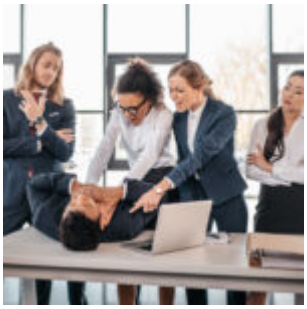
Workplace Violence – 2023 Year in Review



FEDERAL

LAWS & ANNOUNCEMENTS

Jan 31: Newly tabled Bill C-311 would amend the *Criminal Code* to make assaulting or causing physical or emotional harm to a woman knowing that she's pregnant aggravated circumstances that judges must consider in sentencing.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

Apr 27: Newly passed Bill C-233 requires judges to consider, before issuing a release order for a person accused of an offense against their intimate partner, to consider whether to require the person to wear an electronic monitoring device "in the interests of the safety and security of any person."
Action Point: Implement an effective domestic violence prevention and response policy at your workplace.

May 2: Debate resumed on controversial legislation (Bill C-21) to strengthen criminal law bans and import controls on handguns and assault rifles and increase penalties, including confiscations of guns, for violations.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

Jun 1: The Assembly passed and the Senate is debating controversial legislation (Bill C-21) to strengthen criminal law bans and import controls on handguns and assault rifles and increase penalties, including confiscations of guns, for violations. The bill would also make the national freeze on the sale, purchase and transfer of handguns that was imposed in October 2022 permanent.

Jun 21: The Senate is just one vote away from doing what the Assembly has already done, namely passing controversial legislation (Bill C-21) to strengthen criminal law bans and import controls on handguns and assault rifles and increase penalties, including confiscations of guns, for violations. The bill would also make the national freeze on the sale, purchase and transfer of handguns that was imposed in October 2022 permanent.

Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

CASES

Workplace Violence: OK to Terminate Worker for Pushing, Threatening Security Guard

A worker violated company policy by accidentally bringing her daughter's cell phone to the workplace. But the reason she got fired was how she reacted after the device was spotted on the x-ray scanner at the facility entrance by deliberately pushing the guard who asked her to empty her bag and then violently swinging her open knapsack scattering its contents across the floor. The federal arbitrator ruled that the company had just cause to terminate the worker for violating not only the cell phone but also the respectful workplace policy [*Teamsters, Local 938 v Purolator Inc*., 2022 CanLII 112111 (CA LA), November 15, 2022].

Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment

Workplace Violence: Employer Can't Prove Worker Threatened Coworkers with Violence

A railway fired a senior maintenance engineer for threatening violence against coworkers if he had to take the COVID vaccine. The railway's principal evidence was an email from a coworker quoting the engineer as saying "If I have to hurt people, I will." The engineer vehemently denied making this or any remarks or threats of violence. The federal arbitrator ruled that the railway didn't meet its burden of proving that the engineer engaged in workplace violence and reinstated him with no loss of seniority [*IBEW (System Council No. 11) v Canadian National Railway Company*, 2023 CanLII 99782 (CA LA), October 30, 2023].

Action Point: Implement a workplace violence and harassment compliance game plan at your site

ALBERTA

LAWS & ANNOUNCEMENTS

Apr 25: The new Alberta 2023 budget provides additional funding for domestic violence prevention programs, including counseling to help men overcome anger and abusive behaviours, as well as shelters for women and children victimized by domestic violence.

Action Point: Implement an effective domestic violence prevention and response policy at your workplace.

BRITISH COLUMBIA

LAWS & ANNOUNCEMENTS

Jul 26: Starting this fall, BC will provide funding to help small businesses pay for property damage they suffer as a result of crime and vandalism. Under the new $10.5 million Securing Small Business Rebate Program, small businesses will be able to apply for up to $2,000 for repair costs and $1,000 for vandalism prevention.

Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

Sep 6: From now through October 30, WorkSafeBC will hold public consultations on proposed changes to OHS workplace violence and harassment regulations. Highlights:

- New combined definition of violence and harassment as conduct reasonably expected to intimidate, humiliate, offend or cause physical or psychological harm to a worker.
- New employer duty to implement a violence and harassment prevention program.
- New process to resolve incidents without an investigation when the accused is somebody from within the organization.
- New incident investigation requirements.

Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

Oct 30: That's the deadline to participate in public consultations on proposed changes to OHS workplace violence and harassment regulations. Highlights:

- New combined definition of violence and harassment as conduct reasonably expected to intimidate, humiliate, offend, or cause physical or psychological harm to a worker.
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Action Point: Use the extensive resources on the OHSI

Workplace Violence Compliance Center to protect your workers from violence and harassment.

CASES

Workplace Violence: Employer Fined $355,000 for Failing to Properly Investigate Violence Incidents

In what may be the biggest fine of its kind, WorkSafeBC hit a health region with a $355,244 administrative monetary penalty for failing to properly investigate incidents of workplace violence against a worker. WorkSafeBC inspectors reviewed the investigation reports created in response to several incidents and found that they all lacked key information such as with regard to underlying causes and corrective actions [*Northern Health Authority*, WorkSafeBC Report, November 10, 2022].

Action Point: Implement a workplace violence and harassment compliance game plan at your site

Workplace Violence: Inadequate Incident Investigation Leads to $355,000 Fine

Improperly investigating workplace violence incidents can cost you a boatload of money. Just ask the health authority that was socked with a $355,244 fine after WorkSafeBC inspectors checked the files and found that workplace violence incident reports lacked key information, like the underlying causes and corrective actions taken [*Northern Health Authority*].

Action Point: Use the resources on the OHSI Incident Reporting Compliance Centre to ensure proper incident investigation and reporting at your workplace

Workplace Violence: No Evidence Race Factored into Decision to Fire Worker for Fighting

A forklift operator at a warehouse got into a physical altercation with a co-worker. He claimed he was provoked but after interviewing the parties and witnesses, the investigator concluded that both combatants were equally at fault. The operator claimed race, colour and ancestry discrimination but the BC Human Rights Tribunal found no evidence to support the

claim and dismissed the complaint. The operator was fired for fighting and there was no evidence that race, colour or ancestry factored into the decision, it concluded [*Jhawar v. Wallace and Carey Inc. and others*, 2023 BCHRT 60 (CanLII), June 20, 2023].
Action Point: Implement a legally sound workplace violence and harassment compliance game plan at your site

Workplace Violence: Hospital's Failure to Protect Doctor from Patient Attack Is Not Negligence
A psychiatrist who suffered devastating injuries as a result of being attacked by an inpatient at a mental health hospital sued the facility's operator for negligently failing to address the risk of violence by patients citing, among other things, its failure to perform a workplace violence risk assessment. The trial court was unimpressed finding that a hazard assessment wouldn't have made any difference and that the psychiatrist knew the patient was violent and voluntarily assumed the risk by agreeing to meet with him alone. Faulting the hospital for not adopting a policy banning doctors from visiting violent patients without accompaniment would potentially interfere with proper psychiatric care, the court reasoned. The BC Court of Appeal found the lower court's reluctance to author a new standard of care for psychiatric treatment without expert evidence reasonable and refused to overturn it [*Sheoran v. Interior Health Authority*, 2023 BCCA 318 (CanLII), August 8, 2023].
Action Point: Implement a workplace violence and harassment compliance game plan at your site

MANITOBA

LAWS & ANNOUNCEMENTS

Mar 6: Newly tabled Bill 16 would amend the *Domestic Violence and Stalking Act* to require person party applying for a prevention order or protection order to disclose any existing orders or agreements between the parties dealing with

parenting arrangements, custody, contact, access or guardianship.
Action Point: Implement an effective domestic violence prevention and response policy at your workplace.

Mar 6: Newly tabled Bill 16 would amend the *Domestic Violence and Stalking Act* to require the persons party applying for a prevention order or protection order to disclose any existing orders or agreements between the parties dealing with parenting arrangements, custody, contact, access or guardianship.

Apr 2: Manitoba launched a $1.3 million community-based sexual assault crisis response and healing program to provide support for survivors of sexual assault and intimate partner violence. The new program will complement Manitoba's Provincial Sexual Assault and Intimate Partner Violence program.
Action Point: Implement an effective domestic violence prevention and response policy at your workplace.

Apr 11: Bill 16, which would amend the *Domestic Violence and Stalking Act* to require persons applying for a prevention order or protection order to disclose any existing orders or agreements between the parties dealing with parenting arrangements, custody, contact, access or guardianship, passed Second Reading.
Action Point: Implement an effective domestic violence prevention and response policy at your workplace.

May 30: Manitoba passed Bill 16 amending the *Domestic Violence and Stalking Act* to require persons applying for a prevention order or protection order to disclose any existing orders or agreements between the parties dealing with parenting arrangements, custody, contact, access or guardianship.
Action Point: Implement an effective domestic violence prevention and response policy at your workplace.

Jul 25: Manitoba and the federal government signed a bilateral

agreement aimed at eliminating gender-based violence under which the province will receive $22.3 million from Ottawa over 4 years to implement the National Action Plan to End Gender-based Violence in Manitoba.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

NEW BRUNSWICK

LAWS & ANNOUNCEMENTS

Nov 25: Third Reading for Bill 17, the *Disclosure to Protect Against Intimate Partner Violence Act,* that would allow people to apply to the police for access to private information about whether their partner has a history of committing intimate partner violence. Similar bills have been passed in Alberta and Saskatchewan.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

Dec 16: Royal Assent for Bill 17, the *Disclosure to Protect Against Intimate Partner Violence Act,* allowing people to apply to the police for access to private information about whether their partner has a history of intimate partner violence. Similar bills have passed in Alberta and Saskatchewan.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

NEWFOUNDLAND & LABRADOR

LAWS & ANNOUNCEMENTS

Aug 2: Newfoundland will receive $700,000 in funding from the federal government to support crisis hotlines across the

province for survivors of gender-based violence.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

NOVA SCOTIA

LAWS & ANNOUNCEMENTS

May 12: Criminal background checks are now mandatory for bouncers at late-night bars and cabarets. Bar security staff must also complete an approved security training course by July 1. At least one manager or supervisor who's completed the training program and provided a criminal record check must also be on-site during opening hours.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

NORTHWEST TERRITORIES

LAWS & ANNOUNCEMENTS

May 24: The federal government announced that it will provide $500,000 in additional funding to support gender-based violence hotline services across the territories through March 2026.
Action Point: Implement a workplace violence and harassment compliance game plan at your site.

NUNAVUT

LAWS & ANNOUNCEMENTS

Dec 5: The Qaujigiartiit Health Research Centre will receive up to $428,000 in federal Women and Gender Equality and Youth for an initiative to end gender-based violence in Nunavut. Meanwhile, the GN recently launched a new educational campaign to promote awareness of firearms safety and prevent injuries

from improper use, handling and storage of firearms in the territory.

Sep 29: The GN and federal government signed a pair of agreements to work together to end gender-based violence and support its victims. Nunavut will receive $17 million in federal funding for victim support over the next 4 years.
Action Point: Implement an effective domestic violence prevention and response policy at your workplace.

ONTARIO

LAWS & ANNOUNCEMENTS

Jan 4: The MOL launched an inspection blitz targeting workplace violence in the healthcare sector during the transition and transfer of patient care. Among other things, inspectors will be checking whether employers are providing workers with safety information at transition and transfer points, including information regarding a person with a history of violence who may pose a danger.
Action Point: Implement a workplace violence and harassment compliance game plan at your site.

Mar 29: Newly tabled Bill 88 would add a new *OHS Act* provision making it mandatory for gas stations in Toronto and other municipalities to require customers to prepay for gasoline before pumping from a pump with prepayment technology between the hours of 9 p.m. to 6 a.m. The measure, which is designed to prevent gas and dash violence incidents, would be phased in over 6 months.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

Apr 20: Second Reading for Bill 88 which would add a new *OHS Act* provision making it mandatory for gas stations in Toronto and other municipalities to require customers to prepay for

gasoline before pumping from a pump with prepayment technology between the hours of 9 p.m. to 6 a.m. The measure, which is designed to prevent gas and dash violence incidents, would be phased in over 6 months.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

May 30: Newly tabled Bill 114, *The Safe Night Out Act*, broadens the OHS Act employer duty to prevent workplace violence to include "workplace sexual violence." The name of the bill refers to the provisions requiring liquor license holders to implement an "evidence-based, trauma-informed sexual violence and harassment prevention training program" for servers, supervisors and security staff.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

Sep 20: Ontario will provide more than $4 million worth of Victim Support Grants (VSG) to victims of intimate partner violence, domestic violence, human trafficking, and child exploitation across the province.
Action Point: Implement an effective domestic violence prevention and response policy at your workplace.

CASES

Workplace Violence: Visit to ER Doesn't Count as Hospital Admission for Injury Benefits Purposes
After getting punched in the face by a passenger, a City of Mississauga bus driver goes to the hospital emergency room where he's assessed, advised to take Tylenol for his wounds and sent home. The police confirm that the driver was assaulted. The question is whether he's entitled to benefits for time missed as a result of the incident. At issue is the following language from the collective agreement providing for benefits to an employee that "is absent from work by reason of

an on-duty serious physical assault, by a member of the public. . . confirmed by Police and *is admitted to a hospital*," (emphasis added). The City denied the driver benefits because he wasn't "admitted" and the Ontario arbitrator agreed. Although what happened to the driver was "terrible and life-altering," the fact is that he was never "admitted" to the hospital and thus didn't qualify for benefits. "Admitted" means being assigned a bed and/or room in the hospital for further observation and treatment, the arbitrator reasoned [*Amalgamated Transit Union Local 1572 v Mississauga (City*), 2023 CanLII 44247 (ON LA), May 23, 2023].

PRINCE EDWARD ISLAND

LAWS & ANNOUNCEMENTS

Jan 26: PEI will provide over $120,000 in Violence Against Women Prevention Grants to 9 different community organization programs designed to support awareness, education, and active measures to protect women and young girls from threats of violence.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

Feb 3: The federal government announced that it's giving PEI $500,000 to establish crisis hotlines across the province to help prevent and provide support to victims of gender-based violence.

Feb 28: PEI launched a new 5-year plan to prevent sexual violence in the workplace, home, and community and improve support for its victims.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

Aug 2: PEI and the federal government signed a historic

bilateral agreement under which the province will receive $9.6 million over 4 years to implement the National Action Plan to End Gender-Based Violence in the province.
Action Point: Implement a workplace violence and harassment compliance game plan at your site.

Oct 6: PEI is quadrupling the Violence Against Women Prevention Grant for community projects to enhance awareness, education and prevention of violence against women from $75,000 to $300,000 this year.
Action Point: Implement an effective domestic violence prevention and response policy at your workplace.

QUÉBEC

LAWS & ANNOUNCEMENTS

Dec 5: Victims of domestic violence who don't want to file a complaint with the police can now talk directly to a prosecution lawyer about their case via the Director of Criminal and Penal Prosecutions new free and confidential sexual violence information line, 1 877-547-DPCP.
Action Point: Implement a legally sound policy to protect workers from domestic violence at the workplace.

CASES

Workplace Violence: No Reinstatement for Worker Who Threatens His Boss
"You're going to pay for this." Those are the words that a journeyman cable-fitter assembler uttered to his boss at least 4 times right after receiving a negative performance review. The company took the phrase as a death threat and fired the cable-fitter. While the employer couldn't prove that "you're going to pay" was a death threat, the words were clearly threatening and designed to intimidate, the Québec arbitrator concluded, noting that the employee also took over the conversation and wouldn't allow anybody else in the meeting to

speak. Accordingly, it rejected the union's request for reinstatement [*International Association of Machinists and Aerospace Workers (IAMAW), Local 1660 c ABB INC.,* 2023 CanLII 2082 (QC SAT), January 12, 2023].
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment

Workplace Violence: Employer Didn't Protect Worker from Psychological Harassment
It was just one incident, but it was enough to make the employer guilty of failing to protect an employee against psychological harassment. It occurred when a cafeteria worker at a detention center was physically attacked by a co-worker who placed his hands around her neck and choked her, in retaliation for supposedly barring the bathroom door to prevent the aggressor from using the space to say his daily prayers. In addition to being extremely scary, the attack, which occurred in the presence of the victim's daughter, left visible red markings on her neck. The attacker claimed it was all a joke. And when management took no action, the union sued. The Quebec arbitrator agreed that the employer trivialized the incident and upheld the psychological harassment grievance [*Union of Public and Parapublic Employees of Quebec v Government of Quebec – Ministry of Public Security*, 2023 CanLII 73712 (QC SAT), August 7, 2023].
Action Point: Implement a workplace violence and harassment compliance game plan at your site

SASKATCHEWAN

LAWS & ANNOUNCEMENTS

Dec 6: Newly tabled Private Member Bill 612 would ban harassment and intimidation of abortion workers and patients in protective zones around the entrance of facilities.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers

from violence and harassment.

Feb 28: The federal government is providing Saskatchewan $1 million to support crisis hotlines for victims of gender-based violence across the province. Crisis lines are often the first-place victims go to report incidents and seek help. Nationwide usage of these lines has increased significantly since the COVID pandemic began.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

Apr 6: Newly passed Bill 117, *The Saskatchewan Firearms Act*, cushions residents against the impact of new federal firearms bans by establishing licensing requirements for seizure agents involved in expropriating firearms and ensuring compensation to those whose firearms are seized.
Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment.

Jul 25: Saskatchewan and the federal government signed a bilateral agreement aimed at eliminating gender-based violence under which the province will receive $22.3 million from Ottawa over 4 years to implement the National Action Plan to End Gender-based Violence in Saskatchewan.
Action Point: Implement a workplace violence and harassment compliance game plan at your site.

CASES

Workplace Violence: Wrongfully Dismissed Worker Gets Damages, Not Reinstatement
A long running feud between 2 families in which all 4 spouses worked at the same poultry plant escalated into a physical fight that occurred away from the work site. One of the employees was charged with criminal assault for provoking the incident. The plant terminated that employee but without

asking him for his side of the story or getting to the bottom of what happened. The arbitrator ruled that the employer didn't have just cause to terminate but awarded money damages instead of reinstatement. The employer claimed the arbitrator's ruling on termination was wrong; the union claimed its ruling on damages rather than reinstatement was wrong. The Saskatchewan court opted for none of the above, finding the arbitrator's ruling reasonable on all counts and dismissing both appeals [*United Food and Commercial Workers, Local 1400 v Prairie Pride Natural Foods Ltd*., 2022 SKKB 274 (CanLII), December 19, 2022].

Action Point: Use the extensive resources on the OHSI Workplace Violence Compliance Center to protect your workers from violence and harassment

YUKON TERRITORY

LAWS & ANNOUNCEMENTS

Apr 25: That's the deadline for non-government organizations, First Nations and women's organizations to apply for up to $25,000 in Yukon's Prevention of Violence Against Aboriginal Women (PVAAW) project funding. Grants in 2023 are available for one-year projects only.

Action Point: Implement an effective domestic violence prevention and response policy at your workplace.

May 18: Yukon and the federal government began negotiations on the terms of a 4-year funding agreement to support efforts to implement the National Action Plan to End Gender-Based Violence in the territory.

Action Point: Implement an effective domestic violence prevention and response policy at your workplace.

Aug 31: That's the deadline to participate in public consultations on what Yukon can do to improve and expand services to support victims of sexualized violence. The government is especially interested in feedback from actual

victims, which can be provided confidentially.
Action Point: Implement a workplace violence and harassment compliance game plan at your site.