

# Harassment – Know The Laws of Your Province



Harassment regulations are vital for ensuring a safe, respectful, and inclusive workplace. These regulations require **employers** to prevent and address workplace harassment by implementing policies, conducting risk assessments, and providing training to employees. Harassment includes verbal, physical, psychological, and sexual misconduct that creates a hostile work environment. **Employers must** establish reporting procedures, investigate complaints promptly, and take corrective actions when necessary. Workers **must** be informed of their rights, understand how to report harassment and be protected from retaliation. While general anti-harassment principles apply across Canada, specific regulations vary by province and territory to address workplace safety and human rights concerns. Compliance with these regulations fosters a respectful work environment, prevents workplace conflicts, and promotes a culture of safety and inclusion.

## FEDERAL

In Canada, **employers** are **required** to address workplace harassment under the [Canada Labour Code – Workplace Harassment and Violence Prevention Regulations, Sections 10 to 12](#). These regulations **mandate** that **employers** take proactive measures to prevent and address workplace harassment and violence by implementing policies, conducting risk assessments, and ensuring employees receive appropriate training.

### **Workplace Harassment and Violence Prevention Policy**

#### **Joint Development**

(1) An **employer** and the applicable partner **must** jointly develop a workplace harassment and violence prevention policy. **Section 10(1)**.

#### **Policy Content**

(2) The policy **must** contain the following elements:

(a) The **employer's** mission statement regarding the prevention of and protection against harassment and violence in the workplace.

- (b) A description of the respective roles of the **employer**, designated recipient, employees, policy committee, workplace committee, and health and safety representative in relation to harassment and violence in the workplace.
- (c) A description of the risk factors, internal and external to the workplace, that contribute to workplace harassment and violence.
- (d) A summary of the training that will be provided regarding workplace harassment and violence.
- (e) A summary of the resolution process, including:
- (i) the name or identity of the designated recipient, and
  - (ii) the manner in which a principal party or witness may provide the **employer** or the designated recipient with notice of an occurrence.
- (f) The reasons for which a review and update of the work place assessment **must** be conducted under subsection 6(1).
- (g) A summary of the emergency procedures that **must** be implemented when an occurrence poses an immediate danger to the health and safety of an employee or when there is a threat of such an occurrence.
- (h) A description of the manner in which the **employer** will protect the privacy of persons who are involved in an occurrence or in the resolution process for an occurrence under these Regulations.
- (i) A description of any recourse, in addition to any under the Act or these Regulations, that may be available to persons who are involved in an occurrence.
- (j) A description of the support measures that are available to employees.
- (k) The name of the person who is designated to receive a complaint made under subsection 127.1(1) of the Act.

#### **Policy to be made available**

- (3) An **employer must** make the policy available to all employees.

#### **Joint review and update**

- (4) An **employer** and the applicable partner **must** jointly review and, if necessary, update the policy at least once every three years and following any change to an element of the policy. **Section 10(2)(3)(4).**

#### **Emergency Procedures**

##### **Joint development and implementation**

- (1) An **employer** and the applicable partner **must** jointly develop emergency procedures that are to be implemented if:

- (a) an occurrence poses an immediate danger to the health and safety of an employee;  
or
- (b) there is a threat of an occurrence referred to in paragraph (a).

##### **Procedures available**

(2) An **employer must** make the emergency procedures available to all employees.

### **Joint review and update**

(3) After every implementation of the emergency procedures under subsection (1), an **employer** and the applicable partner **must** jointly review and, if necessary, update the procedures. **Section 11 (1)(2)(3).**

### **For more information:**

- Training – Joint development or identification. **Sections 12(1).**
- Required training elements. **Sections (2)(a)(b)(c).**
- Joint review and update. **Sections (2)(a)(b)(c)(3).**
- **Sections (4)(b)(c).**
- Designated recipient. **Section (5).**
- **Section (6).**

Further details on the Canada Labour Code can be found at [Justice.gc.ca](https://www.justice.gc.ca).

## **ALBERTA**

In Alberta, **employers** are **required** to address workplace harassment under the [Occupational Health and Safety Code – Part 27 Violence and Harassment, Sections 390.4 to 392](#). These regulations **mandate** that **employers** develop and implement policies to prevent workplace harassment and violence, conduct risk assessments, and provide workers with appropriate training.

### **Part 27 Violence and Harassment**

#### **Harassment Prevention Plan**

(1) An **employer must** develop and implement a harassment prevention plan that includes a harassment prevention policy and harassment prevention procedures. **Section 390.4(1).**

(2) The **employer must** develop and implement the harassment prevention plan in consultation with:

(a) The joint health and safety committee or the health and safety representative, if the **employer is required** to establish a committee or designate a representative, or

(b) affected workers, if the **employer is not required** to establish a committee or designate a representative. **Section 390.4(2).**

#### **Harassment Prevention Policy**

An **employer must** ensure that a harassment prevention policy under section 390.4(1) includes the following:

(a) A statement that the **employer** is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of harassment.

(b) A statement that the **employer** will investigate any incidents of harassment and take corrective action to address the incidents.

(c) A statement that the **employer** will not disclose the circumstances related to an incident of harassment or the names of the complainant, the person alleged to have

committed the harassment, and any witnesses, except:

(i) where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident of the results of the investigation and any corrective action to be taken to address the incident, or

(ii) as **required** by law.

(d) A statement that the harassment prevention policy is not intended to discourage a worker from exercising rights pursuant to any other law, including the *Alberta Human Rights Act*. **Section 390.5(a)(b)(c)**.

### **Harassment Prevention Procedures**

An **employer must** ensure that the harassment prevention procedures under section 390.4(1) include the following:

(a) The procedure to be followed by a worker when reporting harassment.

(b) The procedure to be followed by the **employer** when documenting, investigating, and preventing harassment.

(c) The procedure to be followed by the **employer** when informing the parties involved in an incident of harassment of:

(i) the results of an investigation of the incident, and

(ii) any corrective action to be taken to address the incident. **Section 390.6(a)(b)(c)**.

**For more information:**

- Review of plans. **Sections 390.7(1) to 390.7(4)**.
- Training of workers. **Section 391.1**.
- Treatment or referral. **Section 391.2**.
- Entitlement to pay. **Section 392**.

**Further details on the Occupational Health and Safety Code can be found at [Alberta.ca](http://Alberta.ca).**

### **BRITISH COLUMBIA**

In British Columbia, **employers** are **required** to address workplace harassment under the **[Policies for the Workers Compensation Act – Division 4 General Duties of Employers, Workers, and Others, Policies P2-21-2, P2-22-1, and P2-23-2](#)**, which align with **Sections 21, 22, and 23** of the Act. These regulations **mandate** that **employers** take proactive measures to prevent and address workplace harassment and violence by implementing policies, conducting risk assessments, and ensuring workers receive proper training.

### **Division 4 – General Duties of Employers, Workers and Others**

#### **POLICY**

#### **Reasonable Steps to Address the Hazard of Workplace Bullying and Harassment**

WorkSafeBC considers that reasonable steps by an **employer** to prevent where possible,

or otherwise minimize, workplace bullying and harassment include the following:

(a) Developing a policy statement with respect to workplace bullying and harassment not being acceptable or tolerated.

(b) Taking steps to prevent where possible, or otherwise minimize, workplace bullying and harassment.

(c) Developing and implementing procedures for workers to report incidents or complaints of workplace bullying and harassment including how, when and to whom a worker should report incidents or complaints. Included **must** be procedures for a worker to report if the **employer**, supervisor, or person acting on behalf of the **employer**, is the alleged bully and harasser.

(d) Developing and implementing procedures for how the **employer** will deal with incidents or complaints of workplace bullying and harassment including:

1. how and when investigations will be conducted;
2. what will be included in the investigation;

iii. roles and responsibilities of **employers**, supervisors, workers and others;

1. follow-up to the investigation (description of corrective actions, timeframe, dealing with adverse symptoms, etc.); and
2. record keeping requirements.

(e) Informing workers of the policy statement in (a) and the steps taken in (b).

(f) Training supervisors and workers on:

1. recognizing the potential for bullying and harassment;
2. responding to bullying and harassment; and

iii. procedures for reporting, and how the **employer** will deal with incidents or complaints of bullying and harassment in (c) and (d) respectively.

(g) Annually reviewing (a), (b), (c), and (d).

(h) Not engaging in bullying and harassment of workers and supervisors.

(i) Applying and complying with the **employer's** policies and procedures on bullying and harassment.

### ***Supervisor Duties – Workplace Bullying and Harassment***

#### **1. Preamble**

A supervisor has a duty to take all reasonable steps to ensure the health and safety of workers under their supervision, and as a result, a supervisor **must** take all reasonable steps to prevent where possible, or otherwise minimize, workplace bullying and harassment. Workplace bullying and harassment can lead to injury, illness or death.

This Policy provides a consistent legal framework for stakeholders, WorkSafeBC Officers and decision-makers identifying what WorkSafeBC considers to be reasonable steps for a supervisor to prevent where possible, or otherwise minimize, workplace bullying and harassment.

#### **2. Explanatory Notes**

Section 23(1)(a) of the *Act* requires supervisors to take all reasonable steps to ensure the health and safety of workers under their supervision.

This policy (P2-23-2), which flows from the above section in the *Act*, discusses supervisor duties regarding bullying and harassment.

There are two other related policies that address workplace bullying and harassment: Items [P2-21-2](#) and [P2-22-1](#).

### 3. The *Act*

Section 23(1), in part:

(1) Every supervisor **must**:

(a) ensure the health and safety of all workers under the direct supervision of the supervisor.

#### **POLICY**

A supervisor's obligation to ensure health and safety of workers includes:

(a) Not engaging in bullying and harassment of workers, other supervisors, the **employer**, or persons acting on behalf of the **employer**; and

(b) applying and complying with the **employer's** policies and procedures on bullying and harassment.

#### **PRACTICE**

The definition of bullying and harassment includes any inappropriate conduct or comment by a 'person' towards a worker that the 'person' knew or reasonably ought to have known would cause that worker to be humiliated or intimidated.

A 'person' includes any individual, whether or not they are a workplace party. This means that a 'person' could be a workplace party such as an **employer**, supervisor, or coworker, or a non-workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.

**For more information:**

- Worker Duties – Workplace Bullying and Harassment including Policy and Practice.

**Further details on the Policies for the Workers Compensation Act can be found at [WorkSafeBC.com](http://WorkSafeBC.com).**

#### **[MANITOBA](#)**

In Manitoba, **employers** are **required** to address workplace harassment under the [Workplace Safety and Health Act and Regulation](#) – **Part 10 Harassment, Sections 10.1 to 10.3**. These regulations **mandate** that **employers** implement policies to prevent and address workplace harassment, conduct risk assessments, and provide workers with proper training.

#### **PART 10 – HARASSMENT**

##### **Harassment Prevention Policy**

(1) An **employer must:**

(a) Develop and implement a written policy to prevent harassment in the workplace;  
and

(b) ensure that workers comply with the harassment prevention policy. **Section 10.1(1)(a)(b).**

(2) The harassment prevention policy **must** be developed in consultation with:

(a) The committee at the workplace.

(b) The representative at the workplace; or

(c) when there is no committee or representative, the workers at the workplace.

**Section 10.1(2)(a)(b)(c).**

### **Required Statements**

(1) The harassment prevention policy **must** include the following statements:

(a) Every worker is entitled to work free of harassment.

(b) The **employer must** ensure, so far as is reasonably practicable, that no worker is subjected to harassment in the workplace.

(c) The **employer** will take corrective action respecting any person under the **employer's** direction who subjects a worker to harassment.

(d) The **employer** will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is:

(i) necessary to investigate the complaint or take corrective action with respect to the complaint, or

(ii) **required** by law.

(e) A worker has the right to file a complaint with the Manitoba Human Rights Commission.

(f) The **employer's** harassment prevention policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law. **Section 10.2(1)(a) to (f).**

(2) The harassment prevention policy **must** provide information on the following procedures under the policy:

(a) How to make a harassment complaint.

(b) How a harassment complaint will be investigated.

(c) How the complainant and alleged harasser will be informed of the results of the investigation. **Section 10.2(2)(a)(b)(c).**

### **Posting Policy**

An **employer must** post a copy of the harassment prevention policy in a conspicuous place at the workplace. **Section 10.3.**

Further details on The Workplace Safety and Health Act and Regulation can be found at [Gov.MB.ca](http://Gov.MB.ca).

## NEW BRUNSWICK

In New Brunswick, **employers** are **required** to address workplace harassment under the [Occupational Health and Safety Act – Part XXII.I Violence and Harassment, Sections 374.4 to 374.8](#). These regulations **mandate** that **employers** develop and implement policies to prevent workplace harassment and violence, conduct risk assessments, and provide employees with appropriate training.

### **Part XXII.I VIOLENCE AND HARASSMENT**

#### **Code of Practice – Harassment – Assessment of Risk**

(1) An **employer shall** assess the risk of violence at the place of employment. **Section 374.1(1)**.

(2) In assessing the risk of violence, an **employer shall** consult with:

(a) All committees, if any.

(b) All health and safety representatives, if any, or

(c) if there is no committee or representative, employees. **Section 374.1(2)**.

(3) When conducting the assessment referred to in subsection (1), the **employer shall** consider the following information:

(a) The location and circumstances in which the work is carried on.

(b) The risk that may arise out of or in connection with:

(i) an employee's work, or

(ii) sexual violence, intimate partner violence or domestic violence occurring at the place of employment.

(c) The categories of employees at risk, or the types of work that place employees at risk of experiencing violence.

(d) The possible effects on the health or safety of employees who are exposed to violence at the place of employment.

(e) All previous incidents of violence at the place of employment.

(f) Incidents of violence in similar places of employment. **Section 374.1(3)**.

(4) An **employer shall** ensure that the assessment referred to in subsection (1) is documented and made available to all committees, if any, or all health and safety representatives, if any, and to an officer on request. **Section 374.1(4)**.

(5) The **employer shall** review the assessment of the risk of violence and update it:

(a) When there is a change in conditions at the place of employment, or

(b) when ordered to do so by an officer. **Section 374.1(5)**.

## **Establishing code of practice for violence**

(1) The following definitions apply in this section.

“Emergency service provider” means (fournisseur de services d’urgence):

(a) A police force as defined in the Police Act.

(b) A fire department organized to serve any area of the Province.

(c) An ambulance service provided in accordance with the Ambulance Services Act.

“Health professional” means a person who (professionnel de la santé):

(a) Provides a service related to the preservation or improvement of the health of individuals or the diagnosis, treatment or care of individuals who are injured, sick, disabled, or infirm, and

(b) is registered or licensed under an Act of the Province to provide the service.

“Pharmacist” means a person licensed to practice pharmacy under the New Brunswick Pharmacy Act, 2014 (pharmacien).

“Public Service” means the Public Service as defined in the Public Service Labour Relations Act (services publics).

“Social worker” means a person registered under the New Brunswick Association of Social Workers Act, 1988 (travailleur social).

“Veterinarian” means a person who is licensed to practice veterinary medicine under the Veterinarians Act (vétérinaire). **Section 374.2(1).**

(2) A code of practice for violence **shall**:

(a) Mitigate the risk of violence at the place of employment and ensure the health and safety of employees to the extent possible, and

(b) consider any risk of violence that is identified in an assessment referred to in subsection 374.1(1). **Section 374.2(2).**

### **For more information:**

- An **employer** with 20 or more employees and employers with fewer than 20 employees regularly employed. **Sections 374.2(3) and 374.2(4).**
- Code of practice – violence. **Sections 374.3(1) and 374.3(2).**
- Code of practice – harassment. **Sections 374.4(1) and 374.4(2).**
- **Sections 374.5(1) to 374.5(5).**
- **Sections 374.6(1) and 374.6(2).**
- **Sections 374.7(1).**
- Review and Update. **Sections 374.8(1) and 374.8(2).**

Further details on the Occupational Health and Safety Act can be found at [Laws.GNB.ca](http://Laws.GNB.ca).

## **NEWFOUNDLAND & LABRADOR**

In Newfoundland and Labrador, **employers** are **required** to address workplace harassment

under the [Occupational Health and Safety Regulations – Part III General Duties, Sections 24.1 and 24.2](#). These regulations **mandate** that **employers** take proactive steps to prevent workplace harassment and violence by implementing policies, conducting risk assessments, and providing workers with appropriate training.

### **Harassment Prevention Plan**

(1) An **employer shall** develop, implement and maintain a written harassment prevention plan in consultation with the occupational health and safety committee, the worker health and safety representative or the workplace health and safety designate.

(2) A harassment prevention plan **shall**:

(a) Include a statement that every worker is entitled to employment free from workplace harassment.

(b) Include a statement that the **employer** is committed to eliminating, where possible, or otherwise, minimizing the hazard of workplace harassment.

(c) Include a statement of the worker's obligation to take reasonable care to:

(i) not engage in bullying or workplace harassment,

(ii) report observations or experiences of bullying and workplace harassment, and

(iii) comply with the harassment prevention plan.

(d) Include a statement of a supervisor's obligation to ensure the health and safety of workers, including the supervisor's obligation to apply and comply with the harassment prevention plan.

(e) Set out the procedures for workers to report instances of harassment to an **employer** or supervisor or where the **employer** or supervisor is the alleged harasser, the procedures to report harassment to an external third party.

(f) Set out the procedures to be followed after a complaint of workplace harassment is received and the manner in which a complaint is investigated.

(g) Include a statement that any information obtained relating to workplace harassment, including personal information, will not be disclosed unless it is necessary for the purpose of an investigation, corrective action relating to the complaint or where **required** by law.

(h) Set out the procedures regarding notification of results of investigations and any actions to be taken as a result of an investigation.

(i) Include a statement that the harassment prevention plan is not intended to discourage a worker from exercising the worker's rights under the *Human Rights Act, 2010*, the *Criminal Code* (Canada) or any other law of the province or of Canada.

(j) Include a statement that the **employer shall** protect workers from retaliation and provide support to workers when workplace harassment occurs.

(3) The harassment prevention plan **shall** be:

(a) Accessible to all workers in the workplace; and

(b) reviewed as necessary but at least annually.

(4) An **employer shall** investigate complaints of workplace harassment.

(5) An officer may, where the officer considers it necessary, order that an impartial third party investigate a complaint of workplace harassment.

(6) Any expenses relating to an investigation referred to in subsection (5) **shall** be the responsibility of the **employer. Section 24.1 (1) to (6).**

### **Training**

(1) An **employer shall** participate in training relating to harassment prevention.

(2) An **employer shall** provide training to employees regarding harassment prevention and the harassment prevention plan. **Section 24.2 (1)(2).**

**Further details on the Occupational Health and Safety Regulations can be found at [Assembly.NL.ca](http://Assembly.NL.ca).**

### **NOVA SCOTIA**

In Nova Scotia, there are no specific legal requirements explicitly prohibiting workplace harassment. Unlike other provinces, Nova Scotia's **Occupational Health and Safety Act** does not directly address harassment in the workplace. However, the **general duty clause** under **Section 13(1)(a)** requires **employers** to take **“every precaution reasonable in the circumstances to ensure the health and safety of persons at or near the workplace.”** This obligation may imply a responsibility to address workplace harassment as part of broader health and safety protections.

### **Employers' Precautions and Duties**

(1) Every **employer shall** take every precaution that is reasonable in the circumstances to:

(a) Ensure the health and safety of persons at or near the workplace.

(b) Provide and maintain equipment, machines, materials or things that are properly equipped with safety devices.

(c) Provide such information, instruction, training, supervision, and facilities as are necessary to the health or safety of the employees.

(d) Ensure that the employees, and particularly the supervisors and foremen, are made familiar with any health or safety hazards that may be met by them at the workplace.

(e) Ensure that the employees are made familiar with the proper use of all devices, equipment and clothing **required** for their protection.

(f) Conduct the **employer's** undertaking so that employees are not exposed to health or safety hazards as a result of the undertaking.

(2) Every **employer shall**:

(a) Consult and co-operate with the joint occupational health and safety committee, where such a committee has been established at the workplace, or the health and safety representative, where one has been selected at the workplace.

(b) Cooperate with any person performing a duty imposed or exercising a power

conferred by this Act or the regulations.

(c) Provide such additional training of committee members or the representative as may be prescribed by the regulations.

(d) Comply with this Act and the regulations and ensure that employees at the workplace comply with this Act and the regulations.

(e) Where an occupational health and safety policy or occupational health and safety program is **required** pursuant to this Act or the regulations, establish the policy or program.

(3) The **employer** at a subsea coal mine **shall** provide such additional resources or information for the committee as may be prescribed by the regulations. **Section 13(1)(2)(3)**.

**Further details on the Occupational Health And Safety Act can be found at [NSlegislature.ca](http://NSlegislature.ca).**

## **NORTHWEST TERRITORIES**

In the Northwest Territories, **employers** are **required** to address workplace harassment under the [Official Consolidation of Occupational Health and Safety Regulations – Part 3 General Duties, Section 34](#). These regulations **mandate** that **employers** take proactive measures to prevent and address workplace harassment and violence by implementing policies, conducting risk assessments, and providing employees with proper training.

### **Harassment**

(1) In this section, “harassment” means, subject to subsections (2) and (3), a course of vexatious comment or conduct at a worksite that:

- (a) Is known or ought reasonably to be known to be unwelcome; and
- (b) constitutes a threat at the worksite to the health or safety of a worker.

(2) To constitute harassment for the purposes of subsection (1), any one of the following **must** have occurred:

- (a) Repeated conduct, comments, displays, actions, or gestures; or
  - (b) a single, serious occurrence of conduct, or a single, serious comment, display, action, or gesture that has a lasting, harmful effect on the worker’s health or safety.
- (3) For the purpose of subsection (1), harassment does not include reasonable action taken by an **employer** or supervisor relating to the management and direction of the workers or of the worksite.

(4) An **employer shall**, in consultation with the Committee or representative, or, if no Committee or representative is available, develop and implement a written policy that includes:

- (a) A definition of harassment that is consistent with subsections (1), (2), and (3).
- (b) A statement that each worker is entitled to work free of harassment.

(c) A commitment that the **employer** will make every reasonable effort to ensure that workers are not subjected to harassment.

(d) A commitment that the **employer** will take corrective action respecting any individual who subjects any worker to harassment.

(e) An explanation of how harassment complaints may be brought to the attention of the **employer**.

(f) A statement that the **employer** will not disclose the name of a complainant or an alleged harasser or the circumstances relating to the complaint to a person unless disclosure is:

(i) necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint, or

(ii) **required** by law.

(g) A description of the procedure that the **employer** will follow to inform a complainant and alleged harasser of the results of an investigation; and

(h) a statement that the **employer's** harassment policy is not intended to discourage or prevent a complainant from exercising other legal rights.

(5) An **employer shall** make readily available to workers a copy of the policy **required** under subsection (4). **Section 34 (1) to (5)**.

**Further details on the Official Consolidation of Occupational Health and Safety Regulations can be found at [Canlii.org](http://Canlii.org).**

## **ONTARIO**

In Ontario, **employers** are **required** to address workplace harassment under the **Occupational Health and Safety Act** – **Part III.0.1 Violence and Harassment, Sections 32.0.1, and 32.0.6 to 32.0.8**. These regulations **mandate** that **employers** develop and implement policies to prevent workplace harassment and violence, conduct risk assessments, and provide workers with appropriate training.

### **PART III.0.1 – VIOLENCE AND HARASSMENT**

#### **Policies, Violence and Harassment**

(1) An **employer shall**:

(a) Prepare a policy with respect to workplace violence.

(b) Prepare a policy with respect to workplace harassment.

(c) Review the policies as often as is necessary, but at least annually.

#### **Written form, posting**

(2) The policies **shall** be in written form and **shall** be posted at a conspicuous place in the workplace or in a readily accessible electronic format.

#### **Exception**

(3) Subsection (2) does not apply if the number of workers regularly employed at the workplace is five or fewer, unless an inspector orders otherwise. **Section 32.0.1 (1)(2)(3).**

### **Program, Harassment**

(1) An **employer shall**, in consultation with the committee or a health and safety representative, if any, develop and maintain a written program to implement the policy with respect to workplace harassment **required** under clause 32.0.1 (1) (b). **Section 32.0.6 (1).**

### **Contents**

(2) Without limiting the generality of subsection (1), the program **shall**:

(a) Include measures and procedures for workers to report incidents of workplace harassment to the **employer** or supervisor.

(b) Include measures and procedures for workers to report incidents of workplace harassment to a person other than the **employer** or supervisor, if the **employer** or supervisor is the alleged harasser.

(c) Set out how incidents or complaints of workplace harassment will be investigated and dealt with.

(d) Set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise **required** by law.

(e) Set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the **employer**, will be informed of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation. **Section 32.0.6(2).**

### **Duties re: harassment**

(1) To protect a worker from workplace harassment, an **employer shall** ensure that:

(a) An investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances.

(b) The worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the **employer**, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

(c) The program developed under section 32.0.6 is reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy with respect to workplace harassment **required** under clause 32.0.1 (1) (b); and

(d) such other duties as may be prescribed are carried out. **Section 32.0.7 (a) to (d).**

### **Information and instruction, harassment**

An **employer shall** provide a worker with:

(a) Information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment; and

(b) any other prescribed information. **Section 32.0.8 (a)(b).**

**For more information:**

- Order for written policies. **Section 55.1.**
- Order for workplace harassment investigation. **Section 55.3(1).**
- **Section 55.3(2).**

Further details on the Occupational Health and Safety Act can be found at [Ontario.ca](http://Ontario.ca).

**PRINCE EDWARD ISLAND**

In Prince Edward Island, **employers are required** to address workplace harassment under the [Occupational Health and Safety Act – Workplace Harassment Regulations, Sections 1 to 9](#). These regulations **mandate** that **employers** develop and implement policies to prevent and address workplace harassment, conduct risk assessments, and provide employees with appropriate training.

**PART 1 – INTERPRETATION AND APPLICATION**

**Definitions**

(a) **“Act”** means the Occupational Health and Safety Act R.S.P.E.I. 1988, Cap. 0-1.01.

(b) **“Harassment”** means any inappropriate conduct, comment, display, action or gesture or any bullying that the person responsible for the conduct, comment, display, action, or gesture the bullying knows, or ought reasonably to know, could have a harmful effect on a worker’s psychological or physical health or safety, and includes:

(i) conduct that is based on any personal characteristic such as, but not limited to, race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin, gender identity or pregnancy, and

(ii) inappropriate sexual conduct that is known, or ought reasonably to be known, to the person responsible for the conduct to be unwelcome, including, but not limited to, sexual solicitations or advances, sexually suggestive remarks, jokes or gestures, circulating or sharing inappropriate images, or unwanted physical contact. **Section 1.**

**Single and repeated occurrences**

(1) For greater certainty, harassment as defined in clause 1(b) includes both:

(a) Repeated inappropriate conduct, comments, displays, actions, gestures, or incidents of bullying that have a harmful effect on the worker’s psychological or physical health or safety; and

(b) a single occurrence of inappropriate conduct, comment, display, action or gesture or bullying that has a harmful effect on the worker’s psychological or physical health or safety. **Section 2.**

**Exception**

(2) A reasonable action taken by an **employer** or supervisor relating to the management and direction of the workers or of the workplace is not workplace harassment.

### **Duty of employer**

An **employer** who knows or ought reasonably to know that harassment in the workplace is occurring **shall** ensure that:

- (a) The source of the harassment is identified and the harassment stopped; and
- (b) reasonable steps are taken to remedy the effects of the harassment and to prevent or minimize future incidents of harassment. **Section 5 (a)(b).**

## **PART 3 – INVESTIGATION**

### **Duty of employer – Investigation**

An **employer shall** ensure that an investigation appropriate to the circumstances is conducted into a complaint of harassment in the workplace. **Section 6.**

### **Officer's powers respecting workplace harassment**

- (1) Where an officer has reason to believe that:
  - (a) An **employer** has not established a written policy on workplace harassment that meets the requirements of section 4.
  - (b) An **employer** has established a harassment policy that is inconsistent with the requirements of the Act or these regulations.
  - (c) The **employer** has failed to follow the harassment policy in responding to a complaint of workplace harassment.
  - (d) The **employer** has failed to take reasonable steps to resolve a complaint of workplace harassment; or
  - (e) the **employer** has contravened a provision of the Act or these regulations with respect to the prevention or investigation of workplace harassment, the officer may issue an order to the **employer** in accordance with section 8 of the Act. **Section 7(1)(a) to (e).**

### **For more information:**

- Part 2 – Responsibilities Of Workers and Employers.
- **Section 3.**
- Worker responsibilities. **Section 3(2).**
- Employer responsibilities. **Section 4(1)(a) to (i).**
- Referral to impartial person. **Section 4(2).**
- Recommendation by impartial person. **Section 8(a)(b).**
- Determination by employer. **Section 9(1).**

Further details on the Occupational Health and Safety Act can be found at [PrinceEdwardIsland.ca](http://PrinceEdwardIsland.ca).

## **QUÉBEC**

In Québec, **employers** are **required** to address workplace harassment under the [Act](#)

[Respecting Occupational Health and Safety](#), Sections 9, 12, 13, and 51, and the [Quebec Charter of Human Rights and Freedoms](#), Sections 10 and 46. These regulations mandate that **employers** take reasonable precautions to ensure a safe and respectful work environment, free from harassment and discrimination.

## CHAPTER III – RIGHTS AND OBLIGATIONS

### DIVISION I – THE WORKER

Every worker has a right to working conditions that have proper regard for his health, safety and physical and mental well-being. **Section 9.**

A worker has a right to refuse to perform particular work if he has reasonable grounds to believe that the performance of that work would expose him to danger to his health, safety, or physical or mental well-being, or would expose another person to a similar danger. **Section 12.**

No worker may, however, exercise his right under section 12 if his refusal to perform the work puts the life, health, safety or physical or mental well-being of another person in immediate danger or if the conditions under which the work is to be performed are ordinary conditions in his kind of work. **Section 13.**

### DIVISION II

#### THE EMPLOYER

Every **employer must** take the necessary measures to protect the health and ensure the safety and physical and mental well-being of his worker. He must, in particular:

- (1) See that the establishments under his authority are so equipped and laid out as to ensure the protection of the worker.
- (2) Designate members of his personnel to be responsible for health and safety matters and post their names in a conspicuous place easily accessible to the worker.
- (3) Ensure that the organization of the work and the working procedures and techniques do not adversely affect the safety or health of the worker.
- (4) Supervise the maintenance of the workplace, provide sanitary installations, drinking water, adequate lighting, ventilation and heating, and see that meals are eaten in sanitary quarters at the workplace.
- (5) Use methods and techniques intended for the identification, control, and elimination of risks to the safety or health of the worker.
- (6) Take the fire prevention measures prescribed by regulation.
- (7) Supply safety equipment and see that it is kept in good condition.
- (8) See that no contaminant emitted or dangerous substance used adversely affects the health or safety of any person at a workplace.
- (9) Give the worker adequate information as to the risks connected with his work and provide him with the appropriate training, assistance or supervision to ensure that he possesses the skill and knowledge **required** to safely perform the work assigned to him.
- (10) Post up in a conspicuous place easily accessible to the worker all information transmitted by the Commission, the agency and the physician in charge, and put that

information at the disposal of the workers, the health and safety committee and of the certified association.

(11) Provide the worker, free of charge, with all the individual protective means and equipment selected by the health and safety committee in accordance with paragraph 4 of section 78 or, as the case may be, the individual or collective protective means and equipment determined by regulation, and require that the worker use these devices and equipment in the course of work.

(12) Allow workers to undergo the medical examinations during employment **required** under this Act and the regulations.

(13) Give, to the workers, the health and safety committee, the certified association, the public health director and the Commission, the list of the dangerous substances used in the establishment and of the contaminants that may be emitted.

(14) Cooperate with the health and safety committee, or as the case may be, the job-site committee and with any person responsible for the application of this Act and the regulations and provide them with all necessary information.

(15) Put at the disposal of the health and safety committee the equipment, premises, and clerical personnel necessary for the carrying out of its functions.

(16) Take the measures to ensure the protection of a worker exposed to physical or psychological violence, including spousal, family, or sexual violence in the workplace and take any other measure that may be determined by regulation to prevent or put a stop to sexual violence. **Section 51 (1) to (16).**

**For more information:**

- Chapter 1.1 Right to Equal Recognition and Exercise of Rights and Freedoms. **Sections 10 and 10.1.**
- Chapter IV Economic and Social Rights. **Section 46.**

**Further details on the Act Respecting Occupational Health and Safety and the Québec Charter of Human Rights and Freedoms can be found at [Legisquebec.gouv.qc.ca](http://Legisquebec.gouv.qc.ca), and [QC.ca](http://QC.ca).**

**SASKATCHEWAN**

In Saskatchewan, **employers** are **required** to address workplace harassment under the **Occupational Health and Safety Regulations – Part 3 General Duties, Section 3-25**. These regulations **mandate** that **employers** take reasonable steps to prevent and address workplace harassment by implementing policies, conducting risk assessments, and ensuring workers receive proper training.

**Harassment**

(1) An **employer**, in consultation with the committee, **shall** develop a policy in writing to prevent harassment that includes:

(a) A definition of harassment that includes the definition in the Act.

(b) A statement that every worker is entitled to employment free of harassment.

(c) A commitment that the **employer** will make every reasonably practicable effort to ensure that no worker is subjected to harassment.

(d) A commitment that the **employer** will take corrective action respecting any person under the **employer's** direction who subjects any worker to harassment.

(e) An explanation of how complaints of harassment may be brought to the attention of the **employer**.

(f) A statement that the **employer** will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except if disclosure is:

(i) necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint; or

(ii) **required** by law.

(g) A reference to the provisions of the Act respecting harassment and the worker's right to request the assistance of an occupational health officer to resolve a complaint of harassment.

(h) A reference to the provisions of The Saskatchewan Human Rights Code respecting discriminatory practices and the worker's right to file a complaint with the Saskatchewan Human Rights Commission.

(i) A description of the procedure that the **employer** will follow to inform the complainant and the alleged harasser of the results of the investigation.

(j) A statement that the **employer's** harassment policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

(2) An **employer shall**:

(a) Implement the policy developed pursuant to subsection (1); and

(b) post a copy of the policy in a conspicuous place that is readily available for reference by workers. **Section 3-25 (1)(2).**

**Further details on the Occupational Health and Safety Regulations can be found at [Saskatchewan.ca](http://Saskatchewan.ca).**

## **YUKON TERRITORY**

In Yukon, **employers** are **required** to address workplace harassment under the [Worker's Safety and Compensation Act – Part 19 Violence and Harassment Prevention, Sections 19.01 to 19.04](#). These regulations **mandate** that **employers** take proactive measures to prevent and address workplace harassment by developing policies, conducting risk assessments, and providing workers with appropriate training.

### **Violence and Harassment Prevention – Part 19**

#### **VIOLENCE AND HARASSMENT PREVENTION POLICY STATEMENT AND PROCEDURES**

(1) Every **employer must**, in relation to each of the **employer's** workplaces:

(a) Develop a written policy statement and procedures respecting the prevention of violence and harassment, and implement those procedures.

(b) Give necessary training to workers in relation to the policy statement and procedures.

(c) Provide adequate supervision in order to ensure that workers comply with the policy statement and procedures.

(2) The policy statement and procedures developed under subsection (1) **must** be developed in consultation with:

(a) The committee or the health and safety representative, if the **employer** is **required** under the Act to establish a committee or have a health and safety representative for the workplace; or

(b) in any other case, the workers in the workplace. **Section 19.01(1)(2)**.

## **CONTENT OF VIOLENCE AND HARASSMENT PREVENTION PROCEDURES**

**The procedures developed under subsection 19.01(1) must be in writing and include the following:**

(a) A description of the measures that the **employer** is to take to eliminate or, if that is not practicable, control the risk of injury to workers from violence and harassment in the workplace.

(b) The procedure to be followed by a worker when bringing a complaint of violence or harassment to the **employer**, including how and when to report.

(c) If the **employer** is the person alleged to have committed the violence or harassment, the procedure to be followed by a worker when bringing a complaint of violence or harassment to a person other than the **employer**.

(d) The procedures to be followed by the person who becomes aware of an incident of violence or harassment or to whom a complaint of violence or harassment has been brought when:

1. documenting the incident or complaint,
2. investigating the incident or complaint, and

iii. implementing measures to eliminate or control a risk of violence or harassment raised in the incident or complaint.

(e) The procedure to be followed by the **employer** or other person who has investigated an incident or complaint of violence or harassment when informing the persons involved in it of:

1. the results of the investigation, and
2. any corrective action to be taken.

(f) The procedure to be followed by the worker and the **employer** to obtain assistance following an incident or a complaint of violence or harassment, including post-incident treatment or counselling. **Section 19.03 (a) to (f)**.

## **INVESTIGATION**

(1) An **employer must** ensure that an investigation that is appropriate in the circumstances is conducted into each incident and each complaint of violence or harassment.

(2) In respect of an investigation conducted under subsection (1), if an officer so

orders:

(a) The investigation **must** be conducted by an impartial person who has the knowledge, experience or other qualifications **required** to conduct it.

(b) Without delay after the completion of the investigation, the person who conducted it **must** prepare a report of the investigation in writing and deliver it to the **employer**.

(c) The **employer must**, at its own expense and without delay after receiving a report prepared under paragraph (b), provide a copy of it to the officer and

1. if the investigation is in relation to an incident, to each person involved in the incident, or
2. if the investigation is in relation to a complaint, to the complainant. **Section 19.04 (1)(2)**.

**For more information:**

- Content Of Violence And Harassment Prevention Policy Statement. **Section 19.02**.

**Further details on the Worker's Safety and Compensation Act can be found at [wcb.yk.ca](http://wcb.yk.ca).**