

BILL 132

WHAT YOU NEED TO KNOW

Prevent Sexual Violence and Harassment in the Workplace

Recent amendments to the Ontario Health and Safety Act, Bill 132 stand to dramatically change how workplace harassment is addressed in Ontario and will continue to be a paramount issue for employers. As a direct result of these amendments, recent Supreme Court rulings have made it **much easier for employees to sue their employer for damages resulting from harassment**.

The amendments broaden the meaning to “workplace harassment” to include “workplace *sexual* harassment”

Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome;

OR

Making a sexual solicitation or advance where the person making the solicitation the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

Employers are now obligated to implement and follow a workplace harassment policy and have a consistent practice in place, in accordance with Bill 132, the amendments of which include an obligation to:

1. Include measures and procedures for workers to report workplace harassment to a person OTHER THAN the employer or supervisor if the employer or supervisor is the alleged harasser;
2. Establish how information is obtained during an investigation, including identifying information about any individuals involved. The information will not be disclosed unless necessary for the purpose of investigating or taking corrective action or otherwise as required by law;
3. Establish how a worker who has allegedly experienced workplace harassment and the alleged harasser, if a worker of the employer, will be informed in writing of the results of the investigation and any action taken or to be taken as a result of the investigation.

In addition, Bill 132 outlines new employer responsibilities to ensure that:

1. An investigation, appropriate in the circumstances, is conducted into incidents and complaints of workplace harassment;

2. Any worker who alleges workplace harassment and the alleged harasser, if a worker of the employer, are informed in writing of the results of the investigation and of any corrective action taken or to be taken as a result of the investigation.

Bill 132 explicitly states that the outcome of an investigation and any report produced for the investigation is not a report that must, pursuant to OHSA section 25(2), be supplied to a joint health and safety committee, a worker health and safety representative or other workers.

Bill 132 amends OHSA to empower health and safety inspectors to require an employer to conduct an investigation, at the EMPLOYER'S EXPENSE, by an unbiased party and to obtain, also at the employer's cost, a report from that unbiased person.

The Ministry of Ontario has released a [Code of Practice](#) to address Workplace Harassment.

Investigative Solutions Network has a unique team of SIU investigators which have been trained in behavioral sciences and criminal profiling; specializing in corporate internal investigations such as workplace harassment, violence in the workplace, and human rights investigations.

In the coming months ... we will provide you with the tools necessary to protect your workplace and make it "up to code" in relation to Bill 132.

