



# ***Work Place Harassment and Violence Prevention Regulations (WPHVPR)***

# Bill C-65

- Under the *Canada Labour Code* (Code) there are separate regimes to deal with workplace violence and sexual harassment creating an imbalance in treatment of these issues and coverage of different populations
  - Violence is dealt with under the occupational health and safety provisions (Part II)
  - Sexual harassment is dealt with under the labour standards provisions (Part III)
- Bill C-65 creates one regime under Part II of the Code to:
  - Deal with a full spectrum of reprehensible behaviours, ranging from teasing and bullying to sexual harassment and physical violence;
  - Require employers to respond, record, and report harassment and violence, and support employees affected by them; and
  - Provide strong privacy protections to ensure that complaints about harassment and violence are treated confidentially
- The new regime applies to:
  - Federally regulated private-sector industries;
  - Federal public service (currently only covered by violence provisions in the Code);
  - Ministerial exempt staff (clarifies coverage);
  - and Employees on the Hill such as MP's staff, employees of the House of Commons, the Senate, the Library of Parliament and the Parliamentary Protective Service; and
  - Interns employed in these sectors



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Elements of the Regulations		Obligations related to the elements
General	Interpretation (Section 1)	<ul style="list-style-type: none"> <li>• Definition of designated recipient</li> <li>• Definition of occurrence</li> <li>• Definition of principal party</li> <li>• Definition of responding party</li> <li>• Definition of third party</li> </ul>
	Applicable Partner (Section 2)	<ul style="list-style-type: none"> <li>• Definition of applicable partner</li> <li>• Employer's decision prevails if employer and applicable partner are unable to agree on a matter that is required by the Regulations to be done jointly by them</li> </ul>
	Former Employees (Section 3-4)	<ul style="list-style-type: none"> <li>• Minister can extend time period for former employee to notify employer of an occurrence if former employee can demonstrate that they incurred trauma as a result of the occurrence or because of a health condition (Section 3)</li> <li>• Former employee can make a complaint under subsection 127.1(1) of the Act the day that is the later of:               <ul style="list-style-type: none"> <li>• 3 months after the day on which former employee ceases to be employed (Section 4)</li> <li>• 3 months after the day on which the resolution process is completed (Section 4)</li> </ul> </li> </ul>

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Elements of the Regulations		Obligations related to the elements
Prevention and Protection Measures	Workplace Harassment and Violence Prevention Policy (Section 5)	<ul style="list-style-type: none"> <li>• Must be jointly developed with applicable partner (Policy Committee, Work Place Committee, or Occupational Health and Safety Representative).</li> <li>• Must outline how the organization will address harassment and violence in their workplace.</li> <li>• Must also outline how an employer is to be informed of external dangers, such as family violence.</li> </ul>
	Workplace Assessment (Sections 6-10)	<ul style="list-style-type: none"> <li>• Must be conducted jointly.</li> <li>• Must identify risks of harassment and violence in the workplace and implements preventive measures to protect the workplace from these risks.</li> <li>• Updated and reviewed at least every three years.</li> <li>• In certain situations where the resolution process cannot proceed, such as when the principal party wishes to remain anonymous.</li> </ul>
Training	(Section 12 )	<ul style="list-style-type: none"> <li>• Jointly identified or developed.</li> <li>• Delivered to employees, employers and the designated recipient.</li> <li>• Delivered at least every three years.</li> </ul>
Support Measures	(Section 13 )	<ul style="list-style-type: none"> <li>• Employers are to make available information respecting support services that employees may access should they be in need of them.</li> </ul>

# Work Place Harassment and Violence Prevention Regulations Cont'd

Elements of the Regulations		Obligations related to the elements
Resolution Process	Notification (Sections 14-15)	<ul style="list-style-type: none"> <li>The employer must designate a person as a designated recipient to whom notification of an occurrence may be given. <b>(Section 14)</b></li> <li>Will require employers to respond to every notification of an occurrence of harassment and violence in their workplace.</li> <li>Employer will be obligated to respond to an anonymous notification.</li> <li>Employer must respond to a notification submitted by a third party. <b>(Section 15)</b></li> </ul>
	Response (Section 16)	<ul style="list-style-type: none"> <li>Employer must respond to a notification within five calendar days.</li> </ul>
	Early Resolution and Conciliation (Sections 17-18)	<ul style="list-style-type: none"> <li>Must make reasonable effort to resolve the occurrence early.</li> <li>Early resolution and conciliation must be conclude within 180 days of the notification.</li> <li>Investigation and implementation of recommendations must be completed within one year from the date of the notification.</li> </ul>



# Work Place Harassment and Violence Prevention Regulations Cont'd

Elements of the Regulations		Obligations related to the elements	
Resolution Process	Investigation (Sections 19-23)	Selection of Investigator (Section 20)	<ul style="list-style-type: none"> <li>Parties must agree on the individual undertaking the investigation.</li> <li>Investigator must have the qualifications as outlined in the regulations.</li> <li>Work place parties must be provided a statement of qualifications on individuals that are being proposed to conduct the investigation.</li> </ul>
		Information for Investigator (Section 21)	<ul style="list-style-type: none"> <li>Employer/designated recipient must provide the investigator with all information relevant to the investigation.</li> </ul>
		Investigator's Reports (Section 22)	<ul style="list-style-type: none"> <li>Investigator must provide two reports:               <ul style="list-style-type: none"> <li>Final Report                   <ul style="list-style-type: none"> <li>Employer, principal party, and responding party</li> </ul> </li> <li>Summary Report                   <ul style="list-style-type: none"> <li>Applicable partner (Policy Cmte, WPC, OHS Officer)</li> </ul> </li> </ul> </li> </ul>
		Implementation of Recommendations (Section 23)	<ul style="list-style-type: none"> <li>Employer and applicable partner will jointly determine which of the recommendations are to be implemented.</li> <li>Recommendations must be implemented with one-year from the date of the notification.</li> </ul>



# Work Place Harassment and Violence Prevention Regulations Cont'd

Elements of the Regulations		Obligations related to the elements	
Resolution Process	Completion of the Resolution Process (Sections 24-26)	Criteria (Section 24)	<ul style="list-style-type: none"> <li>• If early resolution or conciliation is successful;</li> <li>• If principal party chooses not to proceed to an investigation;</li> <li>• In the case of an investigation, the investigation is complete and recommendations have been implemented.</li> </ul>
		Time Period (Section 25)	<ul style="list-style-type: none"> <li>• Early resolution and conciliation, within 180 days from the notification of the occurrence</li> <li>• Investigation, within one-year from the notification of the occurrence</li> </ul>
		Monthly Updates (Section 26)	<ul style="list-style-type: none"> <li>• Monthly updates need to be provided to principal party and responding party.</li> </ul>
Reporting	Semi-Annual Report (Section 28)	<ul style="list-style-type: none"> <li>• Employer must submit a semi-annual report to the applicable partner information of occurrences resolved through early resolution or conciliation.</li> </ul>	
	Annual Report (Section 29)	<ul style="list-style-type: none"> <li>• Employers will have to submit an annual report to the Labour Program.</li> </ul>	
	Fatality Report (Section 30)	<ul style="list-style-type: none"> <li>• Employer will have to report a fatality within 24 hours.</li> </ul>	

