



You are not alone

Legal Obligations

May 2017

What does the law say?

- The Ontario Occupational Health and Safety Act (OHSA) defines workplace violence as the exercise, attempted exercise or threat to exercise physical force against a worker, in a workplace, that causes or could cause physical injury to the worker
- Domestic/intimate partner violence becomes workplace violence when it spills over into the workplace
- Section 32.0.4 of the OHSA states:
"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.**"
- When both partners work in the organization, the employer needs to respond effectively to both parties
- Family and medical leave laws may require employers to grant leave to employees who are coping with domestic/intimate partner violence situations
- Laws may prohibit employers from taking adverse job actions against employees who disclose their situation or who take time off from their job to make court appearances
- Under certain circumstances, acts of violence may also constitute a form of sexual harassment, which violates anti-discrimination laws

Sources:

1. Occupational Health & Safety Council of Ontario (OHSCO) Domestic Violence Doesn't Stop When Your Worker Arrives at Work: What Employers Need to Know to Help. February 2010.
2. Make It Our Business. Guidelines for communicating with employees at risk of workplace domestic violence. 2010.
http://makeitourbusiness.ca/sites/makeitourbusiness.ca/files/MIOB_Guidelines_Communicating_w-Employees.pdf