

Workplace Harassment and OHS: When Violence and Psychological Safety Meet the Regulatory Agenda



For many years, harassment sat in an uncomfortable middle ground in Canadian workplaces. It was acknowledged as harmful and disruptive, but it was often treated as an HR or employee relations issue rather than a core safety concern. Physical violence was clearly an OHS issue. Harassment, bullying, and intimidation were something else, managed through policies, investigations, and discipline.

That line has now largely disappeared.

Across Canada, harassment and psychological safety are being pulled firmly into the occupational health and safety framework. Regulators, courts, and workers' compensation boards are increasingly clear that harassment is not just about conduct or culture. It is a workplace hazard. Like any other hazard, it must be identified, assessed, controlled, and monitored.

For OHS professionals, this shift is not theoretical. It affects prevention programs, training priorities, investigation practices, and how employer liability is assessed when harm occurs.

Why Harassment is now Treated as a Safety Hazard

This change has been driven by evidence rather than ideology. Statistics Canada surveys consistently show that a significant portion of Canadian workers experience harassment or violence at work each year. Roughly one in five workers report some form of harassment, with higher rates among women, younger workers, racialized workers, and those in public facing or high-pressure roles.

What matters from an OHS perspective is the link between harassment and injury. Workers exposed to harassment are more likely to experience anxiety, depression, sleep disruption, and stress related illness. They are also more likely to suffer physical injuries, often indirectly, due to distraction, fatigue, reduced concentration, and disengagement.

Workers' compensation boards have increasingly accepted psychological injury claims where harassment was persistent and where employers failed to intervene effectively. Once claims begin to succeed, regulators tend to follow with stronger prevention expectations. At that point, harassment stops being a "people issue" and becomes a foreseeable source of harm.

Violence and Harassment Sit on the Same Continuum

One of the most important developments in Canadian OHS thinking is the recognition that harassment and violence are not separate categories of risk. They exist on the same behavioural spectrum. Serious workplace violence is rarely spontaneous. In many cases, it is preceded by escalating behaviour such as intimidation, threats, bullying, or verbal abuse. Each incident may be minimized or rationalized until a

serious event forces scrutiny.

After violent incidents, regulators increasingly look backward and ask whether warning signs were present and whether they were acted on. In multiple investigations, inspectors have found that violent incidents were preceded by repeated complaints or informal reports of harassment that were treated as interpersonal conflict rather than safety concerns.

This is why harassment prevention is now commonly embedded within violence prevention requirements. Addressing harassment early is no longer viewed as optional. It is a core violence prevention strategy.

The Federal Model and its Broader Influence

Federally regulated employers have already been operating under an integrated harassment and violence prevention framework for several years. That framework treats harassment as a workplace hazard capable of causing both psychological and physical injury.

Key elements include hazard identification, risk assessment, preventive measures, training, reporting processes, and regular review. The language and structure closely mirror traditional OHS prevention models.

While these requirements apply directly only to federal workplaces, their influence extends well beyond that sphere. Provincial regulators often look to federal approaches when modernizing guidance, and adjudicators frequently reference federal standards when assessing what reasonable prevention looks like. For OHS professionals outside federal jurisdiction, the message is clear. Expectations are rising even where regulations do not explicitly spell them out.

Psychological Safety as a Practical Prevention Issue

Psychological safety is sometimes misunderstood as a wellness concept or an engagement initiative. In an OHS context, it is far more practical and far more consequential. Psychological safety is about whether workers feel safe reporting concerns, raising issues, and refusing unsafe work without fear of retaliation or negative consequences. In harassment contexts, this determines whether hazards are visible or hidden.

Many workplaces have harassment policies that look solid on paper but fail in practice because workers do not trust the reporting process. Fear of being labeled difficult, harming career prospects, or triggering retaliation keeps problems underground. From a safety standpoint, this is no different than a workplace where workers are afraid to report faulty equipment or near misses. The hazard does not disappear. It accumulates.

Regulators increasingly probe this dynamic during investigations. They look at how complaints are handled in practice, how quickly issues are addressed, and whether workers believe reporting leads to meaningful action.

What the Case Law is Telling Employers

Canadian decisions involving harassment and psychological injury follow a consistent pattern. Employers are not expected to prevent every instance of inappropriate behaviour. They are expected to respond reasonably and promptly once issues are known or ought to have been known.

In accepted workers' compensation claims, adjudicators have often focused on persistence and response rather than strict definitions. Where harassment continued over time and management failed to intervene effectively, psychological injury claims were more likely to succeed.

Human rights decisions often overlap with OHS obligations in these cases, particularly where harassment is linked to protected grounds. Even where it is not, failure to manage the risk can still trigger OHS and compensation exposure. What distinguishes manageable situations from high-risk ones is rarely a single incident. It is the pattern of behaviour and the adequacy of the employer's response.

Why Traditional Investigation Models Fall Short

Many organizations still rely on investigation approaches designed for misconduct, not hazard control. These models tend to be slow, adversarial, and focused on determining whether a complaint is substantiated. From an OHS perspective, that is often too narrow. The key questions are broader. Is there a hazard present. Is it causing harm or likely to cause harm. What controls are needed now to reduce risk.

Regulators have criticized employers who focused exclusively on complaint outcomes while leaving the underlying work environment unchanged. Moving one individual or issuing discipline without addressing workload, supervision, team dynamics, or reporting barriers often results in the problem resurfacing. Effective prevention looks less like litigation and more like hazard management.

Supervisors as the First Line of Control

Supervisors are central to harassment prevention, whether organizations acknowledge it or not. Most harassment issues do not begin with formal complaints. They start with tension, sarcasm, exclusion, inappropriate jokes, or persistent disrespect. Supervisors usually see these signs well before HR or OHS becomes involved.

This is also where many systems break down. Supervisors may lack training, confidence, or authority to intervene. Some

avoid addressing issues to prevent conflict or escalation. From an OHS standpoint, this represents a critical control gap. If supervisors are not equipped to recognize and address harassment as a hazard, prevention efforts remain reactive.

Training supervisors is not about turning them into investigators. It is about enabling early intervention, proper documentation, and timely escalation before harm occurs.

Expanding the Scope of Violence Risk Assessments

Traditional violence risk assessments focused heavily on physical threats such as working alone, cash handling, or public interaction. Those risks still matter, but they are no longer sufficient on their own.

Modern assessments increasingly consider behavioural and psychosocial indicators, including:

- High conflict or high stress work environments.
- Repeated complaints or informal reports.
- Poor supervision or unclear authority.
- Lack of trusted reporting mechanisms.

Several regulators now expect violence risk assessments to account for harassment as a contributing factor. Excluding it can undermine the entire prevention program. This shift requires closer collaboration between OHS, HR, and operations. Harassment risk does not sit neatly in one department.

What Inspectors Focus on During Enforcement

When regulators investigate harassment or violence related incidents, the same themes appear repeatedly.

They look for evidence that harassment was recognized as a hazard within the prevention program. They examine training to see whether workers and supervisors understood their roles. They review how complaints were documented and how quickly the employer responded. They ask whether interim measures were taken to reduce risk while issues were being addressed. They look for follow up to confirm that behaviour actually changed.

Perfect processes are not the expectation. Reasonable, timely action is.

Practical Prevention that Reduces Real Risk

Organizations making progress in this area tend to share a few common practices:

- Harassment is integrated into OHS hazard assessments rather than treated as a separate compliance exercise.
- Early intervention is encouraged, even before formal complaints.
- Supervisors are trained to act, not just to refer issues upward.
- Patterns and trends are tracked, not just individual incidents.
- Outcomes are communicated in ways that build trust without breaching confidentiality.

These approaches do not eliminate conflict or inappropriate behaviour entirely, but they significantly reduce severity, duration, and harm.

Due Diligence and Overlapping Exposure

Harassment prevention is increasingly central to due diligence analysis. When harm occurs, investigators and adjudicators examine whether the employer took reasonable steps

to identify and manage the risk. Written policies help, but only as part of a functioning system.

Employers who can demonstrate that they recognized harassment as a hazard, trained workers and supervisors, responded to concerns, and adjusted controls are in a much stronger position than those who relied on policy language alone. In serious cases, failure to act can trigger overlapping exposure under OHS legislation, workers' compensation, and human rights law.

Where This is Heading for OHS Professionals

There is no indication that scrutiny around harassment and psychological safety will ease. Regulators are increasingly comfortable treating psychological harm as a legitimate safety outcome. Workers are more willing to report. Adjudicators are more willing to accept claims.

For OHS professionals, this represents a permanent expansion of the field. Managing harassment as a safety hazard requires new skills, closer collaboration with HR, and a willingness to address uncomfortable issues early. It also reinforces a core truth of safety practice. Safety is not only about physical conditions. It is about how people are treated, how concerns are handled, and whether workers feel safe to speak up.

Harassment and violence sit at the intersection of behaviour and harm. That intersection now squarely belongs in OHS.