



Harassment and violence obligations for federal employers

A guide for federally regulated employers
on how to comply with new regulations

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December 2020

On January 1, 2021, the new *Work Place Harassment and Violence Prevention Regulations* (the Regulations)¹ will come into force. The Regulations amend Part II of the *Canada Labour Code* (the Code), modernizing the prevention and resolution of incidents of harassment and violence in federally regulated workplaces. BLG's Labour & Employment Group has prepared this document to highlight the new obligations, as well as our services that can help organizations achieve compliance.

The Regulations only apply to federally regulated industries, which are subject to the Code. These industries are defined by the Constitution and include, among others, air transportation, inter-provincial railways and road transportation services, banking, radio, television broadcasting, and telecommunications.

Following is a summary of the steps that federally regulated employers need to implement in order to be compliant with the Regulations.

1. The Regulations are enacted in the context of federal Bill C-65, *An Act to amend the Canada Labour Code (harassment and violence)*, the *Parliamentary Employment and Staff Relations Act* and the *Budget Implementation Act, 2017 No. 1* and will notably amend some of the provisions of the *Canada Occupational Health and Safety Regulations*.

Conduct a policy review

Employers should undertake a thorough review of their workplace harassment and violence prevention policies and procedures and confirm that these meet the legal requirements set out in the Regulations. The policies must be made available to employees and contain, among other information, the following elements:

- A statement of commitment to prevent harassment and violence in the workplace and to protect employees against such occurrences;
- The roles of all of the workplace parties in this context;
- Risk factors that contribute to workplace harassment and violence;
- A summary of the training that will be provided to employees;
- The procedure to file harassment and violence complaints;
- The complaint resolution process and support measures for employees; and
- The company's emergency procedures.

Provide training to employees

Employers have to offer workplace harassment and violence prevention training to all employees. Particular attention should be paid to members of the management team asked to implement the policies. The training must be specific to the culture, conditions and activities of the workplace and should cover: (i) the elements of the policy, (ii) a description of the relationship between workplace harassment and violence and the prohibited grounds of discrimination set out in subsection 3(1) of the *Canadian Human Rights Act*, and (iii) a description of how to recognize, minimize, prevent and respond to workplace harassment and violence.

Furthermore, all employees should receive the training *before 2021*. Newly hired employees should receive the training *within three months* of beginning their employment.

Conduct a workplace assessment

Employers must carry out a workplace assessment to identify internal and external risk factors that contribute to harassment and violence in the workplace, including, notably: (i) any reports, records and data related to harassment and violence in the workplace, and (ii) the culture, conditions, activities and organizational structure of the workplace. After identifying the risk factors, employers must develop preventive measures to mitigate the risks of harassment and violence and implement those measures.

Develop emergency procedures

Employers must develop *emergency procedures* to address occurrences of harassment or violence that pose an immediate danger to the health and safety of employees.

Maintain records and reports

Employers have to keep records of various documents pertaining to workplace harassment and violence. Furthermore, employers must also provide an annual report to the Minister of Labour.

How BLG's Labour and Employment Group can assist employers

Our national team provides the following services relating to the prevention and investigation of all types of workplace harassment, bullying and violence:

- Drafting and reviewing internal policies;
- Providing exhaustive, precise and practical checklists to facilitate compliance with the Regulation;
- Assisting with crisis management and complaint management;
- Investigation coaching;
- Tailor-made complaint response plans and protocol to suit the organization's culture;
- Customized and interactive training for all levels of employees;
- Training for management in preventing and managing harassment and violence claims, as well as investigating claims;
- Full service litigation and representation;
- Advising management on prevention strategies.

As your trusted business partner, BLG will collaborate with you to design a tailored and practical training program to assist your human resources and leadership teams navigate these challenging situations and proactively identify and mitigate risk. We will guide your organization through understanding the implications of the legislation for your workplace, conducting effective investigations, and responding effectively to occurrences of violence and harassment, including offering support to employees affected by these events.

For more information on how BLG's Labour & Employment Group may assist your organization, please contact the following members of our national team:



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