



Work Place Harassment and Violence Prevention Guidelines

Information Session



Bill C65 updates to the *Canada Labour Code* contained in the [Work Place Harassment and Violence Prevention Regulations \(justice.gc.ca\)](#) came into effect on Jan. 1, 2021, and include requirements for employers to establish a comprehensive prevention policy, ensure training is provided, and ensure the resolution process is followed to resolve harassment and violence incidents in the workplace.



The Work Place Harassment and Violence Prevention Interpretations, Policy, Guidelines (943-1-IPG-104) was developed to address some questions from federally regulated employers and employees regarding employer and employee obligations under the *Canada Labour Code and Regulations*. As well as questions regarding occurrences of harassment and violence in the workplace.



IMPORTANT TERMINOLOGY

Applicable Partner

- The policy health and safety committee, or if there is no policy health and safety committee, the workplace health and safety committee or the health and safety representative.

Complaint

- For the purposes of these guidelines, refers to an allegation by an employee, that their employer has failed to fulfill their duties under the *Canada Labour Code* or Regulations relating to a notice of an occurrence of harassment and violence.



Designated Recipient

- A person or a work unit in a workplace, designated by the employer to receive a notice of an occurrence.

Harassment and violence

- means 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 (Subsection 122(1) of the *Canada Labour Code*)

Notice of Occurrence

- This is a notice to the employer (verbally or in writing) that there has been an occurrence.



Occurrence

- Means an occurrence of harassment and violence in the workplace and can include an incident of domestic or family violence that takes place in either the workplace, or in an employee's residence when there is an existing "work-from-home" agreement.

Person Designated

- A person designated by the employer to receive complaints of contraventions (subsection 127.1(1.1) of the *Canada Labour Code*) and can be the same person who acts as the "designated recipient".

Principal Party

- The person who is the object of an occurrence.



Responding Party

- The person who is alleged to have been responsible for an occurrence.

Regulations

- For the purposes of these guidelines, they are the *Work Place Harassment and Violence Prevention Regulations*.

Workplace

- Any place where an employee is engaged in work for their employer (for example: public spaces, third-party premises, the employee's residence if the employer has allowed them to work-from-home, incidents while on travel status, and after work functions organized by the employer).



General Employee Protections

Section 147 of the *Canada Labour Code* prohibits employers from taking, or threatening to take, any punitive or disciplinary action against employees who have acted in accordance with the *Canada Labour Code* and associated Regulations. Employees in such circumstances may notify their designated recipient or appropriate organization personnel. If unsuccessful, employees may then file a complaint with the [Canada Industrial Relations Board \(cirb-ccri.gc.ca\)](http://cirb-ccri.gc.ca).



Joint Matters

(Section 2 of the Regulations)

In the event the employer and the policy committee, the workplace committee or the health and safety representative are unable to agree on a joint matter as required by the Regulations, the employer's decision prevails. However, the employer must first reasonably attempt to agree on a joint matter. All employer prevailed decisions and reasons for the decision on each unagreed upon matter must be recorded (**section 35(1)(d)**). The employer must keep records of these decisions for a period of 10 years and make them available to the Labour Program as requested.



Former Employees (Section 3 of the Regulations)

Employees may provide a notice of occurrence to their former employer within 3 months after their employment ended.

An extension to the 3-month period may be requested to the Labour Program if a former employee was not able to provide a notice of occurrence within the 3 months period due to trauma incurred from an occurrence or due to a health condition.



Former Employees – Continued

(Section 3 of the Regulations)

To substantiate such a claim, the following are examples of documentation that must be provided to the labour program: a current report from: a social worker, counselor, domestic violence specialist organization, physician, nurse practitioner, or other health practitioner, a statutory declaration sworn before a notary public or other authorized individual, a police report, or a restraining order.



Complaint Process

(Section 4 of the Regulations)

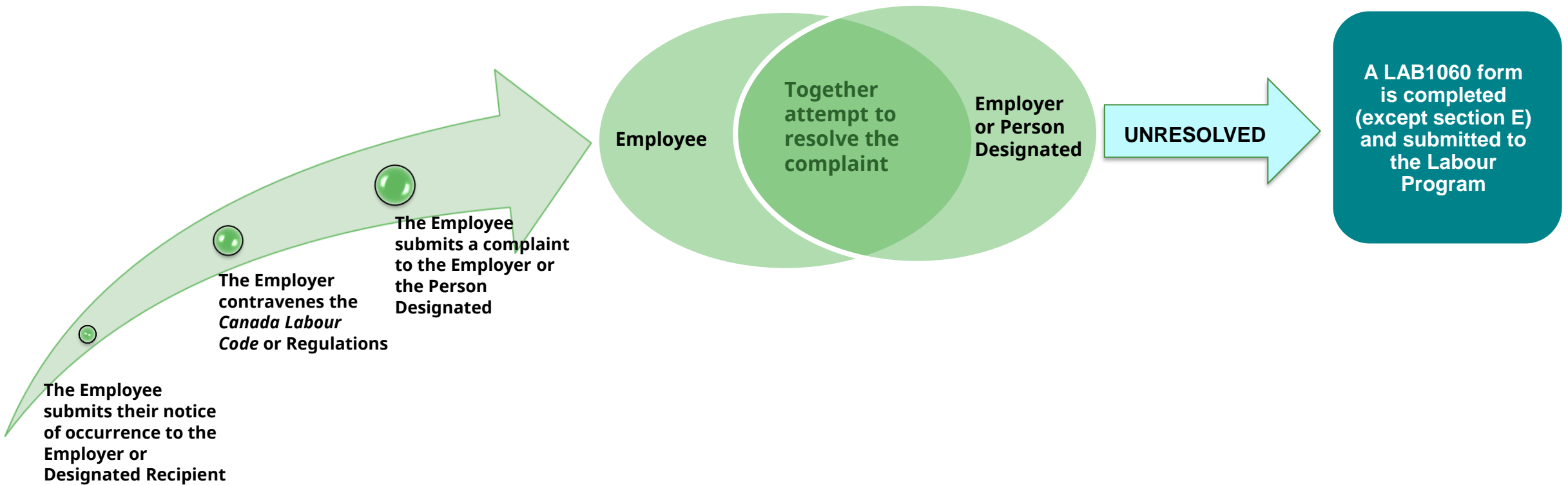
Subsection 127.1(1.1) of the *Canada Labour Code* indicates that employees who believe their employer or designated recipient failed to comply with the *Canada Labour Code* or Regulations when responding to a notice of occurrence (for example: not meeting specified timeframes in the resolution process), may make a complaint following the amended Internal Complaint Resolution Process (ICRP).

Former employees may make such a complaint **until the day** that is the later of:

- a) three months **after the day** on which the former employee ceases to be employed by the employer.
- b) if a notice of the occurrence was provided, three months **after the day** on which the resolution process is completed for the occurrence.



The *amended* Internal Complaint Resolution Process (ICRP) (Section 4 of the Regulations)



The *amended* Internal Complaint Resolution Process (ICRP) - Continued (Section 4 of the Regulations)

As stated in Subsections 134.1(4.1), 135(7.1), and 136(5.1) of the *Canada Labour Code*; the Policy health and safety committees, workplace health and safety committees, and health and safety representatives respectively, **SHALL NOT** participate in investigations related to occurrences of harassment and violence. Therefore, when submitting unresolved harassment and violence complaints to the Labour Program, the LAB1060 form is completed, except for Section E of the form.





COMPLAINT REGISTRATION

Canada Labour Code, Part II - Occupational Health and Safety
Non-smokers' Health Act
Hazardous Products Act

When Complete, Submit to: [ESDC Labour Program](#)
(aussi disponible en français)

(Do not use for refusals to work under section 128 of the Code)

| SECTION A - INFORMATION ABOUT COMPLAINANT | | | |
|--|--|--|--------------------------------------|
| <input type="radio"/> Mr. <input type="radio"/> Mrs. <input type="radio"/> Ms. | Last Name: | First or Given Name: | Middle Initial: |
| Mailing address: | | City and Province: | Postal Code: |
| Home Telephone No. (including area code): | Telephone No. for messages (including area code): | Fax No. (including area code): | |
| E-Mail address: | Your Job Title/Occupation: | Are you covered by a collective agreement? Yes <input type="radio"/> No <input type="radio"/> | |
| Union: | Representative Name: | | |
| SECTION B - INFORMATION ABOUT YOUR EMPLOYER | | | |
| Name of Employer, Company or Business: | | Street Address and/or Employer's Mailing Address: | |
| City and Province: | | Postal Code: | Telephone No. (including area code): |
| Fax No. (including area code): | E-mail address: | Type of Business: | |
| Name of Supervisor: | | Telephone No. (including area code): | Number of Employees: |
| Is there a work place health and safety committee? Yes <input type="radio"/> | Name of Employer Health & Safety Co-Chair: | | Telephone No. (including area code): |
| Representative? Yes <input type="radio"/> | Name of Employee Health & Safety Co-Chair or Representative: | | Telephone No. (including area code): |
| SECTION C - INFORMATION ABOUT YOUR COMPLAINT | | | |
| Complaint concerns: (check one) <input type="radio"/> Canada Labour Code Part II <input type="radio"/> Non-smokers' Health Act <input type="radio"/> Hazardous Products Act | | | |
| Work Site Address (if different from above): | | Location at work site: | |
| Nature of Complaint: | | | |
| Continued on separate page YES <input type="radio"/> | | | |
| Was your complaint discussed with your supervisor? Yes <input type="radio"/> No <input type="radio"/> | | | |



| SECTION D - INTERNAL COMPLAINT RESOLUTION PROCESS | | | |
|---|---|---|--|
| (Complete for ALL complaints - subsection 127.1(1) of the Code) | | | |
| Name of supervisor, or person designated by the employer for occurrences of harassment and violence, the complaint was discussed with: | Telephone No. (including area code): | Date of Discussion (YYYY-MM-DD): | Action Taken: |
| SECTION E - JOINT INVESTIGATION OF COMPLAINT | | | |
| (Do not complete for complaints involving occurrences of harassment and violence - subsection 127.1(3) of the Code) | | | |
| Names of the joint investigators: | Employer representative - joint investigator: | Telephone No. including area code: | Joint investigators agreed the complaint was: Founded <input type="radio"/> Not founded <input type="radio"/> Could not agree <input type="radio"/> |
| | Employee representative - joint investigator: | Telephone No. including area code: | |
| Date Employer received written report from joint investigators (YYYY-MM-DD): | | Attached? Yes <input type="radio"/> No <input type="radio"/> | |
| Employer's Response to joint investigators' report (Required if joint investigators agreed complaint was founded - subsection 127.1(6) of the Code) | | | |
| Was this complaint discussed with another government representative? Yes <input type="radio"/> No <input type="radio"/> | Specify: | | |
| SECTION F | | | |
| I certify all information is true and correct to my knowledge. | | | |
| _____ Signature | | _____ Date (YYYY-MM-DD): | |
| FOR OFFICE USE ONLY | | | |
| Date Received: | Name of Official Receiving: | By (Check one): <input type="radio"/> Interview <input type="radio"/> Mail <input type="radio"/> Fax <input type="radio"/> Email | |
| Forwarded to: (district office) | LA2000 Assignment No.: | Date Acknowledgement Letter of Receipt sent to complainant: | |



The Internal Complaint Resolution Process (ICRP)

(Section 4 of the Regulations)

For other alleged contraventions of the *Canada Labour Code* such as: the employer did not develop a workplace harassment and violence prevention policy or provided training on harassment and violence prevention to employees; the Internal Complaint Resolution Process outlined in subsections 127.1(3) through 127.1(8)(a) to (c) of the *Canada Labour Code* must be followed and all sections of the LAB1060 form must be completed when submitting unresolved complaints to the Labour Program.



Workplace Assessments

(Section 5 of the Regulations)

The purpose of the initial workplace assessment is to identify **RISK FACTORS** that contribute to harassment and violence in the workplace, and to develop preventive measures to mitigate the risk of harassment and violence in the workplace.



Workplace Assessments – Continued

(Section 5 of the Regulations)

Examples of risk factors are:

- working with customers
- working or interacting with members of the public
- working alone or at night
- family or domestic violence
- working with third party workers such as contractors or sub-contractors

Other means to assess the workplace is through inspections, studies, tests and assessments completed by qualified occupational health and safety or security professionals.



Workplace Assessments - Continued

(Section 5 of the Regulations)

It is up to the employer and the applicable partner to decide how to conduct their workplace assessment which must be reviewed once every **three years**. A review is completed to ensure the identified risk factors are still applicable, to identify new risk factors and update or develop adequate preventative measures with the goal to prevent harassment and violence occurrences or reoccurrences in the workplace.



Joint Review and Update (Section 6 of the Regulations)

To conduct a joint review and update of the workplace assessment in situations where the occurrence is not resolved but the principal party ends the resolution process; the employer and the applicable partner should rely on any information already provided to the employer or designated recipient.

In situations where the principal party has not ended the resolution process, but the responding party is a third party; the employer and the applicable partner obtain as much information about the occurrence from the principal party and any witnesses.



Joint Review and Update - Continued

(Section 6 of the Regulations)

The information gathered may be provided to the workplace committee or health and safety representative without disclosing the identity of the person(s) involved in the occurrence unless they consent to their identities being disclosed.

For these situations, the employer and applicable partner should consider if there are any systemic issues (for example, systemic racism, systemic sexism, etc.), patterns of behaviour, and barriers to resolving an occurrence. This may involve interviewing the principal party and witnesses, and consulting with specialists, for example: security specialists.



Identification of Risk Factors

(Section 7, 8 of the Regulations)

An employer and the applicable partner must jointly identify the risk factors, internal and external to the workplace, that contribute to harassment and violence in the workplace. Or, if an individual is directed by the employer to identify the risk factors, or to develop and implement preventive measures; that individual must be qualified by virtue of their training, education or experience.



Identification of Risk Factors

(Section 7, 8 of the Regulations)

There are various risk factors that can contribute to workplace harassment and violence and could include: client (third-party) characteristics, physical work environment, work activity/culture, job factors, and other external factors.



Client (Third Party) characteristics

Working with clients that exhibit certain characteristics can put employees at greater risk of harassment and violence. This can include working with clients:

| | |
|---|--|
| unable to control their behavior because of mental health conditions, emotional disorders, or a brain injury | with a history of violence |
| frustrated with the system and may lash out | who may be under the influence of drugs and alcohol |
| with discriminatory attitudes or behaviour | |

Physical work environment

Certain work environments and workplace designs can result in additional risks that may lead to harassment and violence. For example:

| | |
|---|--|
| working alone in isolated or low-traffic areas | working in high noise level environments |
| working in an area that has poor visibility of clients | working without required personal protective equipment |
| with discriminatory attitudes or behaviour | working in an area that is cramped, requiring to work near other employees or clients |



Work activity/culture

| | |
|---|--|
| working in an environment that is not diverse | working with unstable or volatile persons |
| working in an environment where power is misused or abused | handling money, prescription medication or items of significant value |
| working in an environment that tolerates or promotes discriminatory attitudes and behaviours | working on premises where alcohol is served |

Job factors

| | |
|--|---|
| excessive workload or inadequate resources to complete work | unreasonable or tight deadlines leading to high stress |
| working during periods of intense organizational change | limited or inadequate training and resources |
| limited job security | confusing, conflicting or unclear job or roles |



Other external or internal factors

Family or domestic violence, such as a family member or (ex) partner:

| | |
|---|--|
| physically harming the employee and/or co-workers | stalking the employee |
| destroying the employee or organization's property | verbally abusing the employee or co-workers |
| threatening an employee or co-workers either verbally or over the phone and or email | |



Preventative Measures

(Section 9 of the Regulations)

Preventive measures that mitigate the risk of harassment and violence in the workplace can include:

- **WORKPLACE TRAINING** for employers and employees on civility, respect, how to recognize, prevent and respond to harassment and violence in the workplace, appropriate use of authority, domestic violence, how to de-escalate conflict, how to report occurrences of harassment and violence when they are witnessed, recourse mechanisms, and discrimination based on human rights grounds.
- **WORKPLACE DESIGN** such as position office furniture, surveillance cameras, physical barriers, controlled access, and adequate exterior lighting near entrances and around the workplace.
- **ADMINISTRATIVE PRACTICES** such as including employees in discussions and decisions that affect their working environment and conditions, ensure performance evaluation process is fair and transparent, “pulse checks” for workplace stress, workload and conflict, use of a “buddy system” for employees who work in isolated or unsafe areas, ensure firearms, tools, opiates, drugs, cash, and other valuables are safely stored.



Emergency Procedures

(Section 10, 11 of the Regulations)

The employer and applicable partner must jointly develop a workplace harassment and violence policy consisting of specified components in paragraphs 10(2)(a) to (k) of the Regulations which includes a summary of emergency procedures that must be implemented. This policy is to be made available to all employees and reviewed at least once every **three years**.



Work Place Harassment and Violence Prevention Policy

Joint development

10 (1) An employer and the applicable partner must jointly develop a work place harassment and violence prevention policy.

Policy content

(2) The policy must contain the following elements:

- (a)** the employer's mission statement regarding the prevention of and protection against harassment and violence in the work place;
- (b)** a description of the respective roles of the employer, designated recipient, employees, policy committee, work place committee and health and safety representative in relation to harassment and violence in the work place;
- (c)** a description of the risk factors, internal and external to the work place, that contribute to work place harassment and violence;
- (d)** a summary of the training that will be provided regarding work place harassment and violence;
- (e)** a summary of the resolution process, including
 - (i)** the name or identity of the designated recipient, and
 - (ii)** the manner in which a principal party or witness may provide the employer or the designated recipient with notice of an occurrence;
- (f)** the reasons for which a review and update of the work place assessment must be conducted under subsection 6(1);
- (g)** a summary of the emergency procedures that must be implemented when an occurrence poses an immediate danger to the health and safety of an employee or when there is a threat of such an occurrence;
- (h)** a description of the manner in which the employer will protect the privacy of persons who are involved in an occurrence or in the resolution process for an occurrence under these Regulations;
- (i)** a description of any recourse, in addition to any under the Act or these Regulations, that may be available to persons who are involved in an occurrence;
- (j)** a description of the support measures that are available to employees; and
- (k)** the name of the person who is designated to receive a complaint made under subsection 127.1(1) of the Act.



Emergency Procedures – Continued

(Section 10, 11 of the Regulations)

Emergency procedures to implement may include how to proceed in the event an (ex)partner or family member of an employee, a member of the public, or other third-party assaults, stalks, or threats (either verbally or over text, e-mail, social media, etc.) to harm an employee outside or inside of the workplace, a verbally or physically violent person, a bomb threat, or an active shooter.



Training

(Section 12 of the Regulations)

Employers are required to provide workplace harassment and violence training to:

- all employees (including interns and students) within three months after the day on which their employment begins.
- the designated recipient before assuming their duties under these Regulations and at least once every three years after that.
- the employer and anyone acting on behalf of the employer (supervisors, managers, directors, executives, etc.)

Support Services

(Section 13 of the Regulations)

Examples of other support services may include:

- employee and family assistance services
- doctors, psychologists and psychiatric services
- counselling services, including for problematic substance use
- sexual assault services
- Shelters
- domestic violence crisis line and other supports/resources
- suicide crisis line



Designated Recipient

(Section 14 of the Regulations)

The designated recipient is a person (may also be an Elder, association, third-party) or a work unit (Human Resources, Labour Relations) in a workplace, designated by the employer to receive a notice of an occurrence.

The intent is to provide the principal party with an alternate person to contact if the employer (supervisor, manager, director or business owner) is the responding party in an occurrence.



Designated Recipient – Continued

(Section 14 of the Regulations)

The designated recipient should have no direct personal or working relationship with any of the parties involved, no personal interest in the outcome of the matter, and be able to protect the confidentiality and privacy of the matter as required by the Regulations.

An employer may have more than one designated recipient. However, each designated recipient must receive training on the regulations and be clearly identified in the employer's harassment and violence prevention policy, including how they receive a notice of occurrence.



SCENARIO 1

Two employees, have an altercation in a public place outside of work hours. One employee assaults the other employee. The following week, the two employees see each other at work. The assaulting employee **threatens** the other employee to not say anything about their altercation to their employer or else. The employee that was assaulted feels threatened and **intimated** in the workplace.



Providing Notice of an Occurrence

(Section 15, 16, 19 of the Regulations)

A principal party or witness may, verbally or in writing, provide an employer or the designated recipient with a notice of an occurrence.

A notice cannot be provided in respect of an occurrence if the responding party is neither the employer nor an employee, if exposure to harassment and violence is a normal condition of the principal party's work, and if the employer has measures in place to address the occurrence.



Providing Notice of an Occurrence – Continued

(Section 15, 16, 19 of the Regulations)

Notice of an occurrence must contain the name of the principal party and the responding party, the date of the occurrence, and a detailed description of the occurrence.

An employer or designated recipient must conduct an initial review of every notice of an occurrence to confirm if the notice of occurrence contains the information required to identify the principal party. Otherwise, the employer is not required to take further action to resolve the occurrence and may deem the occurrence resolved.



Response to Notice of an Occurrence (Section 20, 22 of the Regulations)

An employer or designated recipient must, **WITHIN SEVEN DAYS** after the day on which notice of an occurrence is provided, contact the principal party to inform them: that their notice has been received or that they have been named or identified as the principal party in a notice provided by a witness, how to access the employer's workplace harassment and violence prevention policy, of each step of the resolution process, and that they may be represented during the resolution process.



Response to Notice of an Occurrence – Continued

(Section 20, 22 of the Regulations)

When the responding party is first contacted, they are informed they have been named or identified as the responding party in a notice of an occurrence and are provided with the same information as the principal party.



Response to Notice of an Occurrence – Continued (Section 20, 22 of the Regulations)

A principal and responding party may be **REPRESENTED** during the resolution process by an Elder, union representative, colleague, spouse/partner, family member, or a friend. The representative may provide emotional support, guidance, speak on behalf of the principal or responding party but only regarding matters related to the administration of the resolution process such scheduling meetings or interviews, and receiving updates on the status of the resolution process. The principal party or responding party are still required to provide information about the occurrence and respond to questions during negotiated resolution, conciliation or the investigation.



Response to Notice of an Occurrence – Continued (Section 20, 22 of the Regulations)

For family or domestic violence incidents that employers are made aware of, the employer should conduct a **RISK SCREENING**, and develop a **WORKPLACE SAFETY PLAN**. This is to prevent increased risk to the victim and others in the workplace. The employer should also provide the victim with referrals for internal and external support resources.



Negotiated Resolution **(Section 23 of the Regulations)**

It is recommended that all agreements made by all parties involved is documented as the resolution process progresses towards resolution and completion.

NEGOTIATED RESOLUTION is a form of informal resolution in which the principal party meets (either virtually or in-person) with the employer or designated recipient to discuss the occurrence, clarify the information that was submitted in the notice of an occurrence, and attempt to reach resolution.

At this stage, the responding party is only contacted if the principal party agrees that it is appropriate. However, the responding party must be contacted if the principal party chooses to proceed with conciliation and, or an investigation.



SCENARIO 2

A principal party filed a complaint against their manager, alleging their manager verbally threatened and used their power to intimidate them. The designated recipient received the notice of occurrence and was informed by the principal party that they do not want to be in the presence of the manager because they are afraid for their safety. Further requesting that all communication be in writing or by phone but not in person. Parties agreed to move forward with **negotiated resolution**. Negotiated resolution shifted to **conciliation** as soon as communications began and continued between the principal party and the manager by phone and email, with the designated recipient as the mutually agreed upon facilitator. The complaint was resolved.



Negotiated Resolution - Continued (Section 23 of the Regulations)

The principal party may request an investigation only after the incident is reviewed with the employer or designated recipient, a determination has been made that the incident meets the definition of an **OCCURRENCE** and of **HARASSMENT AND VIOLENCE**, and a reasonable effort has been made to resolve the occurrence. At this point, if the principal party still considers the occurrence unresolved, and requests an investigation; the investigation must be carried out.



Negotiated Resolution - Continued

(Section 23 of the Regulations)

If it is not jointly agreed that an occurrence is an action, conduct or comment that is harassment and violence as defined in subsection 122(1) of the *Canada Labour Code* but the principal party would like to proceed with the resolution process; then, the employer or designated recipient must follow the resolution process: negotiated resolution, conciliation (if the responding party agrees), and, or an investigation.



Conciliation

(Section 24, 33 of the Regulations)

CONCILIATION is part of the resolution process which the principal party and the responding party agree to partake in and agree on the facilitator that will assist in this part of the resolution process.

The Regulations allow for negotiated resolution, conciliation and an investigation to run as parallel processes. However, once the investigator's report is provided to the employer, the occurrence can no longer be resolved through negotiated resolution or conciliation and can only be resolved by the investigation.

The employer may suspend the investigation only if the principal party wishes to engage in negotiated resolution or conciliation. However, this would not extend the **TIME LIMIT** of one year after the day on which notice of the occurrence was provided, for the employer to complete the resolution process.



Investigation

(Section 25, 26, 27, 28 of the Regulations)

If an occurrence is not resolved by negotiated resolution or conciliation or at the request of the principal party, an investigation of the occurrence must be carried out and the employer or the designated recipient must provide the principal party and the responding party with notice that an investigation is to be carried out.

The person who will act as the investigator is selected from a list jointly developed by the employer and the applicable partner. If such a list is not in place, then a person that is agreed upon by the employer or designated recipient, the principal party and the responding party.



Investigation – Continued

(Section 25, 26, 27, 28 of the Regulations)

Any person that will act as the investigator must be trained in investigative techniques, have knowledge, training and experience that are relevant to harassment and violence in the workplace, have knowledge of the *Canada Labour Code*, the *Canadian Human Rights Act* and any other legislation that is relevant to harassment and violence in the workplace.



Investigation - Continued

(Section 28 of the Regulations)

If the employer, designated recipient, principal party or responding party propose that a person act as the investigator, they must provide all other parties with the following information for the proposed investigator:

- their name, if they are an employee of the employer, their job title, their supervisor's name, a description of their knowledge, training and experience, a description of any experience that they have which is relevant to the nature of the occurrence that is to be investigated.

The investigator must provide a written statement indicating they are not in a conflict of interest in respect of the occurrence.



Investigation - Continued (Section 27, 29 of the Regulations)

If an agreement is not reached by the employer or designated recipient, the principal party and the responding party on the selection of an investigator **WITHIN SIXTY DAYS** after the day on which the notice was provided. Then, the employer must select an investigator from the Canadian Centre for Occupational Health and Safety listing. The persons listed have been identified as having the knowledge, training and experience to be investigators for harassment and violence occurrences in the workplace.

The employer or designated recipient must provide the investigator with all information that is relevant to the investigation.



SCENARIO 3

An employee filed a complaint against their employer for not attempting to resolve their complaint within 45 days **after the day** on which their notice was provided. Parties involved mutually agreed to resolve the complaint by negotiated resolution, but the complaint was not resolved. The principal party then requested an investigation. An investigator was not mutually agreed upon within the 60 days **after the day** on which the notice was provided. Therefore, an investigator from the Canadian Centre for Occupational Health and Safety (CCOHS) was sourced by the employer. The complaint was resolved.



Investigation Report (Section 30 of the Regulations)

The investigation report must contain a general description of the occurrence, conclusions of the investigation, including those related to the circumstances in the workplace that contributed to the occurrence, and recommendations to eliminate or minimize the risk of a similar occurrence. For example, the report could contain recommendations on methods to eliminate systemic issues related to the organizational culture or structure, or specific training that should be undertaken by the parties involved.



Investigation Report – Continued (Section 30 of the Regulations)

The investigation report must not reveal directly or indirectly, the identity of the parties involved.

The employer must provide a copy of the investigation report to the principal party, the responding party, the workplace health and safety committee or health and safety representative, and to the designated recipient.



Investigation Report - Continued

(Section 30 of the Regulations)

If the principal or responding party are not satisfied with the conclusions or recommendations in the investigation report, or the way in which the investigation was conducted, these concerns are communicated to the employer or designated recipient as soon as possible.

If these concerns are not resolved, parties may consult legal counsel on their own accord to proceed within thirty days of receiving the investigation report, with a request for a judicial review of the investigation by the Federal Court.



Implementation of Recommendations (Section 31 of the Regulations)

The employer and the applicable partner must make a reasonable effort to jointly agree and determine which of the recommendations set out in the investigation report are to be implemented.

If an agreement is not reached, the employer's decision on this matter prevails. However, the employer must document and keep a record of the decisions and reasons for the decisions for **TEN YEARS**.



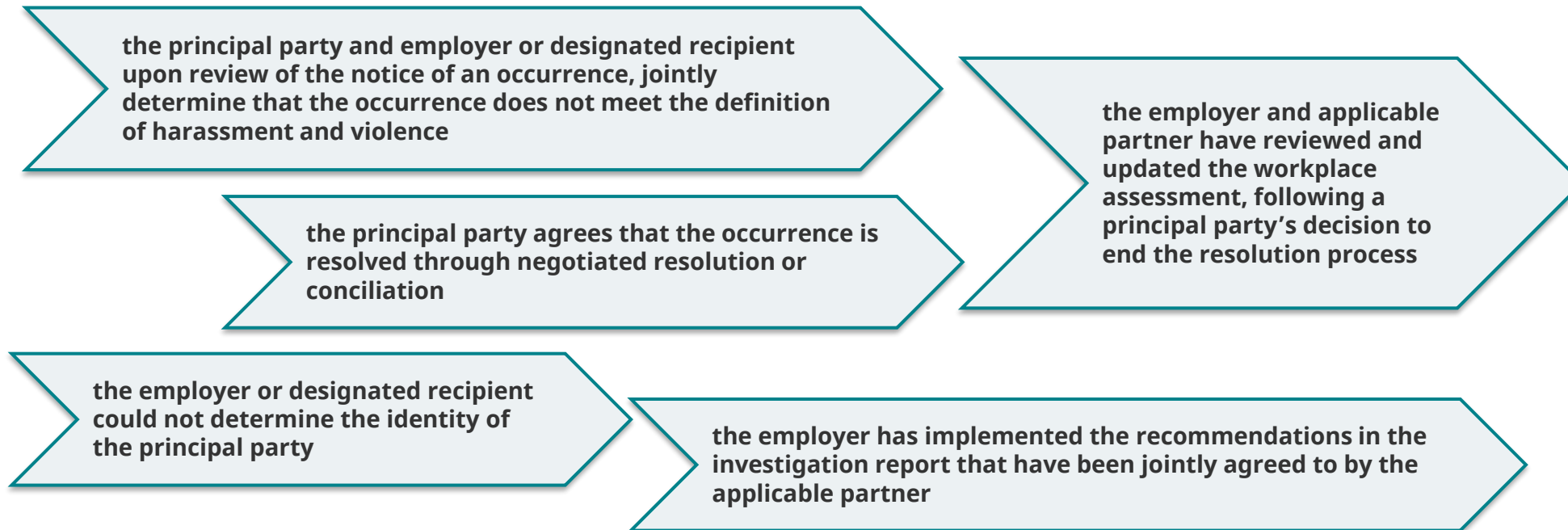
Implementation of Recommendations (Section 31 of the Regulations)

If the principal party as an employee, believes that the employer's decision to not implement a recommendation is a failure to protect their health and safety; the internal complaint resolution process must be followed. The principal party may also file a grievance under their collective agreement, or file a complaint under the *Canadian Human Rights Act*, as applicable.



Completion of the Resolution Process (Section 32 of the Regulations)

The resolution process of an occurrence is considered complete when:



RESOLUTION



Temporary Absence (Section 33 of the Regulations)

The employer must ensure that the resolution process is completed **WITHIN ONE YEAR** after the day on which notice of the occurrence is provided. However, if the principal party or responding party are temporarily absent from work for **MORE THAN NINETY** consecutive days after the day on which notice of the occurrence is provided; the employer must ensure that the resolution process is completed within the later of:

- one year after the day on which notice of the occurrence was provided
- **or**
- six months after the day on which the party returns to work



Monthly Status Updates (Section 34 of the Regulations)

For every occurrence for which notice is provided, the employer or designated recipient must provide monthly updates to:

the principal party

- beginning on the first month after the month in which the notice is provided and
- ending on the month in which the resolution process is completed

the responding party

- beginning on the first month after the month in which the responding party is first contacted by the employer or designated recipient and
- ending on the month in which the resolution process is completed



Monthly Status Updates (Section 34 of the Regulations)

Monthly status updates should include as applicable:

- the process that is being followed
- the status on the review and update of the workplace assessment
- the status on timelines for the selection of a conciliator, and or, an investigator
- the status of the investigation report, and
- the status on implementing the recommendations from the investigation report



Reporting Requirements (Section 36 of the Regulations)

There is a requirement for employers to provide the Labour Program on March 1st of each year with an annual report. The report includes the following information respecting the occurrences for which notice was provided from January 1st to December 31st of the preceding year:

the total number of occurrences

the number of occurrences that were related, respectively, to sexual harassment and violence and non-sexual harassment and violence

the number of occurrences that resulted in the death of an employee

if known, the number of occurrences that fell under each prohibited ground of discrimination set out in subsection 3(1) of the *Canadian Human Rights Act*



Reporting Requirements - Continued (Section 36 of the Regulations)

The report also includes:

the locations where the occurrences took place, specifying the total number of occurrences that took place in each location

the types of professional relationships that existed between the principal and responding parties, specifying the total number for each type. For example: employee-employee relationship, including students and interns, employee-supervisor or manager relationship, employee-third party (individual who is not an employee) relationship.

the means by which resolution processes were completed and for each of those means, the number of occurrences involved. For example: by a review and update of the workplace assessment, negotiated resolution, inability to identify the principal party from the notice of an occurrence, conciliation, an investigation.

the average time, expressed in months, that it took to complete the resolution process for an occurrence



Reporting Requirements - Continued **(Section 37 of the Regulations)**

If an occurrence results in the death of an employee, the employer must report the occurrence to the Labour Program within 24 hours after becoming aware of the employee's death (can be made by calling 1-800-641-4049).

The report must include date, time and general description of the occurrence, and contact information for the person who can provide more information.



ADDITIONAL RESOURCES

- [Interpretations, Policies and Guidelines \(IPGs\)](#)
- [Home | dvatwork](#) – Domestic Violence at Work Website (access to the risk screening tool and workplace safety plan)
- [Sample Risk Assessment tool](#)
- [Sample Policy](#)
- [Sample User Guide](#)
- [Requirements for employers to prevent harassment and violence in federally regulated workplaces - Canada.ca](#)
- [Employers: Workplace harassment and violence occurrence – Resolve with the complainant - Canada.ca](#)
- [*Work Place Harassment and Violence Prevention Regulations*](#)
- [CCOHS: Violence and Harassment in the Workplace – Legislation – Courses and Information](#)
- [Welcome to the Work Place Harassment and Violence Prevention Regulations Roster of Investigators \(ccohs-cchst.ca\)](#) – List of Investigators by Province





QUESTIONS?

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