

WORKPLACE HARASSMENT AND VIOLENCE

WHAT IS NEW UNDER THE LEGISLATION

As of January 1, 2021

**Currently under the
*Canada Labour Code***



PROTECTION



Part II of the *Canada Labour Code* (the Code) treats workplace violence and harassment, including sexual harassment, as occupational health and safety issues.

Part II protects employees and former employees in the federally regulated private and public sectors.

Two different parts of the *Canada Labour Code* (the Code) deal with workplace violence and sexual harassment:

- workplace violence as an occupational health and safety issue under Part II of the Code; and
- sexual harassment as a labour standard issue under Part III of the Code.

Part III of the Code does not protect employees in the federally regulated public sector—the federal public service or parliamentary employees.



POLICIES, REPORTING REQUIREMENTS AND REVIEW



Employers must work together with their policy committee and workplace committee or health and safety representatives to develop one policy that addresses both harassment and violence.

Employers must investigate, record and report all cases of harassment and violence to the Labour Program each year.

The Minister of Labour must review the provisions of Part II of the Code related to harassment and violence every five years.

Employers have to work together with their policy committee and work place committee or health and safety representatives to develop various policies to prevent workplace harassment and violence.

Employers have to report cases of workplace violence that resulted in injury, and investigate cases of sexual harassment or report them to the Labour Program.

The Minister of Labour is not required to review the sections of the Code related to harassment and violence on a regular basis.



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TRAINING



Employers must provide mandatory training on harassment and violence prevention to their employees.

Employees do not have to take workplace harassment and violence prevention training.



SUPPORT



Employers must make available to employees information about the support services in their geographical area. They must also describe the support measures available to employees in their workplace harassment and violence prevention policy.

Employers do not have to support employees who experience workplace harassment or violence.



PRIVACY



To encourage employees to come forward, employers must put in place strong privacy protections.

Employers must describe in their workplace harassment and violence prevention policy how they will protect the privacy of the persons involved in:

- an occurrence, or
- the resolution process for an occurrence.

If an investigator conducts an investigation, the final report must not reveal the identity of persons involved in:

- an occurrence, or
- the resolution process for an occurrence (such as the complainant and the individual alleged, witnesses and any other persons).

If the employer cannot resolve an incident during the resolution process, they have to give the appointed investigator any relevant information they can legally disclose and that would not reveal the identity of those involved without their consent.