

Workplace Violence Click-Thru Version – Know the Laws of Your Province



A. Part of the OHS Law Requiring Workplace Violence Prevention

Federal: *Canada Labour Code*, Sec. 125(1)(1.z); *OHS Regs.*, Part XX

Alberta: *OHS Code*, Part 27

British Columbia: *OHS Reg.*, Secs. 4.27 to 4.31

Manitoba: *Workplace Safety & Health Regs.*, Part 11

New Brunswick: Implied under employer's general duty to take every reasonable precaution to ensure the health and safety of employees (*OHS Act*, Sec. 9(1)(a))

Newfoundland/Labrador: *OHS Regs.*, Secs. 22 to 24

Nova Scotia: *Violence in the Workplace Regs.*

Ontario: *OHS Act*, Part III.0.1 (erstwhile Bill 168)

Prince Edward Island: *OHS General Regs.*, Part 52

Qu^ébec: Part of duty to prevent psychological harassment under *Labour standards, act respecting* , Div. V.2

Saskatchewan: *Sask. Emp. Act*, Sec. 3-21, *OHS Regs.*, Sec. 37

Northwest Territories: *OHS Regs.*, Secs. 35 and 36

Nunavut: *OHS Regs.*, Secs. 35 and 36

Yukon: Implied under employer's general health and safety duties under Sec. 3 of the *OHS Act*

B. Definition of Workplace Violence in Each Jurisdiction

Federal: "Workplace violence" means any action, conduct, threat or gesture of a person towards an employee in his/her workplace that can reasonably be expected to cause harm, injury or illness to that employee (*Canada OHS Regs.*, Sec. 20.2)

Alberta: "Violence", whether at a work site or work related, means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury (*OHS Code, 2009*, Sec. 1)

British Columbia: "Violence" means the attempted or actual exercise by a person, other than a worker, of any physical force so as to 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 (*OHS Reg.*, Sec. 4.27)

Manitoba: "Violence" means 1) the attempted or actual exercise of physical force against a person; and 2) any threatening statement or behavior that gives a person reasonable cause to believe that physical force will be used against that person (*Workplace Safety and Health Reg.*, Sec. 1.1)

New Brunswick: No definition

Newfoundland/Labrador: "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 (*OHS Regs. 2012*, Sec. 22(1))

Nova Scotia: "Violence" means any of the following: 1) threats, including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical injury; and 2) conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee (*Violence in the Workplace Regs.*, Sec. 2(f))

Ontario: "Workplace violence" means: 1) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; 2) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; and 3) a statement or behaviour that's 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 (*OHS Act*, Sec. 1(1))

Prince Edward Island: "Violence" means the threatened, attempted or actual exercise of any physical force by a person, other than a worker, that can cause, or that causes, 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 (*OHS Regs.*, Sec. 52.1)

Qu bec: "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, which may include a single instance of such behaviour (*Labour standards, act respecting*, Sec. 81.18)

Saskatchewan: "Violence" means the 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(*OHS Regs.*, Sec. 37(1))

Northwest Territories: "Violence" means attempted, threatened or actual conduct of an individual that causes or is likely to cause injury, such as a threatening statement or behaviour that gives a worker a reasonable belief that he or she is at risk of injury (*OHS Regs.*, Sec. 35(1))

Nunavut: "Violence" means attempted, threatened or actual conduct of an individual that causes or is likely to cause injury, such as a threatening statement or behaviour that gives a worker a reasonable belief that he or she is at risk of injury (*OHS Regs.*, Sec. 35(1))

Yukon: No definition