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Bill 124

An Act to amend the Liquor Licence and Control Act, 2019 and the Occupational Health and Safety Act respecting training on sexual violence and harassment

Co-sponsors:

Ms P. Sattler

Ms J. Andrew

Mr. T. Kernaghan

Ms. L. Lindo

Private Members' Bill

1st Reading April 28, 2022

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Liquor Licence and Control Act, 2019* to require the establishment of an evidence-based, trauma-informed sexual violence and harassment prevention training program. The training is mandatory for certain categories of workers listed in the Bill, including servers, persons who provide security and supervisors. Every licensee and permit holder is required to have a sexual violence and harassment policy.

The Bill also amends Part III.0.1 (Violence and Harassment) of the *Occupational Health and Safety Act* respecting workplace harassment, workplace sexual harassment and workplace violence.

**An Act to amend the Liquor Licence and Control Act, 2019 and
the Occupational Health and Safety Act respecting
training on sexual violence and harassment**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Liquor Licence and Control Act, 2019

1 (1) The *Liquor Licence and Control Act, 2019* is amended by adding the following sections:

Sexual violence and harassment prevention training

24.1 (1) The Registrar shall develop an evidence-based, trauma-informed sexual violence and harassment prevention training program that includes training on the following:

1. What constitutes sexual violence or harassment of patrons and workers in premises where liquor is sold or served.
2. The requisite elements of consent.
3. How to recognize signs that a person may be at risk of sexual violence or harassment in premises where liquor is sold or served or after leaving those premises.
4. How to safely intervene in circumstances where a person may be at risk of sexual violence or harassment in premises where liquor is sold or served or after leaving those premises.

Training mandatory

(2) The holder of a licence or permit issued in respect of a premises shall complete the sexual violence and harassment prevention training program and shall ensure that persons mentioned in subsection (3) complete the sexual violence and harassment prevention training program,

- (a) in the case of an employee of the licence or permit holder, before beginning to perform any duties referred to in subsection (3); or
- (b) in the case of any other person who provides services at the premises, before beginning to provide those services.

Persons required to complete training

(3) The persons referred to in subsection (2) are,

- (a) persons who are involved in the sale or service of liquor at the premises;
- (b) persons who are responsible for the security of the premises; or
- (c) persons who are responsible for supervising any person mentioned in clause (a) or (b).

Requirement to display sign

(4) The holder of a licence or permit issued in respect of a premises shall display a sign in a prominent place at the premises indicating that the persons mentioned in subsection (3) have completed the sexual violence and harassment prevention training program.

Clarification re: liability

(5) A person is not liable in a civil proceeding respecting an allegation of sexual violence or harassment by reason only that the person completed the sexual violence and harassment prevention training program required under this section.

Transition

(6) Any person who is required to complete the sexual violence and harassment prevention training program and who, immediately before the *Safe Night Out Act, 2022* comes into force, either held a licence or permit issued in respect of a premises or was a person mentioned in subsection (3) shall complete the training program within four months after the *Safe Night Out Act, 2022* comes into force.

Sexual violence and harassment policy

24.2 Every licensee and permit holder shall have a sexual violence and harassment policy that focuses on reducing sexual violence and harassment and that sets out,

- (a) how incidents of sexual violence or harassment will be addressed by,
 - (i) persons who are involved in the sale or service of liquor at the premises,
 - (ii) persons who are responsible for the security of the premises, or
 - (iii) persons who are responsible for supervising any person mentioned in subclause (i) or (ii); and
- (b) information about the supports and services available in the community for persons who experience sexual violence or harassment.

(2) Section 78 of the Act is amended by adding the following subsection:

Transitional regulations, sexual violence and harassment prevention

(1.1) The Lieutenant Governor in Council may make regulations providing for any transitional matter that the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments made by the *Safe Night Out Act, 2022*.

Occupational Health and Safety Act

2 (1) The definition of “workplace violence” in subsection 1 (1) of the *Occupational Health and Safety Act* is amended by adding the following clause:

- (d) workplace sexual violence within the meaning of subsection (5).

(2) Section 1 of the Act is amended by adding the following subsection:

Workplace sexual violence

(5) For the purposes of this Act and the regulations, workplace sexual violence includes any of the following acts, whether or not the act occurs in person or online and whether or not the act occurs in the context of a domestic or intimate partner relationship:

1. Any sexual act against a worker in a workplace, if the act is known or ought reasonably to be known to be unwelcome.
2. Any act against a worker in a workplace that targets the worker’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, if the act is committed, threatened or attempted without the person’s consent.

(3) Section 32.0.1 of the Act is amended by adding the following subsection:

Clarifications

(1.1) For greater certainty,

- (a) the policy required under clause (1) (a) shall include content specifically addressing workplace sexual violence; and
- (b) the policy required under clause (1) (b) shall include content specifically addressing workplace sexual harassment.

(4) Subsection 32.0.7 (1) of the Act is amended by striking out “and” at the end of clause (c) and by adding the following clause:

- (c.1) all reasonable measures are taken to prevent workplace harassment and to promote respect and dignity in the workplace, recognizing that all workers have a right to work in an environment free of workplace harassment; and

(5) Section 32.0.8 of the Act is amended by adding the following subsection:

Workplace sexual harassment — approved training

(2) An employer shall,

- (a) complete training that has been approved by the Chief Prevention Officer regarding workplace sexual harassment; and
- (b) ensure that every person in the workplace, including supervisors, committee members and workers, completes training that has been approved by the Chief Prevention Officer regarding workplace sexual harassment.

Commencement

3 This Act comes into force on the day that is six months after the day this Act receives Royal Assent.

Short title

4 The short title of this Act is the *Safe Night Out Act, 2022*.