

Occupational Health and Safety Act

R.S.O. 1990, CHAPTER O.1

Consolidation Period: From June 8, 2023 to the [e-Laws currency date](#).

Last amendment: 2023, c. 9, Sched. 29, s. 14.

Legislative History: 1992, c. 14, s. 2; 1992, c. 21, s. 63; 1993, c. 27, Sched.; 1994, c. 24, s. 35; 1994, c. 25, s. 83; 1994, c. 27, s. 120; 1995, c. 1, s. 84; 1995, c. 5, s. 28-32; 1997, c. 16, s. 2; 1997, c. 4, s. 84; 1998, c. 8, s. 49-60; 2001, c. 13, s. 22; 2001, c. 26; 2001, c. 9, Sched. I, s. 3 (But see Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*); 2004, c. 3, Sched. A, s. 93; 2006, c. 19, Sched. D, s. 14; 2006, c. 19, Sched. M, s. 5; 2006, c. 21, Sched. F, s. 136 (1); 2006, c. 34, Sched. C, s. 25; 2006, c. 35, Sched. C, s. 93; 2007, c. 8, s. 221; 2009, c. 23; 2009, c. 33, Sched. 20, s. 3; 2011, c. 1, Sched. 7, s. 2; 2011, c. 11, s. 1-18 (But see Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*); 2014, c. 10, Sched. 4; 2015, c. 27, Sched. 4, s. 2-7, 11; 2016, c. 2, Sched. 4; 2016, c. 37, Sched. 16; 2017, c. 22, Sched. 1, s. 71; 2017, c. 22, Sched. 3; 2017, c. 25, Sched. 9, s. 104 (see: 2023, c. 4, Sched. 1, s. 67); 2017, c. 34, Sched. 30; 2018, c. 3, Sched. 5, s. 41 (see: 2019, c. 1, Sched. 3, s. 5); 2018, c. 14, Sched. 2, s. 21; 2019, c. 1, Sched. 4, s. 39; 2019, c. 7, Sched. 17, s. 127; 2019, c. 9, Sched. 10; 2019, c. 14, Sched. 13; 2020, c. 18, Sched. 13; 2021, c. 34, Sched. 15; 2021, c. 35, Sched. 5; 2022, c. 7, Sched. 4; 2023, c. 9, Sched. 29, s. 14.

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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 workers regularly employed at the workplace is five or fewer, unless an inspector orders otherwise. 2009, c. 23, s. 3; 2011, c. 1, Sched. 7, s. 2 (3).

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

2011, c. 1, Sched. 7, s. 2 (3) - 30/03/2011

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.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

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.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

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.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

Duties re violence

32.0.5 (1) 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.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

Program, harassment

32.0.6 (1) An employer shall, in consultation with the committee or a health and safety representative, if any, develop and maintain a written program to implement the policy with respect to workplace harassment required under clause 32.0.1 (1) (b). 2016, c. 2, Sched. 4, s. 2 (1).

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) include measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser;
 - (c) set out how incidents or complaints of workplace harassment will be investigated and dealt with;
 - (d) set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law;
 - (e) set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation; and
 - (f) include any prescribed elements. 2009, c. 23, s. 3; 2016, c. 2, Sched. 4, s. 2 (2).

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

2016, c. 2, Sched. 4, s. 2 (1, 2) - 08/09/2016

Duties re harassment

32.0.7 (1) To protect a worker from workplace harassment, an employer shall ensure that,

- (a) an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances;

- (b) the worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation;
- (c) the program developed under section 32.0.6 is reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy with respect to workplace harassment required under clause 32.0.1 (1) (b); and
- (d) such other duties as may be prescribed are carried out. 2016, c. 2, Sched. 4, s. 3.

Results of investigation not a report

(2) The results of an investigation under clause (1) (a), and any report created in the course of or for the purposes of the investigation, are not a report respecting occupational health and safety for the purposes of subsection 25 (2). 2016, c. 2, Sched. 4, s. 3.

Section Amendments with date in force (d/m/y)

2009, c. 23, s. 3 - 15/06/2010

2016, c. 2, Sched. 4, s. 3 - 08/09/2016

Information and instruction, harassment

32.0.8 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. 2016, c. 2, Sched. 4, s. 3.

Section Amendments with date in force (d/m/y)

2016, c. 2, Sched. 4, s. 3 - 08/09/2016