
INTRODUCTION

- The Government of Yukon wants to make two changes to the *Occupational Health and Safety Regulations*.
 - A new regulation to help prevent violence and harassment in Yukon workplaces.
 - An enhancement to an existing regulation about hazard assessment to make it clearer.
- A regulation defines how a law is applied and enforced.
- This document explains what we would include in the changes; the formal legal regulations will give the exact details.

WHAT DO WE MEAN BY THE TERMS “VIOLENCE” AND “HARASSMENT” IN THE WORKPLACE?

Harassment and violence are both workplace hazards. A regulation will have precise legal definitions for these words.

Proposed definitions of “workplace violence” and “workplace harassment”

Workplace violence

The use of physical force (or the threat of physical force), which includes making threatening statements, against someone at work that causes injury (or is likely to cause injury) to them.

Examples are physical attack or aggression, threatening behaviour, verbal or written threats.

It includes domestic violence. This becomes a workplace hazard when it occurs in the workplace and puts any worker there at risk.

Workplace harassment

Conduct or comments that a person knows, or reasonably ought to know, would cause offence or humiliation to a worker or adversely affects a worker’s physical or psychological health and safety. It includes workplace sexual harassment.

Examples are comments, bullying or actions that are intended to intimidate, offend, degrade or humiliate a particular person or group.

It does not include any reasonable conduct of an employer or supervisor related to the normal management of workers or a workplace.

WHAT IS PROPOSED?

The regulation will apply to employers and workers and will relate to workplace policies and procedures to prevent violence and to prevent harassment.

1. Proposed requirements for reporting a risk of violence

If an employer identifies a risk of violence in their workplace hazard assessment, they will need to:

- a. Report it to their health and safety committee or worker representative (if they have one);
- b. Tell their workers about it and what precautions they are taking to protect workers.

2. Proposed requirements for workplace policies and procedures to prevent violence

Employers will need to work with their health and safety committee or worker representative (if they have one) or their workers to develop a *policy* to prevent workplace violence.

At a minimum, the policy will say that:

- a. Violence is prohibited in the workplace.
- b. Employers will prevent or control risks of violence.
- c. Employers will investigate and take action to deal with any incidents of violence.
- d. Employers will make sure workers know about the policy, the risk of violence in their workplace and receive training.
- e. The policy is not intended to discourage a worker from exercising their rights under any other law.

Employers will need to work with their health and safety committee or worker representative (if they have one) or their workers to develop *procedures* to prevent workplace violence if there is a risk of violence, if a violent incident occurs or if a safety officer orders it.

At a minimum, the procedures will say:

- a. Which locations and staff positions carry a risk or have seen a violent incident.
- b. How employers will eliminate or control workplace violence.
- c. How employers will inform workers about a risk or a violent incident.
- d. How workers will report to employers about a violent incident.
- e. How workers can obtain assistance if a violent incident occurs, including treatment or counselling.
- f. How employers will address confidentiality of information about incidents.

- g. How and what employers will investigate, document and report about incidents.
- h. What employers will do to prevent more incidents.

3. Proposed requirements for workplace policies and procedures to prevent harassment

Employers will need to work with their health and safety committee or worker representative (if they have one) or their workers to develop both a *policy and procedures* to prevent workplace harassment.

At a minimum, the *policy* will say that:

- a. Harassment is not permitted in the workplace.
- b. Employers will prevent or control any risk of harassment.
- c. Employers will investigate and take action to address any incidents of harassment.
- d. Employers will make sure workers receive training about the policy.
- e. The policy is not intended to discourage a worker from exercising their rights under any other law.

At a minimum, the *procedures* will say:

- a. How employers will eliminate or control workplace harassment.
- b. How workers will inform employers about complaints of harassment.
- c. How workers will report complaints of harassment when the employer is the alleged harasser.
- d. How employers will address confidentiality of information about complaints of harassment.
- e. How workers can obtain assistance if harassment occurs, including treatment or counselling.
- f. How employers or others (who receive complaints) will investigate, document and report complaints.
- g. How and what employers will do to prevent other incidents or complaints.

PROPOSED ENHANCEMENTS TO WORKPLACE HAZARD ASSESSMENT REQUIREMENTS

Under existing regulations, employers must eliminate or control workplace hazards, develop safe work practices, and inform and train workers.

The enhancements to the regulations will provide employers with more detail about doing a hazard assessment. Employers will need to:

- a. Consider the risks that have or might arise in their workplace/s.
- b. Work with their health and safety committee or worker representative (if they have one) or affected workers to carry out the hazard assessment.
- c. Repeat the hazard assessment; the frequency will depend on whether there are significant changes in the workplace or any hazard-related incidents.
- d. Review hazard-related policies, procedures and practices every three years (at least) and make them available for review by a safety officer.
- e. Provide training for their workers about hazards, the policies and procedures, and how to respond to and report incidents.