person is an employee) and provide, or forward, a copy or overview of the complaint to them, and provide them with an opportunity to respond. The respondent will be advised that the Director of Labour Relations will conduct an investigation. This investigation would include interviews with the complainant, the respondent and, if necessary, any relevant witnesses. The Director of Labour Relations may request a written response from the respondent within ten days.
- Following the investigation, the Director of Labour Relations will provide a written report of recommendations to address the incident or potential of violence, which may include (but not be limited to): disciplinary action of the person responsible for the violence, requirement to provide a formal apology, appropriate counselling for those involved, and/or discussion with the aggressor regarding expected and appropriate workplace behaviour and responsibilities. At the discretion of the Director of Labour Relations, a report may be provided to the complainant, the respondent and any affected parties.
- Complaints that are found to be trivial, frivolous, vexatious or made in bad faith may result in disciplinary action against the complainant. The severity of the action will depend on the seriousness and impact of the complaint.

### **Right to Refuse Unsafe Work**

A worker may refuse to work or do particular work where they have reason to believe that workplace violence is likely to endanger themselves. The worker may remove themselves from their work area and remain in a safe place. Such work refusal shall follow the existing Work Refusal Procedure as outlined in Section 5 of the Occupational Health and Safety Act, R.S.O. 1990, c. O.1.

### **Reporting Domestic Violence**

EMEL is required to take all reasonable precautions to protect any worker if a domestic violence situation is likely to expose a worker or workers to physical injury in the workplace, and the employer is aware or ought reasonably to be aware of the situation. Reasonable precautions will be determined on a case by case basis and may include the development of an individual safety plan for the affected worker.

Domestic violence is considered violence between two persons who currently have, or have had in the past, a personal intimate relationship, such as a spouse, partner, boyfriend, or girlfriend.

### **Reporting to the JHSC**

EMEL will report any incident of workplace violence to the JHSC where a worker is unable to perform their regular duties and/or requires medical attention as a result of workplace violence within 4 days of its occurrence.

### **Reporting to the Ministry of Labour**

EMEL will report any incident of workplace violence to the Ministry of Labour which results in a person being killed or critically injured. Such reporting shall be immediately by telephone, and in writing within 48 hours of the incident.

### **Violations of this Policy**

All workers are expected to abide by this policy. Workers who violate this policy may be subject to disciplinary measures, up to and including termination of employment. Other persons may be removed from the workplace. Violations of this policy may also lead to civil and/or criminal liability.

## **PART 2 – HARASSMENT**

### **DEFINITIONS**

#### **Unlawful Discrimination**

Prohibited grounds of discrimination, with respect to employment are defined by the Ontario *Human Rights Code* as being: age, ancestry, citizenship, colour, creed, disability, ethnic origin, marital/family status, place of origin, race, sex, sexual orientation, record of offences and same-sex partnership status.

#### **Disability**

Disability means that a person has, or has had, or is believed to have had:

- any degree of physical disability, infirmity, malformity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and without limiting the generality of the foregoing, including diabetes, mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheel chair or other remedial appliance or device;
- a condition of mental impairment or a developmental disability;
- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- a mental disorder; or,
- an injury or disability for which benefits were claimed or received under the *Workplace Safety and Insurance Act, 1997*.

#### **Harassment**

Harassment means “engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.”

Harassment based on any of the prohibited grounds under the Ontario *Human Rights Code* is considered discrimination. Other forms of workplace harassment are considered inappropriate and detrimental to a positive working environment.

Examples of harassment include:

- unwelcome remarks, jokes, insults, nicknames, innuendo, or taunting;
- bullying;
- repeated offensive or intimidating phone calls or emails;
- posters, notices, bulletins, or electronic photos which may cause offence and encourage discrimination, or create a hostile environment;
- racial or ethnic slurs, and use of terminology that reinforces stereotypes based on prohibited grounds;
- abuse of supervisory authority that endangers a person's employment, work performance or interferes or negatively influences the person's career. This includes misuses of power including intimidation, threats, blackmail and coercion.

What is not considered harassment:

- reasonable action or conduct by a manager or supervisor that is part of their normal work function even if there are possible unpleasant consequences for a worker (eg. disciplinary action, performance management, changes to schedules or duties, implementation of policies, etc.);
- differences of opinion or disagreements between co-workers.

### **Sexual Harassment**

Sexual harassment is conduct of a sexual nature that is known or ought reasonably to be known to be unwelcome that detrimentally affects the work environment or leads to adverse job related consequences for the victim of the harassment.

Specific examples can include:

- unwelcome remarks, jokes, innuendoes, or taunting about a person's body, attire or sex;
- practical jokes of a sexual nature which cause awkwardness or embarrassment;
- displaying pornographic pictures, posters, graffiti or other offensive material;
- questions or comments about an individual's sexual preferences;
- leering (suggestive staring) or other obscene or suggestive gestures;
- unwanted sexual flirtations, advances, or propositions;
- unwanted physical contact including touching, kissing, patting and pinching;
- persistent unwanted contact or attention following the end of a consensual relationship;
- conduct such as stalking.

It does not include:

- a hug between friends; or
- a relationship or mutual flirtation of mutual consent.

### **Reprisal**

Reprisals or threats of reprisal, particularly by a person in authority, are defined as acts or threats designed to punish an individual who has reported discrimination or harassment; or threats designed to dissuade an individual from reporting discrimination or harassment.

In sexual harassment cases, reprisals can also be defined as acts designed to punish an individual who has rejected sexual advances; or threats if sexual advances are rejected.

There shall be no reprisal against any individual who, in good faith, reports an incident of harassment or discrimination or participates in an investigation.

It is important to note that issues of harassment and sexual harassment may escalate over time into threats, or acts of physical violence. Alternatively, a victim of harassment or sexual harassment may react violently to prolonged harassment in the workplace.

### **PREVENTION AND INTERVENTION**

Prevention and intervention are key to achieving an environment free of discrimination and harassment. EMEL supports this by providing a clear policy statement and an internal complaint and investigation procedure, and by providing training and communications regarding this policy and employee and employer rights and obligations.

#### **Training**

Appropriate instruction and information will be provided to all EMEL workers on the contents of this policy.

All new employees shall be trained on the policy and procedures as part of their orientation to EMEL.

#### **Condoning**

If a person in authority knows, or should reasonably have known, that discrimination or harassment may have occurred and fails to take appropriate action, the person in authority has condoned the discrimination or harassment and may be subject to sanctions under this policy.

Individuals who observe a situation involving the harassment of another or others have a responsibility to inform the harasser of this policy, recognizing that individuals who experience discrimination or harassment are often reluctant to report it.

A supervisor may provide re-training on this policy to a specific work group to ensure that everyone is reminded of its requirements.

#### **Self-help Measures**

Individuals who feel they are victims of harassment have a right and responsibility to take self-help measures wherever possible or pursue the complaint process. Whenever and wherever possible, self-help measures should be used prior to filing a formal complaint. This includes communicating with the harasser (i.e., telling them face-to-face, telephoning, or writing) indicating that their behaviour is offensive and unwanted. It is recognized that self-help measures may be challenging to implement, particularly if the harasser is a patron, or the individual's supervisor.

#### **Consultation & Information**

Consulting with an advisor (e.g. Director of Labour Relations) does not mean that a complaint is being lodged. Individuals can obtain information about harassment, discuss an incident or explore self-help measures with an advisor including, their immediate supervisor, their manager, their Company Manager, the Director of Labour Relations or their union representative, where applicable. Informal consultation, assistance or advice can be sought through the Director of Labour Relations. EMEL will take no action until a formal complaint is filed by a complainant willing to be identified, as outlined in the Complaint & Mediation Procedure.

## **COMPLAINT & MEDIATION PROCEDURE**

### **Confidentiality**

Information gathered during the investigation and contacts made will be documented and maintained in a confidential file, separate from the personnel file, by the Director of Labour Relations. To the extent possible, information gathered during the investigation will be kept confidential. Disclosure of information may however be required for the investigation or resolution process, police notification, by law, in another proceeding, or in a disciplinary or other corrective process. Those involved in the investigation, including witnesses, will be advised that all information discussed must and will, to the extent possible, be kept confidential. A breach of such confidentiality by anyone involved in the investigation will be subject to disciplinary action.

Although anyone may report discrimination or harassment, a complaint may be made only by persons affected by the alleged discrimination or harassment, or by the Director of Labour Relations on behalf of EMEL.

Should a complainant or respondent choose to retain legal counsel at any stage of a complaint or appeal, it shall be at the complainant's or respondent's own expense. All EMEL workers, including the respondent(s), must co-operate fully in any investigation under these guidelines.

### **Step I: Filing of a Formal Complaint**

- The complainant will submit a written complaint to the Director of Labour Relations. The Workplace Violence or Harassment Incident Report (Appendix B) may be completed, or alternatively, used as a guideline to assist in reporting the appropriate information; written submissions in any form will be accepted. The complaint will provide details of the alleged harassment, including dates, times, places, names of individuals involved and names of any witnesses. The complainant will be advised that the Director of Labour Relations will conduct an investigation. The investigation will include interviews with the complainant, the respondent and, if necessary, any relevant witnesses. Generally speaking, the complaint should be filed within three months of the alleged incident or, if incidents are ongoing, within three months of the latest incident.
- The Director of Labour Relations will meet with the respondent and provide, or forward, a copy or overview of the complaint to them, and provide them with an opportunity to respond. The respondent will be advised that the Director of Labour Relations will conduct an investigation. This investigation would include interviews with the complainant, the respondent and, if necessary, any relevant witnesses. The Director of Labour Relations may request a written response from the respondent within ten days.
- Following the investigation, the Director of Labour Relations will meet with the complainant and respondent, either individually or together, where appropriate. At this point, the procedure may result in a mutually acceptable resolution, withdrawal of the complaint or failure to resolve.
- Should the investigation not substantiate the complaint, then the Director of Labour Relations will withdraw the complaint and advise both the complainant and the respondent in writing.
- Should the investigation substantiate the complaint, then appropriate corrective action will be taken. The Director of Labour Relations will provide a written report of recommendations to address the harassment, which may include (but not be limited to): a formal apology, appropriate counselling for those involved, a mediation. At the discretion of the Director of Labour Relations, a report may be provided to the complainant, the respondent and any affected parties.



- Complaints that are found to be trivial, frivolous, vexatious or made in bad faith may result in disciplinary action against the complainant. The severity of the action will depend on the seriousness and impact of the complaint.
- As per Bill 132, once an appropriate investigation is conducted, both the worker who has allegedly experienced harassment and the alleged harasser (if they are a worker of the employer) will be provided with a copy of the results and any corrective action that has or will be taken.

### Step II: Other Options

If the complainant or the respondent is not satisfied with the settlement of the matter reached under Step I of this procedure, then either party may pursue the following options:

- The complainant may contact the Human Rights Tribunal of Ontario to file an application to have their matter heard if their alleged harassment is based on one of the grounds prohibited under the Ontario Human Rights Code;
- The complainant or the respondent may seek to resolve harassment issues through the grievance and arbitration process, if they are represented by a Union.

### Violations of this Policy

All workers are expected to abide by this policy. Workers who violate this policy may be subject to disciplinary measures, up to and including termination of employment. Other persons may be removed from the workplace. Violations of this policy may also lead to civil and/or criminal liability.

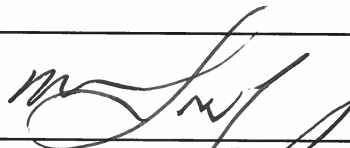

### Revisions:

Revision Made	Revision Made By	Date
Updated to reflect Bill 132	Mark Lavaway	Jun. 13, 2016
Added “harassment” behind “workplace violence”  Change language to gender neutral pronouns  Change of language to clarify Management’s intentions to prioritise the health & safety of staff  Basic grammatical and spelling changes	Mark Lavaway, Jessica Lagoda & Ashley Heng	November 29, 2023
Added ‘or overview’ in addition to ‘a copy’  Change ‘Health and Safety Policy & Procedures Manual,	Mark Lavaway, Jessica Lagoda, Katelyn Doyle	January 29 <sup>th</sup> , 2025

policy #3.3.' to Section 5 of the Occupational Health and Safety Act, R.S.O. 1990, c. O.1.  Change 'Brinks' to 'a third-party cash-handling company'  Basic grammatical changes		
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**Approvals:**

The following individuals have read and approved the policy herein:

Name and Title	Signature	Date
Mark Lavaway, Director of Labour Relations		2.5.25
David Mucci, Managing Director		2.5.25

## **APPENDIX A - SPECIFIC PROCEDURES**

Ed Mirvish Enterprises Limited (EMEL) has anticipated the following workplace violence risks and has specific procedures and recommendations in place to deal with them.

### **Working Alone**

- Whenever possible, employees shall not be scheduled such that they are working alone or in an isolated area of any EMEL building
- In cases where working alone is required, employees shall have access to a phone or radio, and call-in procedures will be followed, as applicable.
- Employees working alone after business hours and in isolated areas of any building should notify security, as applicable.
- Employees who are required to walk to their vehicles or transit late at night are encouraged to use a buddy system.

### **Working in a High Crime Area**

- Employees should follow security procedures for each location. Access cards and security codes must not be shared.
- Do not allow unauthorized people to follow you into restricted areas.
- Always ensure exterior doors close securely.

### **Reception/Security/Front of House positions**

- Employees working in Reception, Security and Front of House areas shall be provided with phones and/or 2-way radios so they can call for assistance in the event of an emergency situation.

### **Handling Cash**

- In the event that any Mirvish employee handling money is threatened in any fashion with a potential robbery situation, the company policy is to hand over the money immediately without question or any action that might put the employee in danger.
- It is management's intention to ensure the safety of all employees. Only after the potential robbery threat has ended should employees notify management and police.
- Whenever possible, bank deposits should be made with a third-party cash-handling company on site and carrying large amounts of cash between buildings should be avoided.
- Employees who are required to transport cash outside of EMEL buildings (eg. bank deposits, moving cash between buildings) will be required to so do during daylight hours only.
- Employees required to transport cash/deposits within the EMEL buildings are required to use the shortest route possible and avoid/minimize public areas where possible

### **Dealing with Potentially Violent Patrons, General Public**

- Concerns about potential violence should be reported to a supervisor
- In order to ensure the responsible consumption of alcohol, Smart Serve training is required for all Bartenders and Ushers
- The comment field in the patron data base may be used to flag potentially difficult patrons

**Dealing with Potentially Violent Job Applicants/Potential Artists or Rejected Candidates/Artists**

- Rejected job applicants/artists who provide any abnormal response should be noted by the hiring manager and reported to the Director of Labour Relations.
- Should any repeated, inappropriate or threatening contact be made, whether in person, over the telephone or through email, the individual should be reported to the Director of Labour Relations.
- The extent and nature of the contact will be reviewed, and a police report shall be filed if any risk to any EMEL employee is determined.

**Dealing with Potentially Violent Terminating or Former Employees**

- If, in the opinion of the departmental manager or the Director of Labour Relations, an employee may react to a termination meeting in a potentially violent manner, precautionary steps will be taken to minimize the risk to employees involved in the meeting.
- Such precautionary steps may include additional employee presence at the meeting, escorting the employee from the premises, the use of outside security services, or the notification of police.

## **APPENDIX B - WORKPLACE VIOLENCE OR HARASSMENT INCIDENT REPORT**

***All employees and contractors working at Ed Mirvish Enterprises Limited are required to report all incidents of workplace violence and harassment to the Director of Labour Relations. This form may be completed, or alternatively, used as a guideline to assist in reporting the appropriate information; written submission in any form will be accepted. Employees and self-employed contractors may consult with the Director of Labour Relations prior to, or as part of, submitting this report, and such consultation will, to the extent possible, be considered confidential. Refer to the Workplace Violence and Harassment Policy for further information.***

### **Workplace Harassment**

Workplace harassment is defined as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

### **Workplace Violence**

Workplace violence is defined as:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, and/or
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Violence may come from a variety of possible sources, including employees and self-employed contractors, patrons, domestic partners, and the general public.

<b>Worker Information</b>	
Name:	Department:
Home phone:	Cell phone or alternate contact:
Please confirm the preferred method of contact: (phone, email, etc):	Email address (optional):

<b>Description of Incident(s)</b> (attach additional sheets, if necessary)
Please describe the incident (s) including the following: <ul style="list-style-type: none"><li>• name of individuals involved in the incident (if known), and/or description of individuals</li><li>• date and time of incident</li><li>• any prior history of incidents that may be relevant, however minor</li><li>• any witnesses, including name and contact information</li><li>• location of the incident (which theatre or location, which area, etc.)</li><li>• what was happening just prior to, or during incident</li><li>• any relevant environmental factors (ie. weather, noise level, light level, etc.)</li></ul> NOTE: Indicate if you have any physical evidence of the violence or threat.

Signature of Individual reporting

Date

Received by (Employer representative)

Date

## **APPENDIX C**

Excerpt from Occupational Health and Safety Act , R.S.O. 1990

### **Definitions**

**1. (1)** In this Act,

“workplace harassment” means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome;  
 (“harcèlement au travail”)

“workplace violence” means,

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker. (“violence au travail”) R.S.O. 1990, c. O.1, s. 1 (1); 1993, c. 27, Sched.; 1994, c. 24, s. 35; 1994, c. 25, s. 83 (1); 1997, c. 16, s. 2 (1-3); 1998, c. 8, s. 49; 2009, c. 23, s. 1; 2009, c. 33, Sched. 20, s. 3 (1).

### **PART III.0.1**

## **VIOLENCE AND HARASSMENT**

### **Policies, violence and harassment**

**32.0.1(1)** An employer shall,

- (a) prepare a policy with respect to workplace violence;
- (b) prepare a policy with respect to workplace harassment; and
- (c) review the policies as often as is necessary, but at least annually. 2009, c.23, s.3.

### **Written form, posting**

**(2)** The policies shall be in written form and shall be posted at a conspicuous place in the workplace. 2009, c.23, s.3.

### **Exception**

**(3)** Subsection (2) does not apply if the number of employees regularly employed at the workplace is five or fewer, unless an inspector orders otherwise. 2009, c.23, s.3.

### **Program, violence**

**32.0.2 (1)** An employer shall develop and maintain a program to implement the policy with respect to workplace violence required under clause 32.0.1 (1) (a). 2009, c.23, s.3.

### **Contents**

- (2)** Without limiting the generality of subsection (1), the program shall,
  - (a) include measures and procedures to control the risks identified in the assessment required under subsection 32.0.3 (1) as likely to expose a worker to physical injury;
  - (b) include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;

- (c) include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor;
- (d) set out how the employer will investigate and deal with incidents or complaints of workplace violence; and
- (e) include any prescribed elements. 2009, c.23, s.3.

#### **Assessment of risks of violence**

**32.0.3 (1)** An employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. 2009, c.23, s.3.

#### **Considerations**

- (2)** The assessment shall take into account,
- (a) circumstances that would be common to similar workplaces;
  - (b) circumstances specific to the workplace; and
  - (c) any other prescribed elements. 2009, c.23, s.3.

#### **Results**

- (3)** An employer shall,
- (a) advise the committee or a health and safety representative, if any, of the results of the assessment, and provide a copy if the assessment is in writing; and
  - (b) if there is no committee or health and safety representative, advise the workers of the results of the assessment and, if the assessment is in writing, provide copies on request or advise the workers how to obtain copies. 2009, c.23, s.3.

#### **Reassessment**

**(4)** An employer shall reassess the risks of workplace violence as often as is necessary to ensure that the related policy under clause 32.0.1 (1) (a) and the related program under subsection 32.0.2 (1) continue to protect workers from workplace violence. 2009, c.23, s.3.

#### **Same**

- (5)** Subsection (3) also applies with respect to the results of the reassessment. 2009, c.23, s.3.

#### **Domestic violence**

**32.0.4** If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker. 2009, c.23, s.3.

#### **Duties re violence**

**32.0.5** For greater certainty, the employer duties set out in section 25, the supervisor duties set out in section 27, and the worker duties set out in section 28 apply, as appropriate, with respect to workplace violence. 2009, c.23, s.3.

#### **Information**

- (2)** An employer shall provide a worker with,
- (a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace violence; and
  - (b) any other prescribed information or instruction. 2009, c.23, s.3.

#### **Provision of information**

**(3)** An employer's duty to provide information to a worker under clause 25 (2) (a) and a supervisor's duty to advise a worker under clause 27 (2) (a) include the duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if,



- (a) the worker can be expected to encounter that person in the course of his or her work; and
- (b) the risk of workplace violence is likely to expose the worker to physical injury. 2009, c.23, s.3.

**Limit on disclosure**

(4) No employer or supervisor shall disclose more personal information in the circumstances described in subsection (3) than is reasonably necessary to protect the worker from physical injury. 2009, c.23, s.3.

**Program, harassment**

32.0.6(1) An employer shall develop and maintain a program to implement the policy with respect to workplace harassment required under clause 32.0.1 (1) (b). 2009, c.23, s.3.

**Contents**

- (2) Without limiting the generality of subsection (1), the program shall,
  - (a) include measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor;
  - (b) set out how the employer will investigate and deal with incidents and complaints of workplace harassment; and
  - (c) include any prescribed elements. 2009, c.23, s.3.

**Information and instruction, harassment**

32.0.7 An employer shall provide a worker with,

- (a) information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment; and
- (b) any other prescribed information. 2009, c.23, s.3.

