

Employer Violates Workplace Violence Rules by Appointing Untrained Investigator



Sec. 20.9 of the OHS Regulations requires employers to appoint a 'competent person' to investigate workplace violence complaints. A government official ordered an employer to obey the rule after finding that the 3-person team it appointed to investigate a worker's complaint of being bullied by his supervisor wasn't 'competent.' The employer contended that the official was wrong and exceeded her authority in issuing the order. But the OHS Tribunal disagreed on both counts. An official's authority to investigate an employer's compliance with its workplace violence duties includes the authority to determine if the investigators it appoints are 'competent,' i.e., trained and experience. And her conclusion that the investigative team wasn't competent was correct considering that one team member hadn't received even basic workplace violence training when the investigation began. So, the Tribunal upheld the order (albeit with a few minor changes to ensure compliance with Sec. 20.9) [*Natural Resources Canada v. Professional Institute of the Public Service of Canada*, 2018 OHSTC 1 (CanLII), March 14, 2018)].