



e2r Alert

Federal Amendments to Workplace Harassment and Violence to Take Effect January 1, 2021

Beginning January 1, 2021, **federally regulated employers** will be required to comply with the federal government's Workplace Harassment and Violence Prevention Regulations along with *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*.

The Regulations focus primarily on the essential elements of a workplace harassment and violence prevention policy, as well as the procedures that must be in place to respond to incidents of harassment and violence if they do occur.

We have included some of the important highlights of the Regulations below.

Workplace Assessment

An employer and the policy committee (if there is no policy committee, the workplace committee or the health and safety representative) must jointly carry out a work place assessment that consists of the identification of risk factors that contribute to harassment and violence in the work place and within six months develop and implement preventive measures.

The workplace assessment must be jointly reviewed every three years and, if necessary, updated.

Workplace Harassment and Violence Prevention Policy

An employer and the policy committee (if there is no policy committee, the workplace committee or the health and safety representative) must jointly develop a workplace harassment and violence prevention policy that includes required content outlined in the Regulations.

Please contact e2r® prior to January 1, 2021 if you would like to have your policy reviewed to ensure compliance with the new policy requirements.

The policy must be made available to all employees and the policy must be jointly reviewed (and updated if necessary) at least once every three years and following any change to an element of the policy.

Complaint and Resolution Procedures

The Regulations require employers to implement a detailed process with respect to resolving complaints of harassment and violence.

It's important to note that a former employee may make a complaint within certain timeframes outlined in the Regulations.

Training

An employer and the policy committee (if there is no policy committee, the workplace committee or the health and safety representative) must jointly develop or identify training on workplace harassment. The training must be specific to the culture, conditions and activities of the workplace and include certain elements prescribed in the Regulations.

An employer must ensure that:

- a new employee is provided with the training within three months after the day on which their employment begins
- in the case of an employee whose employment began before January 1, 2021, within one year after January 1, 2021

Employees must be trained at least once every three years after that and following any update to the training or their assignment to a new activity or role for which there is an increased or specific risk of workplace harassment and violence.

The training must be jointly reviewed (and updated if necessary) at least once every three years and following any change to an element of the training.

Support Measures

An employer must make available to employees the information respecting the medical, psychological or other support services that are available within their geographical area.

Annual Report to Minister

On or before March 1 of each year, an employer must provide the Minister with an annual report that sets out information respecting occurrences in the preceding calendar year.

We want to be clear these amendments only apply to Federal employers.

www.e2rsolutions.com

This document is intended to be used as a reference and ought not be considered as constituting legal advice (including jurisdictional variances) and accordingly should not be relied upon without obtaining specific legal advice from e2r®.

For purposes of clarity, the *Canada Labour Code* applies only to federally regulated employers. Typically, federally regulated industries include, but are not limited to, banks, air and railway transportation, radio and television broadcasting, and telephone and cable systems. These industries cover approximately six percent of Canadian employees and less than five percent of e2r® clients (the balance of whom are provincially regulated).

If you are unsure whether these changes apply to your business, please do not hesitate to contact Client Care to speak with an Advisor.

If you have any questions regarding the new obligations with respect to harassment and violence in the workplace, please do not hesitate to reach out to speak with an e2r® Advisor.