

Violence and Harassment in the Workplace – Legislation Fact Sheet



WHEN ARE EMPLOYERS REQUIRED TO HAVE A HARASSMENT AND VIOLENCE POLICY OR PROGRAM?

All jurisdictions specify elements required in harassment and violence prevention policies and programs. While there are variations between jurisdictions, there are many common elements such as:

- Defining violence and harassment. Some definitions include bullying formally
- Conducting a workplace assessment (a hazard identification and risk assessment) specific to harassment or violence
- Developing and implement preventative measures
- Developing a policy and program, implement the program, and corresponding procedures for reporting of an incident
- Developing a reporting and resolution process, including how to report an incident or occurrence
- Providing employee instruction, education, or training
- Determining procedures to ensure confidentiality and privacy
- Listing supports that are available (internally, externally)
- Requiring record keeping
- Using continual review and improvement processes to update the policy and programs
- Reporting to the jurisdiction, as necessary
- Including additional requirements for situations such as family (domestic) violence, or working late night hours in retail, gas stations, convenience stores, etc.

WHAT ARE THE SOURCES OF LEGISLATION REGARDING HARASSMENT AND VIOLENCE?

Below is a table for guidance purposes that lists legislation and a general summary of elements of a harassment or violence prevention policy and program.

NOTE that other requirements may be listed in other sections, regulations, Codes, or Acts that are not listed in this table. For more details, consult the legislation directly.

Always consult the legislation that applies in your situation, and with your jurisdiction for complete information.

Table 1
Main Sources of Violence or Harassment Legislation in Canada

Jurisdiction	Legislation	Elements (general summary)
Canada	<i>Canada Labour Code, Part II</i> Work Place Harassment and Violence Prevention Regulations	• Work place assessment • Work place policy • Training • Response and resolution process, including investigation • Program review • Annual report
British Columbia	Occupational Health and Safety Regulation, B.C. Reg. 296/97, Part 4, Sections 4.22 to 4.31	• Risk assessment • Procedures and policies • Instruction of workers • Additional requirements for late night retail workplaces
Alberta	Occupational Health and Safety Code, 2009 Part 27 Violence	• Violence prevention plan, policy, and procedures • Harassment prevention plan, policy and procedures • Response and investigation • Includes domestic violence • Program review • Training • Additional requirements for workplaces such as gas stations, other retail fuelling outlets and convenience stores
Saskatchewan	<i>Saskatchewan Employment Act</i> , S.S. 2013, c. S-15.1 Section 3-21, Duty re policy statement on violence and prevention plan Occupational Health and Safety Regulations, 1996, R.R.S., c. 0-1, r. 1 Section 36, Harassment Section 37, Violence	• Policy statement and prevention plan at prescribed workplaces • Harassment prevention policy (e.g., reporting, privacy, procedures, etc.) • Implementation of policy • Violence policy statement (e.g., risk to staff, procedures, actions to minimize or eliminate risk, training, etc.) • Additional requirements for late night retail premises

Manitoba	Workplace Safety and Health Regulation, Man. Reg. 217/2006 Part 10 Harassment Part 11 Violence	• Harassment prevention policy • Workplace assessment for violence • Violence prevention policy • Investigation and implementation of control measures • Annual report
Ontario	<i>Occupational Health and Safety Act</i>, R.S.O. 1990, c. O.1 Part III.0.1, Violence and Harassment	• Policies, violence and harassment • Program for violence • Assessment of risks of violence • Domestic violence • Duties regarding violence (e.g., provide workers with information and instruction, privacy) • Program for harassment • Duties regarding harassment (e.g., investigation, annual review, etc.) • Information and instruction regarding harassment
Quebec	Act respecting labour standards, CQLR c. N-1.1 Chapter IV, Division V.2 Psychological Harassment, Sections 81.18 to 81.20	• Psychological harassment prevention and complaint processing policy
New Brunswick	General Regulation, N.B. Reg. 91-191 Part XXII.I Violence and Harassment	• Risk assessment • Code of practice for violence • Code of practice for harassment • Implementation • Privacy • Training • Review and update

Nova Scotia	Violence in the Workplace Regulations, N.S. Reg. 209/2007	• Violence risk assessment • Prevention plan • Prevention statement • Information to employees • Training and supervision for employees • Duty to report • Documentation, investigation, actions to prevent reoccurrence • Debriefing
Prince Edward Island	<i>Occupational Health and Safety Act</i> General Regulations, EC180/87 Part 52 Violence Workplace Harassment Regulation, EC710/19	• Risk assessment • Informing workers • Confidentiality • Employer responsibilities, including a policy for harassment • Investigation
Newfoundland and Labrador	Occupational Health and Safety Regulations, 2012, N.L.R. 5/12 Part III, Sections 22 to 24.2	• Risk assessment • Violence prevention (procedures, policies, etc.) • Instruction to workers • Harassment prevention plan • Training (harassment)
Yukon	Occupational Health and Safety Regulations (in force September 2021)	• Hazard assessment • Policy statements and procedures – prevention • Training • Content of policy statements and policies and prevention procedures • Investigation • Domestic violence
Northwest Territories	Occupational Health and Safety Regulations, R-039-2015 Section 34 Harassment Section 35 Violence	• Harassment policy • Violence policy (includes actions to eliminate or reduce risks, reporting by workers, procedures, training, etc.) • Additional requirements for late night premises

Nunavut	Occupational Health and Safety Regulations, R-003-2016 Section 34 Harassment Section 35 Violence	• Harassment policy • Violence policy (includes actions to eliminate or reduce risks, reporting by workers, procedures, training, etc.) • Additional requirements for late night premises
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