

Workplace Violence Requirements Across Canada



What the OHS laws require you to do to prevent workplace violence

The OHS laws of every jurisdiction require employers to take specific measures to protect workers against risks of workplace violence, including:

- Performing a workplace assessment to identify risks of violence;
- Preparing a written policy to prevent violence in the workplace;
- Establishing procedures for responding to acts of violence and investigating complaints and incidents;
- Providing workers information and training on the violence hazards to which they're exposed.

However, specific requirements vary by jurisdiction as does the definition of workplace violence and the requirements, if any, for preventing domestic violence in the workplace. Here's a summary of the key rules in each part of the country.

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FEDERAL

How Is Workplace Violence 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 Violence Procedures Are Required'

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

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 Protections against Domestic Violence in the Workplace Are Required'

The workplace assessment must consider the risk of domestic violence in the workplace and preventive measures must be taken to address any identified risks (Regs. Secs. 8 and 9).

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

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 Violence 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 Violence Defined'

The Alberta *Occupational Health and Safety Act* defines "violence" as, "whether at a work site or work-related, the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence (OHS Act, Sec. 1(yy)).

What Kind of Hazard Assessment Is Required'

Workplace violence 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 violence; (b) the employer will investigate any incidents of violence and take corrective action to address them; (c) the employer won't disclose the circumstances related to an incident of violence or the names of the complainant, the person alleged to have committed the violence, 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; (ii) where necessary to inform workers of a specific or general threat of violence or potential violence; or (iii) as required by law; (d) the employer will disclose only the minimum amount of personal information under clause (c)(ii) that's necessary to inform workers of a specific or general threat of violence or potential violence; (e) the violence prevention policy isn't intended to discourage a worker from exercising the worker's rights pursuant to any other law, such as human rights laws (OHS Code, Sec. 390.1). The employer must conspicuously post or provide workers copies of the prevention policy.

What Kind of Workplace Violence Procedures Are Required'

The employer must, in consultation with the JHSC or safety representative, create and implement violence prevention procedures that include: (a) the measures the employer will take to eliminate or, if that isn't reasonably practicable, control the hazard of violence to workers; (b) information about the nature and extent of the hazard of violence, including information on specific or general threats of violence or potential violence; (c) the procedure to be followed by the employer when disclosing the information in clause (b); (d) the procedure to be followed by a worker to obtain immediate assistance when an incident of violence occurs; (e) the procedure to be followed by a worker when reporting violence; (f) the procedure to be followed by the employer when: (i) documenting and investigating an incident of violence; and (ii) implementing measures to eliminate or control the hazard of violence identified as a result of the investigation; (g) the procedure to be followed by the employer when informing the parties involved in an incident of violence of: (i) the results of an investigation; and (ii) any corrective action to be taken to address the incident (OHS Code, Sec. 390.2).

What Protections against Domestic Violence in the Workplace Are Required'

An employer must take reasonable precautions to protect the worker and any other persons at the work site likely to be affected, when it's aware that a worker is or is likely to be exposed to domestic violence at a work site (OHS Code, Sec. 390.3).

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

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 any specific harassment records that employers must keep.

What Reports Must Employers Submit'

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

BRITISH COLUMBIA

How Is Workplace Violence Defined'

The BC *Occupational Health and Safety Regulation* (Reg.) defines "violence" as "the attempted or actual exercise by a person, **other than a worker**, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury," (Reg., Sec. 4.27) (emphasis added—notice that the Reg. doesn't cover worker-on-worker violence)

What Kind of Hazard Assessment Is Required'

A risk assessment is required in any workplace in which a risk of injury to workers from violence arising out of their employment may be present and must consider: (a) previous experience in that workplace; (b) occupational experience in similar workplaces; and (c) the location and circumstances in which work will take place (Reg., Sec. 4.28).

What Kind of Prevention Policy Is Required'

If the assessment identifies risk of injury to workers from violence, employer must: (a) establish procedures, policies and work environment arrangements to eliminate the risk to workers from violence; and (b) if elimination of the risk to workers isn't possible, establish procedures, policies and work environment arrangements to minimize the risk. The Reg. doesn't list specifics about what the policies must include (Reg., Sec. 4.29).

What Kind of Workplace Violence Procedures Are Required'

If the assessment identifies risk of injury to workers from violence, employer must: (a) establish procedures, policies and work environment arrangements to eliminate the risk to workers from violence; and (b) if elimination of the risk to workers isn't possible, establish procedures, policies and work environment arrangements to minimize the risk. The Reg. doesn't list specifics about what the procedures must include (Reg., Sec. 4.29).

What Protections against Domestic Violence in the Workplace Are Required'

The Reg. doesn't specifically require employers to address domestic violence.

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

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

What Support Must Employers Provide to Victims'

An employer must ensure that a worker reporting an injury or adverse symptom as a result of an incident of violence is

advised to consult a physician of the worker's choice for treatment or referral (Reg., Sec. 4.31).

What Workplace Violence Training and Information Must Be Provided'

The employer must instruct workers who may be exposed to the risk of violence in: (a) the means for recognition of the potential for violence; (b) the procedures, policies and work environment arrangements in place to minimize or control the risk; (c) the appropriate response to incidents of violence, including how to obtain assistance; (d) procedures for reporting, investigating and documenting incidents of violence. An employer must also inform workers who may be exposed to the risk of violence of the nature and extent of the risk, including information about the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in their work (Reg., Sec. 4.30).

What Records Must Be Kept'

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

What Reports Must Employers Submit'

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

MANITOBA

How Is Workplace Violence Defined'

The *Manitoba Workplace Safety and Health Regulation* (Reg.) defines "violence" as: (a) the attempted or actual exercise of physical force against a person; and (b) any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person

(Reg., Sec. 1.1).

What Kind of Hazard Assessment Is Required'

Workplaces listed in Section 11.1(a) to (d) of the Reg., such as health care facilities, banks and late-night retail establishments are deemed inherently dangerous and don't require an assessment. Workplaces not on the list must assess the risk of violence to a worker at the workplace in consultation with the workplace JHSC or safety representative (Reg., Sec. 11.1).

What Kind of Prevention Policy Is Required'

If the assessment identifies risk of workplace violence, the employer must, in consultation with the JHSC, safety representative or, if there is no JHSC or representative, the workers at the workplace, develop and implement a violence prevention policy listing the measures to be taken to eliminate or, elimination isn't reasonably practicable, control the risk of violence to a worker, that includes: (a) a description of: (i) any particular worksite at the workplace where an incident of violence has occurred or may reasonably be expected to occur; and (ii) any particular job functions at the workplace where the worker performing the function has been, or may reasonably be expected to be, exposed to incidents of violence; (b) the measures to be taken to eliminate or control the risk of violence if elimination isn't reasonably practicable; (c) the measures and procedures in place for summoning immediate assistance; (d) the procedure a worker is to follow in reporting an incident of violence to the employer, including how and when an incident is to be reported; (e) the procedure the employer will follow to document and investigate any incident of violence to a worker that the employer becomes aware of; (f) the procedure the employer will follow to implement any control measures identified as a result of the investigation that will eliminate or control the risk of violence to a worker; (g) a

recommendation that a worker who has been harmed as a result of an incident of violence at the workplace is advised to consult the worker's health care provider for treatment or referral for post-incident counselling, if appropriate; (h) in respect of an incidence of violence, a statement that the employer must not disclose the name of a complainant or the circumstances related to the complaint to any person, other than where the disclosure is: (i) necessary in order to investigate the complaint; (ii) required to take corrective action in response to the complaint; or (iii) required by law; (i) a statement that the personal information disclosed under clause (h) above must be the minimum amount necessary for the purpose; and (j) a statement that the violence prevention policy isn't intended to discourage or prevent a complainant from exercising any other rights, actions or remedies that may be available to them, for example, a human rights complaint (Reg., Sec. 11.5).

What Kind of Workplace Violence Procedures Are Required'

The employer must, in consultation with the JHSC, safety representative or workers at the workplace, develop and implement procedures for summoning immediate assistance and implementing required control measures (Reg., Sec. 11.6).

What Protections against Domestic Violence in the Workplace Are Required'

The Reg. doesn't specifically require employers to address domestic violence.

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

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

What Support Must Employers Provide to Victims'

The violence prevention policy must list a recommendation that a worker who's been harmed as a result of an incident of violence at the workplace is advised to consult his/her health care provider for treatment or referral for post-incident counselling, if appropriate (Reg., Sec. 11.5(g)).

What Workplace Violence Training and Information Must Be Provided'

The employer must inform workers of worksites and job functions identified as being at risk of violence and train workers in the prevention policy, including the procedures for summoning immediate assistance and reporting incidents (Reg., Sec. 11.5). Employers must also post or give each worker a copy of the violence prevention policy and notify each worker of the nature and extent of the violence risk he/she faces in the workplace (Reg., Sec. 11.5(1)). The duty to inform includes letting workers know of any violent people they're likely to encounter at work while disclosing only as much personal information as necessary to get the message across (Reg., Sec. 11.5(2)).

What Records Must Be Kept'

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

What Reports Must Employers Submit'

Each year, the employer must prepare and provide the JHSC, safety representative or workers an annual report compiling: (a) the records of the incidents of violence to a worker in the workplace, if any; (b) the results of any investigation into an incident of violence, including a copy of: (i) any recommendations for control measures or changes to the violence prevention policy; and (ii) any required investigation report provided for such an incident; and (c)

the control measures, if any, implemented as a result of an incident investigation into an incident (Reg., Sec. 11.7).

NEW BRUNSWICK

How Is Workplace Violence Defined'

The New Brunswick OHS *General Regulation* (Reg.) defines "violence, in a place of employment, as the attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause to believe that physical force will be used against the employee, and includes sexual violence, intimate partner violence and domestic violence" (Reg., Sec. 2).

What Kind of Hazard Assessment Is Required'

The employer must, in consultation with the JHSC, safety representative or, if there is no JHSC or representative, perform, make available and review an assessment of the risk of violence considering: (a) the location and circumstances in which the work is carried on; (b) the risk associated with: (i) an employee's work; or (ii) sexual violence, intimate partner violence or domestic violence occurring at the place of employment; (c) the categories of employees at risk, or the types of work that place employees at risk of violence; (d) the possible effects on the health or safety of employees who are exposed to violence at the place of employment; (e) all previous incidents of violence at the place of employment; and (f) incidents of violence in similar places of employment (Reg., Sec. 374).

What Kind of Prevention Policy Is Required'

The employer must, in consultation with the JHSC, safety representative or workers, develop, implement, make available and annually review a code of practice for violence that includes: (a) a list of locations and circumstances where

violence may reasonably be expected to occur, and the code of practice would apply; (b) the types of violence that may reasonably be expected to occur; (c) the categories of employees or types of work at risk; (d) the person responsible for implementing the code of practice; and (e) a statement that an employee shall report an incident of violence to the employer as soon as circumstances permit (Reg., Sec. 374.3(1)).

What Kind of Workplace Violence Procedures Are Required'

The code of practice must also list the actions and measures the employer will take to mitigate violence risk, including: (a) methods, equipment and procedures; (b) follow-up measures to be used with affected employees; (c) the means, including alternative means, by which an employee may secure emergency assistance; (d) the procedure to investigate and document any incident of violence of which the employer is aware; (e) how affected employees will be informed of investigation results; (f) the procedure to implement any corrective measures identified as a result of the investigation; and (g) the identification of training needs (Reg., Sec. 374.3(2)).

What Protections against Domestic Violence in the Workplace Are Required'

The workplace assessment and code of practice must consider the risk of sexual violence, intimate partner violence and domestic violence (Reg. Sec. 374).

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

The code of practice must state that employees are required to report an incident of violence 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. 374.3). Employers may not disclose to any

person the identity of a person involved in or the circumstances of an incident of violence or 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 Violence 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 violence but doesn't list specifics.

What Reports Must Employers Submit'

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

NEWFOUNDLAND

How Is Workplace Violence Defined'

The Newfoundland *Occupational Health and Safety Regulations* (Regs.) define "violence" as "the attempted or actual exercise of physical force to cause injury to a worker and includes threatening statements or behaviour which gives a worker reason to believe that he or she is at risk of injury" (Regs., Sec. 22(1)).

What Kind of Hazard Assessment Is Required'

The employer must conduct a risk assessment that considers: (a) previous experience in the workplace; (b) occupational experience in similar workplaces; (c) the location and circumstances in which work may take place; (d) workplace characteristics including demographics, culture and the presence of new workers; and (e) issues raised by the workplace JHSC, safety representative or the workplace health and safety designate (Regs., Sec. 22.1).

What Kind of Prevention Policy Is Required'

If the assessment identifies risk of injury to workers from violence, the employer must: (a) establish procedures, policies and work environment arrangements to eliminate the risk to workers from violence; and (b) where elimination of the risk to workers isn't possible, establish procedures, policies and work environment arrangements to minimize the risk to workers (Regs., Sec. 23).

What Kind of Workplace Violence Procedures Are Required'

The Regs. require the employer to establish procedures for violence but don't list specifics about what the procedures must include.

What Protections against Domestic Violence in the Workplace Are Required'

Where an employer becomes aware, or ought reasonably to be aware, that family violence that would likely expose a worker to physical injury may occur in the workplace, it must take every precaution reasonable in the circumstances for the protection of the worker (Regs., Sec. 23(c)).

What Are the Requirements for Responding to and

Investigating Incidents of Workplace Violence'

The Regs. imply but don't state that employers to have procedures for internal reporting and investigating incidents of violence.

What Support Must Employers Provide to Victims'

The Regs. don't specifically say what employers must do to support and assist victims of violence.

What Workplace Violence Training and Information Must Be Provided'

The employer must inform workers who may be exposed to risk of violence of the nature of the risk and precautions that may be taken, including information about the risk of violence from persons with a history of violent behaviour that workers are likely to encounter in their work (Regs., Sec. 24).

What Records Must Be Kept'

The Regs. require employers to keep records of violence but don't list specifics.

What Reports Must Employers Submit'

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

NOVA SCOTIA

How Is Workplace Violence Defined'

The Nova Scotia *Violence in the Workplace Regulations* (Regs.) define "violence" as any of the following: "(i) threats, including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical injury; (ii) conduct or attempted conduct of a person that endangers the physical

health or physical safety of an employee” (Regs., Sec. 2(f)).

What Kind of Hazard Assessment Is Required’

The employer must, in consultation with the workplace JHSC or safety representative, conduct a violence risk assessment determine if there’s a risk of violence in the workplace for each of its workplace and prepare a written report detailing the extent and nature of any risk identified by the assessment. The assessment must consider: (a) past violence in the workplace; (b) violence known to occur in similar workplaces; (c) the circumstances in which work takes place; (d) the interactions that occur in the course of performing work; and (e) the physical location and layout of the workplace. A new assessment is required every 5 years and in response to changes or new forms of violence not considered in the previous assessment (Regs., Sec. 6).

What Kind of Prevention Policy Is Required’

If the assessment identifies a significant risk of violence, the employer must, in consultation with the JHSC or safety representative create, implement and make available at the workplace a written workplace violence prevention plan. As part of the plan, the employer must: (a) prepare a written workplace violence prevention statement that includes the employer’s recognition: (i) that violence is an occupational health and safety hazard at the workplace; (ii) of the physical and emotional harm resulting from violence; and (c) that any form of violence in the workplace is unacceptable.

As part of the plan, the employer must (b) **either**: (i) take and document reasonable measures to minimize and, to the extent possible, eliminate the risk of violence in the workplace; (ii) adopt a code of practice on violence in the workplace published by the Director governing the primary business conducted at the employer’s workplace. Also as part of the plan, the employer must: (c) establish and document procedures for providing employees with the required

information and training; (d) establish and document procedures for required reporting, documenting and investigating incidents of violence (Regs., Sec. 7).

What Kind of Workplace Violence Procedures Are Required'

The written workplace violence prevention plan must include procedures for providing employees with the required information and training and for required reporting, documenting and investigating incidents of violence (Regs., Sec. 7).

What Protections against Domestic Violence in the Workplace Are Required'

The Reg. doesn't specifically require employers to address domestic violence.

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

An employer must ensure that: 1) incidents of violence in a workplace are documented and promptly investigated to determine their causes and actions needed to prevent reoccurrence; and 2) notice of the actions taken to prevent reoccurrence are given to all of the following: (a) any employee affected by the incident; and (b) any JHSC or safety representative at the workplace (Regs., Sec. 13).

What Support Must Employers Provide to Victims'

An employer must provide an employee who's been exposed to or affected by violence at the workplace with an appropriate debriefing and advise the employee to consult a health professional of the employee's choice for treatment or counseling (Regs., Sec. 14).

What Workplace Violence Training and Information Must Be Provided'

The employer must provide any employee exposed to a significant risk of violence adequate training on: (a) the rights and responsibilities of employees under the Nova Scotia *OHS Act*; (b) the workplace violence prevention statement; (c) the measures taken by the employer to minimize or eliminate the risk of violence; (d) how to recognize a situation in which there's a potential for violence and how to respond appropriately; (e) how to respond to an incident of violence, including how to obtain assistance; and (f) how to report, document and investigate incidents of violence (Regs., Sec. 11).

The employer must also provide an employee exposed to a significant risk of violence in a workplace information on the nature and extent of the risk and any factors that may increase or decrease the extent of the risk, including information about a risk of violence from a person with a history of violent behaviour that the employee is likely to encounter (Regs., Sec. 10).

What Records Must Be Kept'

The Regs. require employers to keep records of violence but don't list specifics.

What Reports Must Employers Submit'

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

ONTARIO

How Is Workplace Violence Defined'

The Ontario *Occupational Health and Safety Act* (Act) defines "workplace violence" as: (a) the exercise of physical force by

a person against a worker, in a workplace, that causes or could cause physical injury to the worker; (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; (c) a statement or behaviour that it's reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker" (Act, Sec. 1(1)).

What Kind of Hazard Assessment Is Required'

The employer must assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work, taking into account: (a) circumstances that would be common to similar workplaces; and (b) circumstances specific to the workplace. The employer must reassess as often as necessary and provide a copy of the written assessment to the workplace JHSC or safety representative, or if there is no JHSC or representative, the workers (Act, Sec. 32.0.3).

What Kind of Prevention Policy Is Required'

If there are more than 5 regularly employed workers at the workplace, the employer must prepare and conspicuously post a workplace violence policy (Act, Sec. 32.0.1)

What Kind of Workplace Violence Procedures Are Required'

The employer must develop and implement a program for implementing the workplace violence policy that includes measures and procedures: (a) to control the risks identified in the workplace violence assessment; (b) for summoning immediate assistance when workplace violence occurs or is likely to occur; (c) for workers to report incidents of workplace violence to the employer or supervisor; and (d) for investigating and dealing with incidents or complaints of workplace violence (Act, Sec. 32.0.2).

What Protections against Domestic Violence in the Workplace Are Required'

Where an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, it must take every precaution reasonable in the circumstances for the protection of the worker (Act, Sec. 32.0.4).

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

The Act requires employers to have procedures workers can use to report workplace violence internally and for investigating and dealing with incidents or complaints but doesn't go into any specifics.

What Support Must Employers Provide to Victims'

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

What Workplace Violence Training and Information Must Be Provided'

The employer must provide a worker appropriate information and instruction on the contents of the workplace violence policy and program, as well as personal information, related to a risk of workplace violence from a person with a history of violent behaviour if: (a) the worker can be expected to encounter that person in the course of their work; and (b) the risk of workplace violence is likely to expose the worker to physical injury. Disclosure about another worker's history of violence must be limited to the minimum personal information necessary to protect the worker from physical injury (Act, Sec. 32.0.5).

What Records Must Be Kept'

The Act requires employers to keep records of violence but

doesn't list specifics.

What Reports Must Employers Submit'

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

PRINCE EDWARD ISLAND

How Is Workplace Violence Defined'

The Prince Edward Island *Occupational Health and Safety Act General Regulations* (Regs.) define "violence" as "threatened, attempted or actual exercise of any physical force by a person **other than a worker** that can cause, or that causes, injury to a worker, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that he or she is at risk of injury" (Regs., Sec. 52.1) (emphasis added—notice that the definition excludes worker-on-worker violence).

What Kind of Hazard Assessment Is Required'

The employer must conduct a risk assessment of the workplace to determine whether there's a risk of injury to workers from violence arising out of their employment may be present. The risk assessment must consider: (a) previous experience of violence in that workplace; (b) occupational experience of violence in similar workplaces; and (c) the location and circumstances in which the work will take place (Regs., Sec. 52.2).

What Kind of Prevention Policy Is Required'

If the assessment finds risk of injury to a worker from violence in a workplace, the employer must establish procedures, policies and work environment arrangements: (a) to either eliminate the risk or, if elimination isn't possible, minimize the risk of violence to workers in that workplace;

and (b) to provide for reporting, investigating and documenting incidents of violence in that workplace (Regs., Sec. 52.3).

What Kind of Workplace Violence Procedures Are Required'

If the assessment finds risk of injury to a worker from violence in a workplace, the employer must establish procedures, policies and work environment arrangements: (a) to either eliminate the risk or, if elimination isn't possible, minimize the risk of violence to workers in that workplace; and (b) to provide for reporting, investigating and documenting incidents of violence in that workplace (Regs., Sec. 52.3).

What Protections against Domestic Violence in the Workplace Are Required'

The Regs. don't specify that an employer must protect workers from domestic violence but the definition of "violence" is broad enough to be interpreted as covering domestic violence in the workplace.

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

The Regs. require employers to have policies and/or procedures for investigating workplace complaints and incidents but don't go into any specifics.

What Support Must Employers Provide to Victims'

An employer must ensure that a worker who reports an injury or adverse symptom resulting from workplace violence is advised to consult a physician of the worker's choice for treatment or a referral (Regs., Sec. 52.5).

What Workplace Violence Training and Information Must Be Provided'

The employer must inform workers who may be exposed to the risk of violence in the workplace of the nature and extent of the risk, including—where not banned by law—information of risks posed by persons with a history of violent behaviour that workers may encounter in their work.

Employers must also provide exposed workers instruction in recognition, procedures, response, including: (a) the means of recognition of the potential for violence; (b) the procedures, policies and work environment arrangements in place to prevent it; and (c) the appropriate response to incidents of violence in the workplace, including how to obtain assistance (Regs., Sec. 52.4).

What Records Must Be Kept'

The Regs. don't go into specifics on workplace violence records the employer must keep.

What Reports Must Employers Submit'

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

QUÉBEC

How Is Workplace Violence Defined'

Québec OHS laws don't address workplace 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 Violence 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 Protections against Domestic Violence in the Workplace Are Required’

The Act doesn’t require an employer to protect workers from domestic violence in the workplace.

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

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 Violence 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 Violence Defined'

The Saskatchewan *Occupational Health and Safety Regulations* (Regs.) define "violence" as "the attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that the worker is at risk of injury" (Regs., Sec. 37(1)).

What Kind of Hazard Assessment Is Required'

The Regs. list the types of workplaces where workplace violence measures are required rather than requiring employers to conduct specific violence hazard assessments (Regs., Sec.

37(2)).

What Kind of Prevention Policy Is Required'

Employers at listed workplaces must, in consultation with the workplace JHSC or safety representative, or if there is no JHSC or safety representative, the workers, must implement, post and review at least every 3 years a written policy statement to deal with potentially violent situations that includes: (a) the employer's commitment to minimize or eliminate the risk; (b) the identification of the worksite or worksites where violent situations have occurred or may reasonably be expected to occur; (c) the identification of any staff positions at the place of employment that have been, or may reasonably be expected to be, exposed to violent situations; (d) the employer's procedure to inform workers of the nature and extent of risk from violence, including, except where the disclosure is prohibited by law, any information in the employer's possession related to the risk of violence from persons with a history of violent behaviour that workers are likely to encounter in the course of their work; (e) the actions the employer will take to minimize or eliminate the risk, including the use of PPE, administrative arrangements and engineering controls; (f) the procedure to be followed by a worker who's been exposed to a violent incident to report the incident to the employer; (g) the employer's procedure the employer to document and investigate a violent incident reported under clause (f); (h) a recommendation that any worker who has been exposed to a violent incident consult the worker's physician for treatment or referral for post-incident counselling; and (i) the employer's commitment to provide a training program for workers that includes: (i) the means to recognize potentially violent situations; (ii) procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers; (iii) the appropriate responses of workers to incidents of violence, including how to obtain assistance; and

(iv) procedures for reporting violent incidents (Regs., Sec. 37(3)).

What Kind of Workplace Violence Procedures Are Required'

The written prevention policy statement must include procedures for (i) employers to inform workers of the nature and extent of risk from violence, including any information in the employer's possession related to the risk of violence from persons with a history of violent behaviour that workers are likely to encounter in the course of their work; (ii) workers who've been exposed to a violent incident to report the incident to the employer; and (iii) the employer to document and investigate a violent incident reported. The employer must also develop safe work procedures to minimize or eliminate the risk of workplace violence (Regs., Sec. 37(3)).

What Protections against Domestic Violence in the Workplace Are Required'

The Regs. don't specify that an employer must protect workers from domestic violence but the definition of "violence" is broad enough to be interpreted as covering domestic violence in the workplace.

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

The Regs. require employers to have policies and/or procedures for documenting and investigating workplace complaints and incidents but don't go into any specifics.

What Support Must Employers Provide to Victims'

The prevention policy statement must include a recommendation that any worker who's been exposed to a violent incident consult the worker's physician for treatment or referral for post-incident counselling; if a worker receives treatment or

counselling or attends a workplace violence training program, the employer must credit the worker's attendance as time at work and ensure that the worker loses no pay or other benefits (Regs., Sec. 37(4)).

What Workplace Violence Training and Information Must Be Provided'

The employer must provide a training program for workers that includes: (i) the means to recognize potentially violent situations; (ii) procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers; (iii) the appropriate responses of workers to incidents of violence, including how to obtain assistance; and (iv) procedures for reporting violent incidents (Regs., Sec. 37(3)).

Employers must inform workers of the nature and extent of risk from violence, including, except where the disclosure is prohibited by law, any information in the employer's possession on the risk of violence from persons with a history of violent behaviour that workers are likely to encounter in the course of their work (Regs., Sec. 37(3)).

What Records Must Be Kept'

The Regs. don't go into specifics on workplace violence records the employer must keep.

What Reports Must Employers Submit'

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

NORTHWEST TERRITORIES & NUNAVUT

How Is Workplace Violence Defined'

The Northwest Territories and Nunavut *Occupational Health and*

Safety Regulations (Regs.) define “violence” as “attempted, threatened or actual conduct of an individual that causes or is likely to cause injury, such as a threatening statement or behaviour that gives a worker a reasonable belief that he or she is at risk of injury” (Regs., Sec. 37(1)).

What Kind of Hazard Assessment Is Required’

The Regs. list the types of workplaces where workplace violence measures are required rather than requiring employers to conduct specific violence hazard assessments (Regs., Sec. 37(2)).

What Kind of Prevention Policy Is Required’

Employers at listed workplaces must, in consultation with the workplace JHSC or safety representative, or if there is no JHSC or safety representative, the workers, must implement, post and review a written policy to deal with potentially violent situations that includes: (a) the employer’s commitment to minimize or eliminate the risk; (b) the identification of the worksite or worksites where violent situations have occurred or may reasonably be expected to occur; (c) the identification of any staff positions at the place of employment that have been, or may reasonably be expected to be, exposed to violent situations; (d) the employer’s procedure to inform workers of the nature and extent of risk from violence, including, except where the disclosure is prohibited by law, any information in the employer’s possession related to the risk of violence from persons with a history of violent behaviour that workers are likely to encounter in the course of their work; (e) the actions the employer will take to minimize or eliminate the risk, including the use of PPE, administrative arrangements and engineering controls; (f) the procedure to be followed by a worker who’s been exposed to a violent incident to report the incident to the employer; (g) the employer’s procedure the employer to document and investigate a violent incident

reported under clause (f); (h) a recommendation that any worker who has been exposed to a violent incident consult the worker's physician for treatment or referral for post-incident counselling; and (i) the employer's commitment to provide a training program for workers that includes: (i) the means to recognize potentially violent situations; (ii) procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers; (iii) the appropriate responses of workers to incidents of violence, including how to obtain assistance; and (iv) procedures for reporting violent incidents (Regs., Sec. 37(3)).

What Kind of Workplace Violence Procedures Are Required'

The written policy must include procedures for (i) employers to inform workers of the nature and extent of risk from violence, including any information in the employer's possession related to the risk of violence from persons with a history of violent behaviour that workers are likely to encounter in the course of their work; (ii) workers who've been exposed to a violent incident to report the incident to the employer; and (iii) the employer to document and investigate a violent incident reported. The employer must also develop safe work procedures to minimize or eliminate the risk of workplace violence (Regs., Sec. 37(3)).

What Protections against Domestic Violence in the Workplace Are Required'

The Regs. don't specify that an employer must protect workers from domestic violence but the definition of "violence" is broad enough to be interpreted as covering domestic violence in the workplace.

What Are the Requirements for Responding to and

Investigating Incidents of Workplace Violence'

The Regs. require employers to have policies and/or procedures for documenting and investigating workplace complaints and incidents but don't go into any specifics.

What Support Must Employers Provide to Victims'

The prevention policy statement must include a recommendation that any worker who's been exposed to a violent incident consult the worker's physician for treatment or referral for post-incident counselling (Regs., Sec. 37(4)).

What Workplace Violence Training and Information Must Be Provided'

The employer must provide a training program for workers that includes: (i) the means to recognize potentially violent situations; (ii) procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers; (iii) the appropriate responses of workers to incidents of violence, including how to obtain assistance; and (iv) procedures for reporting violent incidents (Regs., Sec. 37(3)).

Employers must inform workers of the nature and extent of risk from violence, including, except where the disclosure is prohibited by law, any information in the employer's possession on the risk of violence from persons with a history of violent behaviour that workers are likely to encounter in the course of their work (Regs., Sec. 37(3)).

What Records Must Be Kept'

The Regs. don't go into specifics on workplace violence records the employer must keep.

What Reports Must Employers Submit'

Workplace violence 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 "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).

"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).

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 Violence 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 Protections against Domestic Violence in the Workplace Are Required'

If an employer becomes aware, or ought reasonably to be aware, that a worker is or is likely to be exposed to domestic violence in the workplace, the employer must take reasonable precautions to protect the worker and any other persons in the workplace likely to be affected (Regs., Sec. 19.05).

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

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 Violence 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 injuries and fatalities are subject to

general injury and fatality reporting requirements.