



WORKPLACE HARASSMENT AND VIOLENCE PREVENTION REGULATIONS

Workplace Risk Assessment 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* introduced new **Workplace Harassment and Violence Prevention Regulations**, which came into force on January 1st, 2021. Under this new framework, employers are required to conduct a **Work Place Risk Assessment** as part of their responsibility to prevent workplace harassment and violence.



Below you will find a **Workplace Risk Assessment Checklist** to help monitor your company's practices and ensure compliance. The checklist contains information that is both required and recommended. Regulatory requirements per the Act are denoted by *.



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WORKPLACE RISK ASSESSMENT CHECKLIST



GETTING STARTED

- *You will be required to complete the workplace assessment with your company's 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**).
- *Ensure individuals that are directed to identify the risks, or to develop and implement the preventative measures, are properly qualified and trained.
- Familiarize yourself with the new definitions of workplace harassment and violence.



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DEVELOP A RISK-ASSESSMENT PROCESS

- Does your company already have a Risk Assessment process? If so, it should be reviewed to ensure compliance with the requirements outlined below.
 - *Risk factors that must be reviewed include:
 - The culture, conditions, activities and organizational structure of the workplace;
 - Circumstances external to the workplace, such as family violence, that could give rise to harassment and violence in the workplace;
 - Any reports, records and data that are related to harassment and violence in the workplace;
 - The physical design of the workplace; and
 - The measures that are in place to protect psychological health and safety in the workplace.
- To evaluate the risk categories listed above, establish a process that:
 - identifies any workplace harassment and violence risks;
 - identifies any external factors that might contribute to workplace harassment and violence (for example domestic violence, road rage);
 - evaluates the degree of risk;
 - captures existing controls;
 - recommends new controls; and
 - assigns responsibility for implementation.
- Create a standardized Risk Assessment Form and determine who the owner of the document is and how it will be maintained and stored.

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EVALUATE RISKS

- To identify workplace harassment and violence risks, consider involving your employees (through focus groups, surveys, etc.), doing thorough walk-throughs or ride-alongs, and reviewing experiences from prior occurrences within your workplace or industry;
- Critically assess all work activities and actions. Pay special attention to work activities common in the transportation sector that put workers at a higher risk for violence and harassment, such as:
 - Working with the public;
 - Securing, protecting or transporting valuable goods;
 - Carrying out inspections or enforcement duties;
 - Direct contact with clients;
 - Working alone or in small numbers;
 - Working in a community-based setting;
 - Driving a vehicle;
 - Travelling to other cities/countries;
 - High stress work environments; and
 - Overnight stays.
- Implement a standard risk evaluation tool to determine the level or degree of risk posed to employees.

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DEFINE CONTROLS

- Capture all current practices (controls) that are already in place to lower the risk of violence and harassment in the workplace.



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RECOMMEND NEW CONTROLS

- *Within six months of identifying risk factors, the employer and applicable partner must jointly:
 - Develop preventative measures that, to the extent feasible, mitigate the risk of harassment and violence in the workplace, and neither create nor increase the risk of harassment and violence in the workplace;
 - Develop an implementation plan for the preventative measures; and
 - Implement the preventative measures in accordance with the implementation plan.
- When recommending controls to reduce any harassment and violence risks, consider the following questions:
 - Is there a way to eliminate the risk all together?
 - Is there a way to physically change the workplace design to reduce the risk?
 - Is there a way to introduce or change administrative processes (such as changes to policies or procedures) to reduce the risk?
 - Is there a way to adjust what is done and when it's done?
- Involve managers and employees in the recommended controls process, particularly those that are most impacted by an identified risk.
- Delegate tasks within the implementation plan to specific individuals and assign deadlines.
- Establish a process that tracks on-going progress and the achievement of the implementation plan.

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COMMUNICATE RISKS

- *Communicate any identified risks to employees through the Workplace Harassment and Violence Prevention Policy, employee safety training, and other appropriate communication channels.
- Inform employees on how they can personally mitigate the potential for harassment and violence in the workplace as it relates to specific identified risks.

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MONITOR AND REVIEW

- *Monitor the accuracy of the Workplace Risk Assessment (employer and Applicable Partner joint responsibility).
- Review all incident reports and/or complaints reported to examine the circumstances of each occurrence and determine if common risk themes emerge.
- *Establish practices on when and how the Risk Assessment will be updated and reviewed. This must occur if new risk factors emerge or if the effectiveness of any preventative measures is compromised. It must also be reviewed if the resolution process is stalled, ended by the complainant before resolution takes place, or if the responding party is not an employee or the employer.
- *Ensure a full review process takes place at a minimum every 3 years.