

## WORKPLACE HARASSMENT AND VIOLENCE PREVENTION REGULATIONS

# POLICY IMPLEMENTATION CHECKLIST



Recent changes to the **Canada Labour Code** introduce new obligations for federally regulated employers. One important new piece of legislation is *Bill C-65*, which protects against harassment and violence in the workplace. *Bill C-65* modified the Canada Labour Code to introduce new Workplace Harassment and Violence Prevention Regulations, which came into force on January 1st, 2021. Under this framework, employers are required to establish a **Workplace Harassment and Violence Prevention Policy**.



Below you will find a detailed summary of your obligations as they pertain to the **Workplace Harassment and Violence Prevention Policy** (*including mandatory elements to include within the document*).



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**Prior to implementing a workplace harassment and violence prevention policy within your organization, you should fully understand your obligations:**

- Your company's policy should be jointly developed between the employer and the Applicable Partner. Depending on the size of your organization, "applicable partner" is defined as the policy committee (for employers with **more than 300 employees**), the workplace committee (for employers with **20 or more employees**), or the health and safety representative (for employers with **less than 19 employees**).
- Prior to developing your Policy, it is a best practice to first conduct your risk assessment.
- Does your company already have a pre-existing policy on harassment and workplace violence? If so, it should be revised to include the requirements below or replaced with a new policy.



## Obligations (Cont'd.):

- Your policy must include:
  - a mission statement that highlights your commitment to the prevention of and protection against harassment and violence in the workplace;
  - the name of the person (or work unit) designated to receive a workplace harassment and violence complaint;
  - a description of the role of the employer, designated recipient, employees, health and safety representative/policy committee/workplace committee in relation to harassment and violence in the workplace;
  - a descriptive overview of the internal and external risks within the workplace and the trucking industry that could contribute to workplace harassment and violence;
  - a description of the training that you will provide on workplace harassment and violence;
  - an outline of the incident/complaint resolution process and the manner in which a complainant or witness may provide the employer or the designated recipient with notice of an occurrence or threat of occurrence;
  - the reasons that will constitute a review or update to the workplace risk assessment;
  - a summary of the emergency procedures that must be implemented when there is an immediate danger to an employee or when there is threat of such an occurrence;
  - the measures the employer will take to protect the privacy of any persons involved in an occurrence of workplace harassment or violence, or the resolution process for such occurrence;
  - a description of any recourse that may be available to people involved in an occurrence; and
  - a description of support measures available to employees.
- A best practice is to include the policy's original implementation date and most recent revision date (as applicable) as a footer on the Policy document.
- For unionized employers, policies must be consistent with the collective agreement.
- Individuals with specific responsibilities, as outlined within the policy document, should be informed and educated on those responsibilities.
- Once the policy has been developed (or revised), ensure it is accessible to all staff (in both written and electronic form) and included in all policy manuals and handbooks.
- Communicate the policy to all employees. It's a best practice to obtain employee sign-off that the policy was received and reviewed.
- Ensure that all employees have received training on the elements of your company's policy.
- Establish a process for on-going policy review (recommended annually, at a minimum every three years, per legislated requirements). Policy review and update is a joint responsibility shared with the company's Applicable Partner. Company changes may prompt earlier policy review, for example: change in company size (Applicable Partner requirement); updates to training; a designated person change; updated privacy requirements; or changes to support measures).
- Ensure that you keep a copy of the workplace harassment and violence prevention policy in your company's health and safety records. These records are to be maintained for a period of 10 years.