

Bill C-65 The Act to Amend the Canada Labour Code (Harassment And Violence), the Parliamentary Employment and Staff Relations Act And the Budget Implementation Act, 2017, No.1

April 26th, 2019

On October 25, 2018 Bill C-65 the act to amend the Canada Labour Code (CLC) the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1. received Royal Assent. The Act will amend the Canada Labour Code to create a more robust approach to addressing harassment and sexual violence in the workplace and expand the obligations of federal employers in relation to this. It would also expand the coverage to parliamentary workplaces, including staff of Parliament Hill. This Bill grants the government the power to make regulations respecting an employers' obligations to investigate, record, and report complaints. To support implementation of the Act, regulations to enact this Bill are anticipated for spring/summer 2019.

When enacted all federally regulated workplaces will need to comply with the changes introduced through Bill C-65. The Bill, rather than specifying what employers must do to discharge their duty to investigate harassment or violence complaints, grants

What is Bill C-65?

Bill C-65 has three pillars:

1. Prevent incidents of harassment and violence from occurring
2. Respond effectively to these incidents when they do occur
3. Support for affected employees in the process.

Part 1 of this enactment amends the CLC to strengthen the existing framework for the prevention of harassment and violence in the workplace to include sexual harassment and sexual violence. Part II of the *CLC* recognizes psychological injuries and illnesses in the preventative purpose. Requiring employers to develop improved policies and programs to help prevent workplace violence and harassment including prescribed measures to prevent sexual harassment and violence.

Part 2 of this enactment amends Part III of the Parliamentary Employment and Staff Relations Act with respect to the application of Part II of the *CLC* to parliamentary employers and employees. Minus limiting the powers, privileges and immunities of the Senate and the House of Commons and their members. Under these amendments an employer will be obligated to investigate, record and report, all accidents, occurrences of harassment or violence, occupational illnesses and other hazardous occurrences known to the employer. As opposed to the more limited accidents, occupational diseases and other hazardous occurrences. These amendments require employers to coincide with both pillar 2 and 3 of the framework.

Part 3 of this enactment includes amendments to the *CLC* and Parliamentary Employment and Staff Relations Act to outline specific requirements of the Minister to support the investigation. They must respond directly to incidents and complaints of violence or harassment that are not resolved between the employee and supervisor. The Minister would be obligated to investigate the complaint unless they're of the opinion that the complaint has been adequately dealt with

What could this mean for you?

As emphasized by the government's roll-out of this bill, it is evident that "prevention" is an essential component to the three pillars of the proposed framework. WSPS will continue to offer its expertise in the prevention of physical and mental safety hazards in all workplaces.

To help employers implement Bill C-65, regulations will be enacted to ensure that the framework of this bill is effective. The government held online consultations and roundtable consultations with representative from key sectors and groups in October 2018 to gather feedback that will influence these regulations. A report highlighting the key findings from these consultations will be published.

WSPS consultants are available to help you understand the changes to your roles and responsibilities in maintaining a safe and healthy workplace. WSPS can offer provincial customers with Violence and Harassment Training Sessions, information on Risk Assessments for Violence and Harassment, E-Courses and Awareness Sessions. These products and solutions will be modified to ensure they include sexual harassment and violence in the workplace, and align more closely with the framework of Bill C-65 once it is passed in legislation. WSPS will be offering solutions and services to Federal clients once regulations pertaining to Bill C-65 are released.

We will continue to update you on Bill C-65 as new regulations are published. We encourage those interested to track updates on the WSPS OHS Legislation Tracker. For additional questions in regards to the legislation and available resources please don't hesitate to contact:

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