



Lancaster, Brooks & Welch LLP

BARRISTERS AND SOLICITORS

June 15th, 2010 is just around the Corner - Bill 168 the Occupational Health and Safety Amendment Act...Are You Ready?

By Leanne E. Standryk
Corporate Bulletin for June 2010

In our September 2009 Corporate Bulletin we introduced you to Bill 168 – Ontario's amendments to the Occupational Health and Safety Act regarding workplace violence and harassment. The amendments require employer compliance effective June 15, 2010. Are you ready?

Bill 168 will have a significant impact on human resources and creates significant obligations for employers. The legislation requires employers to be proactive and take steps in order to protect employees from workplace violence and harassment. It is no longer acceptable to sit back and simply respond to these issues as they arise. Failure to plan ahead and protect employees may attract penalties under the legislation.

In the lead up to June 15, 2010, we have provided seminars on how to prepare for the arrival of Bill 168. Several clients and employers are concerned about the requirements of Bill 168. Concerns such as conducting workplace risk assessments, considering the potential for domestic violence, balancing the duty to disseminate personal information regarding those employees with a history of violent behavior with potential obligations regarding their privacy and balancing rights under Bill 168 perhaps with competing obligations under the Ontario Human Rights Code. At this early stage the concerns are well founded. There is little if any guidance provided on how to effectively balance these competing interests.

One thing that is certain is that it is important that you are ready for June 15, 2010. If you have not already started to pave the road to compliance, we strongly urge you to make this a priority now. June 15 is just around the corner. Start by familiarizing yourself with Bill 168. Create a timeline to complete tasks and prepare for implementing the statutory obligations. Conduct your risk assessments. Create awareness of and identify potential violence hazards and risks by considering occupational, personal and environmental risk factors. Consider sources of violence: customers, clients, co-workers, strangers and domestic violence. Conduct a review of internal information: past incident reports and worker training records. Consider conducting a confidential employee survey to obtain their input into risks and sources of violence. Compile the information, analyze the information and prioritize the risks that will form your risk assessment report. Include in the report recommendations as to how to control and respond to the risks and hazards identified. Once you have completed the risk assessment and reporting stage, create your policies and procedures for dealing with workplace violence and harassment issues specific to your workplace and ensure that you have properly trained your workforce.

The legislation requires Employers to take every precaution reasonable for the protection of the worker. This requires you to plan, assess, identify, control and respond to workplace violence and harassment.

For further information, please contact us or any member of our employment law practice group.

*The foregoing information is provided to you for information purposes only.
We caution you to obtain legal advice specific to your situation in all circumstances*

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