

Workplace Harassment & Violence Definitions – Know The Laws of Your Province



Employers have a duty to protect employees from workplace violence and harassment no matter where in Canada they operate. However, there are some important differences in requirements, starting with the definition of “harassment” and “violence” employers must protect against.

While definitions are similar, Ontario defines harassment and violence the most broadly.

By contrast, current OHS laws in BC address workplace violence but not workplace harassment. BC regulations don’t even mention workplace harassment, although they do impose a general ban on “improper activity or behaviour” by workers, which includes using or threatening force against another worker.

The other anomaly in BC regulations is that “violence” doesn’t include acts or threats of violence against workers committed by other workers. PEI is the only other province that includes such a limitation in its OHS workplace violence definition. The good news is that BC recognizes that its laws are out of date and has begun consultations to change them to incorporate protections against workplace harassment and, perhaps, to eliminate the current limitation providing that workplace violence doesn’t include violence by one worker against another. These changes are expected to be made sometime in 2025.

Here’s a look at the definitions of “harassment,” “violence” and “workplace” in each part of the country.

FEDERAL

1. **“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, including any prescribed action, conduct, or comment (*Canada Labour Code*, Sec. 122(1)).
2. **“Workplace”** means any place where an employee is engaged in work for the

employee's employer (*Canada Labour Code*, Sec. 122(1)).

ALBERTA

1. **"Harassment"** means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying, or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety, and includes:
 1. Conduct, comment, bullying, or action because of race, religious beliefs, skin colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and
 2. a sexual solicitation or advance.

This excludes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site (*OHS Act*, Sec. 1(n)).

2. **"Violence,"** whether at a worksite 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)).
3. **"Worksite"** means a location where a worker is, or is likely to be, engaged in any occupation and includes any vehicle or mobile equipment used by a worker in an occupation (*OHS Act*, Sec. 1(uu)).

BRITISH COLUMBIA

1. **"Improper activity or behaviour"** includes the attempted or actual exercise by a worker towards another worker of any physical force so as to cause injury, and includes any threatening statement or behaviour which gives the worker reasonable cause to believe the worker is at risk of injury (*OHS Regs*, Sec. 4.24(a)).
2. **"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 Regs*, Sec. 4.27).
3. **"Workplace"** means any place where a worker is or is likely to be engaged in any work and includes any vessel, vehicle or mobile equipment used by a worker in work (*Workers Compensation Act*, Sec. 13).

MANITOBA

1. **"Harassment"** means:
 1. Objectionable conduct that creates a risk to the health of a worker; or
 2. severe conduct that adversely affects a worker's psychological or physical well-being (*WSH Regs*, Sec. 1.1).
2. **"Violence"** means:
 1. The attempted or actual exercise of physical force against a person; and
 2. any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person (*WSH Regs*, Sec. 1.1).

3. **“Workplace”** means any building, site, workshop, structure, mine, mobile vehicle, or any other premises or location whether indoors or outdoors in which one or more workers, or self-employed persons, are engaged in work or have worked (*WSH Act*, Sec. 1).

NEW BRUNSWICK

1. **“Harassment”** in a place of employment means any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome, including bullying or any other conduct, comment, or display made on either a one-time or repeated basis that threatens the health or safety of an employee, and includes sexual harassment, but doesn’t include reasonable conduct of an employer in respect of the management and direction of employees at the place of employment (*OHS Gen. Reg*, Sec. 2).
2. **“Violence,”** in a place of employment, means the 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 the employee, and includes sexual violence, intimate partner violence, and domestic violence (*OHS Gen. Reg*, Sec. 2).
3. **“Place of employment”** means any building, structure, premises, water, or land where work is carried on by one or more employees, and includes a project site, a mine, a ferry, a fishing vessel, a train, and any vehicle used or likely to be used by an employee (*OHS Act*, Sec. 1).

NEWFOUNDLAND & LABRADOR

1. **“Workplace harassment”** means inappropriate vexatious conduct or comment by a person to a worker that the person knew or ought to have known would cause the worker to be humiliated, offended, or intimidated but doesn’t include a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace (*OHS Regs*, Sec. 22(2)).
2. **“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 the worker is at risk of injury (*OHS Regs*, Sec. 22(1)).
3. **“Workplace”** means a place where a worker or self-employed person is engaged in an occupation and includes a vehicle or mobile equipment used by a worker in an occupation (*OHS Act*, Sec. 2(n)).

NOVA SCOTIA

1. **“Harassment”** not defined or even addressed in OHS Act or regulations, which currently deal with only physical injuries.
2. **“Violence”** means any of the following:
 1. Threats, including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical injury.
 2. 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)).
3. **“Workplace”** means any place where an employee or a self-employed person is or is likely to be engaged in any occupation and includes any vehicle or mobile equipment used or likely to be used by an employee or a self-employed person in

an occupation (*OHS Act*, Sec. 3(ah)).

NORTHWEST TERRITORIES

1. **“Harassment”** means a course of vexatious comment or conduct at a worksite that (i) is known or ought reasonably to be known to be unwelcome; and (ii) constitutes a threat at the work site to the health or safety of a worker. To constitute harassment any one of the following must occur:
 1. Repeated conduct, comments, displays, actions, or gestures; or
 2. 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.

Harassment doesn’t include reasonable action taken by an employer or supervisor relating to the management and direction of the workers or of the work site (*OHS Regs*, Secs. 34(1) – (3)).

2. **“Violence”** means 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 a reasonable belief that he or she is at risk of injury (*OHS Regs*, Sec. 35(1)).
3. **“Worksite”** means a location where a worker is, or is likely to be, engaged in work, or a thing at, on, in, or near which a worker is, or is likely to be, engaged in work (*Safety Act*, Sec. 1).
4. Worksites where violence may reasonably be expected to occur include ones that provide:
 1. Healthcare facilities services.
 2. Pharmaceutical dispensing services.
 3. Educational services.
 4. Police services.
 5. Corrections services.
 6. Other law enforcement services.
 7. Security services.
 8. Crisis intervention and counselling services.
 9. Financial services.
 10. The sale of alcoholic beverages or the provision of premises for the consumption of alcoholic beverages.
 11. Taxi services.
 12. Transit services (*OHS Regs*, Sec. 35(2)).

NUNAVUT

1. **“Harassment”** means a course of vexatious comment or conduct at a worksite that (i) is known or ought reasonably to be known to be unwelcome; and (ii) constitutes a threat at the work site to the health or safety of a worker. To constitute harassment, any one of the following must occur:
 1. Repeated conduct, comments, displays, actions, or gestures.
 2. 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.

Harassment doesn’t include reasonable action taken by an employer or supervisor relating to the management and direction of the workers or of the work site (*OHS Regs*, Secs. 34(1) – (3)).

2. **“Violence”** means 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 a reasonable belief that he or she is at risk of injury (*OHS Regs*, Sec. 35(1)).
3. **“Worksite”** means a location where a worker is, or is likely to be, engaged in work, or a thing at, on, in or near which a worker is, or is likely to be, engaged in work (*Safety Act*, Sec. 1).
4. Worksites where violence may reasonably be expected to occur include ones that provide:
 1. Healthcare facilities services.
 2. Pharmaceutical dispensing services.
 3. Educational services.
 4. Police services.
 5. Corrections services.
 6. Other law enforcement services.
 7. Security services.
 8. Crisis intervention and counselling services.
 9. Financial services.
 10. The sale of alcoholic beverages or the provision of premises for the consumption of alcoholic beverages.
 11. Taxi services.
 12. Transit services (*OHS Regs*, Sec. 35(2)).

ONTARIO

1. **“Workplace harassment”** “workplace harassment” means:
 1. Engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that’s known or ought reasonably to be known to be unwelcome, or
 2. workplace sexual harassment (*OHS Act*, Sec. 1(1)).
2. **“Workplace sexual harassment”** means:
 1. Engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, because of sex, sexual orientation, gender identity, or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
 2. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome (*OHS Act*, Sec. 1(1)).
3. **“Workplace violence”** means:
 1. The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
 2. An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
 3. A statement or behaviour that it’s 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)).
4. **“Workplace”** means any land, premises, location or thing at, upon, in, or near which a worker works (*OHS Act*, Sec. 1(1)).

PRINCE EDWARD ISLAND

1. **“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, or 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:
 1. Conduct 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
 2. inappropriate sexual conduct that’s 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.
 1. For greater certainty, harassment as defined in clause 1(b) includes both:
 1. Repeated inappropriate conduct, comments, displays, actions or gestures, or incidents of bullying that have a harmful effect on the worker’s psychological or physical health or safety; and
 2. 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.

(*Workplace Harassment Regs, Secs. 1 + 2*)).

2. **“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 he or she is at risk of injury (*OHS Act Gen. Regs, Sec. 52.1*).
3. **“Workplace”** means a place where a worker is or is likely to be engaged in an occupation and includes a vehicle, fishing vessel, or mobile equipment used or likely to be used by a worker in an occupation (*OHS Act, Sec. 1(y)*).

QUÉBEC

1. **“Psychological harassment”** means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects 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 such verbal comments, actions, or gestures of a sexual nature. A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment (*Labour Standards Act, Sec. 81.18*).
2. **“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*).
3. **“Workplace”** means any place in or at which a person is required to be present out of or in the course of work, including an establishment and a construction site (*OHS Act, Sec. 1*).

SASKATCHEWAN

1. **“Harassment”** means EITHER:

1. Any inappropriate conduct, comment, display, action, or gesture by a person towards a worker:
 1. That is either based on race, religion, sex, or other prohibited ground under *The Saskatchewan Human Rights Code*, or on physical size or weight; or adversely affects the worker’s psychological or physical well-being and that the person knows or ought reasonably to know would cause the worker to be humiliated or intimidated; and
 2. that constitutes a threat to the health or safety of the worker consisting of either: (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 (for purposes of this subsection, harassment does not include any reasonable action taken by an employer, or manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer’s workers or the place of employment);

OR

1. any conduct, comment, display, action, or gesture by a person towards a worker that is of a sexual nature and the person knows or ought reasonably to know is unwelcome (*Sask Emp Act*, Sec. 3-1(1)(l)).
2. **“Violence”** means 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 a reasonable cause to believe that they’re at risk of injury (*OHS Regs*, Sec. 3-26(1)).
3. **“Place of employment”** means any plant in or on which one or more workers or self-employed persons work, usually work or have worked (*Sask Emp Act*, Sec. 3-1(1)(v)).
4. Places of employment where violence may reasonably be expected to occur include ones that provide:
 1. Healthcare facilities services.
 2. Pharmaceutical dispensing services.
 3. Education services.
 4. Police services.
 5. Corrections services.
 6. Other law enforcement services.
 7. Security services.
 8. Crisis intervention and counselling services.
 9. Late night retail premises.
 10. Financial services.
 11. The sale of alcoholic beverages or the provision of premises for the consumption of alcoholic beverages.
 12. Taxi services.
 13. Transit services (*OHS Regs*, Sec. 3-26(2)).

YUKON TERRITORY

1. **“Harassment”** of a worker by a person:

1. Means bullying, or any other objectionable conduct or inappropriate comment, by the person:

1. that occurs in a workplace or is work-related,
 2. that the person knows, or ought reasonably to know, is likely to be unwelcome, and
- that adversely affects the worker's physical or psychological well-being or constitutes a threat to the worker's health and safety.
1. Includes the person engaging in bullying or a course of inappropriate comments to, or in relation to, the worker, or a course of objectionable conduct against the worker:
 1. that occurs in a workplace or is work-related,
 2. that the person knows, or ought reasonably to know, is likely to be unwelcome, and
 - that relates to, or is motivated by, the worker's sex, sexual orientation, gender identify or gender expression.
1. Does not include reasonable conduct of a person who is an employer or supervisor in respect of the management of workers or a workplace.

(WSC Regs, Sec. 1.2).

2. **"Violence"** means any of the following that occurs in a workplace or is work-related:
 1. The threatened, attempted, or actual exercise of physical force by a person that causes, or is likely to cause, an injury to a worker.
 2. A threatening statement made or any conduct engaged in by a person that gives a worker reasonable cause to believe that the worker is at risk of injury (WSC Regs, Sec. 1.2).
3. **"Workplace"** means a building, site, project site, workshop, structure, vehicle or mobile equipment, or any other location where one or more workers perform or have performed work (WSC Act, Sec. 25).