

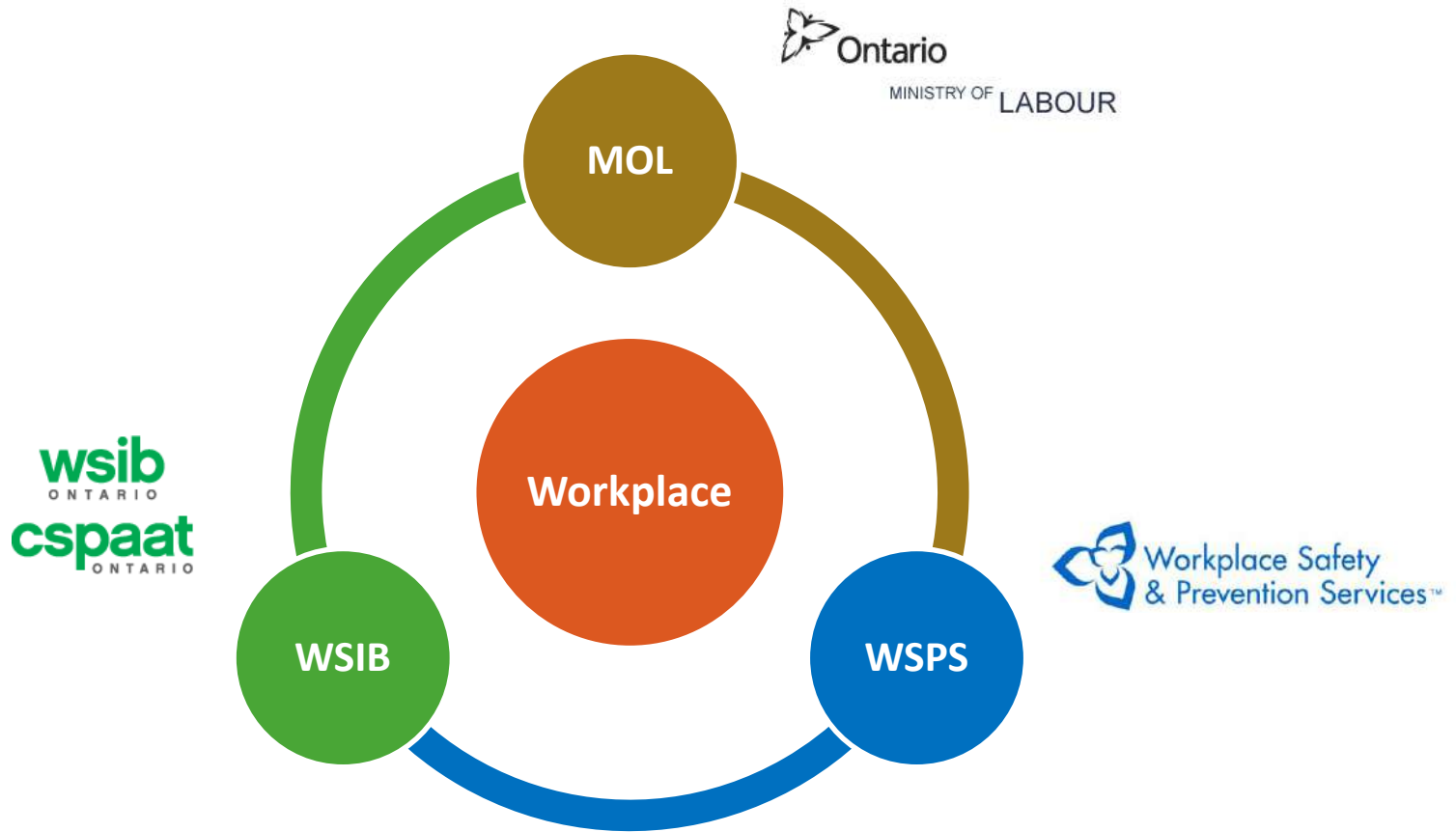
# LEGISLATIVE UPDATE

Brant Human Resources Network  
April 20, 2017

# Agenda

- AODA: Changes to the Customer Service Standard
- Ontario Human Rights Code
  - Policy on Ableism and Discrimination based on disability
  - Preventing sexual and gender-based harassment
- Health and Safety:
  - Mandatory Supervisor and Worker Awareness Training
  - JHSC Certification
  - Noise Regulations
  - WHMIS 2015/GHS
- Violence and Harassment: Sexual Harassment

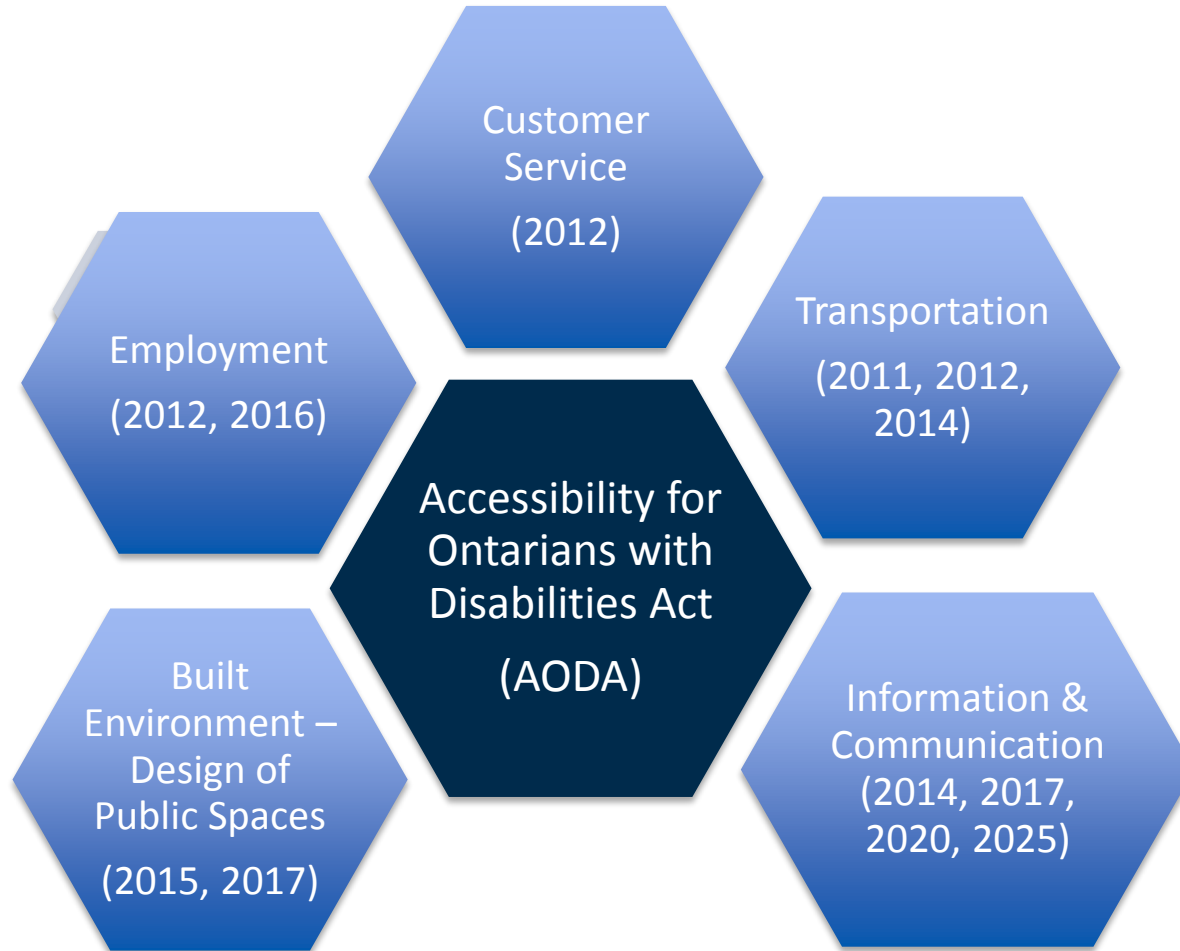
# Work in tandem with system partners



# Specialized expertise & services

- Management Systems
- Safeguarding | Machinery
- Robotics
- Occupational Hygiene
- Ergonomics
- AODA
- Workplace Mental Health
- Warehousing
- Racking
- Hazard Prevention Programs
- Health & Safety Consulting
- Health & Safety Training
- Legislative Compliance
- Non-occ. Return to work/accommodations

# AODA Update



# New Structure of AODA

Accessibility for Ontarians with  
Disabilities Act (2005)

Regulations under this Act

O. Reg. 191/11 INTEGRATED ACCESSIBILITY STANDARDS

O. Reg. 430/07 EXEMPTION FROM REPORTING REQUIREMENTS

O. Reg. 429/07 ACCESSIBILITY STANDARDS FOR CUSTOMER  
SERVICE

# AODA Changes – July 1, 2016

## **Training** – ALL employees, volunteers

- Every person must be trained as soon as practicable

## **Feedback Process** – title change; “Feedback process on the Accessible Provision of Goods or Services”

- Must permit people to provide feedback in person, by telephone, in writing or electronic (email or disc)
- Must specify actions that will be taken

# Customer Service Standard: Changes

## Service Animals :

1. Readily identifiable (visual cues such as a vest or a harness)
2. Letter from a regulated “health professional”
3. Third party certification that the animal has been trained to provide assistance that relates to the persons disability

# Other Types of Service Animals



# Accessibility Report



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ServiceOntario

*making it easier*

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ACCESSIBILITY

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### Form Details

Format	Form Link Address	Form Format	Functionality	Size
e-Form	<a href="#">Accessibility Compliance Reporting Form – 2017 (All Organizations)</a>		Fill, Print & Save Fill, Print & Submit	.0 kb

### Form Classification

#### Classification / Identification:

<b>Form Number:</b>	009-0057E	<b>Edition date:</b>	2017/03
<b>Title:</b>	Accessibility Compliance Reporting Form – 2017 (All Organizations)		
<b>Ministry:</b>	Economic Development and Growth		
<b>Branch/ABC:</b>	Accessibility Directorate of Ontario		
<b>Program:</b>	Outreach & Strategic Initiatives		
<b>Purpose of Form:</b>	Organizations obligated to report their compliance under the Accessibility for Ontarians with Disabilities Act (AODA), 2005 must complete and submit this form.		

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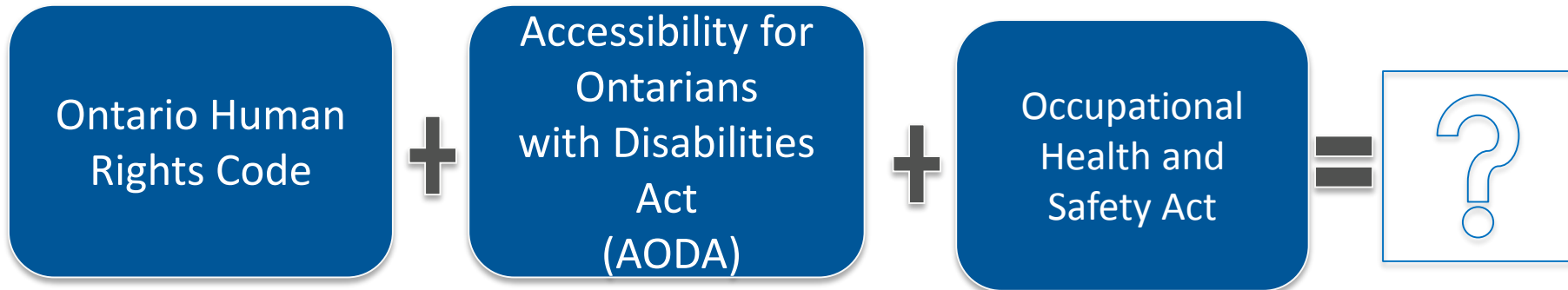
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# Ontario Human Rights Code Update

- Disability
- Preventing sexual and gender-based harassment



Non-discrimination  
Accommodate people to  
the point of undue  
hardship

Fully accessible  
Ontario by 201

Healthy and  
Safe Workplace

# Ontario Human Rights System

- made up of three separate agencies:
- The [Ontario Human Rights Commission](#) works to promote, protect and advance human rights through research, education, targeted legal action and policy development.
- The [Human Rights Legal Support Centre](#) gives legal help to people who have experienced discrimination under the *Code*.
- The [Human Rights Tribunal](#) is where human rights applications are filed and decided.

# Ontario Human Rights Code

## Prohibited Grounds:

- Race
- Ancestry
- Place of Origin
- Colour
- Ethnic Origin
- Citizenship
- Creed (religion)
- Sex (including pregnancy and gender identity)
- Sexual orientation
- Disability
- Age (18 and over, and 16 and over in occupancy of accommodation)
- Martial Status (including same sex partners)
- Family Status

# The Ontario Human Rights Code

- Free from discrimination in 5 social areas:
  1. Housing
  2. Employment
  3. Services
  4. Unions and vocational associations
  5. Contracts

# Update on Disability

- New policy guidelines on ableism and discrimination based on disability
  - Updates for employers on the duty to accommodate
  - Systemic barriers

# Ontario Human Rights Code

“Disability” means,

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*; (“handicap”)

# Sexual and gender-based harassment

- Making an employee dress in a sexualized or gender specific way
- Dress code requirements that create adverse impacts based on sex violate human rights laws. Here are some cases that deal with the issue:
- Dress codes different for female and male workers



**Wearing high heels has nothing to do  
with customer service.**

*Does your dress code violate the Human Rights Code?*

Learn about your rights & responsibilities at [www.ohrc.on.ca](http://www.ohrc.on.ca) | @OntHumanRights



**I wore pants instead of a skirt.**

**My manager sent me home.**

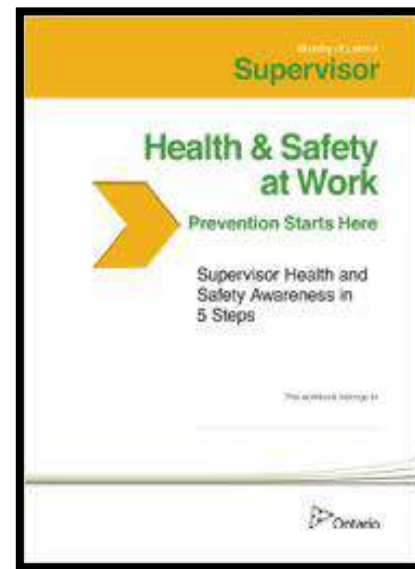
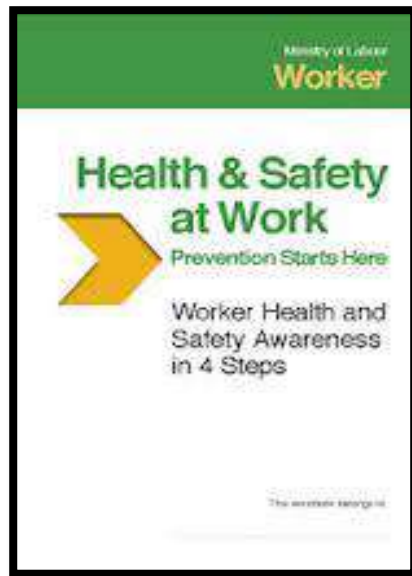
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# Health and Safety Updates

- Health and Safety:
  - Awareness Training
  - JHSC Certification,
  - Noise Regulations
  - WHMIS 2015/GHS
- Violence and Harassment: Sexual Harassment

# Recommendations 14 and 15 Mandatory Awareness Training for Workers and Supervisors



# New JHSC Requirements – 20+ Employees

- March 1, 2016
- Certification Part 1 – 3 days; not sector specific
- Certification Part 2 – 2 days; hazard specific (industry specific)
- Must be an MoL approved trainer
- Must retrained every three years

# Health and Safety Rep: 5 to 19 employees

- Must now have management responsibilities
- Must conduct workplace inspections
- MoL expected to release mandatory Health and Safety Rep training 2017.....

# Noise Regulations

- Current noise testing
- Are your employees wearing the correct ear protection?

# WHIMIS 2015/GHS

- Are you receiving chemicals with the new GHS information?
- MSDS now SDS
- Must be trained to the new regulation

# Sexual Harassment

New requirements:

- Broader definition
- Written harassment program: harassment reporting, procedures for investigation and dealing with harassment complaints
- Confidentiality
- Retaliation assurances
- Procedures for notifying the worker and alleged harasser of the results of the investigation and corrective action taken

# Defining Sexual Harassment

- 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.

# Sexual Harassment cont.

- Take accusations of sexual harassment seriously
- Support employees who are reporting sexual harassment
- Don't confuse support and sympathy as believing report
- Don't take disciplinary action against the accused unless and until you determine that there is reliable evidence to support the accusation
  
- Unfortunately in most cases the accusations of sexual harassment cannot be corroborated because there are no witnesses

# Investigations

- Timely
- Thorough
- Objective
- Hiring an outside/competent person to conduct the investigation?

# Resources to help with Sexual Harassment

- Ministry of Labour
  - Workplace Violence and Harassment: Understanding the Law (September 2016)
  - Codes of Practice
  - [www.labour.gov.on.ca](http://www.labour.gov.on.ca)

# Resources for Small Businesses

- [www.wsps.ca](http://www.wsps.ca)
- Small Business Calculator
- Workplace Inspection Forms
- Hazard Sheets
- On-site Consultation available through pre-paid services
- Pages of downloadables on hundreds of different health and safety topics

# Wrap Up

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**Workplace Safety and Prevention Services**

[www.wsps.ca](http://www.wsps.ca)

**Customer Care - 905 614 1400**

**Toll Free 1 877 494 WSPS (9777)**