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ARTICLE

New harassment and violence obligations for federal employers as of January 1, 2021

December 2020 update: View the end of this article to download BLG's guide for federally regulated employers on how to comply with new regulations.

On June 24, 2020, the Canadian government published new *Work Place Harassment and Violence Prevention Regulations* (the Regulations). The Regulations amend Part II of the *Canada Labour Code*, modernizing the prevention and resolution of occurrences of harassment and violence in federally regulated workplaces.¹

Coming into force on January 1, 2021, the Regulations set out several new obligations for federal employers. In practice, this means that federal employers have until the end of this year to revisit their processes related to workplace harassment and violence.

Here are some of the key actions employers must take to comply with the Regulations:

- Developing a comprehensive work place harassment and violence prevention policy or updating the policy currently in place. This policy must be made available to employees and contain all the required information outlined in the Regulations, including, notably, 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;
 - The training that will be provided to employees;
 - How to file violence and harassment complaints;
 - The complaint resolution process and support measures for employees; and
 - The company's emergency procedures.
- Preparing harassment and violence training to be given to all company employees in early 2021;
- Setting up a structure to conduct workplace assessments, jointly with the applicable partner, that identify the risks of harassment and violence in the workplace and implement preventative measures to protect the workplace from these risks. The "applicable partner" is the policy committee, the work place committee or the health and safety representative²;
- Developing emergency procedures to address occurrences of harassment or violence that pose an immediate danger to the health and safety of employees; and
- Setting up data collection and reporting mechanisms with respect to occurrences of harassment and violence.

How BLG can assist employers

We invite you to get in touch with our [Labour and Employment group](#) for guidance on violence and harassment. Notably, our team has tremendous experience in:

- Providing regulation-compliant violence and harassment prevention training to all levels of company employees (including coaching for directors and management);
- Creating tailor-made complaint response plans and protocol to suit the business's culture;
- Counselling boards of directors with governance issues in the context of violence and harassment;
- Advising management on prevention strategies.

Our team is fully prepared to assist with the above in the context of the new legal requirements to come into force soon. Click below to download our updated guide and list of services for federally regulated employers.

(PDF, 1.1 MB)

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*.

² The number of employees will determine which applicable partner an employer must consult with, as follows:

- up to 19 employees: health and safety representative;
- 20 to 299 employees: workplace committee;
- 300 or more employees: policy committee.

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