

# ***ALERT!***

<b>TO:</b>	OEMC ATTENDEES
<b>FROM:</b>	TEMPLEMAN MENNINGA LLP; mhouston@tmlegal.ca
<b>Re:</b>	Recent amendments to <i>OHSA</i>
<b>DATE:</b>	September 16 <sup>th</sup> , 2016

Effective September 6<sup>th</sup>, 2016, amendments to the *Occupational Health and Safety Act* enacted as part of the *Sexual Violence and Harassment Plan Act, 2016*, came into force.

What are the key changes?

1. the definition of “workplace harassment” has been expanded to include “workplace sexual harassment”;
2. the employer now has an **obligation** to investigate a workplace harassment complaint;
3. an employer **must** develop, maintain and review, on no less than an annual basis, a workplace harassment policy in consultation with the health and safety committee or health and safety rep, as the case may be;
4. the employer **must** give the workers “information and instruction” on the Policy and program;
5. the Policy **must** set out how and to whom incidents can be reported where the employer or supervisor is the alleged harasser;
6. the Policy **must** set out how the incidents will be investigated;
7. the Policy **must** state that information obtained in the investigation will not be disclosed unless necessary for the investigation’s purposes or for taking corrective action;
8. the Policy **must** set out how the worker and alleged harasser will be informed of the results of the investigation and the corrective action, if any, that will be taken;
9. MOL inspectors can order an employer to retain, at its own expense, a qualified investigator to investigate a workplace harassment complaint and to deliver a written report;
10. Regulations to follow!