



Canadian OH&S Related Workplace Violence, Harassment Provisions



Representation

Proactive Consultation

Training

Strategic Advice

A national practice solving local problems

ONTARIO

1. **Cheryl A. Edwards***
416 360.2897
cell 416 452.4958
cedwards@heenan.ca
2. **Douglas G. Gilbert**
416 360.3535
dgilbert@heenan.ca
3. **Jeffrey Goodman**
416 643.6824
cell 647 500.6824
jgoodman@heenan.ca
4. **Kevin D. MacNeill**
416 360.2602
cell 647 200.5326
kmacneill@heenan.ca
5. **Jeremy Warning***
416 643.6946
cell 647 407.5732
jwarning@heenan.ca

QUEBEC

6. **Rhonda Shirreff**
416 643.6858
rshirreff@heenan.ca
7. **Lia Chiarotto**
416 643.6854
lchiarotto@heenan.ca
8. **Dan Palayew**
613 236.6970
cell 613 296.8830
dpalayew@heenan.ca
9. **Julie Thibault**
613 236.2161
cell 613 866.2111
juthibault@heenan.ca
10. **Shane Todd**
416 643.6958
cell 647 267.5486
stodd@heenan.ca
11. **Francine Legault**
514 846.2348
flegault@heenan.ca
12. **Lucie Guimond**
514 846.2304
lguimond@heenan.ca
13. **Danielle Gauthier**
819 346.8073
dgaithier@heenan.ca
14. **Jean Boulet**
819 373.4370
jboulet@heenan.ca
15. **Simon Laberge**
514 846.7248
slaberge@heenan.ca

BC/ALBERTA

16. **Kate Bayne**
604 891.1163
kbayne@heenan.ca
17. **Jillian Frank**
604 891.1160
jfrank@heenan.ca
18. **Andrea Zwack**
604 891.1161
azwack@heenan.ca
19. **Najeeb Hassan**
604 891.1164
cell 604 551.2952
nhassan@heenan.ca

* Former OHS Prosecutor

OHS & Workers' Compensation
Recognized, Respected, Experienced.



Canadian OH&S Related Workplace Violence, Harassment Provisions

FEDERAL

Relevant Statutes: *Canada Labour Code*, R.S.C. 1985, c. L-2, Part II [*'CLC'*], and *Canada Occupational Health and Safety Regulations*, S.O.R./86-304 [*'COHSR'*]

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|--|---|--|---|--|--|
| <p>Workplace violence is any action, conduct, threat or gesture of a person towards an employee in their workplace that can reasonably be expected to cause harm, injury or illness to that employee.</p> <p><i>COHSR</i>, s. 20.2</p> | <p>Employers must identify potential hazards in the workplace.</p> <p><i>COHSR</i>, s. 19.1</p> <p>Employers must identify and assess the workplace for potential workplace violence hazards.</p> <p><i>COHSR</i>, s. 20.4 and 20.5</p> | <p>Employers currently have the general obligation to prevent and protect against violence in the workplace.</p> <p><i>CLC</i>, s. 125(1)(z.16)</p> <p>Employers must develop and implement a program for identifying and preventing hazards.</p> <p><i>COHSR</i>, s. 19.2-19.5</p> <p>Employers must develop a violence prevention policy.</p> <p><i>COHSR</i>, s. 20.3</p> | <p>Every employer has a duty to take preventative measures to limit workplace hazards.</p> <p><i>COHSR</i>, s. 19.1</p> <p>Employers must create controls to eliminate the risk of workplace violence.</p> <p><i>COHSR</i>, s. 20.6</p> | <p>Employers have a duty to provide employee education regarding workplace hazards.</p> <p><i>COHSR</i>, s. 19.1</p> <p>Education programs must highlight workplace hazards and the employee's duty to report hazards and incidents.</p> <p><i>COHSR</i>, s. 19.6</p> <p>Employers are required to educate employees on the nature and extent of employee exposure to workplace violence, the factors that contribute to workplace violence, the communication system in place, prevention measures, and reporting procedures.</p> <p><i>COHSR</i>, s. 20.10</p> | <p>Employees must report all hazardous occurrences to their employer.</p> <p><i>CLC</i>, s. 126(1)(g) and <i>COHSR</i>, s. 15.3</p> <p>Employers must investigate, record, and report all hazardous occurrences.</p> <p><i>COHSR</i>, s. 15.8(1)</p> <p>Employers are required to develop written procedures and to ensure that employees are aware of procedures to summon immediate assistance in response to workplace violence. Further, employers must develop and implement measures to assist employees who have experienced workplace violence.</p> <p><i>COHSR</i>, s. 20.8</p> <p>Employers must investigate reports of workplace violence. If the incident cannot be resolved, the employer shall appoint a competent person to investigate, who will provide to the employer a written report with recommendations.</p> <p><i>COHSR</i>, s. 20.9</p> |



Canadian OH&S Related Workplace Violence, Harassment Provisions

ALBERTA

Relevant Statutes: *Occupational Health and Safety Act*, R.S.A. 2000, c. O-2 [“Act”], and *Occupational Health and Safety Code 2009*, Part 27 [“Code”]

BROADLY SPEAKING, WHAT’S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|---|--|---|--|---|--|
| <p>“Violence” is defined as the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury.</p> <p><i>Code</i>, s. 1</p> | <p>Workplace violence is considered a hazard.</p> <p><i>Code</i>, s. 389</p> <p>A hazard assessment is required before work begins at a work site. The hazard assessment must be repeated at reasonably practicable intervals to prevent the development of unsafe working conditions.</p> <p><i>Code</i>, s. 7</p> <p>An employer must involve affected workers in the hazard assessment.</p> <p><i>Code</i>, s. 8(1)</p> | <p>An employer must develop a policy and procedures for reporting, investigating, and documenting incidents of workplace violence.</p> <p><i>Code</i>, s. 390</p> | <p>If a risk of workplace violence is identified the employer must take measures to eliminate or control the hazard.</p> <p><i>Code</i>, s.9</p> | <p>An employer must inform all affected workers of the hazards, and methods used to control or eliminate the hazards.</p> <p><i>Code</i>, s. 8(2)</p> <p>Employers must ensure that workers are instructed in</p> <ul style="list-style-type: none"> (a) how to recognize workplace violence; (b) the procedures in place to minimize workplace violence; (c) the appropriate response to workplace violence, including how to obtain assistance; and (d) procedures for reporting, investigating and documenting incidents of workplace violence. <p><i>Code</i>, s. 391</p> | <p>Employers must investigate incidents of workplace violence, prepare a report outlining the circumstances of each incident and outline corrective action to prevent a recurrence. The report must be readily available for inspection by an OHS officer.</p> <p><i>Act</i>, s. 18</p> <p>Employers must ensure affected workers are advised to consult a health professional if the worker reports an injury or adverse symptoms resulting from workplace violence.</p> <p><i>Code</i>, s. 392</p> |



Canadian OH&S Related Workplace Violence, Harassment Provisions

BRITISH COLUMBIA

Relevant Statutes: *Workers Compensation Act*, R.S.B.C. 1996, c. 492, and *Occupational Health and Safety Regulation*, B.C. Reg. 296/97 [*'OHSR'*]

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|--|---|--|---|---|--|
| <p>"Violence" means the attempted or actual exercise of physical force by a person other than a worker, so as to cause injury to a worker, and includes any threatening statement or behaviour which causes a worker to reasonably believe he or she is at risk.</p> <p><i>OHSR, s. 4.27</i></p> | <p>A risk assessment must be performed in a workplace where a risk of injury to workers from violence may be present. The risk assessment must consider (a) the previous experience in that workplace; (b) occupational experience in similar workplaces; and (c) the location and circumstances in which work will take place.</p> <p><i>OHSR, s. 4.28</i></p> | <p>If a risk of injury to workers is identified by the assessment, the employer must establish policies and procedures to eliminate or minimize the risk to workers.</p> <p><i>OHSR, s. 4.29</i></p> | <p>Employers must eliminate the risk to employees from violence as much as possible.</p> <p><i>OHSR, s. 4.29</i></p> <p>Specific measures for "late night retail premises" open "late night hours" must be adopted.</p> <p><i>OHSR, s. 4.22.1</i></p> <p>If a risk of injury to workers from violence is identified, employers must establish procedures, policies and work environment arrangements to eliminate, or if elimination is not possible, to minimize, the risk to workers from violence.</p> <p><i>OHSR, s. 4.29</i></p> | <p>Employers must ensure that workers who may be exposed to violence are instructed in (a) how to recognize workplace violence; (b) the policy, and procedures that are in place to minimize or eliminate workplace violence; (c) the appropriate response to workplace violence, including how to obtain assistance; and (d) procedures for reporting, investigating and documenting incidents of workplace violence.</p> <p>This includes a duty to inform workers of 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.</p> <p><i>OHSR, s. 4.30</i></p> | <p>Improper activity or behaviour must be reported and investigated. Improper activity or behaviour is defined as attempted or actual physical force by one worker towards another so as to cause injury, including threatening statements or behaviour which causes the worker to reasonably believe he or she is at risk. Horseplay, practical jokes, unnecessary running or jumping or similar conduct is caught by this definition.</p> <p><i>OHSR, s. 4.24-4.26</i></p> <p>Employers must advise workers, who report an injury or adverse symptom as a result of an incident of violence, to consult a physician.</p> <p><i>OHSR, s. 4.31</i></p> |



Canadian OH&S Related Workplace Violence, Harassment Provisions

MANITOBA

Relevant Statutes: *Workplace Safety and Health Act*, C.C.S.M. c. W210 [*WSHA*], and *Workplace Safety and Health Regulation*, Man. Reg. 217/2006 (Parts 1, and 10-11) as amended by Reg.147/2010 [*WSHR*]

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|---|---|--|--|---|---|
| <p>“Harassment” means (1) objectionable conduct that creates a risk to the health of the worker; or (2) severe conduct that adversely affects a worker’s psychological and physical well-being.</p> <p><i>WSHR</i>, s.1.1</p> <p>Conduct is objectionable if it is based on race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry or place of origin.</p> <p><i>WSHR</i>, s.1.1(1)</p> <p>Conduct is severe if it could reasonably cause a worker to be humiliated or intimidated and is repeated, or in the case of a single occurrence has a lasting, harmful effect on a worker. Conduct includes a written or verbal comment, a physical act or gesture or a display, or any combination. Reasonable employer or managerial conduct in respect of managing and directing workers is not harassment.</p> <p><i>WSHR</i>, s.1.1(2)-(3)</p> | <p>Employers must identify and assess the risk of violence in the workplace in consultation with the workplace committee or representative, or the workers at the workplace.</p> <p><i>WSHR</i>, s. 11.1(1)</p> | <p>An employer must develop and implement a harassment prevention policy. When a risk of violence is identified, an employer must develop and implement a violence prevention policy.</p> <p><i>WSHR</i>, s. 10.1(1) and 11.1(2)(a)</p> <p>Harassment prevention policies and violence prevention policies must include the following statements:</p> <p>a) An employer must ensure that no worker is subject to violence or harassment in the workplace; b) An employer will take corrective action against violence and harassment in the workplace; c) An employer will not disclose the name of the complainant or circumstances of the complaint unless it is necessary for the investigation or to take corrective action, or required by law; and d) The policy is not intended to discourage or prevent a complainant from exercising any other legal rights.</p> <p>See further requirements</p> <p><i>WSHR</i>, s. 10.2 and 11.2(3)</p> | <p>If a risk of violence is identified in the assessment, employers must develop and implement a violence prevention policy, train workers in the policy, and ensure that workers comply with the policy.</p> <p><i>WSHR</i>, s. 11.1(2)</p> | <p>The violence prevention policy and harassment prevention policy must be posted in a conspicuous place in the workplace.</p> <p><i>WSHR</i>, ss. 10.3 and 11.1(5)</p> <p>Employers must train workers in the violence prevention policy.</p> <p><i>WSHR</i>, ss. 11.1(2)(b)</p> | <p>An employer must investigate incidents of violence or complaints of harassment. An employer must take corrective action against violence or harassment in the workplace.</p> <p><i>WSHR</i>, ss. 10.2(1) and 11.1(3)</p> |



Canadian OH&S Related Workplace Violence, Harassment Provisions

MANITOBA

Relevant Statutes: *Workplace Safety and Health Act*, C.C.S.M. c. W210 [*WSHA*], and *Workplace Safety and Health Regulation*, Man. Reg. 217/2006 (Parts 1, and 10-11) as amended by Reg.147/2010 [*WSHR*]

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|--|-------------------|--|--------------------------------------|-------------------------------------|-----------------------|
| <p>“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 the person.</p> <p><i>WSHR</i>, ss. 1.1</p> | | <p>Violence prevention policies must provide information on how to eliminate the risk of violence, and if eliminating violence is not possible, how to minimize the risk of violence to a worker.</p> <p><i>WSHR</i>, s. 11.1(4)</p> | | | |



Canadian OH&S Related Workplace Violence, Harassment Provisions

NEW BRUNSWICK

Relevant Statutes: *Occupational Health and Safety Act*, S.N.B. 1983, c. 0-0.2, ['OHSA'], and *Code of Practice for Working Alone Regulation - Occupational Health and Safety Act*, N.B. Reg. 92-133

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|----------------------------------|-------------------|----------|---|--|-----------------------|
| | | | <p>The Act speaks in general terms. Every employer must</p> <ul style="list-style-type: none"> (a) take every reasonable precaution to ensure the health and safety of employees; (b) comply with this Act and all regulations; and (c) ensure employees comply with the Act and regulations. <p><i>OHSA</i>, s. 9.1</p> | <p>An employer must provide such information, instruction, training and supervision as are necessary to ensure an employee's health and safety.</p> <p><i>OHSA</i>, s. 9(2)(c)</p> | |



Canadian OH&S Related Workplace Violence, Harassment Provisions

NEWFOUNDLAND AND LABRADOR

Relevant Statutes: *Occupational Health and Safety Act*, R.S.N.L. 1990, c. O-3, and *Occupational Health and Safety Regulations*, 2009, N.L.R. 70/09 [“OHSR”].

BROADLY SPEAKING, WHAT’S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|---|--|---|---|---|--|
| <p>“Violence” means the attempted or actual exercise by a person, other than a worker, of physical force to cause injury to a worker, and includes threatening statements or behaviour which gives a worker reason to believe that he or she is at a risk of injury.</p> <p><i>OHSR, s. 22(1)</i></p> | <p>A risk assessment must be performed in a workplace in which a risk of injury to workers from violence arising out of their employment may be present. The risk assessment must consider:</p> <ul style="list-style-type: none"> (a) previous experience in the workplace; (b) occupational experience in similar workplaces; and (c) the location and circumstances in which work may take place. <p><i>OHSR, s. 22(3)</i></p> | <p>Where a risk of injury to workers from violence is identified by the assessment, the employer shall:</p> <ul style="list-style-type: none"> (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. <p><i>OHSR, s. 23</i></p> | <p>Employers must, where it is not possible to eliminate the risk to employees from violence, establish policies and procedures to minimize risk.</p> <p><i>OHSR, s. 23</i></p> | <p>An employer must inform workers who may be exposed to the risk of violence of the nature of the risk and the precautions that may be taken.</p> <p><i>OHSR, s. 24(1)</i></p> <p>This includes a duty to inform workers of 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.</p> <p><i>OHSR, s. 24(2)</i></p> | <p>The occupational health and safety program at each workplace must include a statement on the procedures for the prompt investigation of hazardous occurrences to determine the cause of the occurrence and the actions necessary to prevent a recurrence.</p> <p><i>OHSR, s. 12(1)(g)(iv)</i></p> |



Canadian OH&S Related Workplace Violence, Harassment Provisions

NORTHWEST TERRITORIES

Relevant Statutes: *Safety Act*, R.S.N.W.T. 1988, c. S-1 [*'SA'*]

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|----------------------------------|--|---|--|-------------------------------------|-----------------------|
| Violence is not defined. | Employers have a general duty to ensure that the workplace is safe and without risks to the health of employees. SA, s. 4 | The Chief Safety Officer may direct that a Joint Work Site Health and Safety Committee be established. A Committee must make recommendations to the employer for the improvement of the health and safety of workers. SA, s. 7 | Employers have a general duty to take all reasonable precautions and to adopt and carry out all reasonable techniques to ensure the health and safety of every worker. SA, s. 4 | | |



Canadian OH&S Related Workplace Violence, Harassment Provisions

NOVA SCOTIA

Relevant Statutes: *Occupational Health and Safety Act*, S.N.S. 1996, c. 7, *Violence in the Workplace Regulations*, N.S. Reg. 209/2007 ['VWR']

These requirements apply to any workplace where the primary business is health services, ambulance or emergency health services, medical services, dental services, veterinary services, blood collection services, testing and diagnostic services, pharmaceutical-dispensing services, education services, policing services, detective services, correctional services, probation services, security services, retail sales, delivery services, financial services, taxi services, passenger transit services, gaming activities, or homemaker's services. (see VWR, s. 4)

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|---|--|--|---|--|--|
| <p>Violence means any of the following</p> <p>i) threats, including threatening statements or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical harm;</p> <p>ii) conduct, or attempted conduct of a person that endangers the physical health or physical safety of an employee.</p> <p>VWR, s. 2</p> | <p>An employer must conduct a violence risk assessment for each of their workplaces to determine if there is a risk of violence and prepare a written report concerning the extent and nature of any risk identified by the assessment.</p> <p>In a violence risk assessment an employer must consider violence that has occurred in the past; violence known to occur in similar workplaces; circumstances in which work takes place; interactions that occur in the course of performing work; and the physical location and layout of the workplace.</p> <p>VWR, s. 5</p> <p>A new risk assessment must be conducted every 5 years, unless an event or change precipitates an earlier risk assessment.</p> <p>VWR, s. 6</p> | <p>An employer must craft and adopt a workplace violence prevention plan, including a workplace violence prevention statement, for each workplace for which significant risk of violence is identified.</p> <p>VWR, s. 7</p> | <p>Employers must establish and implement violence prevention plans in consultation with any committee where a significant risk of violence is identified.</p> <p>VWR, s. 7</p> | <p>Employers must provide adequate training for any employee exposed to a significant risk of violence. Employers must teach employees their rights and responsibilities, outline measures taken by the employer to minimize the risk of violence, teach employees how to recognize potentially violent situations and how to respond appropriately.</p> <p>VWR, s. 11</p> | <p>All workers, employees, employers, constructors, and owners have a duty to report all incidents of workplace violence to the employer.</p> <p>VWR, s. 12</p> <p>Employers must debrief employees exposed to violence and advise an employee to seek medical attention if exposed or affected by an incident of workplace violence.</p> <p>VWR, s. 14</p> <p>Employers must ensure that incidents of violence in the workplace are documented and promptly investigated to determine their causes and the actions needed to prevent reoccurrence. Employees affected by the violence, the committee or representative must all be notified of the actions taken to prevent reoccurrence.</p> <p>VWR, s. 13 and s. 14</p> |



Canadian OH&S Related Workplace Violence, Harassment Provisions

NUNAVUT

Relevant Statutes: *Nunavut Act*, S.C. 1993, c. 28

The *Nunavut Act* adopts as law ordinances of the Northwest Territories regarding occupational health and safety.

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|----------------------------------|-------------------|----------|--------------------------------------|-------------------------------------|-----------------------|
| | | | | | |



Canadian OH&S Related Workplace Violence, Harassment Provisions

ONTARIO

Relevant Statutes: *Occupational Health and Safety Act*, R.S.O.1990, c.O.1 [*'OHS'*]; as amended by the *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace)*, 2009, S.O. 2009, c. 23 (amendments in force June 15, 2010).

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|---|--|---|---|---|---|
| <p>"Workplace harassment" means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.</p> <p>"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 it 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.</p> <p><i>OHS</i>, s. 1(1)</p> | <p>Employers 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. Consideration must be given to the specific circumstances of the workplace, the experiences of similar workplaces, and any other relevant elements. The assessment must be provided to the health and safety committee if written.</p> <p><i>OHS</i>, s. 32.0.3 (1) to (3)</p> | <p>Employers shall prepare a policy on workplace violence and a policy on workplace harassment, where there are more than 5 workers regularly employed in the workplace. Both policies shall be reviewed as necessary, but at least annually.</p> <p><i>OHS</i>, s. 32.0.1(1)</p> | <p>Employers shall develop and maintain a program to implement the violence and harassment policies. The violence program shall include measures and procedures to control identified risks likely to expose a worker to physical injury, to summon immediate assistance if violence or the threat of violence occurs, and set out how incidents will be investigated and dealt with. The harassment program shall include measures and procedures for workers to report incidents of workplace harassment, and set out how incidents and complaints of harassment will be investigated and dealt with.</p> <p><i>OHS</i>, s. 32.0.2(1),(2) and s. 32.0.6(1), (2)</p> <p>Specific right to refuse work if worker believes workplace violence is likely to endanger the worker. Until the work refusal investigation is complete, the worker shall remain in a safe place as near as reasonably possible to his work station, and available to the employer or supervisor for purposes of investigation.</p> <p><i>OHS</i>, s. 43(3)(b.1) and s. 43(5)</p> <p>If an employer becomes aware, or ought reasonably to be aware, that domestic violence (not defined) 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.</p> <p><i>OHS</i>, s. 32.0.4</p> | <p>Employer shall provide a worker with information and instruction on contents of the policy and program with respect to workplace violence and workplace harassment.</p> <p>This includes a duty to provide information, including personal information as necessary, related to a risk of workplace violence from a person with a history of violent behaviour, if the worker can be expected to encounter that person in the course of his or her work, and the risk of workplace violence is likely to expose the worker to physical injury.</p> <p><i>OHS</i>, s. 32.0.5(2) - (4) and s. 32.0.7</p> | <p>Employers shall develop and maintain a program with respect to workplace violence and harassment that sets out how incidents, complaints or threats of workplace violence or harassment will be reported, investigated and dealt with.</p> <p><i>OHS</i>, s. 32.0.2 (2)(d) and s. 32.0.6 (2)(b).</p> |



Canadian OH&S Related Workplace Violence, Harassment Provisions

P.E.I.

Relevant Statutes: *Occupational Health and Safety Act*, R.S.P.E.I. 1988, c. O-1.01, *General Regulations*, P.E.I. Reg. EC180/87 [*'GR'*]

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|---|--|--|--|--|--|
| <p>“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.</p> <p><i>GR</i>, s. 52.1</p> | <p>An employer must conduct a risk assessment of the workplace to determine whether or not a risk of injury to workers from violence arising from their employment may be present.</p> <p>A risk assessment shall include consideration of:</p> <ul style="list-style-type: none"> a) previous experiences of violence in that workplace; b) experience of violence in similar workplaces; and c) the location and circumstances in which the work will take place. <p><i>GR</i>, s. 52.2</p> | <p>Employers must establish policies and procedures to address any risks identified by an assessment.</p> <p><i>GR</i>, s. 52.3</p> <p>If a risk of injury to a worker from violence in the workplace is identified, the employer shall establish procedures, policies and work environment arrangements to eliminate, or if elimination of the risk is not possible, to minimize, the risk of violence.</p> <p><i>GR</i>, s. 52.3</p> | <p>Employers must attempt to eliminate or minimize the risk of violence to workers in the workplace.</p> <p><i>GR</i>, s. 52.3</p> | <p>An employer shall inform workers who may be exposed to the risk of violence of the nature and extent of the risk. Unless otherwise prohibited by law, this includes the duty to inform workers of a risk of violence from persons who have a history of violent behaviour and who may be encountered by a worker in the course of his or her work.</p> <p>Employers must instruct workers who may be exposed to the risk of violence in:</p> <ul style="list-style-type: none"> a) the recognition of the potential for violence; b) the procedures, policies and work environment arrangements established; and c) the appropriate response to incidents of violence, including how to obtain assistance. <p><i>GR</i>, s. 52.4</p> | <p>Employers must establish procedures for reporting, investigating and documenting incidents of violence.</p> <p><i>GR</i>, s. 52.3</p> <p>Employers shall ensure that a worker who reports an injury or adverse symptom resulting from workplace violence is advised to consult a physician.</p> <p><i>GR</i>, s. 52.5</p> |



Canadian OH&S Related Workplace Violence, Harassment Provisions

QUEBEC

Relevant Statutes: *An Act Respecting Labour Standards*, R.S.Q., c. N-1.1 [*'LS Act'*], *An Act Respecting Occupational Health and Safety*, R.S.Q., c. 2-2.1 [*'OHS Act'*] and *Regulation Respecting Occupational Health and Safety*, c. S-2.1, 2. 19.01

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|--|---|---|---|--|--|
| <p>"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.</p> <p><i>LS Act</i>, s. 81.18</p> <p>Violence is not defined.</p> | <p>Employers must use methods and techniques intended for the identification, control and elimination of risks to the safety or health of the worker.</p> <p><i>OHS Act</i>, s. 51(5)</p> | <p>Every employee has a right to a work environment free from psychological harassment.</p> <p><i>LS Act</i>, s. 81.19</p> <p>Employers must ensure that the organization of the work and the working procedures and techniques do not adversely affect the safety or health of the worker.</p> <p>Employers must also use methods and techniques intended for the identification, control and elimination of risks to the safety or health of the worker.</p> <p><i>OHS Act</i>, s. 51</p> | <p>Employers must take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it.</p> <p><i>LS Act</i>, s. 81.19</p> | <p>Employers must give workers adequate information as to the risks connected with his work and provide him with the appropriate training, assistance or supervision to ensure that he possesses the skill and knowledge required to perform the work assigned to him.</p> <p><i>OHS Act</i>, s. 51(9)</p> | <p>Employers must inform the Commission of serious injuries or accidents within 24 hours.</p> <p><i>OHS Act</i>, s. 62</p> |



Canadian OH&S Related Workplace Violence, Harassment Provisions

SASKATCHEWAN

Relevant Statutes: *Occupational Health and Safety Act*, 1993, S.S. 1993, c. 0-1.1 [*'OHSA'*], *Occupational Health and Safety Regulations*, 1996, R.R.S. c. 0-1.1 [*'Regs'*]

The OHS s. 14(1) violence provisions apply to health care facilities, pharmaceutical dispensing services, education services, police and or other law enforcement services, security services, crisis counselling services, establishments where alcoholic beverages are sold or consumed, financial services, retail establishments open between 11:00 p.m. and 6:00 a.m. taxi services, transit services. (see *Regs*, s. 37(2)).

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|--|---|--|--|---|--|
| <p>“Harassment” is any inappropriate conduct, comment, display, action or gesture by a person that is either:</p> <p>(a) based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or</p> <p>(b) that adversely affects the worker’s psychological or physical well-being, and that constitutes a threat to the worker’s health or safety. Harassment must be repeated conduct, or a single incident causing lasting harmful effect. Harassment does not include any reasonable action taken by an employer, manager or supervisor, relating to management or direction of the workplace.</p> <p><i>OHSA</i>, s. 2(1), (3) and (4)</p> | <p>Employers must identify worksites where violent situations have occurred or may reasonably be expected to occur; and identify staff positions that have been, or may reasonably be expected to be, exposed to violence.</p> <p><i>Regs</i>, s. 37(3)</p> | <p>Employers must develop and implement a written policy statement to deal with potentially violent situations after consultation with the OHS committee or representative (or workers if representative is unavailable). The policy statement must address certain issues prescribed in the regulations, and the employer must ensure that it is reviewed and, where necessary, revised every three years and whenever there is a change of circumstances that may affect the health or safety of workers.</p> <p><i>Regs</i>, s. 37(3) and <i>OHSA</i>, s. 14(1)</p> <p>Employers must also develop a detailed harassment prevention policy, which meets the specifications of the <i>Regs</i>.</p> <p><i>Regs</i>, s. 36(1)</p> | <p>Employers must commit to minimizing the risk of violence, including the use of personal protective equipment, administrative arrangements and engineering controls.</p> <p><i>Regs</i>, s. 37(3)</p> <p>Employers shall ensure, insofar as is reasonably practicable, that workers are not exposed to harassment with respect to any matter or circumstance arising out of the worker’s employment.</p> <p><i>OHSA</i>, s. 3(c)</p> | <p>Employers must inform workers of the nature and extent of the risk from violence they face in their employment, including, where permitted, information in the employer’s possession 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.</p> <p>Employers must provide a training program to workers that includes:</p> <ul style="list-style-type: none"> i) 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 to incidents of violence, including how to obtain assistance; and iv) procedures for reporting violent incidents. <p><i>Regs</i>, s. 37(3)(i)</p> | <p>Employers must implement procedures for reporting violent incidents and incidents of harassment by workers and for the documentation and investigation of the incident by the employer.</p> <p>Employers must recommend that any worker who has been exposed to a violent incident consult a physician for treatment or referral for counseling.</p> <p><i>Regs</i>, s. 37(3)(h)</p> <p>Where a worker receives treatment or counseling due to workplace violence or attends a training program, an employer must credit the worker’s attendance as time at work and ensure the worker loses no pay or other benefits.</p> <p><i>Regs</i>, s. 37(4)</p> |



Canadian OH&S Related Workplace Violence, Harassment Provisions

SASKATCHEWAN

Relevant Statutes: *Occupational Health and Safety Act*, 1993, S.S. 1993, c. 0-1.1 [*'OHSA'*], *Occupational Health and Safety Regulations*, 1996, R.R.S. c. 0-1.1 [*'Regs'*]

The OHSA s. 14(1) violence provisions apply to health care facilities, pharmaceutical dispensing services, education services, police and or other law enforcement services, security services, crisis counselling services, establishments where alcoholic beverages are sold or consumed, financial services, retail establishments open between 11:00 p.m. and 6:00 a.m. taxi services, transit services. (see *Regs*, s. 37(2)).

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|--|-------------------|----------|--------------------------------------|-------------------------------------|-----------------------|
| <p>“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 a risk of injury.</p> <p><i>Regs</i>, s. 37(1)</p> | | | | | |



Canadian OH&S Related Workplace Violence, Harassment Provisions

YUKON

Relevant Statutes: *Occupational Health and Safety Act*, R.S.Y. 2002, c. 159 [*'OHSA'*]

BROADLY SPEAKING, WHAT'S COVERED?

| Definition of Workplace Violence | Hazard Assessment | Policies | Reduction or Elimination of the Risk | Instruction and Training of Workers | Response to Incidents |
|----------------------------------|---|----------|---|---|--|
| Violence is not defined. | Employers have a general duty to ensure that the workplace is safe and without risks to the employees health. <i>OHSA</i> , s. 3 | | Employers have a general duty to ensure that work techniques and procedures are adopted and used that will prevent or reduce the risk of occupational illness and injury. <i>OHSA</i> , s. 3 | Employers must ensure that workers are given necessary instruction and training and are adequately supervised. <i>OHSA</i> , s. 3 Employers must also instruct employees, as per the Act, that no person shall engage in any improper activity or behaviour that might create or constitute a hazard to themselves or any other worker. Improper activity is defined as including horseplay, scuffling, fighting, practical jokes, unnecessary running or jumping, or similar conduct. <i>OHSA</i> , s. 11 | Employees have a general duty to report any hazard or any accident or injury that occurs in the course of their work to their supervisor. <i>OHSA</i> , s. 9 Employers must report serious injuries and accidents immediately, or as soon as reasonably practicable, and give notice to a safety officer of the injury or accident. <i>OHSA</i> , s. 30 |

Current to February 2011

The assistance of Samantha Seabrook, Heenan Blaikie, Toronto office, in the preparation of this article is gratefully acknowledged.

This Summary Represents An Overview of Key Provisions.