

Workplace Violence and Harassment Definitions

<i>What the law says</i>	<i>What should the employer do?</i>
<ul style="list-style-type: none"> Definitions for workplace violence and workplace harassment have been added to Ontario’s Occupational Health and Safety Act. [OHSA s. 1(1)] 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Read and understand the definition <input checked="" type="checkbox"/> You may add to or create a definition that suits your company (use plain language, add examples etc.)

OHSA sec.1(1) Definition — Workplace Violence

“**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.

Sample Definition — Workplace Violence

“**Workplace violence**” means the threatened, attempted, or actual behaviour of a person that causes or is likely to cause physical injury to an employee in the workplace.

Examples include but are not limited to:

- a) Physical attacks such as kicking, hitting, pushing
- b) Verbal or written threats that express an intent to harm
- c) Threatening behaviour such as shaking fists, or destroying property

OHSA sec.1(1) Definition — Workplace Harassment

“Workplace harassment” means,

- a) 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, or
- b) workplace sexual harassment

Sample Definition — Workplace Harassment

“Workplace harassment” or bullying means persistent or excessive negative behaviour towards a worker in the workplace which includes but is not limited to:

- Engaging in verbal abuse e.g. yelling, name calling, making threats
- Belittling a worker’s opinions
- Spreading malicious rumours
- Undermining or sabotaging a worker’s work
- Deliberately ignoring or excluding a worker (silent treatment)

OHSA sec.1(1) Definition — Workplace Sexual Harassment

“Workplace sexual harassment” means,

- 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 or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sample Definition — Workplace Sexual Harassment

“Sexual harassment” is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person’s employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and may be physical, verbal and/or non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- The use of job-related threats or rewards to solicit sexual favours

Verbal conduct

- Comments on a worker’s appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the gender or sexual orientation of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone, email or other social media)

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

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