

# Legal options for community organizations being harassed

Tuesday, June 23, 2026 from 12:30 p.m. to 2:00 p.m. EST

## Speaker:

**Benjamin Miller**, Staff Lawyer and Policy Advisor, Ontario Nonprofit Law Network

**Lauren Paparousis**, Lawyer and Associate, Porter Litigation

**Sasha Hart**, Lawyer and Founder, Sasha Hart Law



# Land Acknowledgement

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CLEO acknowledges that our office is located on the traditional territory of many nations, including the Mississaugas of the Credit, the Chippewa, the Haudenosaunee, and the Wendat. This land is now also home to many diverse First Nations, Inuit, and Métis Peoples. This area of Tkaronto, also known as Toronto, is covered by Treaty 13 signed by the Mississaugas of the Credit and the Williams Treaties signed by multiple Mississauga and Chippewa First Nations.

We acknowledge the ongoing impacts of colonization, anti-Indigenous racism, and white supremacy on which this city and our legal system are built. We are all Treaty people and we commit to working in solidarity towards truth and reconciliation.



# CLEO Resources

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Steps to Justice – free legal information

- [stepstojustice.ca](https://stepstojustice.ca)

Guided Pathways – help completing legal forms

- [stepstojustice.ca/guided-pathways-home/](https://stepstojustice.ca/guided-pathways-home/)

CLEO publications – free print resources

- [cleo.on.ca](https://cleo.on.ca)

CLEO Connect – training for community workers

- [cleoconnect.ca](https://cleoconnect.ca)



# What can you expect today?

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- 90 minutes (3 presenter and 2 Q and A periods).
- The webinar may contain legal information. As a reminder, this is not legal advice. The information is current as of today's date, June 23, 2026.
- Links to the recording, slides, and handout will be sent by email to all registrants within a few days.
- ASL interpretation is available today. Subtitles (closed captioning) have also been enabled.

# Enabling Closed Captioning

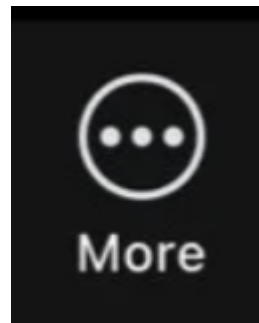
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To use the Closed Captioning feature, click on the icon with two C's in your Zoom controls:



If you don't see this icon, try clicking on the More icon with three dots:



# Speaker Introductions

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**Sasha Hart**, Lawyer and Founder,  
Sasha Hart Law

**Lauren Paparousis**, Lawyer and Associate,  
Porter Litigation

**Benjamin Miller**, Staff Lawyer and Policy Advisor,  
Ontario Nonprofit Law Network

# Third-Party Workplace Harassment and Violence: Ontario Employment Law Protections



Presented by:

**Sasha Hart**

Founder & Principal Lawyer, Sasha Hart Law

Community Legal Education Ontario (CLEO) Webinar

July 23, 2026



# Overview

- 01 1. Source of Protections: Legal Framework
2. Scope of Protections: Key Definitions
- 03 3. Employee Rights & Employer Obligations
- 04 4. Employee Recourse Avenues
- 02 5. Employer Toolkit: Practical Measures

# Source of Protections: Legal Framework

- Statutes
  - Occupational Health and Safety Act; Canada Labour Code
  - Ontario Human Rights Code; Canadian Human Rights Act
  - Criminal Code (s. 217.1- employer to prevent bodily harm)
- Common Law
- Tort Law/Vicarious Liability
- Contract, Collective Agreement

# Scope of Protections: Key Definitions

## “Workplace Harassment”

- Course of vexatious comment or conduct
- Known, or ought reasonably to be known, to be unwelcome
- Typically persistent, or a single severe incident
- \*May be linked to a prohibited ground of discrimination

## “Workplace Violence”

- The exercise of physical force
- The attempt to exercise physical force
- Threat to exercise physical force

...that causes or could cause physical injury

## **Incivility**

- General rudeness
- Loud frustration over service delays
- One-off abrasive comments (not linked to prohibited grounds)

### **Appropriate Action:**

De-escalation, boundary setting, client service protocols etc.

## **Harassment/ Violence**

### **Appropriate Action:**

Immediate reporting, investigation, legal action

**“Violence is not the mere absence of civility”  
Bracken v. Fort Erie (Town), 2017 ONCA 668**

# The “Workplace”

- Not restricted to physical premises
- Includes virtual environments, telework in private residences
- Work-related events (e.g., off-site conferences, volunteer appreciation dinner)
- Off-duty conduct on social media --- where sufficient connection to the workplace & negative impact manifests in workplace (*Metrolinx v. Amalgamated Transit Union, Local 1587*, 2025 ONCA 415)
  - E.g., Does not extend to worker’s second place of employment (*Rainy River (Town) v. Olsen*, 2017 ONCA 605)

# Employee Rights

1. **Safe, Harassment-free, Discrimination-free Workplace**
2. **Non-Reprisal**
3. **Right to Know:** Employers must provide information regarding a person with a "history of violent behaviour" if the worker is likely to encounter them and the risk of injury is likely
4. **Right to Participate:** Joint Health and Safety Committee (JHSC) or health and safety representatives, who must be consulted during policy development and violence risk assessments
5. **Right to Refuse Unsafe Work** A worker may refuse work if they have a "reasonable belief" (subjective) that workplace violence is likely to endanger himself or herself.

# Work Refusal

- **First Stage:** The worker reports the refusal to the supervisor. An internal investigation occurs.
- **Second Stage:** If the worker remains in reasonable belief of danger, employer must notify Ministry of Labour (MOL) for an Inspector's investigation (\*Note: Right to continue the refusal is based on an objective standard of reasonableness)
- **Physical Presence:** The right to refuse work is not a right to leave the workplace.
- **Alternative Work:** The employer may assign reasonable alternative work during the investigation as long as it does not constitute a reprisal

# Employer Obligations

- **Develop Policies:** + Review annually
- **Develop Anti-Harassment Program:** Reporting Procedures; Alternative Reporting, Investigation Protocols, Privacy/confidentiality measures; Communication of Results
- **Develop Workplace Violence Program:** Measures to control risks, Process for workers to summon assistance, Reporting and investigation procedures
- **Conduct Risk Assessments:** Assess risks of violence arising from the nature of the workplace, type of work, or conditions of work.
- **Provide Training** re: policies and programs.
- **Investigate:** OHSA requires investigation of both *incidents* and *complaints*; investigation required even in the absence of a formal complaint complaint (*Metrolinx*)

# Steps Employees Can Take

- Keep record of incidents (dates, witnesses, screenshots etc.)
- Review policies and programs
- Internal reporting and complaint procedure
- Contacting union representative
- Collective organizing
- Ministry of labour complaint

# Steps Employees Can Take (cont'd...)

- Human rights application (HRTO) (where protected ground)
- Police report
- Constructive dismissal (where intolerable/poisoned work environment; seek legal advice)
- Tort Law/Vicarious Liability (e.g., assault and battery: *Bassanese v. German Canadian News Company Limited et al.*, 2019 ONSC 1343)
- Seek Legal Advice

# Scenario

- S is a case worker at a community centre.
- A regular visitor to the centre, "Mr. X," becomes angry when he is denied a specific benefit.
- He starts sending S hostile emails and posts on the organization's public social media page. The comments eventually escalate to body-shaming epithets and personal insults.
- One day, Mr. X shows up at the office, shouts at Sarah, and pounds his fist on the reception counter, making her fear for her safety.

# Employer Toolkit for 3rd Party Harassment/Violence

- **Risk Assessment:** Conduct a site-specific violence risk assessment
- **Policy Review and Update:** Ensure policies explicitly cover "third parties"; Virtual workplace; Incident response plans etc.
- **Dissemination of Information (Warning staff) & Training**
- **Communication Protocols:** E.g., email-only contact or single point of contact
- **Engineered Controls:** security barriers, security cameras, panic buttons, monitored access, improved lighting and surveillance; e-mail/ social media blocking
- **Retaining security guards;** preventing access

# Employer Toolkit (Cont'd...)

- **Emergency Summoning Procedures:** For summoning immediate assistance during public interactions
- **Formal Warning (Oral or Cease and Desist Letters) & Expulsion**
- **Police Involvement:** Reporting violent incidents and threats
- **Trespass Notice:** Issue a formal notice if third party's behaviour becomes threatening or non-civil
- **Peace Bonds Application:** Restraining individuals who cause a reasonable fear of injury
- **Injunction applications** (*York Condominium Corporation No. 163 v. Robinson*, 2017 ONSC 2419 ; *Bracken v. Fort Erie (Town)*, 2017 ONCA 668 )



# Employer Toolkit (Cont'd...)

- \*Note: Beware of human rights code obligations (re: trespass, expulsion, police intervention etc.)
- \*Note: Beware of nuances when determining whether to call police (re: service users, staff)



# Thank you!

 [sasha@sashahartlaw.com](mailto:sasha@sashahartlaw.com)

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# Civil Litigation for Nonprofits Facing Harassment

Ontario Non-Profit Network

Presented by:

Lauren Paparousis [lpaparousis@porterlitigation.com](mailto:lpaparousis@porterlitigation.com)

Location:

Virtual

June 23, 2026

# Introduction

- Where does civil litigation fit?
  - Criminal law is prosecuted by the state, requires a higher burden of proof
  - Employment law regulates employer duties to address risks to employees
  - Civil law provides remedies for harm when conduct does not meet criminal thresholds but affects individuals or organizations.

# Sample Scenario

- A non-profit runs a transitional housing facility
- A neighbouring resident opposes its presence
- Over several months the neighbour:
  - Yells aggressive comments at staff and residents entering the building
  - Sends emails to donors wrongfully alleging that the staff are engaging in misconduct
  - Posts personal attacks repeatedly on staff members public social media profiles

# Key Tort Causes of Action

- Online harassment
- Nuisance
- Intentional infliction of mental suffering
- Defamation
- Trespass
- Assault

# Who is the Plaintiff?

- Individual vs. Non-Profit Organization (or both)
  - two or more persons may join as plaintiffs in the same proceeding if their claims arise out of the same transaction or occurrence, or series of transactions or occurrences, and if a common question of law or fact arises in the proceeding

# Online harassment

*Ontario does not recognize a general tort of harassment (Merrifield v. Canada, 2019 ONCA 205).*

## **New tort of internet harassment - *Caplan v. Atas* (2021 ONSC 670).**

- Test for Online Harassment:
  - a. The defendant maliciously or recklessly engaged in communications so outrageous in character, duration and degree as to go beyond all bounds of decency and tolerance
  - b. With intent to cause fear, anxiety or emotional upset, or to impugn the plaintiff's dignity
  - c. The plaintiff suffered such harm
- Conduct intended to annoy would not meet this test; the tort is reserved for only the most “serious and persistent of harassing conduct.”

# Defamation

## **Protects reputation from false statements - *Grant v. Torstar* (2009 SCC 61)**

- The words were defamatory — they would tend to lower the plaintiff's reputation in the eyes of a reasonable person
- The words referred to the plaintiff
- The words were published — communicated to at least one person other than the plaintiff

*Defences include truth, fair comment, privilege, and responsible communication on matters of public interest.*

# Intentional infliction of mental suffering

**A tort for deliberate conduct causing psychological harm; *Prinzo v. Baycrest* (2002 ONCA).**

- Flagrant or outrageous conduct
- Calculated to produce harm
- Resulting in a visible and **provable illness**

# Nuisance

**Private nuisance protects the use and enjoyment of land from interference such as noise, odour, smoke or vibration; *Antrim Truck Centre v. Ontario* (2013 SCC 13).**

- Substantial — more than a trivial annoyance
- Unreasonable in all the circumstances

*Factors: severity and duration, character of the neighbourhood, sensitivity of the plaintiff, and utility of the defendant's conduct.*

# Trespass

- The tort of trespass to land is committed by entry upon, remaining upon or placing or projecting any object upon land in the possession of the plaintiff without lawful justification. To be actionable, the defendant's act must be voluntary, but it need not be intentional. Trespass may be committed either intentionally or negligently. The interference with the plaintiff's property must be direct, not indirect or consequential.
- *Actionable without proof of damage*

# Assault

- the Plaintiffs must show that the Defendant intentionally caused another to fear imminent contact of a harmful or offensive nature. Imminence of the harmful or offensive conduct is essential to proving the tort.

# Sample Scenario

- A non-profit runs a transitional housing facility
- A neighbouring resident opposes its presence
- Over several months the neighbour:
  - Yells aggressive comments at staff and residents entering the building
  - Sends emails to donors wrongfully alleging that the staff are engaging in misconduct
  - Posts personal attacks repeatedly on staff members public social media profiles

# Remedies

- Damages
  - Typically require proof of harm suffered (ex. emotional distress, reputational harm, actual financial losses, etc)\
  - **Punitive Damages** - defendant's conduct was "malicious, oppressive and high-handed [such] that it offends the court's sense of decency":
- Injunctive Relief
  - Permanent injunctions
  - Apologies
  - Retractions
  - Order to remove defamatory content

# Steps In Civil Litigation

- Demand Letter
- Statement of Claim issued (within 2 years)
- Defendant files a defence
- Discovery (oral and documentary)
- Motions (if applicable)
- Mediation (mandatory in Toronto)
  - Settlement discussions can happen at any stage
- Trial
- Judgement
  - Enforcement

# Practical Considerations

- Limitation Periods
  - 2 years to commence civil action
- Civil litigation is slow
  - Procedural steps can take years, but demand letters can be highly effective
- Civil litigation is expensive
  - Partial costs recovery if successful
- Enforcement challenges

*Thank You.*

Presented by:

Lauren Paporousis, [lpaporousis@porterlitigation.com](mailto:lpaporousis@porterlitigation.com)

Location:

Virtual

June 22, 2026

# Criminal law for nonprofits facing harassment

Criminal trespass  
Criminal harassment  
Defamatory libel

Presented by:  
**Benjamin Miller**  
[valid as of: June 23, 2026]

# Disclaimer

This presentation is:

- General legal information – it is not legal advice tailored for your specific situation.
- A high-level overview– it isn't comprehensive and it doesn't address other areas of law, such as public or civil law remedies.
- About law not the many other things that go into making adversarial community relations work.

# Learning objectives

- You have rights and you shouldn't have to be the victim of a crime silently.
- How to document what is happening to you so you can maximize the likelihood that police and courts will understand and take your concerns seriously.
- How to distinguish between criminal behaviour and behaviour that may be distressing but is not criminal.

# Scenarios considered

1. Neighbours come onto your parking lot and yell at staff or clients or make otherwise unwelcome comments.
2. An individual posts to social media and sends messages to your funders making various false statements in an effort to get you defunded.
3. A neighbour installs a security camera pointed at your property or individuals videotape your staff and clients.

# Criminal trespass

What is it?

How to prove it?

Application to scenarios

# What is criminal trespass?

Criminal trespassing happens when someone:

1. go[es] onto another person's property where it is prohibited with notice in writing (can be a sign stating 'NO ENTRY');
2. do[es] something on another person's property that is prohibited. Things that are prohibited are listed on a sign; or
3. do[es] not leave the property immediately after being told to do so by the owner or a person authorized by the owner.

A person may be able to defend against a charge of trespassing if they had reasonable grounds to believe they had permission to be on the property.

**Source:** [Justice for Children and Youth](#)

# How to prove criminal trespass?

A prosecutor must prove:

- **Identity of the alleged trespasser.** e.g. videos, photos, written communications, or witnesses.
- **They have been brought to the right court.** e.g. If they are under 18, they would belong in a youth court.
- **Date of the alleged trespass.**
- **They engaged in prohibited conduct.** e.g. they were asked to leave and did not leave, or engaged in conduct that was prohibited on publicly visible sign.
- **They had no reasonable grounds for believing they had permission.** e.g. staff or volunteers explicitly directing them to leave or cease certain conduct.

# Application to scenarios

**Scenario:** Neighbour yelling at staff and clients in parking lot.

<b>Proof of prohibited conduct</b>	<ul style="list-style-type: none"><li>● Parking lot is open space</li><li>● If neighbour leaves after being asked, hard to prove trespass</li><li>● Visible signage prohibiting conduct in advance helps.</li></ul>
<b>Reasonable grounds to believe permitted</b>	<ul style="list-style-type: none"><li>● Is the parking lot typically used by the public?</li><li>● When staff sent them away were they clear they could not come back?</li></ul>

# Criminal harassment

What is it?

How to prove it?

Application to scenarios

# What is criminal harassment?

[A person] commit[s] the crime of Harassment if [they] act in a way that causes another person to be scared for their own safety or for the safety of others. There are four ways [one] can commit the crime of harassment:

1. repeatedly following someone around
2. repeatedly communicating with someone who doesn't want you to communicate with them
3. repeatedly watching or argumentatively approaching someone's home, workplace, or another place the person spends time
4. threatening a person or a member of their family.

**Source:** Criminal Code s.264, [Steps to Justice](#)

# How to prove criminal harassment?

A prosecutor must prove:

- **Identity of the alleged harasser.** e.g. videos, photos, written communications, or witnesses.
- **They have been brought to the right court.** e.g. If they are under 18, they would belong in a youth court.
- **Date of the alleged harassment.** Typically must be repeated.
- **They engaged in prohibited conduct.**
- **Victim felt harassed by the conduct.** tormented, troubled, worried continually or chronically, plagued, bedeviled, and badgered. Changed security protocols may be evidence.
- **Harasser knew victim felt harassed or was reckless.**
- **Victim feared for their safety or that of someone else.**
- **It was reasonable under the circumstances to fear.**

# Application to scenarios

**Scenario:** Neighbour repeatedly calling and emailing. Recently installed camera pointing at premises.

<b>Dates</b>	Important to record dates and contents of all communications
<b>Impact on staff and clients</b>	Document personal feelings of staff and clients as part of debriefing incidents.
<b>Harasser knew</b>	Communicating to harasser about impact of his actions is good evidence of this.
<b>Reasonable fear</b>	If clients/staff express fear, ask what this is linked to and what specifically they are afraid of.

# Defamatory libel

What is it?

When is it legally justified?

How to prove it?

Application to scenarios

# What is defamatory libel?

Defamatory libel as:

1. Something published (either widely or for a restricted audience)
2. Without lawful justification or excuse
3. That is either:
  - a. likely to injure someone's reputation by exposing him to:  
hatred, contempt, or ridicule, or
  - b. Is designed to insult the person

If the person publishing knew the content was false, the person publishing it may be liable for a penalty of up to 5 years in prison rather than two if they did not know.

**Source:** Criminal Code s.298-300

# When is defamatory libel legally justified? (1/2)

There are many legal defences, including:

- Selling a newspaper, book, pamphlet or other material, if the salesperson does not know it contained defamatory material.
- Published matter as part of court proceedings or a pub. Inquiry.
- Petition in legislature.
- Publishes in a newspaper a fair report of a public meeting
- The defamatory material is on a subject of public interest and publisher reasonably believed what they were writing is true.
- The defamatory material is a fair comment on a person who participates in public affairs or any other public communication.



# Community and legal resources

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[Find your community legal clinic](#) or call 1-800-668-8258

Legal Aid Ontario: [How do I apply for Legal Aid?](#)

[Visit Pro Bono Ontario](#) or call 1-855-255-7256

[Ontario Legal Information Centre](#) offers appointments with a lawyer, in English or French.



# Thank you for joining us!

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**QUESTIONS or COMMENTS?**

Contact [info@cleoconnect.ca](mailto:info@cleoconnect.ca)