

Part 19 - Violence and Harassment Prevention

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VIOLENCE AND HARASSMENT PREVENTION POLICY STATEMENT AND PROCEDURES

19.01

- (1) Every employer must, in relation to each of the employer's workplaces
 - (a) develop a written policy statement and procedures respecting the prevention of violence and harassment, and implement those procedures;
 - (b) give necessary training to workers in relation to the policy statement and procedures; and
 - (c) provide adequate supervision in order to ensure that workers comply with the policy statement and procedures.
- (2) The policy statement and procedures developed under subsection (1) must be developed in consultation with
 - (a) the committee or the health and safety representative, if the employer is required under the Act to establish a committee or have a health and safety representative for the workplace; or
 - (b) in any other case, the workers in the workplace.

CONTENT OF VIOLENCE AND HARASSMENT PREVENTION POLICY STATEMENT

19.02

The policy statement developed under subsection 19.01(1) must include the following:

- (a) a statement that violence and harassment in the workplace are prohibited;
- (b) a statement that every worker is entitled to employment free of violence and harassment;
- (c) a statement that the employer is committed to eliminating or, if that is not practicable, controlling the risks of violence and harassment in the workplace;
- (d) a statement 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) a statement that the employer will not 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) a statement that any personal information that is disclosed under paragraph (e) in respect of an incident or complaint of violence or harassment will be the minimum amount necessary for the purpose for which it is being disclosed;
- (g) a statement that the policy statement and procedures do not limit workers in the exercise of any other rights pursuant to any other law.

CONTENT OF VIOLENCE AND HARASSMENT PREVENTION PROCEDURES

19.03

The procedures developed under subsection 19.01(1) must be in writing and include the following:

- (a) a description of the measures that the employer is to take to eliminate or, if that is 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 measures to eliminate or control a risk of violence or harassment raised in the incident or complaint;
- (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.

INVESTIGATION

19.04

- (1) An employer must ensure that an investigation that is appropriate in the circumstances is conducted into each incident and each complaint of violence or harassment.
- (2) In respect of an investigation conducted under subsection (1), if a safety officer so orders
 - (a) the investigation must 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 must prepare a report of the investigation in writing and deliver it to the employer; and
 - (c) the employer must, at its own expense and without delay after receiving a report prepared under paragraph (b), 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.

DOMESTIC VIOLENCE

19.05

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 who are likely to be affected.

