



Canadian OH&S Related Workplace Violence, Harassment Provisions

Summary Prepared for Canadian Construction Associations



Representation

Proactive Consultation

Training

Strategic Advice

A national practice solving local problems

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Regulation of employer responsibility for workplace violence is not new. Whether the workplace is a construction project, industrial facility, health service, transit, retail, or other workplace, decades of ongoing and increasing events involving threats, harassment, bullying and physical violence in the workplace have caused governments in Canada to expand OH&S legislation and regulations to include workplace violence and harassment responsibilities.

It should be noted that these charts refer only to OH&S-related responsibilities, one facet of responsibility and potential liability for this multi-faceted issue. Overlapping legal obligations and potential liabilities exist. Human rights legislation across Canada specifically protects individuals from harassment and discrimination in employment on certain grounds. Civil courts impose obligations on employers to prevent a workplace environment that is inappropriate, disrespectful or intolerable due to the behaviour of supervisors, managers, or co-workers toward one another. Workplace violence can result in the exercise of worker rights, complaints, and litigation in multiple forums: a workers' compensation claim, human rights complaint, civil claim and occupational health and safety complaint could theoretically all arise from threats, harassment, or violent behaviour in the workplace.

Increasingly, employers face compliance orders under OH&S legislation. One employer in Canada outside the construction industry, the Centre for Addiction and Mental Health (CAMH), was charged and convicted under OH&S legislation in 2009, and fined \$70,000 for failing to ensure worker protection from violence from patients in a psychiatric facility. Another employer, Garda Canada Security, was, at the time of writing, facing OH&S charges under the Alberta OHS Act arising from the assault of a female security guard at a construction project.

What Are The General OH&S Violence-Related Obligations Of Construction Employers And Organizations In Canada?

Broad obligations exist to conduct workplace hazard assessments before work commences. Generally, obligations exist to create policies and procedures prohibiting violence in the workplace. In certain jurisdictions where "harassment" is specifically included under OH&S legislation (Manitoba, Saskatchewan) obligations to develop policies and procedures to prevent harassment also exist. The broad obligations that exist jurisdiction by jurisdiction to eliminate risk, provide training to workers, and respond to incidents are outlined in the attached charts.

Are There Exceptions Where OH&S Violence-Related Legislation Does Not Apply To Construction Employers And Organizations?

Two Canadian provinces restrict the application of OH&S workplace violence regulations to only specific sectors. In both of those jurisdictions, Nova Scotia and Saskatchewan, the provisions do not apply to workplaces which are construction projects, or where the primary business is construction. It should be noted, however, that in Nova Scotia, despite the inapplicability of the workplace violence regulations to the construction workplace or organization, generally, there exists in section 12 of the regulations an obligation on each employer, contractor, constructor, supplier, owner to report all incidents of violence in a workplace to the employer of the worker.

In all other Canadian jurisdictions, any and all OH&S-related provisions apply to construction businesses.



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FEDERAL

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

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>COHRS</i>, s. 20.2</p>	<p>Employers must identify potential hazards in the workplace.</p> <p><i>COHRS</i>, s. 19.1</p> <p>Employers must identify and assess the workplace for the potential for workplace violence.</p> <p><i>COHRS</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>COHRS</i>, s. 19.2</p> <p>Employers must develop a violence prevention policy.</p> <p><i>COHRS</i>, s. 20.3</p>	<p>Every employer has a duty to take preventative measures to limit workplace hazards.</p> <p><i>COHRS</i>, s. 19.1</p> <p>Employers must create controls to eliminate the risk of workplace violence.</p> <p><i>COHRS</i>, s. 20.6</p>	<p>Employers have a duty to provide employee education regarding workplace hazards.</p> <p><i>COHRS</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>COHRS</i>, s. 19.6</p> <p>Employers are required to educate employees on the factors that contribute to workplace violence, the communication system in place, prevention measures, and reporting procedures.</p> <p><i>COHRS</i>, s. 20.10</p>	<p>Employees must report all hazardous occurrences to their employer.</p> <p><i>CLC</i>, s. 126(1)(g)</p> <p>Employers must investigate, record, and report all hazardous occurrences.</p> <p><i>COHRS</i>, s. 15.8(1)</p> <p>Employers are required to develop written procedures and to ensure that employees are aware of notification procedures to summon immediate assistance in response to workplace violence. Employers must also investigate reports of workplace violence using a competent person.</p> <p><i>COHRS</i>, s. 20.08 and s. 20.09</p>



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ALBERTA

Relevant Statutes: *Occupational Health and Safety Act*, R.S.A. 2000, c. O-2, *Occupational Health and Safety Code*, Part 27 *Occupational Health and Safety Code* [*'Code'*], sections 389-392

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>A hazard assessment is required before work begins at a work site. The assessment must include the possibility of injury to a worker from physical violence as a potential hazard. 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 and s. 389</p>	<p>An employer must develop a policy and procedures for reporting, investigating, and documenting incidents of potential 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 it if reasonably practicable.</p> <p><i>Code</i>, s. 9</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>Employers must ensure affected workers are advised to consult a health professional if the worker reports an injury or adverse symptom.</p> <p><i>Code</i>, s. 392</p>



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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 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 the risk to workers from violence in so far as reasonably possible.</p> <p><i>OHSR, s. 4.29</i></p>	<p>Employers must eliminate the risk to employees from violence insofar as possible.</p> <p><i>OHSR, s. 4.29</i></p> <p>Specific measures for “late night retail premises” open “late night hours”.</p> <p><i>OHSR, s. 4.22.1</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, 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 duty to inform worker 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. 4.30</i></p>	<p>Improper activity or behaviour (defined) 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 reporting 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>



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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 8-11) [*'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 any objectionable conduct, comment or display by a person that</p> <ul style="list-style-type: none"> (a) is directed at a worker in a workplace; (b) is made on the basis of race, creed, religion, colour, sex, sexual orientation, gender, determined characteristics, political belief, political association or political activity, marital status, family status, source of income, disability, physical size or weight, age, nationality, ancestry or place of origin; and (c) creates a risk to the health of the worker. <p>“Violence” means</p> <ul style="list-style-type: none"> (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><i>WSHR</i>, s. 1</p>	<p>Employers must identify and assess the risk of violence in the workplace in consultation with the workplace committee, representative at the workplace, or the workers at the workplace.</p> <p><i>WSHR</i>, s. 11.1(1)</p>	<p>Where a risk of violence is identified, employers must develop and implement written policy statements to deal with potentially violent situations and harassment, after consultation with workplace committee or representatives (or workers if representative unavailable).</p> <p>The policy statement must address certain issues prescribed in the regulations, and the employer must ensure that it is reviewed every three years and whenever there is a change of circumstances that may affect the health or safety of workers.</p> <p><i>WSHR</i>, s. 11.1 and 10.1</p> <p>Policies must be posted.</p> <p><i>WSHR</i>, s. 10.3 and 11.1(5)</p>	<p>Employers must commit to minimizing the risk of violence, develop appropriate policies, and train employees accordingly.</p> <p><i>WSHR</i>, s. 11.1(2)</p>	<p>Employers must inform workers of the nature and extent of the risk from violence they face in their employment. Employers must implement a training program for workers that</p> <ul style="list-style-type: none"> (a) trains workers in the violence prevention policy; (b) minimizes risk to workers; (c) outlines how to report an incident; and (d) outlines how incidents will be investigated. <p><i>WSHR</i>, s. 11.1(2) and (4)</p> <p>This includes duty to inform worker of risk of violence from persons whom workers are likely to encounter in the course of their work.</p> <p><i>WSHR</i>, s. 11.2(2)(b)</p>	<p>The Employer’s policy must clearly state how incidents will be investigated.</p> <p><i>WSHR</i>, s. 11.1(4)</p>



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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>		



NEWFOUNDLAND AND LABRADOR

Relevant Statutes: *Occupational Health and Safety Act*, R.S.N.L. 1990, c. 0-3, 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>	



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 employees health. SA, s. 4	A Committee may be ordered to be established, comprised of workers and representatives of the employer, which shall make recommendations for the improvement of the health and safety of the 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		



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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 is defined broadly as</p> <p>(i) threats, including threatening behaviour, that gives an employee reasonable cause to believe that he or she is at risk of physical injury; or</p> <p>(ii) conduct (or attempted conduct) that endangers the physical health or physical safety of an employee.</p> <p><i>VWR</i>, s. 2</p>	<p>Employers must conduct a violence risk assessment for each of their workplaces to determine if there is a risk of violence in the workplace and prepare a written report. Risk assessment to take into account listed considerations.</p> <p><i>VWR</i>, s. 5 and 7</p> <p>Risk assessment to be conducted at least every 5 years.</p> <p><i>VWR</i>, s. 6(2)</p>	<p>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 identified.</p> <p><i>VWR</i>, s. 7</p>	<p>Employers must establish and implement violence reduction plans in consultation with any committee where a significant risk of violence is identified.</p> <p><i>VWR</i>, 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><i>VWR</i>, s. 11</p>	<p>All workers, employees, employers, constructors, and owners have a duty to report all incidents of workplace violence to employer.</p> <p><i>VWR</i>, s. 12</p> <p>Employers must debrief employee exposed to violence and advise employee to seek medical attention if exposed or affected by an incident of workplace violence.</p> <p><i>VWR</i>, 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><i>VWR</i>, s. 13 and s. 14</p>



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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



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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. Assessment must be provided to 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.</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) to (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>



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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 physical force that may cause injury to a worker, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that he or she is at risk of injury.</p> <p><i>GR</i>, s. 52.1</p>	<p>Employers must conduct risk assessments to determine whether or not a risk of injury to workers from violence is present.</p> <p><i>GR</i>, s. 52.2</p>	<p>Employers must prepare policies to address any risks to employees discovered by the risk assessment process and provide for mandatory reporting of any incident.</p> <p><i>GR</i>, s. 52.3</p>	<p>Employers must eliminate or minimize the risk to employees from violence insofar as possible.</p> <p><i>GR</i>, s. 52.3</p>	<p>Employers shall inform workers who may be exposed to violence in the workplace 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><i>GR</i>, s. 52.4(1) and (2)</p>	<p>Employers shall advise workers who are injured or have adverse symptoms resulting from workplace violence to consult a physician.</p> <p><i>GR</i>, s. 52.5</p> <p>Employers must establish procedures and policies for investigating incidents of violence in the workplace.</p> <p><i>GR</i>, s. 52.3</p>



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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. Violence is not defined.</p> <p><i>LS Act</i>, s. 81.18 (in effect since 2004)</p>	<p>General – 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</p>	<p>General – Obligations to ensure “working procedures and techniques do not adversely affect the safety or health of the worker” and to ensure that “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 (in effect since 2004)</p>	<p>The <i>OHS Act</i> is very broad, providing that employers must simply “carry out such training programs for workers, supervisors and committee members as may be prescribed.”</p> <p>Employers must give workers adequate information as to the risks connected with their work and provide them with appropriate training, assistance or supervision to ensure they safely perform the work assigned to them.</p> <p><i>OHS Act</i>, s. 51</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

Summary Prepared for Canadian Construction Associations

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 based on race, creed, religion, colour, sex, sexual orientation (or other listed grounds) that adversely affects the worker’s psychological or physical well-being; or constitutes a threat to the worker’s health or safety. Must be repeated conduct, or single incident causing lasting harmful effect.</p> <p><i>OHS</i>A, s. 2(1) and s. 2(3)</p> <p>Harassment does not include any reasonable action taken by an employer, or a manager or supervisor, relating to management or direction of workers.</p> <p>“Violence” is 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.</p> <p><i>Regs</i>, s. 37(1)</p>		<p>Employers must develop and implement a written policy statement to deal with potentially violent situations after consultation with 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>OHS</i>A, s. 14(1)</p> <p>Employers must also develop a detailed written policy to prevent harassment, which meets the specifics 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 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 implement a training program for workers that</p> <ul style="list-style-type: none"> (a) equips workers to recognize potentially violent situations; (b) minimizes risk to workers; (c) emphasizes the appropriate responses to incidents of violence, including how to obtain assistance; and (d) implements a procedure for reporting violent incidents. <p><i>Regs</i>, s. 37(3)</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 advise workers reporting an injury or adverse symptom as a result of an incident of workplace to consult a physician.</p> <p><i>Regs</i>, s. 37(3)</p> <p>Employers must credit time spent by workers attending training programs as time at work or for seeking medical attention in the event of an incident.</p> <p><i>Regs</i>, s. 37(4)</p>



Canadian OH&S Related Workplace Violence, Harassment Provisions

Summary Prepared for Canadian Construction Associations

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 January 2010

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This Summary Represents An Overview of Key Provisions.