

# Psychological Risk Prevention

## – Ask the Expert



From jurisdiction to jurisdiction, there are many psychosocial protections for employees and responsibilities that one must undertake to ensure every team member is safe and healthy in every way.

### QUESTION

Are there any laws or regulations that mention psychosocial or wellbeing protections for employees and therefore employee responsibilities?

### ANSWER

The short answer is that current OHS protections against workplace violence and harassment DO pertain to psychological and mental health and wellbeing even though they don't expressly say this. The closest they get is in including references to psychological and mental harm in the definition of "harassment" or "violence" that employers must protect workers against. But even that varies by province. The most progressive law is the Canada Labour Code governing federally regulated employers, which defines "workplace violence and harassment" together "as any action, conduct, or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or PSYCHOLOGICAL INJURY OR ILLNESS to an employee, including any prescribed action, conduct or comment".

Québec is the flipside. In Québec, workers are protected against “psychological harassment”, but “violence” isn’t mentioned. However, the definition of “psychological harassment” is broad enough to include violence. Thus, workers in Québec are protected against violence via the right to be free of psychological harassment, whereas workers everywhere else are protected against psychological harm via the right to be free from workplace violence and harassment.

## **EXPLANATION**

At the end of the day, though, the protections are basically the same everywhere. It might help to put things in historical context. When the original OHS laws were first enacted, they didn’t include workplace violence or other socio-psychological harm done by human beings as factors. In the first decade of the 2000s, the provinces began adding workplace violence protections to their OHS laws; then they expanded those protections to harassment. Now, led by the federal government and Bill C-65, which took effect a couple years ago, they’re starting to lump violence and harassment together as one big psycho-social hazard and address the issue from the standpoint of mental/psychological rather than just physical harm.

The takeaway from all of this is that YES, employers and employees do have legal obligations to protect workers’ mental and psychological wellbeing under current OHS laws and those duties will likely be better refined and clarified in the future. In any jurisdiction, you have the right to feel safe in your workplace and take time to speak with a trusted manager or HR/OHS director about any concerns or threats you have in the workplace.