Workplace Harassment Laws Around The Provinces



What the OHS laws require you to do to prevent and respond to workplace harassment.

The OHS laws of most jurisdictions require employers to take specific measures to protect workers against risks of workplace harassment, including:

- Preparing a written policy to prevent harassment in the workplace; and
- Establishing procedures for responding to and investigating complaints and incidents.

However, specific requirements vary by jurisdiction as does the definition of workplace harassment. Here's a summary of the key rules in each part of the country.

- FEDERAL
- ALBERTA
- BRITISH COLUMBIA
- MANITOBA
- NEW BRUNSWICK
- NEWFOUNDLAND
- NORTHWEST TERRITORIES & NUNAVUT
- NOVA SCOTIA
- ONTARIO
- PRINCE EDWARD ISLAND
- QUÉBEC
- SASKATCHEWAN

- YUKON

FEDERAL

How Is Workplace Harassment Defined’

The *Canada Labour Code* defines “harassment and violence” 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 (CLC, Sec. 122(1)).

What Kind of Hazard Assessment Is Required’

Employers and an “applicable partner,” like the workplace JHSC or health and safety representative, must do a joint workplace harassment and violence assessment consisting of 2 parts:

- Consideration of 5 factors in regard to the particular workplace: (a) its culture, conditions, activities and organizational structure; (b) external circumstances external, such as family violence, that could give rise to harassment and violence in the workplace; (c) any reports, records and data related to harassment and violence in the workplace; (d) its physical design; and (e) the measures in place to protect its psychological health and safety (Workplace Violence and Harassment Prevention Regulations (Regs), Sec. 8); the assessment must be jointly reviewed every 3 years and if the principal party ends an occurrence before it’s resolved or the responding party, i.e., accused isn’t the employer or an employee; and
- Within 6 months after the above risk factors are identified, the employer and applicable partner must jointly: (a) develop preventive measures that, to the

extent feasible, mitigate and neither create nor increase the risk of harassment and violence in the workplace; (b) develop a plan to implement the preventive measures; and (c) implement the preventive measures in accordance with the implementation plan (Regs., Sec. 9).

What Kind of Prevention Policy Is Required’

The employer and applicable partner must jointly develop, implement, make available and review a workplace harassment and violence prevention policy that includes 11 elements: (a) the employer’s mission statement on preventing of and protecting against harassment and violence; (b) the roles of the employer, designated recipient, employees, policy committee, JHSC and safety representative; (c) a description of the risk factors, internal and external, that contribute to workplace harassment and violence; (d) a summary of the training to be provided; (e) a summary of the resolution process, including (i) the name or identity of the designated recipient, and (ii) how a principal party or witness may provide notice of an occurrence; (f) the triggers for a review and update of the workplace assessment; (g) a summary of the emergency procedures; (h) a description of how the employer will protect the privacy of persons involved in an occurrence or the resolution process; (i) a description of any additional recourse that may be available to persons involved in an occurrence, for example, the right to file a human rights complaint involving the harassment or violence; (j) a description of the support measures available to employees; and (k) the name of the supervisor designated to receive a complaint of a health and safety violation (Regs., Sec. 10).

What Kind of Workplace Harassment Procedures Are Required’

The employer and applicable partner must jointly develop, implement, make available and review and emergency procedures

to be taken if there's an actual or threat of an occurrence posing an immediate danger to the health and safety of an employee (Regs. Sec. 11).

What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment'

Employees who experience (principal parties, or PPs) in or who witness workplace harassment or violence must provide what's called a notice of occurrence (NO) to the employer, namely the supervisor designated to receive reports of health and safety violations under Section 127.1(1) of the CLC. But the employer must also appoint an alternative person or department, called a designated recipient (DR) to whom the PP or witness can file the NO if they don't feel comfortable filing it with the employer. The DR or employer must do an initial review of the NO and determine if the PP is listed or can be identified. If not, the occurrence is deemed resolved. But if so, the employer or DR has 7 days to notify the PP, accused, aka "responding party" (RP) and witnesses of the NO. Unless the PP and RPP resolve the occurrence, the sides must agree to an investigator who must investigate the NO and make a report. The employer and JHSC or safety representative must review the investigators' recommendations and decide which ones to implement. The entire process must be completed within 1 year from the date the NO is filed unless the PP or RP is absent for more than 90 days (Regs., Secs. 14 to 33).

What Support Must Employers Provide to Victims'

Employers must make available to employees information about the medical, psychological or other support services available within their geographical area (Regs., Sec. 13).

What Workplace Harassment Training and Information Must Be Provided'

The employer and applicable partner must jointly develop or identify the workplace harassment and violence to be provided

to employees, the employer and the DR. Training must be specific to the culture, conditions and activities of the workplace and include:(a) the elements of the prevention policy. The employer and applicable partner must jointly review and, if necessary, update training at least once every 3 years and any time a training element changes. Training must also be provided once every 3 years and after training is updated (Regs., Sec. 12).

What Records Must Be Kept’

The employer must keep: (a) the prevention policy; and (b) a copy of the documents that form part of the workplace assessment. The employer must also keep the following records for 10 years: (c) a copy of the documents that form part of each review and update of the workplace assessment; (d) records for each instance where the employer and applicable partner can’t agree on a matter that the Regs. require be done jointly, a record of the employer’s decision in that matter and the reasons for that decision; (e) a record of each NO provided and of each action taken in response to the NO; (f) for each instance where a time limit set out to resolve an occurrence isn’t met, a document listing the reason for the delay; (g) a copy of each report prepared by an investigator; (h) a copy of each annual report; and (i) a copy of each fatality report (Regs., Sec. 35).

What Reports Must Employers Submit’

The employer must provide the MOL: (1) an annual report listing information about the occurrences of workplace harassment and violence during the year on or before March 1 of each year (Regs., Sec. 36); and (2) a fatality report any time an occurrence results in an employee’s death within 24 hours of learning of the occurrence (Regs., Sec. 37).

ALBERTA

How Is Workplace Harassment Defined’

The Alberta *Occupational Health and Safety Act* (Act) defines “harassment” as “any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker’s health and safety, including: (i) conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation; and (ii) a sexual solicitation or advance.” But the definition excludes “any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site” (OHS Act, Sec. 1(q)).

What Kind of Hazard Assessment Is Required’

Workplace harassment is a hazard that employers must consider when doing a general workplace hazard assessment.

What Kind of Prevention Policy Is Required’

The employer must, in consultation with the workplace JHSC or safety representative, create, implement and review a violence prevention policy that includes a statement that: (a) the employer is committed to eliminating or, if that’s not reasonably practicable, controlling the hazard of harassment; (b) the employer will investigate any incidents of harassment and take corrective action to address them; (c) the employer won’t disclose the circumstances related to an incident of harassment or the names of the complainant, the person alleged to have committed the harassment, and any witnesses, except: (i) where necessary to investigate the incident or take

corrective action, or to inform the parties involved in the incident of the results of the investigation and any corrective action to be taken; or (ii) as required by law; and (d) the harassment prevention policy isn't intended to discourage a worker from exercising the worker's rights pursuant to any other law, including the Alberta Human Rights Act (OHS Code, Sec. 390.5).

What Kind of Workplace Harassment Procedures Are Required'

The employer must, in consultation with the JHSC or safety representative, create and implement harassment prevention procedures that include: (a) the procedure workers can use to report harassment; (b) the employer's procedure for documenting, investigating and preventing harassment; (c) the employer's procedure for informing the parties involved in an incident of harassment of: (i) the results of an investigation of the incident; and (ii) any corrective action to be taken to address the incident (OHS Code, Sec. 390.6).

What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment'

If an injury or incident of workplace violence or harassment occurs at a work site resulting in an injury or which has the potential for causing such an injury, the employer must: (i) investigate the circumstances surrounding the injury or incident; (ii) prepare a report outlining the circumstances of the injury or incident and the corrective action, if any, undertaken to prevent a recurrence of the injury or incident; (iii)

ensure that a copy of the report is readily available and provided to an officer on demand; and (iv) retain a copy of the report for at least 2 years (Act, Sec. 40).

What Support Must Employers Provide to Victims’

An employer must ensure that a worker reporting an injury or adverse symptom resulting from an incident of violence or harassment is advised to consult a health professional of the worker’s choice for treatment or referral (OHS Code, Sec. 391.1). When a worker is treated or referred by a physician and the treatment sessions occur during regular work hours, the employer at the work site where the incident occurred may not deduct the time from the worker’s pay or benefits (OHS Code, Sec. 392).

What Workplace Harassment Training and Information Must Be Provided’

An employer must ensure that workers are trained in: (a) the recognition of violence and harassment; (b) the policies, procedures and workplace arrangements in place to eliminate or control the hazards of violence and harassment; (c) the appropriate response to violence and harassment, including procedures for obtaining assistance; and (d) the procedures for reporting, investigating and documenting incidents of violence and harassment (OHS Code, Sec. 391).

What Records Must Be Kept’

The OHS Code doesn’t list specifics.

What Reports Must Employers Submit’

Workplace violence injuries and fatalities are subject to general injury and fatality reporting requirements.

BRITISH COLUMBIA

How Is Workplace Harassment Defined’

The BC *Occupational Health and Safety Regulation* addresses workplace violence but not workplace harassment.

What Kind of Hazard Assessment Is Required’

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What Kind of Prevention Policy Is Required’

The BC *Occupational Health and Safety Regulation* addresses workplace violence but not workplace harassment.

What Kind of Workplace Harassment Procedures Are Required’

The BC *Occupational Health and Safety Regulation* addresses workplace violence but not workplace harassment.

What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment’

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What Support Must Employers Provide to Victims’

The BC *Occupational Health and Safety Regulation* addresses workplace violence but not workplace harassment.

What Workplace Harassment Training and Information Must Be Provided’

The BC *Occupational Health and Safety Regulation* addresses workplace violence but not workplace harassment.

What Records Must Be Kept’

The BC *Occupational Health and Safety Regulation* addresses workplace violence but not workplace harassment.

What Reports Must Employers Submit’

The BC *Occupational Health and Safety Regulation* addresses workplace violence but not workplace harassment.

MANITOBA

How Is Workplace Harassment Defined’

The Manitoba *Workplace Safety and Health Regulation* (Reg.) defines “harassment” as: “(a) objectionable conduct that creates a risk to the health of a worker; or (b) severe conduct that adversely affects a worker’s psychological or physical well-being.” The Reg. also clarifies that conduct includes a written or verbal comment, a physical act or gesture or a display, or any combination of them and is considered “(a) objectionable, if it’s based on race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry or place of origin; or (b) severe, if it could reasonably cause a worker to be humiliated or intimidated and is repeated, or in the case of a single occurrence, has a lasting, harmful effect on a worker.” The definition specifically excludes “reasonable conduct of an employer or supervisor in respect of the management and direction of workers or the workplace” (Reg., Sec. 1.1).

What Kind of Hazard Assessment Is Required’

Employers aren’t required to do a hazard assessment for harassment, only for workplace violence.

What Kind of Prevention Policy Is Required’

The employer must, in consultation with the JHSC, safety representative or, if there is no JHSC or representative, the workers at the workplace, develop, implement and ensure workers comply with a harassment prevention policy that includes the following statements: (a) every worker is entitled to work free of harassment; (b) the employer must ensure, so far as is reasonably practicable, that no worker is

subject to harassment in the workplace; (c) the employer will take corrective action respecting any person under the employer's direction who subjects a worker to harassment; (d) the employer won't disclose the name of a complainant or an alleged harasser or circumstances related to the complaint to any person except where disclosure is: (i) necessary to investigate the complaint or take corrective action with respect to the complaint; or (ii) required by law; (e) a worker has the right to file a complaint with the Manitoba Human Rights Commission; (f) the employer's harassment prevention policy isn't intended to discourage or prevent the complainant from exercising any other legal rights under any other law (Reg., Sec. 10.2(1)). The employer must conspicuously post the harassment prevention policy in the workplace.

What Kind of Workplace Harassment Procedures Are Required'

The harassment prevention policy must provide information on the following procedures under the policy: (a) how to make a harassment complaint; (b) how a harassment complaint will be investigated; and (c) how the complainant and alleged harasser will be informed of the results of the investigation (Reg., Sec. 10.2(2)).

What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment'

The Reg. requires employers to have procedures for internal reporting and investigating incidents of harassment but doesn't list specifics.

What Support Must Employers Provide to Victims'

The violence prevention policy must recommend that a worker harmed by violence at the workplace be advised to consult his/her health care provider for treatment or referral for post-incident counselling, if appropriate (Reg., Sec.

11.5(g)), but the same requirement doesn’t apply to harassment.

What Workplace Harassment Training and Information Must Be Provided’

The harassment prevention policy must provide information on the following procedures under the policy: (a) how to make a harassment complaint; (b) how a harassment complaint will be investigated; and (c) how the complainant and alleged harasser will be informed of the results of the investigation (Reg., Sec. 10.2(2)). The Reg. doesn’t specifically address harassment training or what it must include.

What Records Must Be Kept’

The Reg. doesn’t specifically address what harassment records employers must keep.

What Reports Must Employers Submit’

The requirement to provide the JHSC, safety representative or workers an annual workplace violence report doesn’t apply to workplace harassment.

NEW BRUNSWICK

How Is Workplace Harassment Defined’

The New Brunswick OHS *General Regulation* (Reg.) defines “harassment, in a place of employment,” as “any objectionable or offensive behaviour that’s known or ought reasonably to be known to be unwelcome, including bullying or any other conduct, comment or display made on either a one-time or repeated basis that threatens the health or safety of an employee, and includes sexual harassment, but doesn’t include reasonable conduct of an employer in respect of the management and direction of employees at the place of employment” (Reg., Sec. 2).

What Kind of Hazard Assessment Is Required’

Employers aren’t required to do a hazard assessment for harassment, only for workplace violence.

What Kind of Prevention Policy Is Required’

The employer must, in consultation with the JHSC, safety representative or if there’s no JHSC or safety representative, the workers, develop, implement, make available and annually review a code of practice for harassment that includes: (a) a statement that every employee is entitled to work free of harassment; (b) the identity of the person responsible for implementing the code of practice; (c) a statement that an employee must report an incident of harassment to the employer as soon as the circumstances permit; (d) the employer’s procedure to investigate and document an incident of harassment ; (e) how affected employees will be informed of investigation results; (f) the employer’s procedure to implement any corrective measures identified as a result of the investigation; (g) the follow-up measures to be used with affected employees; and (h) the identification of training needs (Reg., Sec. 374.4).

What Kind of Workplace Harassment Procedures Are Required’

The code of practice must list the employer’s procedures: (a) to investigate and document an incident of harassment; (b) to inform employees of investigation results; (c) to implement any corrective measures identified as a result of the investigation; and (d) identify training needs (Reg., Sec. 374.4).

What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment’

The code of practice must state that employees are required to report an incident of harassment to the employer as soon as

circumstances permit and list the procedures for investigating and documenting investigations and notifying employees of the results (Reg., Sec. 374.4). Employers may not disclose to any person the identity of a person involved in or the circumstances of an incident of harassment, except when: (a) necessary to investigate the incident; (b) required to take corrective measures in response to the incident; or (c) required by law (Reg., Sec. 374.6).

What Support Must Employers Provide to Victims'

The Reg. requires employers to notify employees of the results of investigations but doesn't specifically require them to furnish any kind of victim support or assistance.

What Workplace Harassment Training and Information Must Be Provided'

The Reg. requires the employer to implement a training program described in the code of practice for affected employees and their supervisors but doesn't specify what it should contain (Reg., Sec. 374.7).

What Records Must Be Kept'

The Reg. requires employers to keep records of harassment but doesn't list specifics.

What Reports Must Employers Submit'

Workplace harassment injuries and fatalities are subject to general injury and fatality reporting requirements.

NEWFOUNDLAND

How Is Workplace Harassment Defined'

The Newfoundland *Occupational Health and Safety Regulations* (Regs.) define "workplace harassment" as "inappropriate vexatious conduct or comment by a person to a worker that the

person knew or ought to have known would cause the worker to be humiliated, offended or intimidated” (Regs., Sec. 22(2)).

What Kind of Hazard Assessment Is Required’

Employers aren’t required to do a hazard assessment for harassment, only for workplace violence.

What Kind of Prevention Policy Is Required’

The employer must, in consultation with the workplace JHSC or safety representative or safety designate, develop, implement, make accessible to workers and annually review a harassment prevention plan that: (a) includes a statement that every worker is entitled to employment free from workplace harassment; (b) includes a statement that the employer is committed to eliminating, where possible, or otherwise, minimizing the hazard of workplace harassment; (c) includes a statement of the worker’s duty to take reasonable care to: (i) not engage in bullying or workplace harassment; (ii) report observations or experiences of bullying and workplace harassment, and (iii) comply with the harassment prevention plan; (d) includes a statement of a supervisor’s duty to ensure the health and safety of workers, and apply and comply with the harassment prevention plan; (e) sets out the procedures for workers to report instances of harassment to an employer or supervisor or where the employer or supervisor is the alleged harasser, an external third party; (f) sets out the procedures to be followed after a complaint of workplace harassment is received and how a complaint is investigated; (g) includes a statement that any information obtained relating to workplace harassment, including personal information, won’t be disclosed unless it’s necessary for the purpose of an investigation, corrective action relating to the complaint or where required by law; (h) sets out the procedures regarding notification of results of investigations and any actions to be taken as a result of an investigation; (i) includes a statement that the harassment prevention plan

isn’t intended to discourage a worker from exercising his or her rights under the Human Rights Act, 2010 , the Criminal Code (Canada) or any other law; and (j) includes a statement that the employer will protect workers from retaliation and provide support to workers when workplace harassment occurs (Regs., Sec. 24.1).

What Kind of Workplace Harassment Procedures Are Required’

The harassment prevention plan must include procedures for: (a) workers to report instances of harassment to an employer or supervisor or where the employer or supervisor is the alleged harasser, an external third party; (b) responding to and investigating a complaint of workplace harassment; and (c) notification of results of investigations and any actions to be taken as a result of an investigation (Regs., Sec. 24.1).

What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment’

The employer must investigate complaints of workplace harassment. A government safety officer can also order that an impartial third party investigate a complaint of workplace harassment at the employer’s expense (Regs., Sec. 24.1).

What Support Must Employers Provide to Victims’

The Regs. don’t specify what employers must do to support and assist victims of workplace harassment.

What Workplace Harassment Training and Information Must Be Provided’

The employer must provide employees and also receive training on harassment prevention and the harassment prevention plan (Regs., Sec. 24.2).

What Records Must Be Kept’

The Regs. don’t specify the harassment recordkeeping obligations of employers.

What Reports Must Employers Submit’

Workplace harassment injuries and fatalities are subject to general injury and fatality reporting requirements.

NOVA SCOTIA

How Is Workplace Harassment Defined’

Nova Scotia OHS laws require employers to take specific measures to protect workers against violence but not harassment—although that duty may be implied under the *OHS Act* general duty clause, which requires employers to take “every precaution reasonable in the circumstances to ensure the health and safety of persons at or near the workplace” (Act, Sec. 13(1)(a)).

What Kind of Hazard Assessment Is Required’

Nova Scotia OHS laws require employers to take specific measures to protect workers against violence but not harassment—although that duty may be implied under the *OHS Act* general duty clause, which requires employers to take “every precaution reasonable in the circumstances to ensure the health and safety of persons at or near the workplace” (Act, Sec. 13(1)(a)).

What Kind of Prevention Policy Is Required’

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Sec. 13(1)(a)).

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What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment’

Nova Scotia OHS laws require employers to take specific measures to protect workers against violence but not harassment—although that duty may be implied under the *OHS Act* general duty clause, which requires employers to take “every precaution reasonable in the circumstances to ensure the health and safety of persons at or near the workplace” (Act, Sec. 13(1)(a)).

What Support Must Employers Provide to Victims’

Nova Scotia OHS laws require employers to take specific measures to protect workers against violence but not harassment—although that duty may be implied under the *OHS Act* general duty clause, which requires employers to take “every precaution reasonable in the circumstances to ensure the health and safety of persons at or near the workplace” (Act, Sec. 13(1)(a)).

What Workplace Harassment Training and Information Must Be Provided’

Nova Scotia OHS laws require employers to take specific measures to protect workers against violence but not

harassment—although that duty may be implied under the *OHS Act* general duty clause, which requires employers to take "every precaution reasonable in the circumstances to ensure the health and safety of persons at or near the workplace" (Act, Sec. 13(1)(a)).

What Records Must Be Kept'

Nova Scotia OHS laws require employers to take specific measures to protect workers against violence but not harassment—although that duty may be implied under the *OHS Act* general duty clause, which requires employers to take "every precaution reasonable in the circumstances to ensure the health and safety of persons at or near the workplace" (Act, Sec. 13(1)(a)).

What Reports Must Employers Submit'

Nova Scotia OHS laws require employers to take specific measures to protect workers against violence but not harassment—although that duty may be implied under the *OHS Act* general duty clause, which requires employers to take "every precaution reasonable in the circumstances to ensure the health and safety of persons at or near the workplace" (Act, Sec. 13(1)(a)).

ONTARIO

How Is Workplace Harassment Defined'

The Ontario *Occupational Health and Safety Act* (Act) defines "workplace harassment" as: "(a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; or (b) workplace sexual harassment"; the definition also expressly excludes "a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace" (Act, Sec. 1(1)).

What Kind of Hazard Assessment Is Required’

Employers aren’t required to do a hazard assessment for workplace harassment, only for workplace violence.

What Kind of Prevention Policy Is Required’

The employer must, in consultation with the workplace JHSC or safety representative, prepare and conspicuously post a workplace harassment policy (Act, Sec. 32.0.1)

What Kind of Workplace Harassment Procedures Are Required’

The employer must, in consultation with the workplace JHSC or safety representative, develop and implement a program for implementing the workplace harassment policy that: (a) includes measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor; (b) includes measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser; (c) sets out how incidents or complaints of workplace harassment will be investigated and dealt with; (d) sets out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for investigating or taking corrective action on the incident or complaint, or is otherwise required by law; and (e) sets out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed of the investigation results and any corrective action that has or will be taken as a result of the investigation (Act, Sec. 32.0.6).

What Are the Requirements for Responding to and

Investigating Incidents of Workplace Harassment’

The employer must ensure that: (a) an appropriate investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances; and (b) the worker who has allegedly experienced workplace harassment and alleged harasser, if he or she is a worker of the employer, are informed in writing of the results of the investigation and of any corrective action that has been or will be taken as a result of the investigation (Act, Sec. 32.0.7).

What Support Must Employers Provide to Victims’

The Act doesn’t specifically say what employers must do to support and assist victims of workplace harassment.

What Workplace Harassment Training and Information Must Be Provided’

The employer must provide a worker with appropriate information and instruction on the contents of the harassment policy and program (Act, Sec. 32.0.8).

What Records Must Be Kept’

The Act doesn’t specify what harassment records employers must keep.

What Reports Must Employers Submit’

Workplace harassment injuries and fatalities are subject to general injury and fatality reporting requirements. The Act specifies that the results and report of a harassment investigation are **not** considered reports “regarding occupational health and safety” that employers must provide to the JHSC or safety representative under Section 25(2) of the Act (Act, Sec. 32.0.7(2)).

PRINCE EDWARD ISLAND

How Is Workplace Harassment Defined’

The Prince Edward Island *Occupational Health and Safety Workplace Harassment Regulations* (Regs.) define “harassment” as “any inappropriate conduct, comment, display, action or gesture or any bullying that the person responsible for the conduct, comment, display, action or gesture or the bullying knows, or ought reasonably to know, could have a harmful effect on a worker’s psychological or physical health or safety, and includes: (i) conduct that is based on any personal characteristic such as, but not limited to, race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin, gender identity or pregnancy, and (ii) inappropriate sexual conduct that is known, or ought reasonably to be known, to the person responsible for the conduct to be unwelcome, including, but not limited to, sexual solicitations or advances, sexually suggestive remarks, jokes or gestures, circulating or sharing inappropriate images, or unwanted physical contact.” The Regs. also clarify that harassment includes both: “(a) repeated inappropriate conduct, comments, displays, actions or gestures or incidents of bullying that have a harmful effect on the worker’s psychological or physical health or safety; and (b) a single occurrence of inappropriate conduct, comment, display, action or gesture or bullying that has a harmful effect on the worker’s psychological or physical health or safety.” But the Regs. say that “a reasonable action taken by an employer or supervisor relating to the management and direction of the workers or of the workplace is not workplace harassment” (Regs., Secs. 1 and 2).

What Kind of Hazard Assessment Is Required’

The Regs. **don’t** say that an employer must perform a hazard assessment for workplace harassment.

What Kind of Prevention Policy Is Required’

The employer must, in consultation with the workplace JHSC or safety representative, develop, implement, make readily available to workers and review a written policy to prevent and investigate workplace harassment that includes: (a) a definition of harassment that’s consistent with the definition contained in the Regs.; (b) a statement that every worker is entitled to work free of harassment; (c) the employer’s commitment to ensure, as far as reasonably practicable, that no worker is subjected to harassment in the workplace; (d) the employer’s commitment to take corrective action respecting any person under the employer’s direction who subjects a worker to harassment; (e) information or procedures about: (i) how to make a harassment complaint to the employer or supervisor; (ii) how to make a harassment complaint to a person other than the employer or supervisor, if the employer or supervisor is a subject of the complaint; (iii) how a harassment complaint will be investigated; and (iv) how the complainant and subject of the complaint will be informed of the investigation results of the investigation and any corrective action taken as a result; (f) a statement that the employer must not disclose any identifying information about any person involved or the circumstances of the complaint to any person unless disclosure is: (i) necessary for investigating the complaint or taking corrective action; or (ii) permitted by law; (g) a statement that the employer’s harassment policy isn’t intended to discourage, prevent, or preclude a complainant from exercising other legal rights under any other law; (h) a statement that the employer’s harassment policy doesn’t preclude a worker from filing a complaint under the PEI Human Rights Act; (i) a statement that the employer won’t reprimand, seek reprisal or discriminate against a worker who makes a workplace harassment complaint in good faith (Regs., Sec. 4).

What Kind of Workplace Harassment Procedures Are

Required’

The employer written policy to prevent and investigate workplace harassment must include information or procedures about: (i) how to make a harassment complaint to the employer or supervisor; (ii) how to make a harassment complaint to a person other than the employer or supervisor, if the employer or supervisor is a subject of the complaint; (iii) how a harassment complaint will be investigated; and (iv) how the complainant and subject of the complaint will be informed of the investigation results of the investigation and any corrective action taken as a result (Regs., Sec. 4).

What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment’

An employer must ensure that an investigation appropriate to the circumstances is conducted into a complaint of harassment in the workplace (Regs., Sec. 6). The employer or a government safety officer **may** refer the investigation to an impartial person within or outside the workplace who: (a) isn’t directly involved in the incident or complaint; (b) isn’t directly under the control of the person who is the subject of the complaint or otherwise in a conflict of interest; and (c) has knowledge of the workplace harassment provisions of the PEI OHS Act, the Regs. and other applicable laws (Regs., Sec. 4(2)). At the close of the investigation, the impartial person: (a) must make a determination about whether workplace harassment occurred; and (b) may make recommendations for corrective actions for the employer to consider (Regs., Sec. 8).

What Support Must Employers Provide to Victims’

The Regs. don’t specify what kind of assistance and support employers must provide to victims of workplace harassment.

What Workplace Harassment Training and Information Must Be Provided’

The Regs. don’t include specific workplace harassment training requirements.

What Records Must Be Kept’

The Regs. don’t go into specifics on workplace harassment records the employer must keep.

What Reports Must Employers Submit’

Workplace harassment injuries and fatalities are subject to general injury and fatality reporting requirements.

QUÉBEC

How Is Workplace Harassment Defined’

Québec OHS laws don’t address workplace harassment and violence. Instead, the *Labour Standards Act* (Act) requires employers to protect employees against “psychological harassment,” defined as “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.” The Act specifies that psychological harassment “includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature” and that one act may be enough to constitute psychological harassment (Act, Sec. 81.18).

What Kind of Hazard Assessment Is Required’

The Act requires employers to take reasonable action to prevent and put a stop to psychological harassment but doesn’t specifically require a hazard assessment (Act, Sec. 81.19).

What Kind of Prevention Policy Is Required’

Employers must adopt and make available to their employees a psychological harassment prevention and complaint processing policy that includes a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature (Act, Sec. 81.19).

What Kind of Workplace Harassment Procedures Are Required’

Employers must adopt and make available to their employees a psychological harassment prevention and complaint processing policy that includes a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature (Act, Sec. 81.19).

What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment’

The Act requires employers to have a psychological harassment complaint processing policy but doesn’t go into any specifics.

What Support Must Employers Provide to Victims’

The Act doesn’t say what employers must do to assist and support victims of psychological harassment.

What Workplace Harassment Training and Information Must Be Provided’

Employers must adopt and make available to their employees a psychological harassment prevention and complaint processing policy that includes a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature (Act, Sec. 81.19).

What Records Must Be Kept’

The Act doesn’t go into specifics on what psychological harassment records the employer must keep.

What Reports Must Employers Submit’

Psychological harassment injuries and fatalities are subject to general injury and fatality reporting requirements.

SASKATCHEWAN

How Is Workplace Harassment Defined’

The *Saskatchewan Employment Act* (Act) defines “harassment” as “any inappropriate conduct, comment, display, action or gesture by a person: (i) that either: (A) is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or (B) adversely affects the worker’s psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and (ii) that constitutes a threat to the health or safety of the worker” (Act, Sec. 3-1(1)). To constitute harassment, either of the following must be shown to have happened: (a) repeated conduct, comments, displays, actions or gestures; or (b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker. Harassment does not include any reasonable action by an employer, manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer’s workers or the place of employment (Act, Sec. 3-1(4)).

What Kind of Hazard Assessment Is Required’

Employers don’t have to perform a workplace harassment hazard assessment, only a workplace violence hazard assessment.

What Kind of Prevention Policy Is Required’

Under the Saskatchewan *Occupational Health and Safety Regulations* (Regs.), employers must, in consultation with the

workplace JHSC, implement and conspicuously post a written policy to prevent harassment that includes: (a) a definition of harassment that includes the definition in the Act; (b) a statement that every worker is entitled to employment free of harassment; (c) the employer's commitment to make every reasonably practicable effort to ensure that no worker is subjected to harassment; (d) the employer's commitment to take corrective action respecting any person under the employer's direction who subjects any worker to harassment; (e) an explanation of how to bring harassment complaints to the employer's attention; (f) a statement that the employer will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to any person except where disclosure is: (i) necessary for investigating the complaint or taking corrective action on the complaint; or (ii) required by law; (g) a reference to the provisions of the Act respecting harassment and the worker's right to request the assistance of an occupational health officer to resolve a complaint of harassment; (h) a reference to the provisions of The Saskatchewan Human Rights Code respecting discriminatory practices and the worker's right to file a complaint with the Saskatchewan Human Rights Commission; (i) a description of the employer's procedure to inform the complainant and alleged harasser of the results of the investigation; and (j) a statement that the employer's harassment policy isn't intended to discourage or prevent the complainant from exercising any other legal rights (Regs., Sec. 36(1)).

What Kind of Workplace Harassment Procedures Are Required'

The written prevention policy statement must include procedures for: (i) workers to bring harassment complaints to the employer's attention; and (ii) the employer to inform the complainant and alleged harasser of the results of the investigation (Regs., Sec. 36(1)).

What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment’

The Regs. require employers to have procedures for workers to bring harassment complaints but don’t expressly say what employers must do to investigate those complaints or incidents of harassment.

What Support Must Employers Provide to Victims’

The Regs. don’t specify what kind of assistance and support employers must provide to harassment victims.

What Workplace Harassment Training and Information Must Be Provided’

The Regs. don’t include specific workplace harassment training requirements.

What Records Must Be Kept’

The Regs. don’t go into specifics on workplace harassment records the employer must keep.

What Reports Must Employers Submit’

Workplace harassment injuries and fatalities are subject to general injury and fatality reporting requirements.

NORTHWEST TERRITORIES & NUNAVUT

How Is Workplace Harassment Defined’

The Northwest Territories and Nunavut *Occupational Health and Safety Regulations* (Regs.) define “harassment” as “a course of vexatious comment or conduct at a work site that: (a) is known or ought reasonably to be known to be unwelcome; and (b) constitutes a threat at the work site to the health or safety of a worker.” To constitute harassment, either of the following must be shown to have happened: (a) repeated

conduct, comments, displays, actions or gestures; or (b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker. Harassment does not include any reasonable action by an employer, manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer's workers or the place of employment (Regs., Sec. 34).

What Kind of Hazard Assessment Is Required'

Employers don't have to perform a workplace harassment hazard assessment, only a workplace violence hazard assessment.

What Kind of Prevention Policy Is Required'

Employers must, in consultation with the workplace JHSC or safety representative, or if there is no JHSC or safety representative, the workers, implement and conspicuously post a written policy to prevent harassment that includes: (a) a definition of harassment that includes the definition in the Regs.; (b) a statement that every worker is entitled to work free of harassment; (c) the employer's commitment to make every reasonably practicable effort to ensure that no worker is subjected to harassment; (d) the employer's commitment to take corrective action respecting any individual who subjects any worker to harassment; (e) an explanation of how to bring harassment complaints to the employer's attention; (f) a statement that the employer will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to any person except where disclosure is: (i) necessary for investigating the complaint or taking corrective action on the complaint; or (ii) required by law; (g) a description of the employer's procedure to inform the complainant and alleged harasser of the results of the investigation; and (j) a statement that the employer's harassment policy isn't intended to discourage or prevent the complainant from exercising any other legal rights (Regs.,

Sec. 34(4)).

What Kind of Workplace Harassment Procedures Are Required’

The written prevention policy statement must include procedures for: (i) workers to bring harassment complaints to the employer’s attention; and (ii) the employer to inform the complainant and alleged harasser of the results of the investigation (Regs., Sec. 34(4)).

What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment’

The Regs. require employers to have procedures for workers to bring harassment complaints but don’t expressly say what employers must do to investigate those complaints or incidents of harassment.

What Support Must Employers Provide to Victims’

The Regs. don’t specify what kind of assistance and support employers must provide to harassment victims.

What Workplace Harassment Training and Information Must Be Provided’

The Regs. don’t include specific workplace harassment training requirements.

What Records Must Be Kept’

The Regs. don’t go into specifics on workplace harassment records the employer must keep.

What Reports Must Employers Submit’

Workplace harassment injuries and fatalities are subject to general injury and fatality reporting requirements.

YUKON

How Is Workplace Violence Defined’

The amended Yukon *Occupational Health and Safety Regulations* (Regs.) define “harassment” of a worker by a person is defined as: (a) “bullying, objectionable conduct comment, by the person or any other or inappropriate that occurs in a workplace or is work-related, that the person knows, or reasonably to know, is likely unwelcome, and that adversely affects the worker’s physical or psychological well-being or constitutes a threat to the worker’s health and safety; (b) includes bullying or comments to, or a course against the worker (i) that occurs in a workplace or is work-related, (ii) that the person knows, or ought reasonably to know, is likely to be unwelcome, and that relates to, or is motivated by, the worker’s sex, sexual orientation, gender identity or gender expression; and (c) does not include reasonable conduct of a person who is an employer or supervisor in respect of the management of workers or a workplace” (Regs., Sec. 1.02).

The Regs. define “violence” as “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; or (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” (Regs., Sec. 1.02).

What Kind of Hazard Assessment Is Required’

The employer must, in consultation with the workplace JHSC or safety representative, or if there is no JHSC or safety representative, the workers, conduct a workplace violence and harassment hazard assessment to identify existing and potential hazards in the workplace and to determine the extent of the risk of injury arising from those hazards. The assessment must*:* (a) consider any previous experience in the

workplace in relation to violence and harassment; (b) consider any experience in similar workplaces for violence and harassment; (c) take into consideration the location and circumstances in which work takes place in the workplace; and (d) assess the likelihood that each identified hazard presents or will present a risk of injury.

Hazard assessments must be conducted: (a) as frequently as necessary to prevent the development of violence and harassment hazards; (b) as soon as practicable after a significant change in: (i) the location or circumstances in which work takes place in the workplace; (ii) the interactions that occur in the course of the performing work in the workplace; (iii) the physical location or layout of the workplace; (c) as soon as practicable after an employer becomes aware of an incident or injury in the workplace involving a violence or harassment hazard that was identified by a previous hazard assessment; or (d) when ordered by a safety officer (Regs., Sec. 1.03.01).

What Kind of Prevention Policy Is Required’

Employers must, in consultation with the JHSC or safety representative, or if there is no JHSC or safety representative, the workers, develop, implement and review at least every 3 years workplace written policy statements and procedures for the prevention of injury for each workplace and must implement those policies and procedures (Regs., Sec. 1.04.1).

The required policy statement must state: (a) that violence and harassment in the workplace is prohibited; (b) that every worker is entitled to employment free of violence and harassment; (c) that the employer is committed to eliminating or, if that’s not practicable, controlling the risks of violence and harassment in the workplace; (d) that workers have the right to bring complaints of violence or harassment to the employer or, if the employer is the person alleged to

have committed the violence or harassment, to persons other than the employer; (e) that the employer won't disclose the circumstances related to an incident or complaint of violence or harassment or the names of the victim, the person alleged to have committed the violence or harassment, or any witnesses, except: (i) where to do so would be necessary: (A) to investigate the incident or complaint; (B) to take corrective action; (C) to inform the persons involved in the incident or complaint of the results of the investigation and any corrective action to be taken to address the incident or complaint; or (D) to inform workers in the workplace of the nature and extent of the risk of violence or harassment there; or (ii) as required by law; (f) that any personal information disclosed under paragraph (e) involving an incident or complaint of violence or harassment will be the minimum amount necessary for the purpose for which it's disclosed; and (g) that the policy statement and procedures don't limit workers' exercise of rights under any other laws, such as human rights laws (Regs., Sec. 19.01).

What Kind of Workplace Harassment Procedures Are Required'

Employers must, in consultation with the JHSC or safety representative, or if there is no JHSC or safety representative, the workers, develop, implement and review at least every 3 years workplace written policy statements and procedures for the prevention of injury for each workplace and must implement those policies and procedures (Regs., Sec. 1.04.1).

The required workplace violence and harassment procedures must be in writing and include: (a) a description of the measures that the employer will take to eliminate or, if that's not practicable, control the risk of injury to workers from violence and harassment in the workplace; (b) the procedure to be followed by a worker when bringing a complaint of violence or harassment to the employer, including how and when to

report; (c) if the employer is the person alleged to have committed the violence or harassment, the procedure to be followed by a worker when bringing a complaint of violence or harassment to a person other than the employer; (d) the procedures to be followed by the person who becomes aware of an incident of violence or harassment or to whom a complaint of violence or harassment has been brought when: (i) documenting the incident or complaint; (ii) investigating the incident or complaint; and (iii) implementing corrective actions; (e) the procedure to be followed by the employer or other person who has investigated an incident or complaint of violence or harassment when informing the persons involved in it of: (i) the results of the investigation; and (ii) any corrective action to be taken; (f) the procedure to be followed by the worker and the employer to obtain assistance following an incident or a complaint of violence or harassment, including post-incident treatment or counselling (Regs., Sec. 19.03).

What Are the Requirements for Responding to and Investigating Incidents of Workplace Harassment’

An employer must ensure that an appropriate investigation is conducted into each incident and each complaint of violence or harassment. A Yukon safety officer can order that: (a) the investigation be conducted by an impartial person who has the knowledge, experience or other qualifications required to conduct it; (b) without delay after the completion of the investigation, the person who conducted it prepare a report of the investigation in writing and deliver it to the employer; and (c) the employer, at its own expense and without delay after receiving a report, provide a copy of it to the safety officer and: (i) if the investigation is in relation to an incident, to each person involved in the incident; or (ii) if the investigation is in relation to a complaint, to the complainant (Regs., Sec. 19.04).

What Support Must Employers Provide to Victims’

The employer must have a procedure to be followed by the worker and the employer to obtain assistance following an incident or a complaint of violence or harassment, including post-incident treatment or counselling (Regs., Sec. 19.03).

What Workplace Harassment Training and Information Must Be Provided’

The employer must ensure that all workers are trained in: (a) the identification of existing and potential violence and harassment hazards in the workplace; (b) the workplace violence and harassment prevention policy statements and procedures; (c) the appropriate response to violence and harassment incidents and injuries, including procedures for obtaining assistance; and (d) the procedures for reporting, investigating, and documenting incidents and injuries. Employers must maintain records of such training provided to their workers (Regs., Sec. 1.06.01).

What Records Must Be Kept’

Other than training records, the Regs. don’t go into specifics on what workplace violence and harassment records the employer must keep.

What Reports Must Employers Submit’

Workplace violence and harassment injuries and fatalities are subject to general injury and fatality reporting requirements.