

Workplace Violence – 2023 Year in Review



FEDERAL

LAWS & ANNOUNCEMENTS

Jan 31: Newly tabled [Bill C-311](#) would amend the *Criminal Code* to make assaulting or causing physical or emotional harm to a woman knowing that she's pregnant aggravated circumstances that judges must consider in sentencing.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Apr 27: Newly passed [Bill C-233](#) requires judges to consider, before issuing a release order for a person accused of an offence against their intimate partner, to consider whether to require the person wear an electronic monitoring device "in the interests of the safety and security of any person."

Action Point: Find out [how to protect your employees](#) from risk of workplace domestic violence

May 18: The Assembly passed and the Senate tabled controversial legislation ([Bill C-21](#)) to strengthen criminal law bans and import controls on handguns and assault rifles and increase penalties, including confiscations of guns, for violations. The bill would also make the national freeze on the sale, purchase and transfer of handguns that was imposed in October 2022 permanent.

Oct 25: [Bill S-12](#), providing for automatic entry of child sex offenders and repeat sex offenders into the National Sex Offender Registry, received Royal Assent and is now in effect. The legislation also makes it easier for victims of sexual crimes to lift the normal ban on publication designed to protect their privacy in instances when victims want the information to be made publicly available.

CASES

Workplace Violence: OK to Terminate Worker for Threatening Security Guard

A worker violated company policy by accidentally bringing her daughter's cell phone to the workplace. But the reason she got fired was how she reacted after the device was spotted on the x-ray scanner at the facility entrance by deliberately pushing the guard who asked her to empty her bag and then violently swinging her open knapsack scattering its contents across the floor. The federal arbitrator ruled that the company had just cause to terminate the worker for violating not only the cell phone but also the respectful workplace policy [[Teamsters, Local 938 v Purolator Inc.](#), 2022 CanLII 112111 (CA LA), November 15, 2022].

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Workplace Violence: Employer Can't Prove Worker Threatened Coworkers with Violence
A railway fired a senior maintenance engineer for threatening violence against coworkers if he had to take the COVID vaccine. The railway's principal evidence was an email from a coworker quoting the engineer as saying "If I have to hurt people, I will." The engineer vehemently denied making this or any remarks or threats of violence. The federal arbitrator ruled that the railway didn't meet its burden of proving that the engineer engaged in workplace violence and reinstated him with no loss of seniority [[IBEW \(System Council No. 11\) v Canadian National Railway Company, 2023 CanLII 99782 \(CA LA\), October 30, 2023](#)].

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence

ALBERTA

LAWS & ANNOUNCEMENTS

Apr 25: The new Alberta 2023 budget provides additional funding for domestic violence prevention programs, including counseling to help men overcome anger and abusive behaviours, as well as shelters for women and children victimized by domestic violence.

Action Point: Find out [how to protect your own employees](#) from the risk of workplace domestic violence

BRITISH COLUMBIA

LAWS & ANNOUNCEMENTS

Jul 26: Starting this fall, BC will provide funding to help small businesses pay for property damage they suffer as a result of crime and vandalism. Under the new \$10.5 million Securing Small Business Rebate Program, small businesses will be able to apply for up to \$2,000 for repair costs and \$1,000 for vandalism prevention.

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence

Mar 6: Newly tabled [Bill 16](#) would amend the *Domestic Violence and Stalking Act* to require persons party applying for a prevention order or protection order to disclose any existing orders or agreements between the parties dealing with parenting arrangements, custody, contact, access or guardianship.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Apr 2: Manitoba launched a new \$1.3 million community-based sexual assault crisis response and healing program to provide support for survivors of sexual assault and intimate partner violence. The new program will complement Manitoba's Provincial Sexual Assault and Intimate Partner Violence program.

Apr 11: [Bill 16](#) would amend the *Domestic Violence and Stalking Act* to require persons applying for a prevention order or protection order to disclose any existing orders or agreements between the parties dealing with parenting arrangements, custody, contact, access or guardianship.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

May 16: The Manitoba Assembly passed [Bill 16](#) amending the *Domestic Violence and Stalking Act* to require persons applying for a prevention order or protection order to disclose any existing orders or agreements between the parties dealing with parenting arrangements, custody, contact, access or guardianship.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

May 30: Royal Assent for [Bill 16](#) amending the *Domestic Violence and Stalking Act* to require persons party applying for a prevention order or protection order to disclose any existing orders or agreements between the parties dealing with parenting arrangements, custody, contact, access or guardianship.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Jul 25: Manitoba and the federal government signed a bilateral agreement aimed at eliminating gender-based violence under which the province will receive \$22.3 million from Ottawa over 4 years to implement the National Action Plan to End Gender-based Violence in Manitoba.

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence

CASES

Workplace Violence: Employer Fined \$355,000 for Failing to Properly Investigate Violence Incidents

In what may be the biggest fine of its kind, WorkSafeBC hit a health region with a \$355,244 administrative monetary penalty for failing to properly investigate incidents of workplace violence against a worker. WorkSafeBC inspectors reviewed the investigation reports created in response to several incidents and found that they all lacked key information such as with regard to underlying causes and corrective actions [*Northern Health Authority*, WorkSafeBC Report, November 10, 2022].

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Off-Duty Conduct: Employer Can Sue Worker to Recover Stolen Money

A security services suspected that one of its employees was involved in recent robberies of ATM machines of client banks resulting in losses that the firm had to repay under its contracts with the banks. So, the firm fired the suspect employee and sued to make him pay back the money. The union cried foul, but the BC labour arbitrator tossed the grievance. The union appealed, contending that the arbitrator was wrong and had no jurisdiction over the case because it wasn't a labour dispute. The court ruled that the arbitrator's decision was reasonable and refused to overturn it [*Unifor, Local Union No. 114 v Brinks Canada Ltd.*, 2022 BCSC 2061 (CanLII), November 28, 2022].

Action Point: Implement a legally sound [off-duty conduct policy](#) at your workplace

Workplace Violence: No Evidence Race Factored into Decision to Fire Worker for Fighting

A forklift operator at a warehouse got into a physical altercation with a co-worker. He claimed he was provoked but after interviewing the parties and witnesses, the investigator concluded that both combatants were equally at fault. The operator claimed race, colour and ancestry discrimination but the BC Human Rights Tribunal found no evidence to support the claim and dismissed the complaint. The operator was fired for fighting and there was no evidence that race, colour or ancestry factored into the decision, it concluded [*Jhawar v. Wallace and Carey Inc. and others*, 2023 BCHRT 60 (CanLII), June 20, 2023].

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Workplace Violence: Hospital's Failure to Protect Doctor from Patient Attack Is Not Negligence

A psychiatrist who suffered devastating injuries as a result of being attacked by an inpatient at a mental health hospital sued the facility's operator for negligently failing to address the risk of violence by patients citing, among other things, its failure to perform a workplace violence risk assessment. The trial court was unimpressed finding that a hazard assessment wouldn't have made any difference and that the psychiatrist knew the patient was violent and voluntarily assumed the risk

by agreeing to meet with him alone. Faulting the hospital for not adopting a policy banning doctors from visiting violent patients without accompaniment would potentially interfere with proper psychiatric care, the court reasoned. The BC Court of Appeal found the lower court's reluctance to author a new standard of care for psychiatric treatment without expert evidence reasonable and refused to overturn it [[Sheoran v. Interior Health Authority](#), 2023 BCCA 318 (CanLII), August 8, 2023].

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

NEW BRUNSWICK

LAWS & ANNOUNCEMENTS

Aug 25: The provincial and federal government will provide over \$700,000 in new funding to expand the services provided by gender-based violence crisis hotlines across New Brunswick through March 31, 2026.

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence

NEWFOUNDLAND & LABRADOR

LAWS & ANNOUNCEMENTS

Aug 2: Newfoundland will receive over \$700,000 in funding from the federal government to support crisis hotlines across the province for survivors of gender-based violence.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Nov 2: Newfoundland became the third province to adopt so called "Clare's Law" legislation empowering residents with reasonable concerns for their safety to ask the police to release private information about a current or former intimate partner who poses a risk of violence to them. Similar laws are also now in effect in Alberta and Saskatchewan.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Nov 20: From now through Feb. 6, WorkplaceNL will be holding [online consultations](#) whether to expand workers comp coverage (under Policy EN-18 Traumatic Mental Stress) to include chronic stress resulting from workplace harassment and violence.

Action Point: Find out about [workers comp coverage of mental stress claims](#) across Canada

NORTHWEST TERRITORIES

LAWS & ANNOUNCEMENTS

May 24: The federal government announced that it will provide \$500,000 in additional funding to support gender-based violence hotline services across the territories through March 2026.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

NUNAVUT

LAWS & ANNOUNCEMENTS

Dec 5: The Qaujigiartiit Health Research Centre will receive up to \$428,000 in federal Women and Gender Equality and Youth for an initiative to end gender-based violence in Nunavut. Meanwhile, the GN recently launched a new educational campaign to promote awareness of firearms safety and prevent injuries from improper use,

handling and storage of firearms in the territory.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Nov 15: From now through Feb. 29, the Department of Family Services will be [accepting](#) proposals from nonprofits and governmental organizations for projects to prevent Gender-Based Violence in Nunavut that are eligible for funding under the GBV National Action Plan.

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence

ONTARIO

LAWS & ANNOUNCEMENTS

Apr 20: Second Reading for [Bill 88](#), which would add a new *OHS Act* provision making it mandatory for gas stations in Toronto and other municipalities to require customers to prepay for gasoline before pumping from a pump with prepayment technology between the hours of 9 p.m. to 6 a.m. The measure, which is designed to prevent gas and dash violence incidents, would be phased in over 6 months.

Action Point: Find out what the 10 things you must do to [prevent workplace violence](#)

Apr 30: Third Reading for [Bill 88](#), which would add a new *OHS Act* provision making it mandatory for gas stations in Toronto and other municipalities to require customers to prepay for gasoline before pumping from a pump with prepayment technology between the hours of 9 p.m. to 6 a.m. The measure, which is designed to prevent gas and dash violence incidents, would be phased in over 6 months.

Action Point: Find out what the 10 things you must do to [prevent workplace violence](#)

May 30: Newly tabled [Bill 114](#), *The Safe Night Out Act*, broadens the *OHS Act* employer duty to prevent workplace violence to include “workplace sexual violence.” The name of the bill refers to the provisions requiring liquor license holders to implement an “evidence-based, trauma-informed sexual violence and harassment prevention training program” for servers, supervisors and security staff.

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence

Sep 20: Ontario will provide more than \$4 million’s worth of Victim Support Grants (VSG) to victims of intimate partner violence, domestic violence, human trafficking and child exploitation across the province.

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence

PRINCE EDWARD ISLAND

LAWS & ANNOUNCEMENTS

Jan 26: PEI will provide over \$120,000 in Violence Against Women Prevention Grants to 9 different community organization programs designed to support awareness, education and active measures to protect women and young girls from threats of violence.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Feb 3: The federal government announced that it’s giving PEI \$500,000 to establish crisis hotlines across the province to help prevent and provide support to victims of gender-based violence.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Feb 28: PEI launched a new [5-year plan](#) to prevent sexual violence in the workplace,

home and community and improve supports for its victims.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

SASKATCHEWAN

LAWS & ANNOUNCEMENTS

Feb 28: The federal government is providing Saskatchewan \$1 million to support crisis hotlines for victims of gender-based violence across the province. Crisis lines are often the first place victims go to report incidents and seek help. Nationwide usage of these lines has increased significantly since the COVID pandemic began.

Action Point: Implement a legally sound [workplace violence and harassment investigations policy](#) at your workplace

Jul 25: Saskatchewan and the federal government signed a bilateral agreement aimed at eliminating gender-based violence under which the province will receive \$22.3 million from Ottawa over 4 years to implement the National Action Plan to End Gender-based Violence in Saskatchewan.

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence.

CASES

Workplace Violence: Wrongfully Dismissed Employee Gets Damages, Not Reinstatement

A long running feud between 2 families in which all 4 spouses worked at the same poultry plant escalated into a physical fight that occurred away from the work site. One of the employees was charged with criminal assault for provoking the incident. The plant terminated that employee but without asking him for his side of the story or getting to the bottom of what happened. The arbitrator ruled that the employer didn't have just cause to terminate but awarded money damages instead of reinstatement. The employer claimed the arbitrator's ruling on termination was wrong; the union claimed its ruling on damages rather than reinstatement was wrong. The Saskatchewan court opted for none of the above, finding the arbitrator's ruling reasonable on all counts and dismissing both appeals [[United Food and Commercial Workers, Local 1400 v Prairie Pride Natural Foods Ltd.](#), 2022 SKKB 274 (CanLII), December 19, 2022].

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

YUKON TERRITORY

LAWS & ANNOUNCEMENTS

Jan 11: The Yukon WSCB launched a new app offering free information and guidance to help employers and workers comply with their duty under OHS laws to prevent workplace violence and harassment.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#).

Apr 25: That's the deadline for non-government organizations, First Nations and women's organization [to apply](#) for up to \$25,000 in Yukon's Prevention of Violence Against Aboriginal Women (PVAAW) project funding. Grants in 2023 are available for one-year projects only.

Action Point: Find out what the 10 things you must do to [prevent workplace violence](#).

May 18: Yukon and the federal government began negotiations on the terms of a 4-year funding agreement to support efforts to implement the National Action Plan to End Gender-Based Violence in the territory.

Action Point: Find out what the 10 things you must do to [prevent workplace violence](#).