

Legislation Applying to Violence and Harassment in Canada by Jurisdiction

Listed below are the health and safety based legislative references which pertain to violence, harassment, and the general duty clause for each of the jurisdiction in which CUPE members work. Where there is no specific reference to violence or harassment prevention, workers can always use the "general duty provision" in their Occupational Health & Safety legislation which requires employers to take all reasonable precautions to protect the health and safety of employees.

Jurisdiction	Violence	Harassment	General Duty Clause
Alberta	<p>Occupational Health and Safety Act: Defined under definitions 1(yy) Obligation of employer to prevent 3(1)(c) Supervisors Prevent 4(a)(v) Workers shall not 5(d) Identify as part of Program 37(1)(b)</p> <p>Occupational Health and Safety Code, Section 390-390.3 Includes requirements for Violence prevention plan, policy, procedures, and domestic violence 391.1 Investigations 392.4 Additional Violence Training</p>	<p>Occupational Health and Safety Act: Defined under definitions 1(q) Obligation of employer to prevent 3(1)(c) Supervisors Prevent 4(a)(v) Workers shall not 5(d) Identify as part of Program 37(1)(b)</p> <p>Occupational Health and Safety Code, Section 390.4 Includes requirements for harassment prevention plan, policy, procedures 391 Harassment Training 391.1 Investigations</p>	<p>Occupational Health and Safety Act Section 3(1)</p>
British Columbia	<p>Occupational Health and Safety Regulation: 3.23(1)(f) – young and new workers 4.22.1 - Late night retail safety procedures and requirements 4.27 - 4.31 – Violence prevention in the Workplace</p>	<p>Occupational Health and Safety Regulation: Improper activity or behaviour is defined under section 4.24 and prohibition of under 4.25</p>	<p>Workers Compensation Act: Part 3, section 115 (1)</p>
Manitoba	<p>Workplace Safety and Health Regulation Section 1.1 defines Violence Part 11, Violence in the Workplace regulations</p>	<p>Workplace Safety and Health Regulation Section 1.1 defines Harassment Section 1.1.1(1)-(3) further clarifies Part 10, Harassment prevention policy</p>	<p>Workplace Safety and Health Act: Section 4(1)</p>
New Brunswick	<p>Not specifically referenced in legislation</p>	<p>Not specifically referenced in legislation</p>	<p>Occupational Health and Safety Act 9(1)</p>
Newfoundland and Labrador	<p>Occupational Health and Safety Regulations Violence prevention Section 22-24</p>	<p>Not specifically referenced in legislation</p>	<p>Occupational Health and Safety Act: Section 4.</p>

Nova Scotia	Separate Violence in the Workplace Regulations	Not specifically referenced in legislation	Occupational Health and Safety Act: section 13 (1)
Ontario	Occupational Health and Safety Act: Section 32.0.1(a) Requirement for policy on violence Section 32.0.2: Violence Program Requirements Section 32.0.3: Assessment of Risks of Violence	Occupational Health and Safety Act: Section 32.0.1(b) Requirement for policy on harassment Section 32.0.6 – harassment Program Requirements	Occupational Health and Safety Act 25(2)(h)
Prince Edward Island	Occupational Health and Safety Act General Regulations: Violence in the workplace: Section 52	Civil Service Act Regulations Conduct of employee, Harassment prohibited section 30-31	Occupational Health and Safety Act 12. (1)(a)
Quebec	Assumed covered under the Psychological Harassment Section of the Act Respecting Labour Standards	Act Respecting Labour Standards Psychological Harassment Section 81.18 – 20 Recourse 123.6, 123.15,	
Saskatchewan	The Saskatchewan Employment Act Policy statement on violence and prevention plan, 3-21 Occupational Health and Safety Regulations <i>Section 37</i>	The Saskatchewan Employment Act Definition of harassment: 3-1(1)(l) , further explained 3-1(1)2(3) and 3-1(1)(4) Employer Duties to Prevent 3-8 (d) Supervisors duties to Prevent 3-9 (c) Workers prohibited 3-10 (b) Inspector investigation requirements on workers 3-67 Occupational Health and Safety Regulations Section 36	The Saskatchewan Employment Act 3-8(a)
Federally Regulated	Canada Labour Code: Part II s125(1) (z16) Canadian OHS Regulations Section 20 is the violence Prevention Program regulations	Canada Labour Code , Part III, section 247 – Covers sexual harassment only	Canada Labour Code: Part II Section 124