

New Harassment and Violence Prevention Measures for Federally-Regulated Workplaces Come into force January 1, 2021

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Author: Maria Kotsopoulos

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The **Work Place Harassment and Violence Prevention Regulations** published by the Federal Government in June of this year will come into effect on January 1, 2021. These regulations will require federally-regulated workplaces to undertake various measures in respect of the prevention of workplace harassment and violence. With just under two months left in 2020, employers governed by the *Canada Labour Code* will need to ensure they have taken steps to comply with the Regulations by the end of the year.

Enacted by Bill C-65, which in part amends the *Canada Labour Code*, the [Regulations](#) are intended to strengthen harassment and violence prevention measures in federally-regulated workplaces through policy development, internal workplace consultation in the development of workplace policy, and procedures and risk-assessment identification.

The Regulations set out the required elements of compliant workplace harassment and violence prevention policies and procedures, including:

- **Commitment:** asserting the employer's commitment to prevent and protect employees against workplace harassment and violence;
- **Roles:** articulating the roles for workplace parties in the assessment and identification of workplace risk factors and other processes described in the Regulations;
- **Required elements:** enumerating the essential elements of a workplace harassment and violence prevention policy and training that will be provided in respect of the policy;
- **Complaint process:** establishing a resolution process and timeframes for resolution of complaints;
- **Reporting:** identifying the person or position designated to receive a complaint;

- **Confidentiality:** setting out expectations around confidentiality of the parties and witness participants during the investigation process;
- **Investigators:** identifying the qualifications of an investigator appointed to investigate a complaint;
- **Corrective measures:** outlining employer obligations relating to the implementation of corrective or support measures following an investigation; and
- **Emergency procedures:** establishing specific emergency procedures in respect of occurrences that pose an immediate danger or threat to the health and safety of employee(s) or a threat of such occurrence.

The Regulations also create an annual reporting obligation for employers to provide the Minister with prescribed information. The annual report, which will need to be filed before March 1 of each year, must include the total number of occurrences of workplace harassment and violence and identify the nature of the occurrences (i.e. sexual harassment, harassment, and/or violence), the locations, the types of professional relationships involved with the occurrences and the average time it took to complete the resolution process.

The information contained in this article is intended to provide information and comment, in a general fashion, about recent cases and related practice points of interest. The information and views expressed are not intended to provide legal advice. For specific legal advice, please contact us.