

Federal Post

Federal Government Publishes Guideline on Incoming Work Place Harassment and Violence Prevention Obligations

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On November 30, 2020, the federal government published [Work Place Harassment and Violence Prevention \(HVP\)](#), an Interpretations, Policy, Guidelines document (IPG Document) to address some questions relating to the incoming harassment and violence provisions of the *Canada Labour Code* (Code) and its supporting Regulation, which are set to come into force on January 1, 2021. We reported on these new obligations in our [Federal Post of June 25, 2020](#).

The IPG Document provides an overview of the work place harassment and violence obligations and as well provides practical guidance for both employers and employees on their application.

With respect to employers, for example, questions addressed under the Regulation include the following:

- the types of external risk factors an employer should consider when conducting a work place assessment with the applicable partner, such as family or domestic violence
- the purpose of the initial work place assessment and how it should be conducted
- the types of risk factors that contribute to work place harassment and violence, such as client characteristics, physical work environment, work activity/culture, job factors
- examples of preventive measures that employers can take to mitigate the risk of harassment and violence in the work place, including the type of training that should be made available to both employers and employees
- factors employers and their applicable partners should consider “when developing and implementing emergency procedures to deal with an occurrence or threat of an occurrence that poses an immediate danger to the health and safety of an employee”; “applicable partner” is defined in the Regulation as a policy committee or, if there is no policy committee, the work place committee or the health and safety representative
- factors to determine the appropriate “designated recipient” to receive a notice of an occurrence of harassment and violence
- guidance on negotiated resolutions or conciliations
- the type of information employers or the designated recipient should include in the monthly updates provided to the principal party, and responding party as applicable.

The IPG Document also provides guidance on issues that may arise under the changes to the Code relating to work place harassment and violence for both employers and employees. This

includes a broad interpretation of “work place” for the purposes of occurrences of work place harassment and violence as any location at which an employee is performing work for the employer – including the employee’s residence if the employer has allowed them to work from home.

Please contact [David Foster](#) or your regular Hicks Morley lawyer if you have any questions regarding the new work place harassment and violence obligations.