

# NEW WORKPLACE HARASSMENT AND VIOLENCE REQUIREMENTS FOR FEDERALLY REGULATED EMPLOYEES NOW IN EFFECT

Posted on January 4, 2021

**Categories:** [Insights](#), [Publications](#)

The long-awaited Workplace Harassment and Violence Prevention Regulations and related amendments to the Canada Labour Code are now, effective January 1, 2021, operative.

We [previously advised](#) that the new Regulations impose several obligations on federally regulated employers, including:

- Establishing a workplace harassment and violence policy;
- Responding to harassment or violence complaints within seven days of receipt a complaint;
- Directing a complaint to a qualified investigator where the complaint cannot be resolved via conciliation or mediation;
- Ensuring that employees receive harassment and violence prevention training;
- Completion of workplace assessments; and
- Reporting annually to the federal Labour Program on harassment and violence in the workplace.

Federally regulated employers will also have to ensure that their policy health and safety committee, workplace health and safety committee, or health and safety representative (“**Applicable Partner**”) is appropriately engaged.

## Immediate and Upcoming Deadlines

As of January 1, 2021, federally regulated employers must be ready to receive a “notice of occurrence” – notifying of a harassment or violence complaint – and follow the procedures set out in the Regulations upon receipt of the complaint.

Employers must also have a workplace harassment and violence prevention policy, developed in conjunction with their Applicable Partner. Moreover, employers and their Applicable Partner must work to complete an assessment of risk factors and, within six months, implement preventative measures to address those risk factors.

Lastly, employers should take note of the following upcoming deadlines:

- April 1, 2021 – Provide harassment and violence prevention training to all employees hired on or after January 1, 2021; and
- January 1, 2022 – Provide harassment and violence prevention training to all employees hired before January 1, 2021.

#### Takeaways for Employers

Federally regulated employers should take heed of their new obligations, especially those relating to workplace policies and responding to harassment or violence complaints. Employers should expect the federal Labour Program to be vigilant in enforcing the new Regulations and work to ensure that all new or changed requirements are met.

by [Kyle Lambert](#)

#### **A Cautionary Note**

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

© McMillan LLP 2021