

Ontario introduces action plan to stop sexual violence and harassment – OHSa to be amended

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Earlier this March the Ontario government released “[It’s Never Okay: An Action Plan to Stop Sexual Violence and Harassment](#)”. The Action Plan sets out the government’s commitment to implement a number of measures designed to prevent and address sexual violence and harassment in Ontario. These include raising public awareness, enhancements to the justice system to provide better outcomes for survivors, and new legislation targeting sexual harassment and violence on campuses and in workplaces.

In terms of targeting sexual harassment in the workplace, the Action Plan proposes a number of changes to the *Occupational Health and Safety Act* (OHSa), including the following:

- the introduction of a definition of "sexual harassment";
- explicit requirements for employers to investigate and address complaints of sexual harassment in the workplace;
- new obligations for employers to make reasonable efforts to protect workers from sexual harassment;
- the introduction of a Code of Practice that will describe the steps an employer can take to comply with the law and make the workplace safer;
- the establishment of a special enforcement team of inspectors to address complaints of harassment and to enforce the OHSa provisions; and
- the development of educational material to assist employers in creating a safer workplace.

While the current provisions of the OHSa place general obligations on employers to protect workers, the changes set out in the Action Plan will make it clear that sexual harassment is a workplace safety issue and will create a number of new, more specific obligations for employers under the legislation. The Action Plan also requires the development of special training for workers in various sectors (i.e., health care, community services, education, justice and hospitality) intended to improve supports for those who experience or are at risk of experiencing sexual violence or sexual harassment.

The Action Plan does not provide the actual amendments to the OHSa, however, employers can expect the government to introduce the amending legislation in the near future.

The government’s Action Plan also includes a proposal to introduce legislation that would require colleges and universities to work collaboratively with students to develop sexual violence and sexual harassment policies, including components dealing with training, prevention, complaint procedures and response protocols.

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