

# Workplace Violence – Know The Laws of Your Province



## ALBERTA

In Alberta, Canada, **employers** are required to address workplace violence under the **Occupational Health and Safety (OHS) Act. Sections 390(1) to 392.4** which pertain to “**Part 27 Violence and Harassment**”.

### **Violence prevention plan**

An **employer** must develop and implement a violence prevention plan that includes a violence prevention policy and violence prevention procedures. **Section 390(1)**.

The **employer** must develop and implement the violence prevention plan in consultation with:

- (a) the joint health and safety committee or the health and safety representative, if the **employer** is required to establish a committee or designate a representative, or
- (b) affected workers, if the **employer** is not required to establish a committee or designate a representative. **Section 390(2)**.

### **Violence Prevention Policy – Contents**

An **employer** must ensure that a violence prevention policy under section 390(1) includes the following:

- (a) a statement that the **employer** is committed to eliminating or, if that is not reasonably practicable, controlling the hazard of violence;
- (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** will not disclose the circumstances related to an incident of violence or the names of the complainant, the person alleged to have committed the violence and any witnesses, except

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

(ii) where necessary to inform workers of a specific or general threat of violence or potential violence, or

(iii) as required by law;

1. d) a statement that the **employer** will disclose only the minimum amount of personal information under clause

(c)(ii) that is necessary to inform workers of a specific or general threat of violence or potential violence;

(e) a statement that the violence prevention policy is not intended to discourage a worker from exercising the worker's rights pursuant to any other law. **Section 390.1.**

### **Domestic Violence**

When an **employer** is aware that a worker is or is likely to be exposed to domestic violence at a work site, the **employer** must take reasonable precautions to protect the worker and any other persons at the work site likely to be affected. **Section 390.3.**

### **Training of workers**

An **employer** must ensure that workers are trained in:

(a) the recognition of violence and harassment,

(b) the policies, procedures and workplace arrangements that the **employer** has developed and implemented 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. **Section 391(a) to (d).**

### **For more information:**

- Violence prevention procedures. **Section 3.**
- Additional requirements for violence prevention plan. **Section 392.2.**
- Additional training required. **Section 392.3.**
- Review of violence prevention plan and worker training. **Section 392.4.**

Further details on the Occupational Health And Safety Code can be found at [kings-printer.alberta.ca](http://kings-printer.alberta.ca).

### **BRITISH COLUMBIA**

In British Columbia, **employers** are required to address workplace violence under the **OHS Policies Part 4, Sections 69, 71, 72, and 4.30.**

**Employers** must provide a workplace as safe from the threat of violence as possible. If there is a risk of violence in a workplace, the **employer** must set up and instruct workers on procedures to eliminate or minimize the risks.

### **Conduct Investigations**

(1) An **employer** must conduct a preliminary investigation under section 71 and a full investigation under section 72 respecting any accident or other incident that:

- (a) is required to be reported by section 68,
- (b) resulted in injury to a worker requiring medical treatment,
- (c) did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker, or
- (d) was an incident required by regulation to be investigated.

(2) Subsection (1) does not apply in the case of a vehicle accident occurring on a public street or highway. **Section 69.**

(1) An **employer** must, immediately after the occurrence of an incident described in **section 69**, undertake a preliminary investigation to, as far as possible:

- (a) identify any unsafe conditions, acts or procedures that significantly contributed to the incident, and
- (b) if unsafe conditions, acts or procedures are identified under paragraph (a) of this subsection, determine the corrective action necessary to prevent, during a full investigation under section 72, the recurrence of similar incidents.

(2) The **employer** must ensure that a report of the preliminary investigation is:

- (a) prepared in accordance with the policies of the board of directors,
- (b) completed within 48 hours of the occurrence of the incident,
- (c) provided to the Board on request of the Board, and
- (d) as soon as practicable after the report is completed, either:
  - (i) provided to the joint committee or worker health and safety representative, as applicable, or
  - (ii) if there is no joint committee or worker health and safety representative, posted at the workplace.

(3) Following the preliminary investigation, the **employer** must, without undue delay, undertake any corrective action determined to be necessary under subsection (1)(b).

(4) If the **employer** takes corrective action under subsection (3), the **employer**, as soon as practicable, must:

- (a) prepare a report of the action taken, and
- (b) either:
  - (i) provide the report to the joint committee or worker health and safety

representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, post the report at the workplace. **Section 71.**

### **Policy – Section 4.30**

(1) An **employer** must inform workers who may be exposed to the risk of violence of the nature and extent of the risk.

(2) The duty to inform workers in subsection (1) includes a duty to provide 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.

(3) The **employer** must instruct workers who may be exposed to the risk of violence in:

(a) the means for recognition of the potential for violence,

(b) the procedures, policies and work environment arrangements which have been developed to minimize or effectively control the risk to workers from violence,

(c) the appropriate response to incidents of violence, including how to obtain assistance, and

(d) procedures for reporting, investigating and documenting incidents of violence.

**Section 4.30** includes a requirement for **employers** to advise workers of the results of the risk assessment under **section 4.28** and to instruct workers in the measures they have taken under **section 4.29** to eliminate or minimize any risk of violence. The training should be sufficient so that workers are aware of any risk of violence and the appropriate action.

#### **For more information:**

- Full investigation of workplace violence. **Section 72.**

Further details on the OHS Policies Part 4 can be found at [WorksafeBC.com](https://www.worksafebc.com).

### **MANITOBA**

In Manitoba, **employers** must follow the **Workplace Safety and Health Regulation** concerning workplace violence. **Sections 42.2(1) to 42.8.**

#### **Employer's duties re: harassment and workplace violence**

An **employer** must:

(a) ensure, as far as is reasonably practical, that a worker is not exposed to workplace-related harassment or workplace violence;

(b) promote and maintain, as far as is reasonably practical, a working environment that is free of workplace-related harassment and workplace violence;

(c) prepare a written policy respecting workplace-related harassment;

- (d) prepare a written policy respecting workplace violence;
- (e) review the policies prepared under clauses (c) and (d) at least once per year, or more frequently as the **employer** considers necessary; and
- (f) implement policies for dealing with and preventing incidents of workplace-related harassment and workplace violence, including such policies as may be prescribed. **Section 42.2(1).**

### **Assessing risk of workplace violence**

An **employer** must:

- (a) assess the risk of workplace violence that may arise due to the nature of the workplace, the type of work or the conditions of work;
- (b) advise the workers at the workplace of the results of the assessment; and
- (c) if the assessment is in writing, provide copies on request or advise the workers how to obtain copies. **Section 42.2(3).**

### **Duties if harassment or workplace violence occurs**

An **employer** who knows or ought reasonably to know that workplace-related harassment or workplace violence is occurring must ensure that:

- (a) the source of the harassment or violence is identified and stopped; and
- (b) adequate steps are taken to remedy the effects of the harassment or violence. **Section 42.2(5).**

### **Harassment and workplace violence prevention training to be given to supervisors**

On the hiring of a supervisor, an **employer** must provide the supervisor with training on how to prevent workplace-related harassment and workplace violence. **Section 42.4(1).**

### **Refresher courses**

An **employer** must, at regular intervals or at intervals as may be prescribed by regulation, provide a supervisor with additional training on how to prevent workplace-related harassment and workplace violence. **Section 42.4(2).**

### **For more information:**

- Posted policies re: harassment. **Section 42.2(2) and (4).**
- Dignity at Work statement to be provided to workers. **Section 42.2(6).**
- Domestic violence. **Section 42.3.**
- Refresher courses. **Section 42.4(2).**
- Referring a complaint to an officer. **Section 42.5(1).**
- Investigation and report. **Section 42.5(5).**
- Right to refuse work. **Section 42.6(4).**
- Worker to be paid. **Section 42.6(5).**
- Workers' rights. **Section 42.8.**

Further details on The Legislative Assembly of Manitoba can be found at [web2.gov.mb.ca](http://web2.gov.mb.ca).

## NEW BRUNSWICK

In New Brunswick, **employers** must comply with the **Occupational Health and Safety (OHS) Act** concerning workplace violence.

### **VIOLENCE AND HARASSMENT – Assessment of risk**

- (1) An **employer shall** assess the risk of violence at the place of employment.
- (2) In assessing the risk of violence, an **employer shall** consult with:
  - (a) all committees, if any,
  - (b) all health and safety representatives, if any, or
  - (c) if there is no committee or representative, **employees**.
- (3) When conducting the assessment referred to in subsection (1), the **employer shall** consider the following information:
  - (a) the location and circumstances in which the work is carried on;
  - (b) the risk that may arise out of or in connection with:
    - (i) an employee's work, or
    - (ii) sexual violence, intimate partner violence or domestic violence occurring at the place of employment;
  - (c) the categories of **employees** at risk, or the types of work that place **employees** at risk of experiencing violence;
  - (d) the possible effects on the health or safety of **employees** who are exposed to violence at the place of employment;
  - (e) all previous incidents of violence at the place of employment; and
  - (f) incidents of violence in similar places of employment.
- (4) An **employer shall** ensure that the assessment referred to in subsection (1) is documented and made available to all committees, if any, or all health and safety representatives, if any, and to an officer on request.
- (5) The **employer shall** review the assessment of the risk of violence and update it:
  - (a) when there is a change in conditions at the place of employment, or
  - (b) when ordered to do so by an officer. **Section 374.1.**

### **Code of practice to combat violence in the workplace**

A code of practice established **shall** include the following:

- (a) an inventory of the locations at which and circumstances in which:
  - (i) violence may reasonably be expected to occur, and
  - (ii) the code of practice would be applicable;

(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; and

(e) a statement that an **employee shall** report an incident of violence to the **employer** as soon as the circumstances permit.

(2) A code of practice referred to in subsection (1) **shall** set out the actions and measures the **employer shall** take to mitigate the risk of violence, including:

(a) the methods and equipment to be used and the procedures to be followed,

(b) the follow-up measures to be used with affected **employees**,

(c) the means, including alternative means, by which an **employee** may secure emergency assistance,

(d) the procedure the **employer shall** follow to investigate and document any incident of violence of which the **employer** is aware,

(e) the manner in which affected **employees shall** be informed of the results of an investigation,

(f) the procedure the **employer shall** follow to implement any corrective measures identified as a result of the investigation. **Section 374.3(1)**.

## **Training**

(1) An **employer shall** implement a training program in respect of the codes of practice established under sections 374.2 and 374.4 for each **employee** and for each supervisor who is responsible for an **employee**.

(2) The training record for each **employee shall** be made available to an officer on request. **Section 374.7**

### **For more information:**

- Establishing code of practice for violence. **Section 374.2.**
- **Section 374.5.**
- **Section 374.6.**
- Review and Update. **Section 374.8.**

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

## **NEWFOUNDLAND & LABRADOR**

In Newfoundland and Labrador, **employers** are required to address workplace violence under the **Occupational Health and Safety (OHS) Act. Sections 23 to 24.**

## **Violence prevention**

(1) Where a risk of injury to workers from violence is identified by an assessment performed under section 22.1, the **employer shall**:

(a) establish procedures, policies and work environment arrangements to eliminate the risk to workers from violence; and

(b) where elimination of the risk to workers is not possible, establish procedures, policies and work environment arrangements to minimize the risk to workers.

(2) 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, the **employer shall** take every precaution reasonable in the circumstances for the protection of the worker.

(3) In this section, "family violence" has the same meaning as in section 3 of the *Family Violence Protection Act*. **Section 23.**

### **Instruction to workers**

(1) An **employer shall** inform workers who may be exposed to the risk of violence of the nature of the risk and the precautions that may be taken.

(2) The duty to inform workers in subsection (1) includes a duty to provide 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. **Section 24(1)(2).**

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

### **NOVA SCOTIA**

In Nova Scotia, **employers** must comply with the **Occupational Health and Safety (OHS) Act** regarding workplace violence. **Sections 5 to 16.**

### **Violence risk assessment**

(1) An **employer** must conduct a violence risk assessment for each of their workplaces in accordance with this Section to determine if there is a risk of violence in the workplace and prepare a written report concerning the violence risk assessment detailing the extent and nature of any risk identified by the assessment.

(2) In conducting a violence risk assessment, an **employer** must take all of the following into consideration:

(a) violence that has occurred in the workplace in the past;

(b) violence that is 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.

(3) An **employer** must consult with any committee established at the workplace when

conducting a violence risk assessment and must provide the committee with a copy of the written report of the assessment.

(4) An **employer** must consult with any representative selected at the workplace when conducting a violence risk assessment and must provide the representative with a copy of the written report of the assessment. **Section 5(1)(2)**.

### **Workplace violence prevention plan**

(1) An **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 officer orders a plan for.

(2) As part of a workplace violence prevention plan, an **employer** must do all of the following:

(a) prepare a written workplace violence prevention statement;

(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 governing the primary business conducted at the employer's workplace;

(c) establish and document procedures for providing **employees** with the information and training required by Sections 10 and 11;

(d) establish and document procedures for reporting, documenting and investigating incidents of violence as required by **Sections 12 and 13**.

(3) An **employer** must consult with any committee established at the workplace when establishing, reviewing or revising a workplace violence prevention plan.

(4) An **employer** must consult with any representative selected at the workplace when establishing, reviewing or revising a workplace violence prevention plan.

(5) An **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 that workplace. **Section 7(1) to (5)**.

### **Training and Supervision for Employees**

(1) In accordance with the procedure in an employer's workplace violence prevention plan, an **employer** must provide adequate training on all of the following for any **employee** who is exposed to a significant risk of violence:

(a) the rights and responsibilities of **employees** under the Act;

(b) the workplace violence prevention statement;

(c) the measures taken by the **employer** to minimize or eliminate the risk of violence;

(d) how to recognize a situation in which there is a potential for violence and how to respond appropriately;

(e) how to respond to an incident of violence, including how to obtain assistance;

(f) how to report, document and investigate incidents of violence.

(2) An **employer** must provide any **employee** who is required by the **employer** to perform a function under the workplace violence prevention plan with training on the plan generally and on the particular function to be performed by the **employee**. **Section 11(1)(2)**.

**For more information:**

- Review and revision of workplace violence prevention plan. **Section 8.**
- Workplace violence prevention statement. **Section 9.**
- Information that must be provided to **Section 10(1)(2)**.
- Duty to report incidents of violence. **Section 12.**
- Documentation, investigation and actions to prevent reoccurrence. **Section 13(1)(2)**.
- Dealing with employees exposed to or affected by violence. **Section 14.**
- Employers with multiple temporary workplaces. **Section 15.**
- Ability to meet duties collectively. **Section 16(1)(2)**.

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

**NORTHWEST TERRITORIES AND NUNAVUT**

In Northwest Territories and Nunavut, **employers** must follow the **Occupational Health and Safety Regulations** regarding workplace violence, which pertains to **Sections 34. (1) to 35. (1)**.

**Violence**

(1) In this section, "**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.

(2) For the purposes of this section, work sites where **violence** may reasonably be expected to occur include work sites that provide the following services or activities:

- (a) services provided by health care facilities as defined in section 463;
- (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;

(l) transit services.

(3) An **employer shall**, at a work site where violence has occurred or could reasonably be expected to occur, after consultation with the Committee or representative or, if no Committee or representative is available, the workers, develop and implement a written policy to deal with potential violence.

**(4) The policy required by subsection (3) must be in writing and must include:**

(a) a commitment that the **employer** will eliminate or reduce the risk of violence at the work site;

(b) the identification of the work site or work sites where violence has occurred or could reasonably be expected to occur;

(c) the identification of staff positions at the work site that were, or could reasonably be expected to be, exposed to violence;

(d) the procedure to be followed by the **employer** to inform workers of the nature and extent of risk from violence, including information in the employer's possession about the risk of violence from individuals who have a history of violent behaviour and whom workers are likely to encounter in the course of their work, unless the disclosure is prohibited by law;

(e) the actions the **employer** will take to eliminate or reduce the risk of violence, including the use of personal protective equipment, administrative arrangements and engineering controls;

(f) the procedure to be followed by a worker who is exposed to violence to report the incident to the **employer**;

(g) the procedure the **employer** will follow to document and investigate violence reported under paragraph (f);

(h) a recommendation that a worker who has been exposed to violence consult the worker's physician for treatment or referral for post-incident counselling;

(i) the employer's commitment to provide training programs for workers that include the means to recognize potentially violent situations,

(ii) procedures, work practices, administrative arrangements and engineering controls to eliminate or reduce the risk of violence to workers,

(iii) the appropriate responses of workers to violence, including how to obtain assistance, and

(iv) procedures for reporting violence.

(5) If a worker receives treatment or counselling referred to in paragraph (4)(h) or attends a training program referred to in paragraph (4)(i), the **employer shall** ensure that the time spent receiving treatment or counselling or attending training is

credited to the worker as time at work, and that the worker does not lose pay or benefits with respect to that time.

(6) An **employer shall** make a copy of the policy required under subsection (3) readily available to workers.

(7) An **employer shall** ensure that the policy required under subsection (3) is reviewed and, if necessary, revised not less than once every three years or whenever there is a change of circumstances that could affect the health or safety of workers. **Section 35(1).**

**For more information:**

- Harassment defined in the workplace. **Section 34(1).**

Further details on the Labour Standards Act can be found at [Canlii.org](http://Canlii.org).

**ONTARIO**

In Ontario, **employers** must follow the **Occupational Health and Safety Act (OHSA)** regarding workplace violence, which pertain to **Part III.0.1, Sections 32.0.1 to 32.0.5.**

**VIOLENCE AND HARASSMENT – Policies, Violence**

(1) An **employer shall**:

- (a) prepare a policy with respect to workplace violence;
- (b) prepare a policy with respect to workplace harassment; and
- (c) review the policies as often as is necessary, but at least annually.

**Written form, posting**

(2) The policies **shall** be in written form and **shall** be posted at a conspicuous place in the workplace. **Section 32.01.1.**

**Exception**

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

**Programs to counter workplace violence**

(1) An **employer shall** develop and maintain a program to implement the policy with respect to workplace violence required under **clause 32.0.1 (1) (a).**

**Contents of policy**

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

- (a) include measures and procedures to control the risks identified in the assessment required under subsection 32.0.3 (1) as likely to expose a worker to physical injury;
- (b) include measures and procedures for summoning immediate assistance when

workplace violence occurs or is likely to occur;

(c) include measures and procedures for workers to report incidents of workplace violence to the **employer** or supervisor;

(d) set out how the **employer** will investigate and deal with incidents or complaints of workplace violence; and

(e) include any prescribed elements. **Section 32.0.2(1)(2)**.

### **Assessment of risks of violence**

(1) An **employer shall** assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.

### **Considerations**

(2) The assessment **shall** take into account:

(a) circumstances that would be common to similar workplaces;

(b) circumstances specific to the workplace; and

(c) any other prescribed elements.

### **Results**

(3) An **employer shall**:

(a) advise the committee or a health and safety representative, if any, of the results of the assessment, and provide a copy if the assessment is in writing; and

(b) if there is no committee or health and safety representative, advise the workers of the results of the assessment and, if the assessment is in writing, provide copies on request or advise the workers how to obtain copies.

### **Reassessment**

(4) An **employer shall** reassess the risks of workplace violence as often as is necessary to ensure that the related policy under clause 32.0.1 (1) (a) and the related program under subsection 32.0.2 (1) continue to protect workers from workplace violence. **Section 32.0.3(1)(2)(3)(4)**.

### **For more information:**

- Domestic violence. **Section 32.0.4**.
- Duties re: violence, information, provision of information. **Section 32.0.5**.

Further details on the Employment Standards Act can be found at [CanLii.org](http://CanLii.org).

## **PRINCE EDWARD ISLAND**

In Prince Edward Island (PEI), workplace violence prevention is governed by the **Occupational Health and Safety (OHS) Act** and the **Workplace Harassment Regulations**.

## **WORKPLACE HARASSMENT REGULATIONS – INTERPRETATION AND APPLICATION**

(b) **"Harassment"** means any inappropriate conduct, comment, display, action or gesture or any bullying that the person responsible for the conduct, comment, display, action or gesture 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) For greater certainty, harassment as defined in **clause 1(b)** includes both:

(a) 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

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

## **Part 2 – Responsibilities Of Employers**

### **4. Employer responsibilities**

(1) An **employer shall**, in consultation with the committee or representative, if any, develop and implement a written policy to prevent and investigate harassment in the workplace that includes:

(a) a definition of harassment that is consistent with **clause 1(b)** of these regulations;

(b) a statement that every worker is entitled to work free of harassment;

(c) a commitment that the **employer shall** ensure, as far as is reasonably practicable, that no worker will be subjected to harassment in the workplace;

(d) a commitment that the **employer shall** take corrective action respecting any person under the employer's direction who subjects a worker to harassment;

(e) information or procedures about:

(i) how to make a harassment complaint to the **employer** or supervisor,

(ii) how to make a harassment complaint to a person other than the **employer** or supervisor, if the **employer** or supervisor is a subject of the complaint,

(iii) how a harassment complaint will be investigated, and

(iv) how the complainant and subject of the complaint will be informed of the results of the investigation and any corrective action that has been or will be taken as a result;

(f) a statement that the **employer shall** not disclose any identifying information about any person involved or the circumstances relating to the complaint to any person unless disclosure is:

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

(g) a statement that the employer's harassment policy is not intended to discourage, prevent, or preclude a complainant from exercising other legal rights pursuant to any other law;

(h) a statement that the employer's harassment policy does not preclude a worker

from filing a complaint under the Human Rights Act R.S.P.E.I.

(i) a statement that the **employer shall** not reprimand, seek reprisal or discriminate against a worker who has made a workplace harassment complaint in good faith.

#### 5. Duty of employer

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

(a) the source of the harassment is identified and the harassment stopped; and

(b) reasonable steps are taken to remedy the effects of the harassment and to prevent or minimize future incidents of harassment.

#### 6. Duty of employer – investigation

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

**For more information:**

- **Section (1)(11).**
- Responsibility of workers. **Section 3(1)(2).**
- Referral to impartial person. **Section 4(2)(a)(b)(c).**
- Policy shall be made available. **Section 4(3).**
- Officer's powers respecting workplace harassment. **Section 7(1)(a)(b)(c)(d)(e).**
- Order for investigation by impartial person. **Section 7(2).**
- Determination by **Section 9(1).**

**Further details on the Workplace Harassment Regulations can be found at [Princedwardisland.ca](http://Princedwardisland.ca).**

### **QUÉBEC**

In Quebec, workplace violence and harassment prevention is governed by recent updates under **Bill 42**, which mandates that **employers** implement comprehensive policies to prevent psychological harassment and sexual violence in the workplace.

**Employers** must follow the **Workplace Harassment and Violence Prevention Regulations** regarding workplace violence, which pertain to **Sections 5 (1) to 10**.

#### **Prevention and Protection Measures – Joint Workplace Assessment**

**(1)** An **employer** and the applicable partner must jointly carry out a workplace assessment that consists of the identification of risk factors under section 8 and the development and implementation of preventive measures under section 9. **Section 5(1).**

#### **Identification of risk factors**

An **employer** and the applicable partner must jointly identify the risk factors, internal and external to the workplace, that contribute to harassment and violence in the workplace, taking into account:

- (a) the culture, conditions, activities and organizational structure of the workplace;
- (b) circumstances external to the workplace, such as family violence, that could give rise to harassment and violence in the workplace;
- (c) any reports, records, and data that are related to harassment and violence in the workplace;
- (d) the physical design of the workplace; and
- (e) the measures that are in place to protect psychological health and safety in the workplace. Section 8.

### **Preventive measures – development and implementation**

Within six months after the risk factors are identified under **section 8**, an **employer** and the applicable partner must jointly:

- (a) develop preventive measures that, to the extent feasible,
  - (i) mitigate the risk of harassment and violence in the workplace, and
  - (ii) neither create nor increase the risk of harassment and violence in the workplace;
- (b) implement the preventive measures in accordance with the implementation plan. Section 9.

### **Joint development**

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

### **Policy content**

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

- (a) the employer's mission statement regarding the prevention of and protection against harassment and violence in the workplace;
- (b) a description of the respective roles of the employer, designated recipient, employees, policy committee, workplace committee and health and safety representative in relation to harassment and violence in the workplace;
- (c) a description of the risk factors, internal and external to the workplace, that contribute to workplace harassment and violence;
- (d) a summary of the training that will be provided regarding workplace harassment and violence;
- (e) a summary of the resolution process, including
  - (i) the name or identity of the designated recipient, and
  - (ii) the manner in which a principal party or witness may provide the employer or the designated recipient with notice of an occurrence;
- (f) a summary of the emergency procedures that must be implemented when an

occurrence poses an immediate danger to the health and safety of an employee or when there is a threat of such an occurrence;

(g) a description of the manner in which the employer will protect the privacy of persons who are involved in an occurrence or in the resolution process for an occurrence under these Regulations;

(h) a description of any recourse, in addition to any under the Act or these Regulations, that may be available to persons who are involved in an occurrence;

(i) the name of the person who is designated to receive a complaint made under subsection 127.1(1) of the Act. Section 10(a) to (i).

**For more information:**

- Joint monitoring and updates. **Section 5(2).**
- Review after three years. **Section 5(3).**
- Joint review and update. **Section 6(1)(2).**
- Multiple occurrences. **Section 6(3).**
- **Section 7.**

Further details on the Act respecting Labour Standards can be found at [Laws-lois.justice.gc.ca](http://laws-lois.justice.gc.ca).

**SASKATCHEWAN**

In Saskatchewan, **employers** must follow the **Occupational Health and Safety Regulations** regarding workplace violence, which pertain to Sections **3-26(1)** and **3-21(1)**.

**Violence Defined**

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 the worker is at risk of injury.  
**Section 3-26(1).**

**Policy and Prevention Plan required by Section 3-21(1)**

(3) A policy statement and prevention plan required by **subsection 3-21(1)** of the Act must be in writing and must include:

- (a) the employer's commitment to minimize or eliminate the risk;
- (b) the identification of the worksites 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 procedure to be followed by the **employer** to inform workers of the nature and extent of risk from violence, including, except if the disclosure is prohibited by law, any information in the employer's possession 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;
- (e) the actions the **employer** will take to minimize or eliminate the risk, including the use of personal protective equipment, administrative arrangements

and engineering controls;

(f) the procedure to be followed by a worker who has been exposed to a violent incident to report the incident to the **employer**;

(g) the procedure the **employer** will follow to document and investigate a violent incident reported pursuant to clause (f);

(h) a recommendation that any worker who has been exposed to a violent incident consult the worker's physician for treatment or referral for post incident counselling; and

(i) the employer's commitment to provide a training program for workers that includes the means to recognize potentially violent situations;

(ii) procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers;

(iii) the appropriate responses of workers to incidents of violence, including how to obtain assistance; and

(iv) procedures for reporting violent incidents.

(4) If a worker receives treatment or counselling mentioned in clause (3)(h) or attends a training program mentioned in clause (3)(i), an **employer shall** credit the worker's attendance as time at work and ensure that the worker loses no pay or other benefits.

(5) An **employer shall** make readily available for reference by workers a copy of the policy statement and prevention plan required by subsection 3-21(1) of the Act.

(6) An **employer shall** ensure that the policy statement and prevention plan required by subsection 3-21(1) of the Act is reviewed and, if necessary, revised every 3 years and whenever there is a change of circumstances that may affect the health or safety of workers.

**For more information:**

- Prescribed places of employment where violence occurs. **Section 3-26(2)(a) to (b).**
- Duty re policy statement on violence and prevention plan. **Section 3-21(1).**

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

**YUKON TERRITORY**

In Yukon, **employers** must follow the **Workplace Health and Safety Regulations** regarding workplace violence, which pertain to **Part 19, Sections 19.01 to 19.04.**

**Violence and harassment prevention policy statement procedures**

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

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

(b) give necessary training to workers in relation to the policy statement and procedures; and

(c) provide adequate supervision in order to ensure that workers comply with the policy statement and procedures. **Section 19.01.**

### **Content of violence and harassment prevention policy**

The policy statement developed under **subsection 19.01(1)** must include the following:

(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:

(i) where to do so would be necessary:

(A) to investigate the incident or complaint,

(B) to take corrective action,

(C) to inform the persons involved in the incident or complaint of the results of the investigation and any corrective action to be taken to address the incident or complaint, or

(D) 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) in respect of an incident or complaint of violence or harassment will be the minimum amount necessary for the purpose for which it is being disclosed.

**Section 19.02.**

### **Content of violence and harassment prevention procedures be written and include:**

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

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

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

(d) the procedures to be followed by the person who becomes aware of an incident

of violence or harassment or to whom a complaint of violence or harassment has been brought when:

(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:

(i) the results of the investigation, and

(ii) any corrective action to be taken. **Section 19.03.**

**For more information:**

- **Section 19.04.**

**Further details on the Employment Standards Act can be found at [Yukon.ca](http://Yukon.ca).**