

Bill 168: Include background checks in your approach to compliance.

Bill 168 comes into force on June 15, 2010. Not complying with its requirements could expose Ontario employers to hefty fines and negative publicity. Do all you can to meet the mandates of the Bill by including workforce-wide background checks – both pre-employment and ongoing – as part of your compliance program.

What is Bill 168?

Bill 168 amends Ontario's Occupational Health and Safety Act (OHSA). The Bill requires Ontario employers with more than five employees to take specific steps to address the issues of workplace violence and workplace harassment.

The full draft of Bill 168 may be found at <http://www.ontla.on.ca> under the Bills & Lawmaking > Past & Present section. It is available in both English and French.

What's required of an Ontario employer under Bill 168?

Bill 168 makes specific requirements of Ontario employers with more than five employees. These include, but are not limited to:

- Performing a risk assessment of violence in the workplace
- Preparing policies regarding workplace violence and workplace harassment
- Implementing the new policies by creating programs to control, mediate, address, report, and

investigate workplace violence / harassment

- Reviewing and re-evaluating workplace violence / harassment policies and programs (on at least an annual basis)

More detailed requirements may be found in the full text of the Bill.

Who's affected by Bill 168?

Provincially regulated employers in Ontario that employ more than five people are expected to comply with the law's new provisions. Even if an organization is headquartered outside the province, as long as it has an operation in Ontario and is a provincially regulated employer, it will be required to comply.

What are the consequences for non-compliance with Bill 168?

For corporations, violations of OHSA include fines of not more than \$500,000 per count. Employers could also face negative media coverage if it's uncovered that they were non-compliant with the new law.

When does Bill 168 come into force?

The Bill will come into force on June 15, 2010. Because the process involved in fully complying with Bill 168 will likely be long and complex, employers should begin preparing for this as soon as possible.

How can Kroll help me comply with Bill 168?

Kroll can help by providing Ontario employers with legally compliant, accurate background checks on all your employees – both prospective and current. To add another layer of protection, we can also help perform certain criminal records checks for your current employees on an ongoing basis.

How do background checks help compliance with Bill 168?

Though the Bill does not explicitly require employers to perform background checks on its employees, these are widely believed to be a key component of a comprehensive approach to mitigating the risk of workplace violence. Performing these checks can also help demonstrate due diligence by the employer.

Consider if an act of workplace violence was committed by a current employee who had a history of such behaviour that could have been uncovered via a background check during the hiring process. In such an instance, the employer may be exposed to considerable

finer if it is found that, by not exercising due diligence in vetting the employee, the employer failed to implement an effective program for controlling the risk of workplace violence. An act of workplace violence could also cause negative publicity for the employer.

Keep in mind also that employers may, in certain situations, be required to provide information to a worker about a risk of workplace violence from an individual with a history of violent behaviour. One avenue to gathering the information necessary to comply with this requirement is to perform background checks on all employees.

Q Why should I use Kroll?

A By providing compliant, defensible background screening programs and services, Kroll enables employers of all types and sizes to make timely, informed, and cost-effective hiring and investment decisions, enhance workplace safety, mitigate risk, and reduce hiring costs.

Kroll is distinguished by total dedication to data quality and accuracy, exceptional client care, an unmatched global reach, and pioneering data security techniques. Furthermore, our Canadian headquarters are located in Toronto and staffed by professionals expert in the specific nuances of background screening in Canada.



Learn more. Contact us today!

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