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**Workplace Violence & Harassment in  
Canada: Ontario's OHS Provisions  
In Perspective**

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## **Workplace Violence & Harassment in Canada: Ontario's OHS Provisions In Perspective**

### **1. Introduction**

Workplace violence in Canada is a growing and prominent concern. Over 365,000 violent incidents are reported annually at Canadian workplaces, according to a recently published Statistics Canada study on Criminal Victimization in the Workplace<sup>i</sup>. Almost 1/5 of incidents of violent victimization in Canada occur in the workplace. Two thirds of incidents of workplace violence in Canada are committed by someone known to the victim. One recent and high profile example was the 2005 workplace murder of nurse Lori Dupont by her ex-boyfriend Dr. Marc Daniel. Both worked for the Hôtel-Dieu Grace Hospital in Windsor, Ontario where Daniel, an anaesthesiologist, stabbed Dupont to death with a scalpel and then committed suicide. The Dupont inquest concluded in 2007, recommending, amongst other matters, amendments to OHS legislation to protect workers from workplace violence.

While extreme incidents attract the most attention to the problem of workplace violence, workplace violence is not restricted to infrequent severe “scorned employee” or “scorned spouse” situations, but rather involves a wide spectrum of behaviours. Available anecdotal information, news reports, and statistics on the Canadian experience reveal that incidents of workplace violence involve a wide spectrum of behaviours. Incidents of purely “criminal” violence by intruders into the workplace against retail and service employees in restaurants, stores, gas bars, banks and taxis are shockingly frequent. Incidents of violence also frequently involve interaction between a worker and a client, customer or patient. Airlines and public transportation systems have reported increased incidents of assault. Professionals in the health care sector are exposed to violence from patients and educators to violence or threats from students. Violence can also break out between workers involving situations of harassment, bullying, or threats. Violent incidents of every kind are increasing and can occur in any workplace.

Workplace violence is a multifaceted problem which results in complex responsibilities for management.<sup>ii</sup> Overlapping legal obligations and potential liabilities exist. In fact, in many cases of alleged violence in the workplace, employers could find that they are subject to litigation (from both perpetrator and victim) and to potential liability in multiple forums. Human

rights obligations for the employer to protect workers from harassment and discrimination in employment on “prohibited grounds” exist in most Canadian jurisdictions. Violation of those employer obligations, for example, failing to protect a worker from bullying or harassment related to a prohibited ground, can result in significant liabilities. Employers frequently face civil liability relating to workplace violence or harassment. Victims of workplace violence or harassment may resign and commence a claim alleging constructive dismissal or file a grievance. The common law and arbitral jurisprudence increasingly requires employers to take meaningful steps to create civil and respectful workplaces. On the other hand, the common law can simultaneously protect a perpetrator of workplace violence who commences a wrongful dismissal action or grievance after they are terminated, if the grounds for the termination do not amount to “just cause”. While not a specific legal liability, it should also be noted that the workplace safety and insurance schemes of all jurisdictions are increasingly recognizing that workers may be entitled to loss of earnings benefits for mental stress following events that constitute workplace violence or harassment.

Employers must effectively manage all of the above-referenced responsibilities and potential liabilities in order to protect employees, fulfill legal obligations, avoid negative public and media attention and prevent costly, high profile litigation.

While it is recognized that multiple existing obligations and risks relating to this issue exist, the primary focus of this paper will be the relatively recent evolution of occupational health & safety (OHS) legislation setting out specific employer obligations and worker rights. The paper starts with a broad overview of OHS provisions in Canada, and then focuses on the most recent addition to workplace violence and harassment provisions in Canada - - the Bill 168 amendments to the *Occupational Health and Safety Act* in Ontario.

## **2. Evolving Canadian OHS Legal Obligations Respecting Workplace Violence**

Decades of violence at work have brought workplace safety laws under scrutiny. OHS legislation and regulations across Canada have increasingly been expanded to include employer responsibilities to control workplace violence and offer broad remedies to workers. The federal *Canada Labour Code* added provisions to protect workers from violence in the workplace in 2000, and federal *Occupational Health & Safety Regulations* under the *Canada Labour Code*

(CLC) were amended effective May 8, 2008, to widen the scope of employer responsibilities to protect against workplace violence.

Most provincial and territorial jurisdictions have moved to introduce legislation that details specific employer obligations to protect workers against violence, and in most there are specific worker rights. Currently, in addition to the federal CLC, the OHS legislation of all jurisdictions except New Brunswick, North West Territories, Nunavut, Quebec and the Yukon have express legal obligations respecting workplace violence prevention. The *Quebec Act* respecting labour standards defines a very specific form of workplace violence, “psychological harassment” and sets out obligations for employers to perform hazard assessments, take actions to prevent such harassment, and establish policies, procedures and training, amongst other matters. Many provincial jurisdictions have also added obligations to protect workers from harassment to their OHS legislation. A chart setting out currently existing Canadian OHS-related violence and harassment provisions is provided as an accompaniment to this paper.

As indicated above, this paper starts with a general discussion of OHS legal obligations respecting workplace violence in Canada. Where specific OHS schemes exist to protect workers from violence, the schemes generally set out a number of different matters - - definitions of workplace violence; definitions of harassment; the right to refuse unsafe work; duties to protect workers, create policies, programs and procedures. The following section touches on some of the key highlights of such provisions across Canada.

### **3. What is Workplace Violence?**

Where OHS (and Labour Standards) legislation and regulations across Canada include obligations for employers to protect workers from workplace violence, the scope of those obligations is in part determined by how broadly violence is defined in the statute. In Alberta the *Occupational Health and Safety Act* defines violence fairly narrowly specifying that violence is “the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury”.

However, there is growing recognition that violence extends beyond physical acts to include psychological violence. In the federal jurisdiction, the recently amended CLC *Occupational Health and Safety Regulations* contain a broad definition of workplace violence which does not

restrict violence to “physical injury”. Rather, violence is defined as “any action, conduct, threat or gesture of a person towards an employee in their work place that can reasonably be expected to cause harm, injury or illness to that employee”.

In Quebec, the definition of “psychological harassment” under Labour Standards legislation means “any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures that affects an employee’s dignity or physical integrity and that results in a harmful work environment for the employee”.

#### **4. OHS Duties for Employers to Prevent Harassment**

Workplace violence is no longer limited to physical violence. As suggested above, increasingly OHS legislation is holding employers responsible for the psychological health of workers by imposing specific obligations on employers to protect workers from harassment. Manitoba, Saskatchewan and now Ontario have specific definitions and prevention obligations respecting “harassment” in their OHS statutes. Again, in Quebec, “psychological harassment” is defined in and prohibited by the *Labour Standards Act*.

Interestingly, several cases which preceded the passage of the Bill 168 amendments to OHS legislation in Ontario, were brought before the Ontario Labour Relations Board (OLRB) by employees alleging they had suffered harassment in the workplace, seeking to have the OLRB remedy an alleged breach of the provisions of the OHSA that prohibit reprisals. The OLRB historically rejected such reprisal complaints as falling outside the ambit of the OHSA, or at least as more clearly and appropriately within the jurisdiction of the Ontario Human Rights Commission.

For example, in *Meridian Magnesium Products Ltd.*<sup>iii</sup>, a worker complained about sexual harassment at work including behaviour which her male co-workers posting suggestive photos of women around the office and made persistent comments regarding her appearance. She alleged that she had been punished for complaining about harassment, and brought a complaint under the reprisal provisions of the OHSA, stating that there was a reprisal for attempting to enforce the provisions of the OHSA. The OLRB declined jurisdiction over the matter, commenting that the OHSA is an elastic piece of legislation but not so elastic as to include protection against non-physical acts such as harassment. The OLRB determined that the Ontario Human Rights

Commission was the more appropriate forum for handling complaints of non-physical harassment or discrimination.

## **5. A Duty to Protect Workers From Violence**

OHS obligations across Canada include requirements to develop policies on workplace violence and undertake workplace violence risk assessments. For example, in Alberta employers are required to develop policies and procedures for reporting, investigating and documenting incidents of workplace violence. Employers must take measures to eliminate identified risks of workplace violence where reasonably practicable. British Columbia requires employers to perform risk assessments and create policies and procedures to eliminate identified risks to employees as much as possible. Nova Scotia's regulations require employers to conduct a violence risk assessment, to develop and adopt a code of practice to eliminate violence in the workplace and to create and implement violence reduction plans where a significant risk of violence is identified.

Even in the absence of specific statutory responsibilities to protect workers from violence or physical force, the provisions of most Canadian health and safety statutes impose a general duty on employers to take reasonable precautions to protect each worker. For example, In New Brunswick employers must "take every reasonable precaution to ensure the health and safety of employees". Until the passage of Bill 168 in Ontario, and even at present in Ontario, the employer has a general duty to "take every precaution reasonable in the circumstances to ensure a worker's safety". That general duty has been interpreted as encompassing a general obligation to take reasonable steps to protect workers from violence and ensure that protective measures to ensure worker safety are functional. In the only violence-related OHS prosecution against an employer to date in Canada, the Ontario Ministry of Labour prosecuted the Centre for Addiction and Mental Health (CAMH) on fourteen separate charges under the Ontario *Occupational Health and Safety Act*, including an alleged failure to develop and implement a violence prevention program and ensure that procedures and devices to protect workers from violence were operational. In two separate instances nursing staff at CAMH were attacked by patients in the workplace and suffered injuries. CAMH entered a plea of guilty to two separate charges under the Ontario OHS Act on August 13, 2009 and received a fine of \$70,000.<sup>iv</sup>

## **6. The Right to Refuse Unsafe Work Due to the Risk of Violence**

OHS legislation across Canada permits workers to refuse work if they have reasonable cause to believe the work or workplace conditions are unsafe. Work refusals of course trigger an obligation for the employer to investigate. A work refusal will result in a detailed investigation and a disruption of the workplace pending a decision by the employer, or if the matter cannot be resolved, a government official. To date, no Canadian OHS legislation permits a specific right to refuse work for “harassment”, although right to refuse provisions exist in virtually all OHS statutes and it is not difficult to contemplate workers taking the position that they have reason to believe that a health and safety condition including workplace violence, bullying or harassment, is creating an unsafe condition and they have grounds to refuse work.

## **7. Working Alone: An Increased Risk of Violence**

Working alone adds another layer to already complex employer OHS responsibilities regarding workplace violence. Many provinces recognize that working alone may exacerbate the impact of accidents and increase worker exposure to violence. OHS provisions exist in a number of Canadian jurisdictions which define, and set out specific employer obligations for workers who are “working alone”. Assessments of the workplace, and specific measures and procedures to check on, and communicate with workers who are “working alone” are the usual hallmarks of such legislation.

At least one “working alone” violation has been the subject of a OHS prosecution in Canada. The matter involved the following situation. In 2002 a contractor working alone at Burlington Resources Alberta was killed while responding to an alarm. While this matter did not involve a violent incident, it involved a worker performing work alone who was exposed to a toxic gas. The subsequent investigation determined that the company had failed to comply with Alberta regulations on working alone which required employers to conduct a hazard assessment to identify existing or potential hazards arising from the conditions and circumstances of the worker’s work, as well as to establish an effective means of communication between a worker and persons capable of responding to the worker’s needs. The case indicated that the hazard assessment took place, but no means of communication was in place at the time. Following the investigation the company agreed to pay \$100,000 to support a workplace health and safety training program and \$5,000 in fines.<sup>v</sup>

## **8. The Role of Inquest Juries – Encouraging Violence-Related Changes to OHS Legislation**

Incidents of homicide in the workplace have been highly publicized. Many readers will be familiar with the 1996 case of Sears Canada in which Theresa Vince, a human resources administrator was killed at work by her boss after a period of harassment and stalking; and with the 1999 OC Transpo incident in which a bus driver shot and killed four people at his workplace, wounded two others and then committed suicide. Most will have heard of the incident in 2005 in which Lori Dupont was killed at work at the Hôtel Dieu Grace Hospital.

When an employee is killed at work an inquest may be convened to examine the death, its causes, and preventative measures. In certain jurisdictions legislation provides that inquests are mandatory in some workplace accidents. For example, the Ontario Coroner's Act makes an inquest mandatory for any construction or mining fatality. Coroners have discretion in other workplace deaths to mandate that an inquest be convened. In the three matters above, involving Sears Canada, OC Transpo, and Hôtel-Dieu Grace Hospital, the inquest juries made specific recommendations to the government to adopt legislation relating to workplace violence prevention. The recommendations of the Dupont Inquest in particular, are felt to have led the Ontario government to reform the Ontario OHSA to add sweeping responsibilities for employers to prevent workplace violence.

## **9. Ontario's New Violence & Harassment-Related OHS Provisions**

Reform of OHS legislation to add workplace violence prevention responsibilities has been a particularly hot topic in Ontario. In 1997, the Ontario government commenced a province-wide workplace violence initiative, which included education initiatives, as well as the issuance of compliance orders requiring that employers in high risk industries create violence prevent policies and procedures, conduct risk assessments, and engage in violence prevention training. This initiative resulted in hundreds of compliance orders to employers in Ontario, pursuant to the general provisions of the OHSA requiring that employers take "every precaution reasonable" to protect workers. Then, following on the heels of this initiative and the jury recommendations in the Dupont matter, the Ontario government moved to pass violence and harassment-related provisions into the Ontario *Occupational Health and Safety Act*. The remainder of this paper will focus on Ontario's OHS provisions. As readers will appreciate from the above review of

existing initiatives and legislative provisions in Ontario, Ontario's Bill 168 amendments to the OHSA are just one step amongst many initiatives designed to protect workers in the workplace from violence and harassment.

On December 9, 2009, the Ontario government passed Bill 168, a series of detailed amendments to the provincial *Occupational Health and Safety Act* to require worker protection from violence and harassment, and establish new specific worker rights relating to violence. Bill 168 received robust debate. The Bill 168 amendments came into force June 15, 2010. The remainder of this paper provides highlights of the new employer OHS obligations and worker rights existing in Ontario. The amendments contain seven key areas -- mandatory new employer policies, required programs, required training, required risk assessments, worker rights, obligations to respond to domestic violence in the workplace, and employer reporting requirements -- each of which is detailed in turn below.

**a. Employer Obligation To Prepare Written Violence And Harassment Policies**

Where five or more workers are regularly employed at a workplace, Ontario employers are now required to prepare and post a workplace violence policy. A definition of "workplace violence" was enacted. "Workplace violence" under the Ontario *Occupational Health and Safety Act* (OHSA) for purposes of employer obligations and exercise of worker rights means:

- (i) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- (ii) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker;
- (iii) a statement or behaviour that 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.

The OHSA also requires employers to prepare and post a written policy respecting workplace harassment at every workplace where more than five workers are regularly employed. "Workplace harassment" is defined to mean "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".

**b. What Key Items Should be in the Policies?**

The particular content, style and format of workplace violence and harassment policies are, to a large extent, left in the hands of the employer. The employer may choose to have a brief one page policy which states that the organization is committed to preventing violence or harassment, as the case may be, that it will not tolerate such conduct and that all employees are expected to comply with the policy. The employer may, alternatively, take the opportunity to set out its statement of commitment as well as key aspects of the program, setting out and posting procedural mechanisms, and other matters, in a longer document.

The Ontario Ministry of Labour (MOL) recently released Guidelines<sup>vi</sup> respecting workplace violence and harassment. These Guidelines provide sample, separate workplace violence and harassment policies which are each one page long with a space for the signature of the president or CEO of the organization. As such, the MOL has now provided some indication of what they should find acceptable when conducting inspections for compliance. However, each employer will likely have its own desired policy style. The MOL style need not be used verbatim. Employers must work with the policies it drafts on a day-to-day basis, and may use them as a basis for discipline in the workplace, where workplace violence and harassment is perpetrated by workers, supervisors, or even management in the workplace. To that end, careful thought should be given to their content.

In terms of a workplace violence policy, when preparing the policy the employer should consider:

- The definition of workplace violence: Will it mirror the Bill 168 definition or will there be other elements? Is this a national organization or one with operations only in Ontario?
- The scope and application of the policy: Does it apply to all employees? Will it apply to contractors, visitors and guests to the workplace? Will it apply to social functions or other company sponsored/sanctioned events?
- Domestic violence: What will the policy say, if anything, about domestic violence that may manifest itself in the workplace, i.e. will it encourage reporting where a worker is

experiencing domestic violence, or believes such violence may occur outside or in the workplace?

- The obligations of those in the workplace: Will the policy detail the organization's, its managers' and supervisors' and workers' duties under the policy? Will it set out procedural mechanisms for reporting so that these are available and posted?
- Reprisal or retaliation: Many organizations will want to have a statement that retaliation or reprisal against any person complaining about or participating in the investigation of an incident of workplace violence is prohibited. If so, and considering that discipline is a likely consequence for a breach, the organization should consider providing a definition of reprisal or retaliation.

When preparing the workplace harassment policy, the employer should have regard to the applicable items listed above-definitions, scope, obligations of workplace parties, and reprisal provisions. Many employers will have an existing discrimination and harassment policy that could be amended to comply with Bill 168. Regardless of whether an existing policy is amended or a new harassment policy created, given the very broad definition of harassment contained in Bill 168, employers will want to consider including a clear definition of harassment. Certain limitations may be placed on the type of behaviour and conduct that will be considered harassment, and trigger investigation and employer response. This may include specifically identifying that isolated act of rudeness or the reasonable exercise of management functions, including performance reviews, job assignments and discipline, do not amount to harassment. This will assist in ensuring that the policy and program are used meaningfully and effectively. For any employer concerned that this may be regarded as heavy-handed, or overly technical, it should be noted that the MOL Guideline embraces this as appropriate practice.

### **c. Workplace Violence and Workplace Harassment Programs**

Employers must develop and maintain programs to implement both the workplace violence policy and the workplace harassment policy. Employers need to be aware that the specific and detailed requirements to prepare violence prevention programs and workplace harassment programs differ significantly under Bill 168.

Workplace violence programs require the following:

- measures and procedures to control risks identified in a violence risk assessment (discussed below);
- measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
- measures and procedures for workers to report incidents of workplace violence to the employer or supervisor; and
- the means by which the employer will investigate and deal with incidents or complaints of workplace violence.

The program required to protect workers from workplace harassment may be more limited. Minimum mandatory requirements are that the program:

- include measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor; and
- set out the means by which the employer will investigate and deal with incidents and complaints of workplace harassment.

**d. Risk Assessments for Potential Workplace Violence**

Bill 168 requires that employers assess risks of workplace violence that may arise from the nature of the workplace, the type of work, or the conditions of work. No assessment is specifically required under the OHS Act for risks of workplace harassment. The employer's risk assessment is required to take into account:

- circumstances that would be common to similar workplaces; and
- circumstances specific to the workplace.

Once complete, the employer must advise the joint health and safety committee, health and safety representative, or workers directly (if there is no committee or representative) of the results of the assessment and provide a copy of the assessment if in writing. Workplaces must be reassessed for risks of workplace violence as often as necessary to ensure that the policy and program continue to protect workers from workplace violence.

**e. Required Worker Training Respecting Violence and Harassment**

The Bill 168 amendments require that employers train workers in the contents of workplace violence and workplace harassment policies.

The employer's obligation to provide information and training under section 25 OHSIA and a supervisor's duty to advise workers of any potential hazard under section 27 OHSIA will also include a new and rather controversial obligation. The amendments require the employer and supervisor to provide information, including personal information, related to risks of workplace violence from a person with a history of violent behaviour (for example a patient, customer or another worker) if the worker can be expected to encounter that person during the course of their work, and there is a risk of violence likely to expose the worker to physical injury. Disclosure of personal information must be limited to that information reasonably necessary to protect the worker from physical injury.

The training obligation imposed by Bill 168 may present a difficult compliance hurdle for employers both in terms of the logistics of training the entire workforce and in determining what information and instruction must be provided.

As noted above, full compliance with Bill 168 requires that workers be trained in both the employer's workplace violence and harassment policies and programs. However, there is no prescribed format or style for such training. Bill 168 sets out a general requirement that the employer to provide information and instruction that is appropriate for the worker on the contents of the workplace violence and harassment policy/policies and programs.

What this general obligation does establish is that, because workers must be trained on the program, which is to be specific to their workplace, generic training on Bill 168 will not meet the legislated training obligation. Employers must ensure that workers are provided with information and instruction that is particular to their workplace. The Guidelines suggest that during an audit, the MOL will not focus on the form of the training but, rather, the results. This can be gleaned from the Guidelines which indicate that, after being trained, workers should:

- Know how to summon immediate assistance when workplace violence occurs or is likely to occur;

- Know how to report complaints or incidents of workplace violence and harassment to the employer;
- Know how the employer will investigate and deal with complaints and incidents of workplace violence and harassment; and
- Understand and be able to carry out the processes in place to protect them from workplace violence.

In light of this expected approach, employers would be wise to review the nature of any workplace violence and harassment training program (whether developed internally or by a third party) ensure that the training program provides workers with information and instruction sufficient to meet the MOL expectation.

**f. New Worker Rights To Refuse Work for Workplace Violence**

The Bill 168 amendments to the OHSA clarify the right to refuse work for conditions in the workplace that constitute “workplace violence”. Historically, it has not been entirely clear that a worker may refuse work for workplace violence. The OHSA is now amended to permit a worker to refuse work if “workplace violence is likely to endanger himself or herself”, in addition to other grounds upon which a worker may refuse work. There is no amendment to the OHSA to permit a worker to refuse work where they believe that workplace harassment is likely to endanger the worker.

Notably, Bill 168 changes the obligation of a worker to remain near his or her workstation until an investigation is completed. Once the amendments contained in Bill 168 take effect (six months after receiving Royal Assent), the work refusal provisions in the OHSA will require that the refusing worker remain in a safe place “that is as near as reasonably possible to his or her workstation and available to the employer or supervisor for the purposes of the investigation”. As such, this change will apply to all work refusals, not just those exercised on the new ground of workplace violence.

Bill 168 does not alter the limited right to refuse work for those employed in certain occupations such as police officers, firefighters, health care workers and workers in correctional institutions.

### **g. Employer Obligations To Respond to Domestic Violence**

The most novel and controversial provisions of the proposed Bill 168 amendments to the Ontario OHSA are those related to domestic violence. The OHSA will now require an employer to take every precaution reasonable in the circumstances for the protection of a worker if the 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. Ontario will be the only jurisdiction in Canada to have OHS provisions specifically requiring that the employer react to domestic violence. No specific reasonable precautions have been outlined. Ordinarily the obligation to take every precaution reasonable in the circumstances requires that the employer have regard to available standards, guidance from public organizations, and engage in creative solutions to protect workers from novel or complex workplace risks.

### **h. Reporting Workplace Violence to Ontario Ministry of Labour**

The amendments now require that employers prepare a notice under section 52 OHSA in the event that a worker is disabled from their regular duties, or requires medical attention, as a result of workplace violence. These provisions are added to section 52 of the OHSA.

## **10. Conclusion**

It is hoped that this paper has assisted in putting the recent amendments to Ontario's OHS legislation in perspective. While the Bill 168 amendments to the Ontario OHSA have received significant attention, these provisions fit within a very wide range of existing Canadian OHS provisions. These OHS provisions should also be seen in context: they are but one of a series of legal mechanisms to deal with "problem" of workplace violence and harassment.

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<sup>i</sup> Sylvain de Léséleuc, "Criminal Victimization in the Workplace" (2004) *Canadian Centre for Justice Statistics Profile Series* 85F0033MWE, Statistics Canada. Available: <http://www.statcan.ca/english/research/85F0033MIE/85F0033MIE2007013.htm>.

It should be noted that the study was limited to select workplaces and select types of violent victimization including sexual assault, robbery and physical assault. It is thus believed by many that current statistics on workplace violence far exceed these numbers.

<sup>ii</sup> Readers should note that the writer is a management side labour and employment practitioner focusing on occupational health and safety matters. Thus the primary focus of attention in this paper is upon management and employer responsibilities, and risk management for employers.

<sup>iii</sup> [1996] OLRB Rep. Nov./Dec. 964

<sup>iv</sup> Unreported decision of Ontario Court of Justice, JP. Gettlich, Toronto, Ontario, August 13, 2009.

<sup>v</sup> *R v. Burlington Resources Canada Inc.* (19 December 2003), Grand Prairie No. 030532956P101001-007 (Prov. Ct. Alb.)

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<sup>vi</sup> A guideline can be found online through the Ministry of Labour's Web  
<http://www.labour.gov.on.ca/english/hs/pubs/wpvh/index.phpsite> at: