

## 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><b>Occupational Health and Safety Act:</b>                      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><b>Occupational Health and Safety Code,</b>                      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><b>Occupational Health and Safety Act:</b>                      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><b>Occupational Health and Safety Code,</b>                      Section 390.4 Includes requirements for                      harassment prevention plan, policy, procedures                      391 Harassment Training                      391.1 Investigations</p>	<p><b>Occupational Health and Safety Act</b>                      Section 3(1)</p>
British Columbia	<p><b>Occupational Health and Safety Regulation:</b>                      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><b>Occupational Health and Safety Regulation:</b>                      Improper activity or behaviour is defined under                      section 4.24 and prohibition of under 4.25</p>	<p><b>Workers Compensation Act:</b>                      Part 3, section 115 (1)</p>
Manitoba	<p><b>Workplace Safety and Health Regulation</b>                      Section 1.1 defines Violence                      Part 11, Violence in the Workplace regulations</p>	<p><b>Workplace Safety and Health Regulation</b>                      Section 1.1 defines Harassment                      Section 1.1.1(1)-(3) further clarifies                      Part 10, Harassment prevention policy</p>	<p><b>Workplace Safety and Health Act:</b>                      Section 4(1)</p>
New Brunswick	<p>General Regulation - Occupational Health and                      Safety Act                      Section 2 defines violence                      Section 374.1 – Assessment of risk from                      violence                      Section 374.2 – Establish Coded of practice for                      violence                      Section 374.7 – Training for codes of practice</p>	<p>General Regulation - Occupational Health and                      Safety Act                      Section 2 defines harassment                      Section 374.4 – Establish Coded of practice for                      harassment                      Section 374.7 – Training for codes of practice</p>	<p><b>Occupational Health and Safety Act</b>                      9(1)</p>

Newfoundland and Labrador	<b>Occupational Health and Safety Regulations</b> Violence prevention Section 22-24	Not specifically referenced in legislation	<b>Occupational Health and Safety Act:</b> Section 4.
Nova Scotia	Separate Violence in the Workplace Regulations	Not specifically referenced in legislation	<b>Occupational Health and Safety Act:</b> section 13 (1)
Ontario	<b>Occupational Health and Safety Act:</b> 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	<b>Occupational Health and Safety Act:</b> Section 32.0.1(b) Requirement for policy on harassment Section 32.0.6 – harassment Program Requirements	<b>Occupational Health and Safety Act</b> 25(2)(h)
Prince Edward Island	<b>Occupational Health and Safety Act</b> General Regulations: Violence in the workplace: Section 52	<b>Civil Service Act Regulations</b> <b>Conduct of employee, Harassment prohibited</b> section 30-31	<b>Occupational Health and Safety Act</b> 12. (1)(a)
Quebec	Assumed covered under the Psychological Harassment Section of the <b>Act Respecting Labour Standards</b>	<b>Act Respecting Labour Standards</b> Psychological Harassment Section 81.18 – 20 Recourse 123.6, 123.15,	
Saskatchewan	<b>The Saskatchewan Employment Act</b> Policy statement on violence and prevention plan, 3-21 <b>Occupational Health and Safety Regulations</b> Section 37	<b>The Saskatchewan Employment Act</b> Definition of harassment: <b>3-1(1)(l)</b> , further explained <b>3-1(1)2(3)</b> and <b>3-1(1) (4)</b> Employer Duties to Prevent <b>3-8 (d)</b> <b>Supervisors duties</b> to Prevent <b>3-9 (c)</b> Workers prohibited <b>3-10 (b)</b> Inspector investigation requirements on workers 3-67 <b>Occupational Health and Safety Regulations</b> Section 36	<b>The Saskatchewan Employment Act</b> 3-8(a)
Federally Regulated	<b>Canada Labour Code:</b> Part II s125(1) (z16) Canadian OHS Regulations Section 20 is the violence Prevention Program regulations	<b>Canada Labour Code</b> , Part III, section 247 – Covers sexual harassment only	<b>Canada Labour Code:</b> Part II Section 124