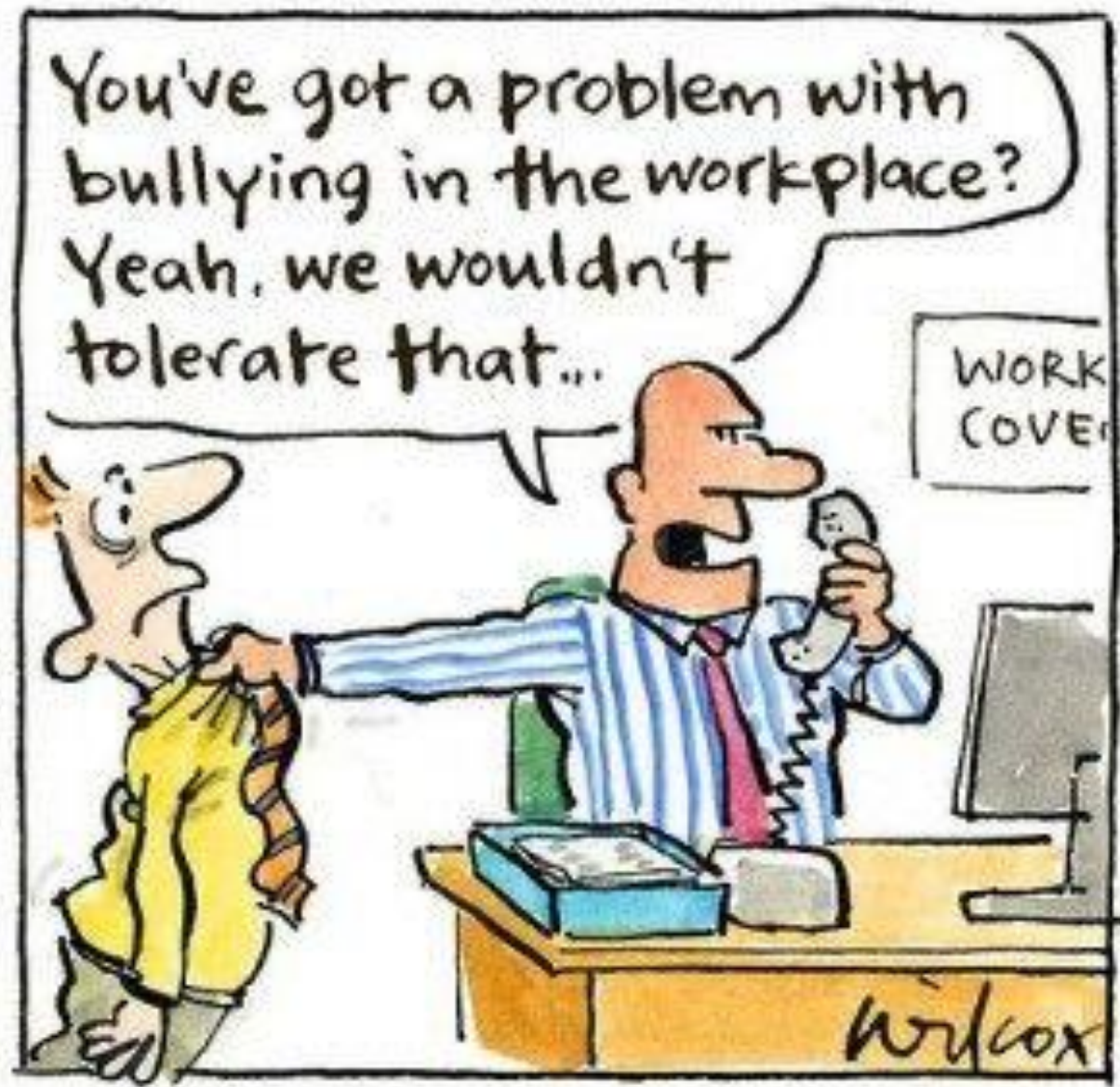




# New Occupational Health & Safety Act Obligations

Guy-Étienne Richard



# Employer requirements

1. **Harassment Code of Practice**: develop a code of practice to prevent workplace harassment;
2. **Assessment for Violence**: conduct a risk assessment for the likelihood of violence; and
3. **Violence Code of Practice**: develop a code of practice to prevent violence in the workplace.

# Code of practice to manage workplace harassment

While the code of practice for harassment does not need to be lengthy, under the Regulation there are certain requirements which must be included:

- General requirement;
- Reporting;
- Investigating a complaint;
- Record keeping;
- Training your staff; and
- Review and update.

# Risk assessment for the likelihood of violence

Workplace violence is a reality in today's society. To prevent violence in the workplace, all employers are required to perform a risk assessment in order to analyze the risks and hazards of violence in their workplace.

They must review and consider the following four components of each of their workplaces:

- The history of violence at the workplace;
- The history of violence at similar workplaces;
- A physical inspection of the workplace; and
- Risk factors associated with violence.



# Code of practice for preventing workplace violence

This code must contain the provisions following:

1. General requirements;
2. Mitigation efforts; and
3. Investigating a complaint of violence.

# Enforcement

- Health and safety officers may conduct workplace inspections and/or respond to complaints to ensure that the employer is acting in compliance with the Regulation.
  - They can issue compliance orders
    - Non-compliance with an order can = Fines that can range up to \$250,000 or terms of imprisonment not exceeding six months (Section 47 of the *Act*)
- Employee protection



# Violence and harassment policy checklist

- Stewart McKelvey has prepared a checklist we can provide to employers to evaluate existing policies against the new requirements



These materials are intended to provide brief informational summaries of legal developments and topics of general interest.

The materials should not be relied upon as a substrate for consultation with a lawyer with respect to the reader's specific circumstances. Each legal or regulatory situation is different and requires review of the relevant facts and applicable law.

If you have specific questions related to these materials or their application to you, you are encouraged to consult a member of our firm to discuss your need for specific legal advice relating to the particular circumstances of your situation.

Due to the rapidly changing nature of the law, Stewart McKelvey is not responsible for informing you of future legal developments.