

## **New Changes to Federal Employment Regulations: How Does Bill C-65 Affect Your Workplace?**

Bill C-65, New Regulations on Prevention of Harassment and Violence in the Workplace, took effect on January 1, 2021. The new Bill expands the existing Prevention of Violence framework and provides an approach that each federally regulated workplace is required to implement in order to respond to incidents in a timely fashion with an employee-driven resolution process, employ comprehensive preventative measures and policies, and develop education and training for both employer and employee. What does this mean for your company or business?

### **What major changes has Bill C-65 implemented?**

#### *Who is protected*

Previous workplace harassment and violence legislation protected current employees and interns, but Bill C-65 expands employers' duty to protect to volunteers and, in some cases, former employees. If an incident of workplace and harassment becomes known to an employer within three months of the employee leaving their position, then the employer is obligated to investigate and provide a resolution.

#### *Definition of harassment and violence*

While previous legislation defined "workplace violence," it did not define "harassment." Bill C-65 has made that clear with its amended definition: "any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment."

#### *Investigations of harassment and violence*

An employee must now report: any incidents of harassment or violence (or if they have reasonable grounds to believe they have occurred); the potential for a workplace-related accident or injury; or a risk of workplace-related illnesses. The employee can report to a supervisor or someone designated by workplace policy to receive such complaints – in either scenario, the complaint must be resolved as soon as possible. If a resolution cannot be reached, a formal complaint can be filed, at which point the employee is entitled to an investigation.

#### *Selection of investigators*

Under the new Bill, investigators must be jointly selected by the complainant and employer and must have the necessary knowledge, training, and experience relevant to harassment and violence in the workplace. The investigator cannot be a direct report to either party and cannot be a representative of the workplace health and safety committee. If an agreement can't be reached on the selection of an investigator within 60 days, then the employer must request that one is selected by the Minister of Labour. A list of possible investigators can be provided in collaboration with an applicable partner (such as your policy health and safety committee, workplace safety and health committee, or health and safety representative).

## What should I do as an employer?

### *Update your internal workplace harassment policy*

You must have a policy in place to both respond to all occurrences of workplace harassment and violence, occupational illnesses and any other hazardous incidences known to you swiftly, and to offer support to affected staff. Ensure that your policy is updated to reflect this and provided to all employees in both print and electronic formats.

### *Ensure you and your team are trained*

Both employer and staff must be trained in the prevention of workplace harassment and violence and everyone at your workplace must be aware of their rights and obligations.

### *Establish a list of approved investigators*

Ensure you have a list of approved investigators developed in collaboration with your health and safety representative, workplace committee, or policy committee so that it's available should you need it. A best practice would be to establish a list of approved investigators in advance to facilitate a timely initiation of a required investigation.

If you need guidance in making these changes, understanding your roles and responsibilities, developing the necessary training, or establishing a list of investigators, People First HR is here to help. Contact us today and we can help you ensure that your workplace not only meets the necessary requirements but that you and your staff feel confident and capable of managing any challenging situations that may arise.