

# Employers Can't Pre-screen Workplace Violence Complaints



A CFIA poultry inspector submitted a written complaint on issues relating to favouritism, unfair treatment, and humiliating and disrespectful treatment in the workplace. His complaint didn't specifically refer to workplace violence or identify itself as a workplace violence complaint. When his concerns weren't addressed, an OHS officer investigated and found that the CFIA had failed to appoint a competent person to investigate the complaint as required by OHS law. An Appeals Officer found that an employer was entitled to determine whether the complaint related to workplace violence first before naming a competent person to investigate. But a federal court disagreed, finding that position to be 'unreasonable.' It ruled that absent a situation where it's 'plain and obvious' that the allegations fall outside the scope of the definition of workplace violence, the employer *must* appoint a competent person to investigate when the matter can't be resolved [*Canada (Attorney General) v. Public Service Alliance of Canada*, [2015] FCA 273 (CanLII), Nov. 30, 2015].