

Employer OHS Duties to Support Workplace Harassment & Violence Victims – Know The Laws Of Your Province



Occupational Health and Safety (OHS) laws require employers to take specific measures to not only prevent workplace violence and harassment but also respond to reports or incidents that occur. Such response measures include investigating complaints and taking appropriate actions to deal with the problem as determined by the findings of the investigation. Employers are also supposed to keep workers who report violence and harassment apprised of the investigation and any disciplinary actions or corrective measures taken. It also should go without saying that employers aren't allowed to retaliate or take reprisals against workers for reporting or complaining about violence and harassment, provided they do so in good faith.

However, there's a common blind spot in the OHS regulations, namely, what the employer must do to support workers who do experience violence or harassment at work. Here's a quick breakdown of support requirements by jurisdiction, from least to most extensive:

- Ontario and Québec don't include any express support requirements for violence or harassment victims*.

- New Brunswick makes vague references to employers' having to take "follow-up measures" to help violence and harassment victims.
- Federal and Yukon regulations require employers to provide support by making information about medical treatment and counseling options available to victims*.
- British Columbia, Manitoba, Nova Scotia, and Prince Edward Island take support a step further by requiring employers to advise workplace violence victims to seek medical attention or counselling.
- Saskatchewan, Northwest Territories, and Nunavut require employers to not only make a recommendation but credit the time workplace violence victims spend in attending treatment or counselling is credited as payable work time.
- Alberta also requires recommendation and work time crediting for victims of both workplace violence and harassment and not just the former.

Limited Exceptions: In Manitoba and Saskatchewan, farming and ranching operations must comply with all OHS laws except certain requirements for powered mobile equipment.

Here's a summary of the current OHS workplace violence and harassment victim support duties of employers in each part of Canada.

FEDERAL

1. Employers must offer support to employees affected by harassment and violence in the work place (*Canada Labour Code*, Sec. 125(1)(z.16)).
2. The required work place harassment and violence policy must include, among other things, a description of the support measures that are available to employees (*Work Place Harassment and Violence Prevention Regulations* ("Regs"), Sec. 10(2)(j)).

3. An employer must make available to employees information about the medical, psychological, or other support services that are available within their geographical area (Regs, Sec. 13).

ALBERTA

1. An employer must ensure that a worker reporting an injury or adverse symptom resulting from an incident of violence or harassment is advised to consult a health professional of the worker's choice for treatment or referral (*OHS Code*, Sec. 391.2).
2. When a worker is treated or referred by a physician in accordance with the above and if the treatment sessions occur during regular work hours, the worker is deemed to be at work during that treatment (*OHS Code*, Sec. 392).

BRITISH COLUMBIA

1. An employer must ensure that a worker reporting an injury or adverse symptom as a result of an incident of violence is advised to consult a physician of the worker's choice for treatment or referral (*OHS Reg*, Sec. 4.31(3)).
2. WorkSafeBC has proposed more extensive Psychological Health and Safety OHS Regulations but the proposal was put on hold until further notice pending the October 2026 provincial elections.

MANITOBA

1. A required workplace violence prevention policy must include a recommendation that a worker who has been harmed as a result of an incident of violence at the workplace is advised to consult the worker's health care provider for treatment or referral for post-incident

counselling, if appropriate (*Workplace Safety and Health Regulations* ("WSH Regs"), Sec. 11.4(g)).

NEW BRUNSWICK

1. A required code of practice for workplace violence prevention must set out the follow-up measures to be used with affected employees (*OHS Act General Reg*, Sec. 374.3(2)(b)).
2. A required code of practice for workplace harassment prevention must set out the follow-up measures to be used with affected employees (*OHS Act General Reg*, Sec. 374.4(2)(g)).

NEWFOUNDLAND & LABRADOR

1. A required workplace harassment prevention plan must include a statement that the employer will protect workers from retaliation and provide support to workers when workplace harassment occurs (*OHS Regs*, Sec. 24.1(1)(j)).

NOVA SCOTIA

1. An employer must provide an employee who's been exposed to or affected by violence at the workplace an appropriate debriefing and advise the employee to consult a health professional of the employee's choice for treatment or counseling (*OHS Violence in the Workplace Regs*, Sec. 14).
2. A required workplace harassment prevention policy must include a statement that the employer will not reprimand or seek reprisal against an employee who has made a workplace harassment complaint in good faith (*Workplace Health & Safety Regs*, Sec. (1)(g)).

ONTARIO

1. OHS laws don't expressly address what employers must do to support victims of workplace violence and harassment other than reporting the results of investigations and follow-up actions taken and refraining from retaliating against workers for reporting workplace violence and harassment.

PRINCE EDWARD ISLAND

1. An employer must ensure that a worker who reports an injury or adverse symptom resulting from workplace violence is advised to consult a physician of the worker's choice for treatment or a referral (*OHS Act General Regs*, Sec. 52.5).
2. A required workplace harassment prevention and investigation policy must include a statement that the employer won't reprimand, seek reprisal, or discriminate against a worker who has made a workplace harassment complaint in good faith (*Workplace Harassment Regs*, Sec. 4(1)(i)).

QUÉBEC

1. Employers must adopt and make available to their employees a policy to prevent **and manage situations of** psychological harassment (*Labour Standards Act* ("LSA"), Sec. 81.19).
2. The OHS sexual violence prevention training that employers will have to provide to workers every three years, starting May 27, 2028, must be of sufficient duration to allow the worker to be adequately trained on, among other things:
 1. The "directory of resources and recourses for workers"; and

2. The best practices applicable when a person witnesses or is informed of a situation of sexual violence in the workplace.

SASKATCHEWAN

1. A required workplace violence prevention statement must include a recommendation that any worker who's been exposed to a violent incident consult the worker's physician for treatment or referral for post incident counselling (*OHS Regs*, Sec. 3-26(3)(h)).
2. An employer must credit the time a worker spends in attending the above-mentioned treatment or counselling as time at work and ensure that the worker loses no pay or other benefits (*OHS Regs*, Sec. 3-26(4)).
3. No parallel requirements expressly apply to workplace harassment.

NUNAVUT

1. A required workplace violence prevention policy must include a recommendation that a worker who's been exposed to violence consult the worker's physician for treatment or referral for post-incident counselling (*OHS Regs*, 35(4)(h)).
2. The employer must ensure that the time an employee spends receiving the above-referenced treatment or counselling is credited to the worker as time at work, and that the worker doesn't lose pay or benefits for that time (*OHS Regs*, 35(5)).
3. No parallel requirements expressly apply to workplace harassment.

NORTHWEST TERRITORIES

1. "Youth" defined as a person age 16 or younger

2. An employer must ensure that a youth is not employed or required to work:
 1. on a construction site;
 2. in a production process at a pulp mill, saw mill, or woodworking establishment;
 3. in a production process at a smelter, foundry, refinery, or metal processing or fabricating operation;
 4. in a confined space;
 5. in a forestry or logging operation;
 6. as an operator of powered mobile equipment, a crane, or hoist;
 7. where exposure to a chemical or biological substance is likely to endanger the youth's health or safety;
 8. in power line construction or maintenance; or
 9. in any prescribed occupation, including "domestic worker" (which the Regulations define as "a worker employed in domestic work in a private residence in which the worker's employer ordinarily resides, but doesn't include a sitter who provides care or supervision to children on an occasional or short-term basis") (*Employment Standards Act (ESA)*, Sec. 44); (*OHS Regulations*, Sec. 14(1)).
3. An employer must ensure that an individual under 18 years of age is not required or permitted to work:
 4. as an "occupational worker", i.e., a worker who is exposed to radiation, and who is likely to receive radiation exposure in excess of exposure levels or dose limits that are specified for members of the public;
 1. in an asbestos process;
 2. in a silica process; or
 3. in an activity requiring the use of an atmosphere-supplying respirator (*OHS Regulations*, Sec. 14(2)).
4. The Employment Standards Officer may request an employer to provide evidence that the employment of a youth is

not likely to be detrimental to the youth's health, education, or moral character (ESA, Sec. 46(1)).

5. No employer may, without the written approval of the Employment Standards Officer, permit or require a youth to work at any time:
 1. between the hours of 11 p.m. on one day and 6 a.m. on the next day; or
 2. when the youth is required to attend school, except when he or she is engaged in a work program that is part of his or her school curriculum (ESA, Sec. 47).

YUKON

1. The workplace violence and prevention procedures that employers must implement must list, among other things, the procedure to be followed by the worker and employer to obtain assistance following an incident or a complaint of violence or harassment, including post-incident treatment or counselling (*WSC Regulations*, Sec. 19.03(f)).