Workplace Domestic Violence Protections Under OHS Laws – Know The Laws of Your Province



OHS laws require employers to take measures to prevent violence and threats of violence **in the workplace, including domestic violence.** While domestic violence prevention is a nationwide mandate, how it's spelled out varies by province:

- **Definitional:** Three provinces—Alberta, New Brunswick, and Québec—define "violence" as including domestic violence against a worker.
- **Awareness:** Three jurisdictions—Ontario, Newfoundland, Yukon—require employers to prevent domestic violence that they're aware of or should reasonably be aware of.
- **Hazard Assessment:** Federally regulated employers must consider domestic violence a risk factor in carrying out a workplace violence and hazard assessment.
- **Implicational:** The other jurisdictions don't specifically address domestic violence but define "violence" against which employers must protect in a broad way that could be interpreted as including domestic violence.

Here's a summary of the reprisal rules in each part of Canada.

Go to OHS Insider for a Workplace Domestic Violence Prevention Game Plan that you can implement at your company.

FEDERAL

1. "Harassment and violence" that employers must prevent in the workplace is defined 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 (*Canada Labour Code*, Sec. 122(1)).
2. The employer and JHSC or safety rep must jointly identify the risk factors that contribute to harassment and violence in the workplace, taking into account, among other things, circumstances external to the work place, **such as family violence,** that could give rise to harassment and violence in the workplace (*Workplace Harassment & Violence Prevention Regs*, Sec. 8(b)).
3. The employer's workplace harassment & violence prevention policy must list the above family violence risk factors (*Prevention Regs*, Sec. 10(2)(c)).

ALBERTA

1. "Violence" that employers must prevent is defined as including, whether at a work site or work-related, the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, **and includes domestic or sexual violence** (*OHS Act*, Sec. 1(rr)).
2. When an employer is aware that a worker is or is likely to be exposed to domestic violence at a work site, it must take reasonable precautions to protect the worker and any other persons at the work site likely to be affected (*OHS Code*, Sec. 390.3).

BRITISH COLUMBIA

1. OHS laws require employers to prevent workplace violence but don't specifically address or mention domestic or family violence.
2. "Violence" is defined as 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 which gives a worker reasonable cause to believe that the worker is at risk of injury, which could be interpreted as including domestic or family violence (*OHS Regs*, Sec. 4.27).

MANITOBA

1. WSH laws require employers to prevent workplace violence but don't specifically address or mention domestic or family violence.
2. "Violence" is defined broadly in a way that could be interpreted as applying to domestic or family violence as including:
    1. The attempted or actual exercise of physical force against a person.
    2. Any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person (*WSH Regs*, Sec. 1.1).

NEW BRUNSWICK

1. "Violence," in a place of employment that employers must prevent, is defined broadly as the attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause to believe that physical force

will be used against the employee, **and includes sexual violence, intimate partner violence and domestic violence** (*OHS General Regs*, Sec. 2).
2. In carrying out the required violence hazard assessment, the employer must consider, among other things, sexual violence, intimate partner violence or domestic violence occurring at the place of employment (*OHS General Regs*, Sec. 374.1(3)(b)(ii)).
3. An employer with fewer than 20 employees regularly employed at one or more places of employment in the Province must establish a written code of practice for violence where work is carried on at the place of employment by designated persons, which include a social worker, outreach worker, crisis intervener, or support worker, including persons providing services to victims of intimate partner violence, domestic violence or sexual violence (*OHS General Regs*, Sec. 374.2(4)(a)(vii)).

NEWFOUNDLAND & LABRADOR

1. Where an employer becomes aware, or ought reasonably to be aware, that family violence that would likely expose a worker to physical injury may occur in the workplace, it must take every precaution reasonable in the circumstances for the protection of the worker (*OHS Regs*, Sec. 23(2)).
2. "Family violence" means one or more of the following acts or omissions committed against a worker:
    a. An assault that consists of the intentional application of force that causes the worker to fear for their safety other than an act committed in self-defence.
    b. An intentional, reckless, or threatened act or omission that causes bodily harm or damage to property.

c. An intentional, reckless, or threatened act or omission that causes a reasonable fear of bodily harm or damage to property.
d. Forcible physical confinement without lawful authority.
e. Sexual assault, sexual exploitation, or sexual molestation, or the threat of sexual assault, sexual exploitation, or sexual molestation.
f. Conduct that causes the worker to reasonably fear for their safety, including following, contacting, communicating with, observing, or recording a person.
g. Conduct that causes psychological or emotional harm or a reasonable fear of that harm, including a pattern of behaviour the purpose of which is to undermine the psychological or emotional well-being of the worker or a child.
h. Conduct that controls, exploits or limits the worker's access to financial resources for the purpose of ensuring their financial dependency.
i. The deprivation of food, clothing, medical attention, shelter, transportation, or other necessaries of life (*OHS Regs*, Sec. 23(3)).

NOVA SCOTIA

1. Workplace violence regulations require employers to prevent workplace violence but don't specifically address or mention domestic or family violence.
2. However, the regulations define "violence" broadly in a way that could be interpreted as covering domestic or family violence as including:
    a. 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.

b. 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)).

NORTHWEST TERRITORIES

1. OHS regulations require employers to prevent workplace violence but don't specifically address or mention domestic or family violence.
2. However, the regulations define "violence" broadly in a way that could be interpreted as covering domestic or family violence as the 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

1. OHS regulations require employers to prevent workplace violence but don't specifically address or mention domestic or family violence.
2. However, the regulations define "violence" broadly in a way that could be interpreted as covering domestic or family violence as the 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)).

ONTARIO

1. "Workplace violence" that employers must prevent is defined as:
    a. The exercise of physical force by a person against

a worker, in a workplace, that causes or could cause physical injury to the worker.
   b. An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
   c. A statement or behaviour that it is 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)).
2. If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, it must take every precaution reasonable in the circumstances for the protection of the worker (*OHS Act*, Sec. 32.0.4).

PRINCE EDWARD ISLAND

1. The OHS regulations require employers to prevent workplace violence but don't specifically address or mention domestic or family violence.
2. However, the definition of "violence" that employers must prevent—namely, 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—may be interpreted as covering domestic and family violence (*OHS Regs*, Sec. 52.1).

QUÉBEC

1. An employer must take the measures to ensure the protection of a worker exposed to physical or

psychological violence, **including spousal, family, or sexual violence,** in the workplace (provided that it knows or ought reasonably to know about the worker's exposure to such violence) and take any other measure that may be determined by regulation to prevent or put a stop to sexual violence (*OHS Act*, Sec. 51(16)).
2. "Sexual violence" is defined as any form of violence targeting sexuality or any other misconduct, including unwanted gestures, practices, comments, behaviours or attitudes with sexual connotations, whether they occur once or repeatedly, including violence relating to sexual and gender diversity (*OHS Act*, Sec. 1).

SASKATCHEWAN

1. OHS regulations require employers to prevent workplace violence but don't specifically address or mention domestic or family violence.
2. However, the regulations define "violence" broadly in a way that could be interpreted as covering domestic or family violence as 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. 3-26(1)).

YUKON

1. If an employer becomes aware, or ought reasonably to be aware, that a worker is or is likely to be exposed to domestic violence in the workplace, it must take reasonable precautions to protect the worker and any other persons in the workplace who are likely to be affected (*WSC Regs*, Sec. 19.05).
2. "Violence" means any of the following that occurs in a

workplace or is work-related:

a. The threatened, attempted, or actual exercise of physical force by a person that causes, or is likely to cause, an injury to a worker.
b. A threatening statement made or any conduct engaged in by a person that gives a worker reasonable cause to believe that the worker is at risk of injury (*WSC Regs*, Sec. 1.02).