

# Preventing Workplace Violence – Know The Laws of Your Province



Workplace shootings led to the adoption of OHS laws requiring employers to take specific measures to protect workers against the risk of violence. The federal jurisdiction has the most progressive and extensive rules, which treat workplace violence and harassment as an essentially single risk requiring comprehensive measures to ensure psychological safety and fair, impartial, and speedy investigations and resolutions. BC, which is generally a leader in OHS regulation development and innovation, has Canada's least progressive workplace violence regulations. However, in 2024, the province initiated public consultations designed to modernize its OHS workplace violence rules and extend them to harassment the way most other jurisdictions have.

If you operate in multiple provinces, the key to ensuring nationwide compliance is being aware of the important differences in OHS workplace violence requirements pertaining to:

- What kind of conduct is defined as workplace violence;
- How to assess the risks that violence will occur at your own workplace;
- The policies, programs, and procedures you must implement to eliminate or at least minimize the violence risks that you identify;
- The information and training you must provide to workers exposed to risks of violence at work;
- The methods to implement for workers to report incidents of violence;
- How you investigate and resolve those reports;
- The kind of support you must provide to victims of violence; and
- What, if anything, you're expected to do to protect workers against the risk of domestic violence in the workplace.

Here's a look at the requirements in each jurisdiction. Go to the OHS Insider website for a comprehensive [Workplace Violence Prevention Compliance Game Plan](#) that you can put into effect at your own work sites.

## **OHS Workplace Violence Prevention Requirements Across**

# Canada

## FEDERAL

**Definition:** "Harassment and Violence" means any action, conduct, or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation, or other physical or psychological injury or illness to an employee (*Canada Labour Code*, Sec. 122(1)).

**Risk Assessment:** Employer and JHSC/Safety Rep/Policy Committee must jointly:

1. Perform assessment taking into account: (a) the culture, conditions, activities, and organizational structure of the workplace; (b) external circumstances, such as family violence, that could give rise to harassment and violence in the workplace; (c) any reports, records, and data on harassment and violence in the workplace; (d) the physical design of the workplace; and (e) the measures in place to protect psychological health and safety in the workplace;
2. Monitor the accuracy of and, if necessary, update the assessment at least every 3 years and in response to changes to above risk factors or other changes affecting effectiveness of preventive measures, as well as after a notice of an occurrence is provided (*Workplace Harassment and Violence Prevention Regs*, Secs. 5 to 8).

**Prevention Policy:**

1. Employer and JHSC/Safety Rep/Policy Committee must jointly develop a workplace harassment and violence prevention policy that includes: (a) the employer's mission statement for 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 regarding harassment and violence in the workplace; (c) a description of the risk factors, internal and external, that contribute to workplace harassment and violence; (d) a summary of the workplace harassment and violence training that will be provided; (e) a summary of the resolution process, including (i) the method of reporting workplace harassment and violence and the name or identity of the designated recipient of such reports ; (e) the reasons for which a review and update of the workplace assessment must be conducted; (f) a summary of the emergency procedures that must be implemented when an occurrence or threat of an occurrence poses an immediate danger to the health and safety of an employee; (g) a description of how the employer will protect the privacy of persons who are involved in an occurrence or in the resolution process for an occurrence; (h) a description of any recourse that may be available to persons involved in an occurrence; (i) a description of the support measures available to employees; and (j) the name of the person who is designated to receive a complaint made under [subsection 127.1\(1\)](#) of the CLC;
2. Employer must make the policy available to all employees; and
3. Employer and JHSC/Safety Rep/Policy Committee must jointly review and, if necessary, update the policy at least every 3 years and after any change to an element of the policy (*Regs*, Sec. 10).

**Emergency Procedures:**

1. Employer and JHSC/Safety Rep/Policy Committee must jointly develop emergency procedures to be implemented if there's an occurrence or threat of an occurrence

- that poses an immediate danger to the health and safety of an employee;
2. Employer must make the emergency procedures available to all employees; and
  3. Employer and JHSC/Safety Rep/Policy Committee must jointly review and, if necessary, update the procedures after each time they're implemented (*Regs*, Sec. 11).

#### **Training:**

1. Employer and JHSC/Safety Rep/Policy Committee must jointly develop or identify the training on workplace harassment and violence to be provided to employees;
2. Training must be specific to the culture, conditions, and activities of the workplace and include: (a) the elements of the workplace harassment and violence prevention policy; (b) a description of the relationship between workplace harassment and violence and the prohibited grounds of discrimination set out in [subsection 3\(1\)](#) of the [Canadian Human Rights Act](#); and (c) a description of how to recognize, minimize, prevent, and respond to workplace harassment and violence;
3. Employer and JHSC/Safety Rep/Policy Committee must jointly review and, if necessary, update the training at least once every 3 years and after any change to an element of the training;
4. Employer must ensure that employees get training: (a) within 3 months after the day their employment begins; (b) at least once every 3 years after that; and (c) after any update to the training or their assignment to a new activity or role for which there's an increased or specific risk of workplace harassment and violence;
4. Employer must ensure that the designated recipient is provided with training before assuming their duties under the Regulations and at least once every 3 years after that; and
5. Employer must undergo the training at least once every 3 years (*Regs*, Sec. 12).

**Victim Support:** Employer must make available to employees information on the medical, psychological, or other support services that are available within their geographical area (*Regs*, Sec. 13).

#### **Response to Occurrence:**

1. Employer must designate a person or work unit as the designated recipient to whom notice of an occurrence of workplace harassment or violence may be provided;
2. Notice of an occurrence must contain: (a) the name of the principal party and the responding party, if known; (b) the date of the occurrence; and (c) a detailed description of the occurrence;
3. The response process must follow the requirements set out in the *Regs*;
4. Employer must "make every reasonable effort to resolve an occurrence" starting no later than 45 days on which notice of occurrence is provided, which may include via negotiation or conciliation;
5. Employer must ensure that the resolution process is completed within one year after the day on which notice of the occurrence is provided but process can be extended if the principal or responding party is temporarily absent; and
6. Employer or designated recipient must provide monthly updates on the status of the resolution process to: (a) the principal party, beginning on the first month after the month in which the notice is provided and ending on the month in which the resolution process is completed; and (b) the responding party, beginning on the first month after the month in which the responding party is first contacted by the employer or designated recipient concerning the occurrence and ending on the month in which the resolution process is completed (*Regs*, Secs. 14 to 24 + 33 to 34).

## **Investigation of Occurrence:**

1. If an occurrence is not resolved, there must be an investigation of the occurrence if the principal party requests it;
2. Employer or designated recipient must provide principal party and responding party notice that an investigation is to be carried out;
3. Employer or designated recipient must select one of the following persons to act as the investigator: (a) if the employer and JHSC/Safety Rep/Policy Committee have jointly developed or identified a list of persons who may act as an investigator, a person from that list; and (b) in any other case, (i) a person agreed to by the employer or designated recipient, the principal party and the responding party, or (ii) if there's no agreement within 60 days after the day on which the notice is provided under [Section 26](#), a person from among those whom the Canadian Centre for Occupational Health and Safety identifies as having the required knowledge, training, and experience;
4. Employer or designated recipient may select a person to act as the investigator only if the person: (a) has the required knowledge, training, and experience referred to in subsection 5, below; and (b) provides the employer or designated recipient, principal party, and responding party a written statement indicating that the person has no conflict of interest in respect of the occurrence;
5. Required qualifications to be an investigator include: (a) training in investigative techniques; (b) knowledge, training, and experience relevant to harassment and violence in the workplace; and (c) have knowledge of the CLC, [Canadian Human Rights Act](#), and any other legislation relevant to harassment and violence in the workplace;
6. Investigator must issue a report listing: (a) a general description of the occurrence; (b) their conclusions, including regarding the circumstances in the workplace that contributed to the occurrence; and (c) recommendations to eliminate or minimize the risk of a similar occurrence;
7. Investigator's report must not reveal, directly or indirectly, the identity of persons who involved in the occurrence or resolution process;
8. Employer must give copies of the investigator's report to the principal party, responding party, JHSC or Safety Rep, and the designated recipient if they were the ones who received the initial report of the occurrence (*Regs*, Secs. 25 to 30).

**Corrective Actions:** Employer and JHSC or Safety Rep must jointly determine which, if any, of the investigator's recommendations to implement, and the employer is responsible for then implementing those recommendations (*Regs*, Sec. 31).

## **Records:**

1. Employer must keep the following health and safety records: (a) the workplace harassment and violence prevention policy; (b) a copy of the documents that form part of the workplace assessment; (c) a copy of the documents that form part of each review and update of the workplace assessment; (d) for each instance where the employer and JHSC/Safety Rep/Policy Committee can't agree on a matter required by these Regulations to be jointly done by them, a record of the employer's decision in that matter, and reasons for that decision; (e) a record of each notice of occurrence provided and action taken in response to it; (f) for each instance where a time limit set out in [Section 33](#) of the *Regs*. isn't met, a document that lists the reason for the delay; (g) a copy of each investigator report; (h) a copy of each annual report; and (i) a copy of each fatality report; and
2. Such records (other than (a) and (b)) must be retained for 10 years (*Regs*, Sec. 35).

## Reports:

1. **Annual Report:** On or before March 1 of each year, employer must provide the Head of Compliance and Enforcement an annual report listing: (a) their name or business name; (b) their business number, as defined in the *Income Tax Act*; (c) a contact person; and (d) the following information respecting occurrences for which notice was provided in the preceding calendar year: (i) the total number of occurrences, (ii) the number of occurrences that were related, respectively, to sexual harassment and violence and non-sexual harassment and violence, (iii) the number of occurrences that resulted in the death of an employee, (iv) if known, the number of occurrences that fell under each prohibited ground of discrimination set out in [subsection 3\(1\)](#) of the [Canadian Human Rights Act](#), (v) the locations the occurrences took place and total number of occurrences that took place in each location, (vi) the types of professional relationships that existed between the principal and responding parties, specifying the total number for each type, (vii) the means by which resolution processes were completed and, for each of those means, the number of occurrences involved, and (viii) the average time, expressed in months, to complete the resolution process for an occurrence; and
2. **Fatality Report:** Employer must report an occurrence that results in an employee's death to the Head of Compliance and Enforcement within 24 hours after becoming aware of the employee's death listing: (a) the employer's name or business name; (b) the employer's business number, as defined in the *Income Tax Act*; (c) a general description of the occurrence; (d) the date and time of the occurrence; and (e) the name of a contact person (*Regs, Secs. 36 + 37*).

**Domestic Violence:** The workplace harassment and violence assessment and preventive measures implemented in response to it must address external circumstances, including the risk of family violence.

## [ALBERTA](#)

**Definition:** "Violence", whether at a work site or work-related, means the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence (*OHS Act, Sec. 1(rr)*).

**Risk Assessment:** Employer must:

1. Assess a work site and identify existing and potential violence hazards before work begins at the work site or before construction of a new work site;
2. Prepare a report of the results of a hazard assessment and the methods used to control or eliminate the violence hazards identified;
3. Ensure that the date of assessment or its revision is listed on the report;
4. Ensure that the hazard assessment is repeated: (a) at reasonably practicable intervals to prevent the development of unsafe and unhealthy working conditions, (b) when a new work process is introduced, (c) when a work process or operation changes, or (d) before the construction of significant additions or alterations to a work site; and
5. Involve affected workers in the hazard assessment and in the control or elimination of the hazards identified (*OHS Code, Secs. 7 + 8*).

**Violence Prevention Plan:**

1. Employer must develop and implement a violence prevention plan that includes a

- violence prevention policy and violence prevention procedures in consultation with the JHSC or Safety Rep or the affected workers, if there is no JHSC or Safety Rep;
2. Employer must review and, if necessary, revise the violence prevention plan in consultation with the JHSC or Safety Rep or the affected workers, if there is no JHSC or Safety Rep: (a) when an incident of violence occurs; (b) if the JHSC or Safety Rep recommends a review of the plan; and (c) every 3 years (*OHS Code*, Secs. 390 + 390.7); and
  3. Employer must ensure violence prevention plan for retail and convenience stores also includes: (a) safe cash-handling procedures, including procedures that minimize amount of money readily accessible to a worker at the work site; (b) if the work site is open to the public between 11:00 p.m. and 5:00 a.m.: (i) a time lock safe at the work site that can't be opened by a worker between, at minimum, those hours, (ii) limiting the quantities of high-value items including cash and lottery tickets, accessible at the work site between, at minimum, those hours, and (iii) storing remaining high-value items in the time lock safe referred to in subclause (i) or securely elsewhere; (c) maintaining good visibility into and out of the work site; (d) limiting access by the public to the interior of any buildings at the work site; (e) monitoring the work site by video surveillance; (f) signs at the work site visible to the public indicating that: (i) where the work site is open to the public between 11:00 p.m. and 5:00 a.m., (A) the safe at the work site is a time lock safe that can't be opened, and (B) the quantity of high-value items such as cash and lottery tickets at the work site is limited, and (ii) the work site is monitored by video surveillance; (g) each worker working alone is provided with a personal emergency transmitter that is monitored by the employer or the employer's designate (*OHS Code*, Sec. 392.2).

**Violence Prevention Policy:** Employer must ensure that the required violence prevention policy includes: (a) a statement that the employer is committed to eliminating or, if that's not reasonably practicable, controlling the violence hazard; (b) a statement that the employer will investigate any incidents of violence and take corrective action to address the incidents; (c) a statement that the employer won't disclose the circumstances related to an incident of violence or names of the complainant, person alleged to have committed the violence, and any witnesses, except: (i) where necessary to investigate the incident or take corrective action, or inform the parties involved of the results of the investigation and any corrective action to be taken to address the incident, (ii) where necessary to inform workers of a specific or general threat of violence or potential violence, or (iii) as required by law; (d) a statement that the employer will disclose only the minimum amount of personal information under clause (c)(ii) necessary to inform workers of a specific or general threat of violence or potential violence; (e) a statement that the violence prevention policy isn't intended to discourage a worker from exercising their rights under any other law (*OHS Code*, Sec. 390.1).

**Violence Prevention Procedures:** Employer must ensure that the required violence prevention procedures include the: (a) the measures the employer will take to eliminate or, if that's not reasonably practicable, control the violence hazard of violence to workers; (b) information about the nature and extent of the violence hazard of violence, including regarding specific or general threats of violence or potential violence; (c) the procedure to be followed by the employer when disclosing the information in clause (b); (d) the procedure for the worker to follow to obtain immediate assistance when an incident of violence occurs; (e) the procedure to be followed by a worker when reporting violence; (f) the procedure to be followed by the employer when: (i) documenting and investigating an incident of violence, and (ii) implementing any measures to eliminate or control the hazard of violence that have been identified as a result of the investigation; (g) the procedure to be followed by

the employer when informing the parties involved in an incident of violence of the results of the investigation and any corrective action to be taken to address the incident (*OHS Code*, Sec. 390.2).

**Training:** Employer must ensure that workers are trained in: (a) the recognition of violence and harassment, (b) the employer's policies, procedures and workplace arrangements to eliminate or control the hazards of violence and harassment, (c) the appropriate response to violence and harassment, including procedures for obtaining assistance, and (d) the procedures for reporting, investigating, and documenting incidents of violence and harassment; Training must be reviewed at least every 3 years (*OHS Code*, Sec. 391).

**Investigation & Reporting:** If a violence or harassment injury or incident occurs at a work site, the employer or prime contractor must: (a) carry out an investigation into the circumstances of the injury or incident; (b) prepare a report outlining the circumstances of the injury or incident and corrective action, if any, undertaken to prevent it from recurring; (c) ensure that a copy of the report is readily available and provided to an OHS officer on demand, and (d) provide a copy of the report to a Director, the JHSC, Safety Rep or, if there is no JHSC or Safety Rep, make it available to workers after the investigation is complete; and (e) Retain the report for at least 2 years after the injury or incident occurs (*OHS Act*, Sec. 33).

#### **Victim Support:**

1. Employer must ensure that a worker reporting an injury or adverse symptom resulting from an incident of violence or harassment is advised to consult a health professional of the worker's choice for treatment or referral; and
2. If a worker is treated or referred by a physician and the treatment sessions occur during regular work hours, the employer at the work site where the incident occurred may not make a deduction from the worker's pay or benefits for the time during which the worker attends the session (*OHS Code*, Secs. 391.1 + 392).

**Domestic Violence:** Employer must take reasonable precautions to protect the worker and any other persons at the work site likely to be affected if the employer is aware that a worker is or is likely to be exposed to domestic violence at a work site (*OHS Code*, Sec. 390.3).

**392.3** In addition to any training under [section 391](#), the employer must ensure that a worker is trained in the violence prevention plan requirements listed in [section 392.2](#).

## **BRITISH COLUMBIA**

**Definition:** "Violence" means the attempted or actual exercise by a person **other than a worker** of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that the worker is at risk of injury (*OHS Reg*, Sec. 4.27).

**Risk Assessment:** A risk assessment must be performed in any workplace in which a risk of injury to workers from violence arising out of their employment may be present that considers: (a) previous experience in that workplace, (b) occupational experience in similar workplaces, and (c) the location and circumstances in which work will take place (*OHS Reg*, Sec. 4.28).

**Policies & Procedures:** If the assessment identifies risk of injury to workers from

violence, employer must establish procedures, policies, and work environment arrangements to eliminate or, if elimination isn't possible, minimize the risk (*OHS Reg*, Sec. 4.29).

#### **Information & Training:**

1. Employer must inform workers who may be exposed to a risk of violence of the nature and extent of the risk, including information related to the risk of violence from persons with a history of violent behaviour whom workers are likely to encounter in the course of their work; and
2. Employer must instruct workers who may be exposed to risk of violence in: (a) the means for recognition of the potential for violence, (b) the procedures, policies, and work environment arrangements developed to minimize or effectively control the risk, (c) the appropriate response to incidents of violence, including how to obtain assistance, and (d) procedures for reporting, investigating, and documenting incidents of violence (*OHS Reg*, Sec. 4.30).

**Investigation:** Not specifically addressed.

**Victim Support:** Employer must ensure that a worker reporting an injury or adverse symptom as a result of an incident of violence is advised to consult a physician of the worker's choice for treatment or referral (*OHS Reg*, Sec. 4.31).

**Domestic Violence:** Not specifically addressed, although definition of "violence" is broad enough to include domestic violence.

#### **MANITOBA**

**Definition:** "Violence" means: (a) the attempted or actual exercise of physical force against a person; and (b) any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against them (*WSH Regs*, Sec. 1.1).

#### **Risk Assessment:**

1. Employer must assess the risk of violence to a worker at the workplace in consultation with the JHSC, Safety Rep, or workers if there is no JHSC or Safety Rep at the workplace; and
2. A workplace is subject to the workplace violence requirements of the regulations if a risk of violence to a worker is identified as a result of the assessment (*WSH Regs*, Sec. 11.2).

#### **Violence Prevention Policy:**

1. Employer must, in consultation with the JHSC, Safety Rep, or workers if there is no JHSC or Safety Rep at the workplace, develop and implement a violence prevention policy listing the actions and measures the employer will take to eliminate or, if elimination isn't reasonably practicable, control the risk of violence and which includes: (a) a description of (i) any particular work site at the workplace where an incident of violence has occurred or may reasonably be expected to occur, and (ii) any particular job functions at the workplace where the worker performing the function has been, or may reasonably be expected to be, exposed to incidents of violence; (b) the measures the employer must implement to eliminate or control the risk of violence; (c) the measures and

procedures for summoning immediate assistance when an incident of violence occurs or is likely to occur; (d) the procedure for workers to follow in reporting an incident of violence to the employer, including how and when an incident should be reported; (e) the procedure the employer will follow to document and investigate any incident of violence to a worker that the employer becomes aware of; (f) the procedure the employer will follow to implement any control measures identified as a result of the investigation to eliminate or control the risk of violence to a worker; (g) a recommendation that a worker who harmed as a result of an incident of violence at the workplace is advised to consult their healthcare provider for treatment or referral for post-incident counselling, if appropriate; (h) in respect of an incidence of violence, a statement that the employer must not disclose the name of a complainant or the circumstances related to the complaint to any person, other than where the disclosure is (i) necessary to investigate the complaint, (ii) required to take corrective action in response to the complaint, or (iii) required by law; (i) a statement that the personal information disclosed under clause (h) must be the minimum amount necessary for the purpose; and (j) a statement that the violence prevention policy isn't intended to discourage or prevent a complainant from exercising any other rights, actions, or remedies that may be available to them under any other law; and

2. Employer must post a copy of the violence prevention policy in a conspicuous place at the workplace or, if posting isn't practicable, provide a copy of the policy to each worker (*WSH Regs*, Secs. 11.3 to 11.5).

#### **Training & Information:**

1. Employer must inform each worker about the nature and extent of the risk of violence to the worker in the workplace; and
2. Unless banned by law, the duty to inform a worker about the risk of violence includes giving the worker any information in the employer's possession, including personal information related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work, provided that such information is limited to the minimum amount necessary to accomplish the purpose (*WSH Regs*, Sec. 11.5).

**Investigation:** Employer must as soon as reasonably practicable after an incident of violence to a worker investigate the incident and implement any control measure identified as a result of the investigation that will eliminate or control the risk (*WSH Regs*, Sec. 11.6).

**Victim Support:** Employer must recommend that a worker who's harmed as a result of an incident of violence consult their healthcare provider for treatment or referral for post-incident counselling, if appropriate (*WSH Regs*, Sec. 11.4(g)).

#### **Annual Report:**

1. Employer must prepare an annual report that compiles: (a) the records of the incidents of violence to a worker in the workplace, if any; (b) the results of any investigation into an incident of violence, including a copy of (i) any recommendations for control measures or changes to the violence prevention policy, and (ii) any report prepared under [section 2.9](#) of the *WSH Regs*. for the incident; and (c) the control measures, if any, implemented as a result of the investigation; and
2. Annual report must be provided to JHSC, Safety Rep, or the workers if there is no JHSC or Safety Rep at the workplace (*WSH Regs*, Sec. 11.7).

**Domestic Violence:** Not specifically addressed, although definition of "violence" is

broad enough to include domestic violence.

## **NEW BRUNSWICK**

**Definition:** “Violence,” in a place of employment, means attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause to believe that physical force will be used against them, and includes sexual violence, intimate partner violence, and domestic violence (*OHS General Reg, Sec. 2*).

### **Risk Assessment:**

1. Employer must assess the risk of violence at the place of employment in consultation with the JHSC, Safety Rep, or employees if there is no JHSC or Safety Rep;
2. Assessment must consider: (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 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; and (f) incidents of violence in similar places of employment;
3. Employer must ensure that the assessment is documented and made available to the JHSC, Safety Rep, and an OHS officer upon request;
4. Employer must review the assessment and update it when: (a) there’s a change in conditions at the place of employment, or (b) ordered to do so by an OHS officer (*OHS General Reg, Sec. 374.1*).

### **Code of Practice (When Required):**

1. Employers must establish a code of practice for violence if: (a) they have 20 or more employees regularly employed at one or more places of employment in New Brunswick; or (b) they have fewer than 20 employees regularly employed at one or more places of employment in New Brunswick but: (A) work is carried on at the place of employment by any of the following persons: (i) an employee of the Public Service; (ii) a supplier of goods or services to a public body under the [Procurement Act](#); (iii) an employee of an emergency service provider; (iv) a health professional; (v) a pharmacist; (vi) a veterinarian; (vii) a social worker, outreach worker, crisis intervener, or support worker, including persons providing services to victims of intimate partner violence, domestic violence, or sexual violence; (viii) an employee of an agency as defined in the [Private Investigators and Security Services Act](#); or (ix) a person registered or licensed under an Act of the Province to provide financial services; or (B) the following work is carried on at the place of employment: (i) teaching; (ii) early learning and childcare services; (iii) retail sales; (iv) transporting goods or persons for hire in a vehicle, whether the vehicle is owned by a public body or privately owned; or (v) home support services; or (C) work is carried out at any of the following places of employment: (i) a casino or other gaming premises under the [Gaming Control Act](#); (ii) a place in respect of which a licence or permit issued under the [Liquor Control Act](#) applies and to which members of the public have access; or (iii) a cannabis retail outlet as defined in the [Cannabis Control Act](#); or (D) the risk assessment identifies a risk of violence (*OHS General Reg, Sec. 374.2*).

## **Code of Practice (Content + Implementation):**

1. Where it's required, a code of practice for violence must be created in consultation with the JHSC, Safety Rep, or employees if there is no JHSC or Safety Rep, and include: (a) an inventory of the locations at which and circumstances in which violence may reasonably be expected to occur, and the code of practice would apply; (b) a description of the types of violence that may reasonably be expected to occur; (c) a description of the categories of employees at risk, or of the types of work that place employees at risk of experiencing violence; (d) the identity of the person responsible for implementing the code of practice; (e) a statement that an employee must report an incident of violence to the employer as soon as circumstances permit; and (f) the actions and measures the employer must take to mitigate risk of violence, including: (i) the methods and equipment to be used and the procedures to be followed, (ii) the follow-up measures to be used with affected employees, (iii) the means, including alternative means, by which an employee may secure emergency assistance, (iv) the procedure the employer will follow to investigate and document any incident of violence of which the employer is aware, (v) the manner in which affected employees will be informed of the results of an investigation, (vi) the procedure the employer will follow to implement any corrective measures identified as a result of the investigation, and (vii) the identification of training needed (*OHS General Reg, Sec. 374.3*); and
2. 2. Employer must review code of practice in consultation with the JHSC, Safety Rep, or employees if there is no JHSC or Safety Rep: (a) at least once a year; (b) when there's a change in conditions at the place of employment, or (c) when ordered to do so by an officer (*OHS General Reg, Sec. 374.3*).

## **Investigation:**

1. Employer must have procedures for: (a) Investigating and documenting incidents of violence of which it's aware; (b) Informing employees of the investigation results; and (c) Implementing any corrective measures identified as a result of the investigation;
2. Employer may not disclose the identity of a person involved in or the circumstances of an incident of violence or harassment, unless the disclosure is: (a) necessary to investigate the incident, (b) required to take corrective measures in response to the incident, or (c) required by law; and
3. Employer must limit personal information it collects, uses, or discloses to the minimum necessary to accomplish the purpose of the collection, use, or disclosure (*OHS General Reg, Sec. 374.7(2)*).

**Training:** Employer must implement a training program for the codes of practice established for each employee and each supervisor responsible for an employee and make the training record for each employee available to an OHS officer on request (*OHS General Reg, Sec. 374.7*).

**Victim Support:** Not specifically addressed.

**Domestic Violence:** Definition of workplace violence specifically includes sexual violence, intimate partner violence, and domestic violence (*OHS General Reg, Sec. 2*).

## **NEWFOUNDLAND**

**Definition:** "Violence" means the attempted or actual exercise of physical force to cause injury to a worker and includes threatening statements or behaviour which gives

a worker reason to believe that they're at risk of injury (*OHS Regs*, Sec. 22(1)).

**Risk Assessment:**

1. Employer must conduct a risk assessment that considers: (a) previous experience in the workplace; (b) occupational experience in similar workplaces; (c) the location and circumstances in which work may take place; (d) workplace characteristics including demographics, culture, and the presence of new workers; and (e) issues raised by the JHSC, Safety Rep, or workplace health and safety designate; and
2. Employer must keep all the personal information it obtains in the course of conducting a risk assessment confidential and not disclose the personal information, except for the purpose of an investigation or where required by law (*OHS Regs*, Sec. 22.1).

**Violence Prevention:** If the assessment identifies risk of injury to workers from violence, employer must establish procedures, policies, and work environment arrangements to eliminate or, if elimination isn't possible, minimize the risk (*OHS Regs*, Sec. 23(1)).

**Training:**

1. Employer must inform workers who may be exposed to risk of violence of the nature of the risk and precautions that may be taken; and 2. Such duty to inform workers includes providing information related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work (*OHS Regs*, Sec. 24).

**Investigation:** Not specifically addressed.

**Victim Support:** Not specifically addressed.

**Domestic Violence:** Employer must take every precaution reasonable in the circumstances for the protection of the worker where an employer becomes aware, or ought reasonably to be aware, that family violence that would likely expose a worker to physical injury may occur in the workplace (*OHS Regs*, Sec. 23(2)).

**NOVA SCOTIA**

**Definition:** "Violence" means: (a) threats, including a threatening statement or behaviour, that gives an employee reasonable cause to believe that they're at risk of physical injury, and (b) conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee (*Violence in the Workplace Regs*, Sec. 2(f)).

**Risk Assessment:**

1. Employer must, in consultation with the JHSC or Safety Rep, conduct a violence risk assessment for each workplace to determine if there's a risk of violence in the workplace that considers: (a) past violence that has occurred in the workplace; (b) violence that's known to occur in similar workplaces; (c) the circumstances in which work takes place; (d) the interactions that occur in the course of performing work; (e) the physical location and layout of the workplace;
2. Employer must prepare and give JHSC or Safety Rep a copy of a written report concerning the violence risk assessment detailing the extent and nature of any

- risk identified by the assessment; and
3. Employer must conduct a new workplace violence risk assessment for the workplace at least once every 5 years and more frequently: (a) if it becomes aware of a type of violence occurring in similar workplaces that the previous risk assessment didn't consider; (b) after significant changes in the circumstances in which work takes place, the interactions that occur in the course of performing work or the physical location or layout of the workplace; (c) if the employer plans to construct a new facility or renovate an existing one; or (d) if the employer is ordered to do so by an OHS officer (*Regs*, Sec. 6).

#### **Prevention Plan:**

1. Employer must establish and implement a workplace violence prevention plan for each workplace for which a significant risk of violence is identified through a violence risk assessment or that an OHS officer orders a plan for;
2. As part of a prevention plan, employer must: (a) Prepare a written workplace violence prevention statement that includes a statement of its: (i) recognition that violence is an occupational health and safety hazard at the workplace; (ii) recognition of the physical and emotional harm resulting from violence; (iii) recognition that any form of violence in the workplace is unacceptable; and (iv) commitment to minimize and, to the extent possible, eliminate the risk of violence in the workplace; (b) Either: (i) take and document reasonable measures to minimize and, to the extent possible, eliminate the risk of violence in the workplace, Or (ii) adopt a code of practice on violence in the workplace published by the Director; (c) Establish and document procedures for providing employees with required workplace violence information and training; and (d) Establish and document procedures for reporting, documenting, and investigating incidents of violence;
3. Employer must make a copy of the workplace violence prevention plan available for examination at the workplace by any employer, contractor, constructor, supplier, employee, owner, or self-employed person in the workplace;
4. Employer must ensure that the plan is reviewed and, if necessary, revised at least every 5 years and when a new violence risk assessment indicates a significant change to the extent and nature of the risk of violence; and
5. Employer must post a copy of workplace violence prevention statement in a prominent place(s) in each of workplaces so it can be easily accessed by employees, and ensure that it remains posted (*Regs*, Secs. 7 to 9).

#### **Information & Training:**

1. Employer must provide employees who are exposed to significant risk of violence in a workplace information on the nature and extent of the risk and on any factors that may increase or decrease the extent of the risk, including, unless banned by law, information related to a risk of violence from a person who has a history of violent behavior if that person is likely to be encountered by the employee;
2. Employer must provide adequate training to employees exposed to significant risk of violence on: (a) the rights and responsibilities of employees under the *OHS Act*; (b) the workplace violence prevention statement; (c) the measures taken by the employer to minimize or eliminate risk of violence; (d) how to recognize and respond to a situation in which there's a potential for violence; (e) how to respond to an incident of violence, including how to obtain assistance; and (f) how to report, document, and investigate incidents of violence;
3. Employer must provide any employee who's required by the employer to perform a function under the workplace violence prevention plan training on the plan and the particular function to be performed (*Regs*, Secs. 10 + 11).

## **Investigation:**

1. An employer, contractor, constructor, supplier, employee, owner, or self-employed person in the workplace has a duty to report all incidents of violence in a workplace to the employer;
2. Employer must ensure that incidents of violence in a workplace are documented and promptly investigated to determine their causes and the actions needed in accordance with the procedures established in the workplace violence prevention plan;
3. Employer must ensure that notice of the actions taken to prevent reoccurrence of an incident of violence are given to the JHSC or Safety Rep and any employee affected by the incident (*Regs, Secs. 12 + 13*).

**Victim Support:** Employer must provide employees who've been exposed to or affected by violence at the workplace with an appropriate debriefing and must advise them to consult a health professional of their choice for treatment or counseling (*Regs, Sec. 14*).

**Domestic Violence:** Not specifically addressed, although definition of "violence" is broad enough to include domestic violence.

## **Special Exceptions:**

1. Employers whose employees perform work at multiple temporary workplaces need not conduct a violence risk assessment or prepare a workplace violence prevention plan for each individual workplace, provided that they conduct a violence risk assessment and prepare a workplace violence prevention plan that covers similar workplaces collectively and accounts for the circumstances and interactions that an employee is likely to encounter in performing their work; and
2. Two or more employers may enter into a written agreement to collectively provide and maintain the statements, plans, and services required under these regulations, provided that each employer keeps a copy of the agreement and a copy of the agreement is provided to any of the following, engaged at the workplace of 1 of the employers, who request a copy: (a) an employee; (b) a contractor; (c) a constructor; (d) a supplier; (e) an owner or self-employed person; and (f) an OHS officer (*Regs, Secs. 15 + 16*).

## **ONTARIO**

**Definition:** "Workplace violence" means: (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; (c) a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker (*OHS Act, Sec. 1(1)*).

## **Risk Assessment:**

1. Employer must assess the risks of workplace violence that may arise from the nature of the workplace, the type of work, or the conditions of work, taking into account: (a) circumstances that would be common to similar workplaces; (b) circumstances specific to the workplace; and (c) any other prescribed elements;
2. Employer must advise and provide a written copy of the results of the assessment and any reassessment to the JHSC/Safety Rep or workers if there is no JHSC or Safety Rep at the workplace;

3. Employer must reassess the risks of workplace violence as often as necessary to ensure that the related workplace violence policy and program continue to protect workers from workplace violence (*OHS Act*, Sec. 32.0.3).

**Prevention Policy:** Employer must prepare, conspicuously post, and review at least once a year a written workplace violence prevention policy; **Exception:** writing and posting aren't required if there are 5 or fewer regularly employed workers at the workplace, unless an MOL inspector orders otherwise (*OHS Act*, Sec. 32.0.1).

**Prevention Program:** Employer must develop and maintain a program to implement the workplace violence policy that: (a) includes measures and procedures to control the risks identified in the assessment as likely to expose a worker to physical injury; (b) includes measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur; (c) includes measures and procedures for workers to report incidents of workplace violence to the employer or supervisor; (d) sets out how the employer will investigate and deal with incidents or complaints of workplace violence; and (e) includes any prescribed elements (*OHS Act*, Sec. 32.0.2).

#### **Information & Training:**

1. Employer must provide a worker information and instruction that's appropriate for the worker on the contents of the workplace violence policy and program with respect to workplace violence;
2. That information includes personal information, related to a risk of workplace violence from a person with a history of violent behaviour if: (a) the worker can be expected to encounter that person in the course of their work; and (b) the risk of workplace violence is likely to expose the worker to physical injury; and
3. Employer may disclose more personal information than is reasonably necessary to protect the worker from physical injury (*OHS Act*, Sec. 32.0.5).

**Investigation:** Workplace violence prevention program must include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor and describe how the employer will investigate and deal with incidents or complaints of workplace violence (*OHS Act*, Sec. 32.0.2).

#### **Notice:**

1. Employer must provide written notice to the JHSC, Safety Rep, trade union and, if an MOL inspector requires it, OHS Director if a person is disabled from performing their usual work or requires medical attention because of an incident of workplace violence at a workplace in which no person dies or is critically injured within 4 days of the occurrence (*OHS Act*, Sec. 52(1)); and
2. Notice must list: (a) the nature and circumstances of the occurrence, including a description of any machinery, equipment, or procedure involved, and (b) the time, date, and place of the occurrence (*Notices and Reports Regs*, Sec. 3(5)).

**Victim Support:** Not specifically addressed.

**Domestic Violence:** Employer must take every precaution reasonable in the circumstances for the protection of the worker if it becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace (*OHS Act*, Sec. 32.0.4).

## PRINCE EDWARD ISLAND

**Definition:** “Violence” means the threatened, attempted, or actual exercise of any physical force by a person **other than a worker** that can cause, or that causes, injury to a worker, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that they’re at risk of injury (*OHS Act General Regs*, Sec. 52.1).

**Risk Assessment:** Employer must conduct a risk assessment of the workplace to determine if there’s a risk of injury to workers from violence arising out of their employment that considers: (a) previous experience of violence in that workplace; (b) occupational experience of violence in similar workplaces; and (c) the location and circumstances in which the work will take place (*Regs*, Sec. 52.2).

**Policies & Procedures:** If the assessment identifies risk of injury to workers from violence, the employer must establish procedures, policies, and work environment arrangements to eliminate or, if elimination isn’t possible, minimize the risk and for reporting, investigating, and documenting incidents of violence (*Regs*, Sec. 52.3).

### **Information & Training:**

1. Employer must inform workers who may be exposed to the risk of violence in the workplace of the nature and extent of the risk and information regarding history of violent behaviour;
2. The duty to inform includes providing information related to the risk of violence from persons who have a history of violent behaviour and who may be encountered by a worker in the course of their work;
3. Employer must instruct workers who may be exposed to the risk of violence in:  
(a) the means of recognition of the potential for violence; (b) the procedures, policies, and work environment arrangements developed to eliminate or minimize the risk; and (c) the appropriate response to incidents of violence in the workplace, including how to obtain assistance (*Regs*, Sec. 52.4).

**Investigation:** Employer must establish policies and procedures for reporting, investigating, and documenting incidents of violence (*Regs*, Sec. 52.3).

**Victim Support:** Employer must ensure that a worker who reports an injury or adverse symptom resulting from workplace violence is advised to consult a physician of the worker’s choice for treatment or referral (*Regs*, Sec. 52.5).

**Domestic Violence:** Not specifically addressed, although the definition of “violence” is broad enough to include domestic violence.

## QUÉBEC

### **Definitions:**

1. “Sexual violence” means any form of violence targeting sexuality or any other misconduct, including unwanted gestures, practices, comments, behaviours, or attitudes with sexual connotations, whether they occur once or repeatedly, including violence relating to sexual and gender diversity (*OHS Act*, Sec. 1); and
2. “Psychological harassment” means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions, or gestures that

affect an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee. For greater certainty, psychological harassment includes such behaviour in the form of verbal comments, actions, or gestures of a sexual nature (*Labour Standards Act*, Sec. 81.18).

**Risk Assessment:** Not specifically addressed.

**Policy:**

1. Employer must adopt a policy to prevent and manage situations of psychological harassment which includes: (a) methods and techniques used to identify, control, and eliminate the risks of psychological harassment, including a section on behaviour that manifests itself in the form of verbal comments, actions, or gestures of a sexual nature; (2) specific information and training programs on psychological harassment prevention that are offered to employees and to the persons designated by the employer to manage a complaint or report; (c) recommendations on behaviour to adopt when participating in work-related social activities; (d) procedures for making complaints or reports to the employer or providing information or documents to the employer, the person designated to manage them, as well as the information on the follow-up that must be given by the employer; (e) the measures to protect persons concerned by a situation of psychological harassment and persons who have cooperated in the processing of a complaint or report regarding such a situation; (f) the process for managing a situation of psychological harassment, including the process that applies to the holding of an inquiry by the employer; and (g) the measures to ensure the confidentiality of complaints, reports, information, or documents received and to ensure a preservation period of at least two years for the documents made or obtained in the course of managing a situation of psychological harassment (*Labour Standards Act*, Sec. 81.20); and
2. Above policy must be incorporated as an integral part of the prevention program required by the *OHS Act* (*OHS Act*, Sec. 59(9)).

**Information & Training:** Psychological harassment policy must list the specific information and training programs on psychological harassment prevention offered to employees (*Labour Standards Act*, Sec. 81.20(2)).

**Investigation:** Employer must:

1. Designate persons to manage a psychological harassment complaint or report;
2. Establish procedures for making psychological harassment complaints or reports or providing information or documents to the employer/the person designated to manage them;
3. Give follow-up information on reports or complaints;
4. Take measures to protect persons affected by, witnesses, and others who cooperate in the processing of a psychological harassment complaint or report regarding such a situation;
5. Hold an inquiry on the complaint or report;
6. Protect the confidentiality of complaints, reports, information, or documents received; and
7. Retain the documents made or obtained in managing a psychological harassment situation for at least 2 years (*Labour Standards Act*, Secs. 81.20(2) to (7)).

**Victim Support:** Not specified.

**Domestic Violence:** Employer is required to take the measures to protect workers from spousal or family violence if it knows or ought reasonably to know that the worker is exposed to such violence (*OHS Act*, Sec. 51(16)).

## **SASKATCHEWAN**

**Definition:** "Violence" means the attempted, threatened, or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that they're at risk of injury (*OHS Regs*, Sec. 3-26(1)).

**Risk Assessment:** Employer must perform a risk assessment to identify: (a) work sites where violent situations have occurred or may reasonably be expected to occur; and (b) any staff positions at the place of employment that have been, or may reasonably be expected to be, exposed to violent situations (*OHS Regs*, Secs. 3-26(3)(b)).

### **Prevention Policy & Plan:**

1. Employer must, in consultation with the JHSC/Safety Rep or workers if there is no JHSC or Safety Rep at the workplace, develop and implement a written policy statement and prevention plan to deal with potentially violent situations and prevent harassment (*Sask Employment Act*, Sec. 3-21(1));
2. The policy statement and prevention plan must be in writing and include: (a) the employer's commitment to minimize or eliminate the risk of violence; (b) the identification of the work sites where violent situations have occurred or may reasonably be expected to occur; (c) the identification of any staff positions at the place of employment that have been, or may reasonably be expected to be, exposed to violent situations; (d) the employer's procedure for notifying workers of their risks to violence; (e) how the employer will minimize or eliminate the risk, including via use of PPE, administrative arrangements, and engineering controls; (f) procedures for reporting, investigating, and documenting incidents of violence; (g) a recommendation that workers exposed to a violent incident consult their physician for treatment or referral for post incident counselling; and (h) the employer's commitment to provide a training program for workers;
3. Employer must make a copy of the policy statement and prevention plan readily available to workers; and 4. Employer must ensure that the policy statement and prevention plan is reviewed and, if necessary, revised every 3 years and whenever there's a change of circumstances that may affect workers' health or safety (*OHS Regs.*, Secs. 3-26(3) to (6)).

### **Information & Training:**

1. Employer must inform workers of the nature and extent of risk from violence, including, unless prohibited by law, any information in the employer's possession related to the risk of violence from persons with a history of violent behaviour and whom workers are likely to encounter in the course of their work;
2. Employer must provide a training program for workers that includes: (a) the means to recognize potentially violent situations; (b) procedures, work practices, administrative arrangements, and engineering controls that have been developed to minimize or eliminate the risk to workers; (c) the appropriate responses of workers to incidents of violence, including how to obtain assistance; and (d) procedures for reporting violent incidents; and
3. Employer must credit time attending training as work time and ensure worker loses no pay or benefits for the time they spend attending training (*OHS Regs.*, Secs. 3-26(3)(d) + (i) + 3-26(4)).

**Investigation:** Employer must ensure that an investigation is conducted into any incident of violence at the place of employment and that the results are document

(Act, Sec. 3-21(3)).

### **Victim Support:**

1. Employer must recommend that any worker who's been exposed to a violent incident consult their physician for treatment or referral for post incident counselling; and
2. Employer must credit time spent receiving treatment or counselling as work time and ensure worker loses no pay or benefits for that time (*OHS Regs.*, Secs. 3-26(3)(h) + 3-26(4)).

**Domestic Violence:** Not specifically addressed, although definition of "violence" is broad enough to include domestic violence.

**Note:** Additional precautions required for late night retail premises.

### **NORTHWEST TERRITORIES & NUNAVUT**

**Definition:** "Violence" means the attempted, threatened, or actual conduct of an individual that causes or is likely to cause injury, such as a threatening statement or behaviour that gives a worker reasonable belief that they're at risk of injury (*OHS Regs*, Sec. 35(1)).

### **Risk Assessment:**

1. Employer must perform a risk assessment to identify violence hazards at: (a) work sites where violence may reasonably be expected to occur; and (b) to any staff positions at the place of employment that have been, or may reasonably be expected to be, exposed to violent situations (*OHS Regs*, Secs. 35(4)(b) + (c)); and
2. Work sites where violence may reasonably be expected to occur include those that provide: (a) services provided by health care facilities; (b) pharmaceutical dispensing services; (c) educational services; (d) police services; (e) corrections services; (f) other law enforcement services; (g) security services; (h) crisis intervention and counselling services; (i) financial services; (j) the sale of alcoholic beverages or the provision of premises for the consumption of alcoholic beverages; (k) taxi services; and (l) transit services (*OHS Regs*, Sec. 35(2)).

### **Policy:**

1. Employer must, where violence has occurred or could reasonably be expected to occur, after consulting with the JHSC/Safety Rep or workers if there is no JHSC or Safety Rep at the workplace, develop and implement a written policy to deal with potential violence;
2. Policy must be in writing and include: (a) the employer's commitment to minimize or eliminate the risk of violence at the work site; (b) the identification of the worksite(s) where violence has occurred or may reasonably be expected to occur; (c) the identification of any staff positions at the place of employment that were, or may reasonably be expected to be, exposed to violence; (d) the employer's procedure for notifying workers of their risks to violence; (e) how the employer will minimize or eliminate the risk, including via use of PPE, administrative arrangements, and engineering controls; (f) procedures for reporting, investigating, and documenting violence; (g) a recommendation that workers exposed to violence consult their physician for treatment or referral for post incident counselling; and (h) the employer's commitment to provide

- training programs for workers;
3. Employer must make a copy of the policy readily available to workers; and
  4. Employer must ensure that the policy is reviewed and, if necessary, revised every 3 years and whenever there's a change of circumstances that may affect workers' health or safety (*OHS Regs.*, Sec. 35(3)).

#### **Information & Training:**

1. Employer must inform workers of the nature and extent of risk from violence, including, unless prohibited by law, any information in the employer's possession about the risk of violence from persons with a history of violent behaviour and whom workers are likely to encounter in the course of their work; and
2. Employer must provide a training program for workers that includes: (a) the means to recognize potentially violent situations; (b) procedures, work practices, administrative arrangements, and engineering controls to minimize or eliminate the risk of violence to workers; (c) the appropriate responses of workers to violence, including how to obtain assistance; and (d) procedures for reporting violence; and
3. Employer must credit time attending training as work time and ensure worker loses no pay or benefits for the time they spend attending training (*OHS Regs*, Secs. 35(4)(d) + (i) + 35(5)).

**Investigation:** Employer must investigate and document reports of violence (*OHS Regs*, Sec. 35(4)(g)).

#### **Victim Support:**

1. Employer must recommend that any worker who's been exposed to violence consult their physician for treatment or referral for post incident counselling; and
2. Employer must credit time spent receiving treatment or counselling as work time and ensure worker loses no pay or benefits for that time (*OHS Regs.*, Secs. 35(4)(h) + 35(5)).

**Domestic Violence:** Not specifically addressed, although definition of "violence" is broad enough to include domestic violence.

**Note:** Additional precautions required for late night retail premises.

#### **YUKON**

**Definition:** "Violence" means any of the following that occurs in a workplace or is work-related: (a) the threatened, attempted, or actual exercise of physical force by a person that causes, or is likely to cause, an injury to a worker; or (b) a threatening statement made or any conduct engaged in by a person that gives a worker reasonable cause to believe that they're at risk of injury (*WSC Regs*, Sec. 1.02).

**Risk Assessment:** Not specifically addressed.

**Policy Statement:** Employer must, in consultation with the JHSC/Safety Rep or workers if there is no JHSC or Safety Rep in the workplace, develop and implement a written policy for preventing violence and harassment that includes: (a) a statement that violence and harassment in the workplace are prohibited; (b) a statement that every worker is entitled to employment free of violence and harassment; (c) a statement that the employer is committed to eliminating or, if that is not practicable, controlling the risks of violence and harassment in the workplace; (d) a statement

that workers have the right to bring complaints of violence or harassment to the employer or, if the employer is the person alleged to have committed the violence or harassment, to persons other than the employer; (e) a statement that the employer will not disclose the circumstances related to an incident or complaint of violence or harassment or the names of the victim, the person alleged to have committed the violence or harassment, or any witnesses, except where disclosure is (i) required by law, (ii) necessary to investigate the incident or complaint, (iii) necessary to take corrective action, (iv) necessary to inform the persons involved in the incident or complaint of the results of the investigation and any corrective action taken to address it, or (v) necessary to inform workers in the workplace of the nature and extent of the risk of violence or harassment there; (f) a statement that any personal information that is disclosed under paragraph (e) regarding an incident or complaint of violence or harassment will be the minimum amount necessary for the purpose for which it's disclosed; (g) a statement that the policy statement and procedures don't limit workers from exercising any rights under any other law (*WSC Regs*, Secs. 19.01 + 19.02).

**Procedures:** Employer must, in consultation with the JHSC/Safety Rep or workers if there is no JHSC or Safety Rep in the workplace, develop and implement written procedures for preventing violence and harassment that include: (a) a description of the measures taken by the employer to eliminate or, if that's 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: (i) documenting the incident or complaint, (ii) 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 the results of the investigation, and any corrective action to be taken; and (f) the procedure to be followed by the worker and employer to obtain assistance following an incident or a complaint of violence or harassment, including post-incident treatment or counselling (*WSC Regs*, Secs. 19.01 + 19.03).

**Information & Training:** Employer must give workers necessary training on the workplace violence and harassment policy statement and procedures, and provide adequate supervision to ensure workers comply with the policy statement and procedures (*WSC Regs*, Sec. 19.01(1)(b) + (c)).

#### **Investigation:**

1. Employer must ensure that an investigation that's appropriate in the circumstances is conducted into each incident and complaint of violence or harassment;
2. An OHS officer may order: (a) the investigation to be conducted by an impartial person with knowledge, experience, or other qualifications required to conduct it; (b) the investigator to create and deliver a written report to the employer without delay after completing the investigation; and (c) the employer to provide a copy of the investigator's report to the OHS officer, each person involved in the incident and/or the complainant without delay after receiving it and at the employer's expense (*WSC Regs*, Sec. 19.04).

**Victim Support:** Written procedures must include procedures for the worker and

employer to obtain assistance after an incident or a complaint of violence or harassment, including post-incident treatment or counselling (*WSC Regs*, Sec. 19.03(f)).

**Domestic Violence:** If an employer becomes aware, or ought reasonably to be aware, that a worker is or is likely to be exposed to domestic violence in the workplace, it must take reasonable precautions to protect the worker and any other persons in the workplace likely to be affected (*WSC Regs*, Sec. 19.05).