

Canada Labour Code to be Amended to Strengthen Provisions on Workplace Harassment

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The federal government recently introduced a bill in the House of Commons that would amend both the *Canada Labour Code* (the Code) and the *Parliamentary Employment and Staff Relations Act* to address concerns regarding workplace harassment and sexual harassment. The government says that Bill C-65 is intended to provide victims of workplace bullying, harassment and sexual harassment with better protections and support. It also aims to prevent workplace harassment and bullying by making employers responsible for ensuring that their workers are not subjected to risk of “accidents and physical or psychological injuries and illnesses.” Previously, the Code’s workplace safety provisions were primarily focused on accidents and injuries. The inclusion of psychological injuries and illnesses is a significant expansion of the employer’s health and safety responsibilities toward its workers. The draft Bill would also expand the protections in Part II of the Code (which relate to workplace safety) to Parliamentary employees, who had previously been exempt from those provisions of the Code.

To achieve these goals, Bill C-65 would require federally regulated to take the following steps:

- Create new policies prohibiting inappropriate workplace behaviours that could cause psychological harms;
- Investigate each complaint of workplace harassment, bullying or sexual harassment and record and report the steps taken to address those incidents;
- Create a confidential complaint process that would allow workers complaining of harassment or bullying to advance their concerns without disclosing the complainant’s name to the workplace health and safety committee, the health and safety representative or the policy committee, as applicable; and
- Provide “support” to workers who complain of workplace harassment, bullying or sexual harassment.

Any worker who is not satisfied with the employer’s resolution of their complaint of workplace harassment, bullying or sexual harassment has the right to request that the Minister investigate. Upon receipt of such a request, the Minister **must** investigate unless it is satisfied that the matter was dealt with appropriately by the employer or the complaint is trivial, frivolous or vexatious.

As with recent Ontario amendments to its *Occupational Health & Safety Act*, this draft legislation creates broader and more onerous obligations for employers when it comes to providing their workers with a

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workplace that is free from bullying and harassment. We expect to see an increase in workplace investigations and related record-keeping responsibilities if this Bill passes in its current form.

Bill C-65 recently passed first reading at the House of Commons. We will continue to track its progress and report on any changes to its status or contents.

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.