

# Workplace Violence and Harassment in Ontario



Every HR manager in Canada knows that "workplace violence" and "workplace harassment" are not new topics. These issues have been around for decades, but the way we regulate, prevent, and respond to them is shifting once again. Ontario, in particular, is experiencing something of a turning point. Between new legislative amendments, controversial decisions at the Ontario Labour Relations Board (OLRB), and ongoing criticism of the Ministry of Labour's enforcement practices, employers are being told—loudly and clearly—that they can't afford to take a checkbox approach to workplace violence anymore.

The numbers alone make the issue impossible to ignore. According to Statistics Canada, **one in five Canadian workers (about 19%) reported experiencing workplace harassment, sexual harassment, or violence in the past year**. Among women, that number rises to nearly one in three in certain sectors like healthcare and education. The Canadian Centre for Occupational Health and Safety (CCOHS) has also reported that **workers in healthcare are four times more likely to experience workplace violence than those in other industries**, and physical assault is the second leading cause of time-loss injuries in that sector.

If you manage HR in Ontario, these changes hit you directly. But if you're outside Ontario, don't scroll past just yet. When Ontario moves, the rest of Canada often follows. What starts in Ontario tends to echo in other provinces, either through legislative borrowing, case law influence, or sheer cultural expectations from workers who increasingly demand more than the bare minimum. In other words, even if your province hasn't yet updated its harassment and violence rules, your organization's workforce probably expects you to act as though they have.

This article unpacks what's happening in Ontario right now with the Ministry of Labour (formally the Ministry of Labour, Immigration, Training and Skills Development—MLITSD) and workplace violence. We'll look at the legal framework, recent case law, the grey areas where employers are struggling, and what HR managers across Canada should be doing to prepare. Along the way, we'll bring in real cases, examples from the field, and some of the numbers that underscore just how big an issue workplace violence has become.

# Ontario's Legal Framework – How We Got Here

Ontario has long been considered the "bellwether" for employment and labour standards in Canada. When it comes to workplace violence and harassment, the modern framework really began with **Bill 168** back in 2010. That amendment to the Occupational Health and Safety Act (OHSA) was a direct response to high-profile workplace tragedies, including the murder of nurse Lori Dupont by a physician colleague in Windsor in 2005. Her death, which occurred inside a hospital, was a turning point that made it clear workplace violence wasn't just a matter for criminal courts—it was an occupational health and safety issue. Bill 168 cemented employers' duty to protect workers from violence and harassment, including risks posed by domestic violence.

The law defined "workplace violence" broadly as the exercise of physical force, an attempt to exercise physical force, or a statement or behaviour that a worker could reasonably interpret as a threat of physical force. At the same time, "workplace harassment" was defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Both definitions have been tweaked and debated ever since, but the important takeaway was this: Ontario employers suddenly had proactive duties. They had to assess risks, develop written policies, implement programs, train staff, and create reporting and investigation procedures.

Fast forward to 2016, and Bill 132 added sharper teeth to the harassment side of the law. It required employers not just to have policies but to investigate harassment complaints properly and impartially. That raised questions about who could be considered an "appropriate investigator" and how much detail employers had to share with complainants about outcomes.

And now, most recently, the **Working for Workers Five Act (Bill 190, 2024)** has brought another round of modernization. It explicitly extended OHSA protections to remote and hybrid workplaces, clarified that harassment through electronic communications is captured, and gave employers more flexibility by allowing policies to be posted electronically rather than only on physical boards.

## Recent Case Law and Ministry Actions

### The OLRB Hospital Assault Case

Earlier this year, the Ontario Labour Relations Board issued a decision that sent ripples through HR and legal circles. At issue was a **sexual assault by a physician against a hospital worker**. The hospital categorized the event as harassment and dealt with it through harassment procedures, while the Ministry inspector declined to issue any workplace violence orders. On appeal, the OLRB held that the incident met the statutory definition of workplace violence under OHSA. It was, quite simply, an exercise of physical force that could have caused physical injury—even if the immediate harm was primarily psychological.

This case matters because it underscores the risk of misclassification. Too often, employers treat serious misconduct as harassment only, perhaps because harassment obligations are easier to manage after the fact, while violence obligations require proactive risk assessments and systemic controls. The OLRB's message was blunt: some incidents are both harassment *and* violence, and employers can't choose the easier path.

### The Stelco Harassment Disclosure Case

In another decision, *Shannon Horner v Stelco Inc.*, the OLRB found that an employer's "closure letter" after a harassment investigation was inadequate. It failed to specify which respondents were found to have engaged in harassment and what corrective actions were being taken. The Board made clear that disclosure obligations aren't just a matter of form; they're a matter of trust. Workers need to know that the process isn't a black box, or else the entire reporting system collapses.

## Statistics from the Field

Numbers reinforce why these cases are so significant. The Workplace Safety and Insurance Board (WSIB) reports that **lost-time claims due to workplace violence in Ontario increased by 35% over the past decade**. In 2022 alone, there were **over 2,000 accepted claims related to assaults and violent acts in Ontario workplaces**. The healthcare sector accounted for more than half. That's not counting the unreported incidents—which surveys suggest are as high as 60% of all harassment and violence cases.

## The Gaps and Grey Areas – Where Law and Reality Collide

Here's where things get messy. The law has made progress, but gaps remain. The recent OLRB decisions highlight those tensions. To illustrate them clearly, here's a table that sums up the biggest ones:

Issue	Description	Implication
Misclassification of violence as harassment	Employers often categorize serious incidents as harassment only, avoiding the proactive duties tied to violence.	Workers may be left unprotected from systemic risks, and employers risk liability for failing to prevent future incidents.
Psychological vs. physical harm	OHSA's violence definition is focused on physical force. Purely psychological harm may be shunted into harassment provisions.	Workers experiencing deep trauma without visible injury may not receive the preventive protections of violence law.
Inspector discretion	Inspectors sometimes decline to issue violence orders, interpreting incidents narrowly.	Workers and unions must appeal, adding delay and uncertainty.
Investigator qualifications	The law gives employers broad discretion in choosing investigators for harassment complaints.	Investigations may be inadequate or biased, eroding trust in the system.
Disclosure obligations	OLRB rulings are pushing employers to share more details with complainants.	Failure to be transparent can undermine credibility and lead to further disputes.
Remote and virtual harassment	Bill 190 addressed electronic harassment, but practical enforcement is still new.	HR managers need to adapt policies and training quickly to cover hybrid workplaces.

## Beyond Ontario – Why HR Managers Across Canada Need to Pay Attention

Even if you're in Alberta or Nova Scotia, Ontario's developments have ripple effects. For instance:

- **Case law influence:** Courts in other provinces often cite Ontario cases when

interpreting similar OHS or employment law provisions.

- **National employers:** Companies with operations in multiple provinces almost always apply Ontario standards across the board because it's easier than maintaining multiple frameworks.
- **Worker expectations:** With remote work blurring geographic boundaries, employees expect the strongest available protections, regardless of their provincial location.

A recent survey by the Canadian Labour Congress found that **72% of workers believe their employer should go beyond legal minimums in protecting them from violence and harassment**, even if their province's laws are less demanding. This is a clear signal: if Ontario raises the bar, workers elsewhere will want their employers to match it.

## Sector-Specific Risks and Lessons

Healthcare is the most obvious flashpoint. The Ontario Nurses' Association reports that **over 60% of nurses experience workplace violence at least once per year**, ranging from verbal abuse to physical assault. In education, the Elementary Teachers' Federation of Ontario has flagged rising incidents of violence in classrooms, not just from students but also from frustrated parents. And in retail, surveys by the Retail Council of Canada show that **incidents of customer aggression have doubled since the pandemic**.

For HR managers, this means one-size-fits-all policies won't cut it. Risk assessments must consider the unique challenges of each sector. A hospital will need security measures and de-escalation training. A retail store may need panic buttons and incident reporting protocols. A remote tech workplace may need digital conduct codes and reporting pathways for cyberbullying.

## Building a Culture of Safety and Respect – Beyond Compliance

The most effective HR leaders know that compliance is only the starting point. True prevention comes from building a culture where violence and harassment are unacceptable at every level. That means leadership commitment, visible accountability, and ongoing dialogue with workers. It also means supporting employees who come forward—because the biggest barrier to effective prevention is underreporting.

In one Canadian study, **over half of workers who experienced workplace harassment said they did not report it** because they didn't believe anything would change. For HR managers, that statistic should be a wake-up call. The best policy in the world is meaningless if workers don't trust the process.

## Preparing for the Next Chapter

Ontario's MOL and OLRB have put workplace violence and harassment back on the front burner. With new legislation, landmark cases, and ongoing enforcement campaigns, HR managers can't afford to treat this as "just another policy update." The stakes are too high, both legally and culturally. And for HR professionals outside Ontario, the message is clear: what's happening there today could be coming to you tomorrow.

Now is the time to audit your policies, refresh your training, consult your Joint Health and Safety Committee, and most importantly, talk to your employees about what safety and respect mean in your workplace. Laws will evolve, inspectors will

interpret, and tribunals will issue rulings—but HR managers are the ones who can make sure workplaces are ready.