

Ontario Employment Law in the Workplace

PReP Course 11 - Lesson 4

It's an important part of an employer's responsibility to provide you with training for the job that you are required to do, but you have a responsibility as well and I think that looking at your professional organizations and what they provide in the way of training, updating, and ongoing learning will help you fit in and feel that you are learning everything that you need to know about how to work best in Ontario, building on the skills that you've brought to Canada.

The employer cannot terminate your employment because you are unable to do a job unless they have provided training which would allow you to do the job at the level that the employer requires.

A new area of legislation in Ontario looks at bullying in the workplace; discrimination; harassment; and anything that can make a workplace uncomfortable for an employee. It's difficult to tell an employer that you're having a problem with a fellow employee or with a supervisor, but all employers are required now to have a policy in place that provides a mechanism for you to make a complaint which can be investigated and then a decision can be made about whether or not the behaviour that's going on is appropriate. So you as an employee should be familiar with, and hopefully it's in your employee manual, that there is a policy and a procedure in place for you to make a complaint. If you feel that you're being treated badly by anyone in the workplace, it should be investigated, and a decision should be made about what action can be taken.

Employers are responsible for the supervisors and managers that you will be working with, and employers may be liable if those supervisors and managers are not treating you appropriately. So become familiar with the policy, and be aware that you do have that right, and an employer has an obligation to investigate if you do have a concern.

If you have a concern about something that's happening in the workplace there are rights that you have that you can exercise. But in order for you to be able to explain what's happening, you're going to need evidence. You're going to need either documents, or witnesses - videos in some cases - and you have to be careful to make sure that if you have a need to describe the bad behaviour you have evidence that can be used, either at the Ontario Human Rights Tribunal, or potentially in a court, if necessary. It's hard, sometimes, to gather that evidence, but it is important because you as a

person who is making the complaint is the primary witness; you can describe what happened, but it's often going to be very helpful to you if there is some way to corroborate or to have someone who can also say what is happening to you is something that they have seen or heard. Evidence is important in order to be able to convince a decision-maker that something needs to be done.

One of the things that can help you if you are concerned that you're being treated badly in the workplace, if you think there's a human rights issue, if you think that there is a discrimination issue going on, it's important to get some legal advice. There is a legal aid system in Ontario that allows you to get advice from lawyers who can provide you with a short amount of time to give you an idea of whether or not there is a reason for you to pursue a particular issue in a court. If it's a human rights complaint, there's actually an office that deals with helping applicants who want to make a complaint about their employer, and they will help you write the complaint, and help you with the process as well. But please remember that evidence will be required, and it will be important for you to be able to explain exactly what happened, and when, and how, and who.